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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 10, 1995.

I hereby designate the Honorable HENRY BONILLA to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

We are grateful, O God, for the blessings that have come to us and to our Nation. In good times and in times of trial, Your spirit of creation and renewal and comfort has been our constant guide and encouragement. For all Your gifts, gracious God, we offer our thanksgivings—for liberty and freedom, for opportunity and vision, for healing and help, for family and friends, and for the works of justice and the bounty of Your mercy, we offer these words of prayer. Bless us this day and every day, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from North Carolina [Mr. JONES] come forward and lead the House in the Pledge of Allegiance.

Mr. JONES of North Carolina 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.

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. VOLKMER. Mr. Speaker, is there a limit on the number of 1-minutes this morning?

The SPEAKER pro tempore. There will be a limit of 10 1-minutes on each side.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces there will be a limit of 10 1-minute speeches on each side.

A VICTORY PARTY FOR THE PRIVILEGED FEW

(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, for weeks now, Americans have watched in astonishment as House Republicans have voted to ravage our most basic commitments to hard-working families: School lunch for children who would literally go hungry without it; heating assistance for frail elderly who would literally freeze to death without it; a program of food and nutrition for pregnant women that saves more than three times what it costs.

Yesterday, the Republican leadership added outrage to injury, by rolling out the reason behind these budget-shredding atrocities: A capital gains tax cut that is a boon for the privileged, but a bust for working people.

The most affluent Americans do not need a tax cut. That is why Democrats are fighting to give a tax break to the middle-class families who have seen their standard of living slide for the past 16 years.

According to the nonpartisan Joint Committee on Taxation, the Republican tax cut would give $8,000 to those earning more than $200,000 a year—but only a meager $92 to those earning $30,000 a year.

That would be bad public policy on any day, in any debate. But because it is funded by taking food from the mouths of children and heat from the homes of senior citizens, this tax giveaway is an affront to fundamental fairness and decency.

Mr. Speaker, if there was ever any doubt, there is no doubt today: Elections have consequences. And with this latest assault on working America, the Republican Party is sending a powerful message: For the privileged few, the real party is just about to begin.

REPUBLICAN CONTRACT WITH AMERICA

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

Ms. DUNN of Washington. 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

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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 our freedoms—we kept our promise; Government regulatory reform—we kept our promise; commonsense legal reform to end frivolous lawsuits—we are doing this now; welfare reform to increase school lunches for poor people, encourage work, not dependence; family reinforcement to crack down on deadbeat dads and protect our children; tax cuts for middle-income families, who have been too long ignored by the Democrats; Senior Citizens' Equity Act to allow our seniors to work without Government penalty; and congressional term limits to make Congress a citizen legislature.

Mr. Speaker, this is our Contract With America.

CAMPAIGN FINANCE REFORM NEEDED NOW

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

Mr. GUTIERREZ. Mr. Speaker, I can report today that one part of the Contract With America is working very well: Term limits.

You might say, ''LUIS, the Republicans have not even let you vote on term limits yet.'' You are right. Actually, what is working is a different, very American version of term limits. It is called the ballot box.

American voters have limited plenty of terms. In fact, since 1990, half the Members of this House have been sent home. That is effective term limits.

But we could do even better, by passing a bill that says American elections are not only for millionaires and insiders, that says campaigns are for people—not for the powerful and privileged.

A tough campaign finance reform bill would mean real term limits for all of the career politicians who talk a good game about citizen legislators by supporting the phony Republican term limits bill that are not retroactive. Funny, though, I do not see one word about campaign finance reform in their contract.

I guess that issue will have to wait until the last lobbyists have turned out the lights at a few more thousand-dollar-a-plate Republican fundraisers.

SCORE ANOTHER ONE FOR THE TAXPAYERS

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

Mr. CHABOT. Mr. Speaker, score another victory for the American consumer. Today this House, after years of failure, will finally bring about common sense legal reform. Another promise kept by the new Republican majority, and soon we will keep another promise. We will again honor our Contract With America by passing real welfare reform.

We will pass this legislation with the help of people. People on welfare need to break the bonds of dependency. They need hope, not a handout. We will send a clear message that those who are able to work will work to support themselves and their families. Those who can work but will not will no longer get a free ride at the expense of those who have traditionally footed the bill.

Mr. Speaker, in the coming days we will hear more of the same from our liberal friends. There will be whining and weeping and gnashing of teeth. They will play fast and loose with the truth. But we will fight. We will fight for real welfare reform.

It is time that the hard-working taxpayers of this country finally get a break. It is time for welfare reform. We will finally deliver that to the American people, who have been demanding it for such a long time.

DO NOT FORGET OUR CHILDREN

(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, as reported yesterday, it appears an overburdened and overworked committee staff person realized that the Republicans forgot to add 57,000 children to the Welfare Reform School Lunch Program for the children of our military personnel. That little mistake could cost an additional $10 million. To paraphrase Senator Everett Dirksen, ''A million here, a million there, pretty soon you're talking real money.''

This is often what happens when the Republicans rush like a runaway train to reform our welfare system and include programs like school nutrition programs, which should be dealt with in the education system and not welfare reform.

This runaway train left 57,000 kids of military personnel at the station. But who else is left at the station? I will tell you. Twenty-eight hundred children in my district alone, and thousands in the State of Texas will have no school lunch.

Again, the Republican shell game of promising an increase but cutting appropriations proves that in this shell game our children are going to be the losers. Let us not forget our children, whether it is their school lunches, whether it is their job training, or whether it is their education that they are also cutting next week in the rescissions.

TELL THE TRUTH ABOUT WELFARE

(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, I was Ambassador to Romania in the 1980's. I watched the Communists manipulate the people through calculated half-truths. We call the method the big lie. To make the big lie work, you tell a lie so big it staggers the listener. Then you repeat it over and over until it is finally accepted as truth.

Mr. Speaker, I have had enough of the big lie about welfare reform. Day after day liberal Democrats come to the floor and repeat that Republicans are waging a war on poor children. That is a monstrous lie. What makes it all the more offensive is that the lie is peddled by the same people who created our welfare nightmare. Their policies led to the disintegration of the family, the highest crime rate in the world, and three generations of Americans who do nothing but wait at home for the next Government check.

Mr. Speaker, the Democrats like business as usual. They do not seem to care that their programs have not worked and they are spritually and financially bankrupting our country. They do not trust the people, they have no faith in the American spirit.

We reject the notion that Washington knows best. We support local control. Why doesn't the Democrat Party tell the truth about welfare. Enough of this big lie.

THE AMERICAN PEOPLE ARE TAXED OFF

(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, I do not know if you ever heard about it, but there is a day called Tax Freedom Day. This year it is May 5, which means that every American will work from January 1 through the 5th of May just to pay their taxes.

Disgusting. Ridiculous, Congress. Is it any wonder the American people are taxed off? But if you want to know what they are really taxed off about, when mom and pop go into certain civil tax courts, they are considered guilty and even have to provide themselves innocent.

Ladies and gentlemen of Congress, there can be no tax freedom in America when American taxpayers are treated worse that Jeffrey Dahmer. And let me tell you this: If we are going to have a real Contract With America, that contract should be broadened to provide true tax freedom.

Mr. Speaker, I appreciate the support of H.R. 390, and I am asking this Congress before the 15th of April to pass a true tax freedom bill. The American people are taxed off.

CHILDREN PAY THE PRICE OF FAILED LIBERAL WELFARE STATE

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

Mr. HAYWORTH. Mr. Speaker, at the outset let me say I would associate myself in full with the remarks made by my good friend from Ohio.

Mr. Speaker, let me also observe though that my liberal colleagues on the other side of the aisle never tire of telling us how much they care for our Nation's children. But if they really cared about children, they would join us in reforming a welfare system whose primary victims are children.

Study after study shows that it is children who pay the price for the failed liberal welfare state. They do not learn as well. They have other developmental problems. They are more likely to go on welfare themselves, which starts the cycle all over again.

There is no doubt, Mr. Speaker, that welfare in its current form is bad for children. Yet my liberal Democrat colleagues come down here after day, defend the current welfare system, and distort the positive changes we will make. They do not want to end welfare as we know it. They want to spend more and grow it, and they have declared war on the very children they purport to protect.

KEEP FAITH WITH OUR PRESIDENT

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

Mr. WILLIAMS. Mr. Speaker, in this week's Newsweek, there is an article called ''The Hidden Success Story.'' It is about America's efforts to assist in diversifying the Mexican economy and make good economic friends of our neighbors to the south. And the article concludes with these words:

> Keep faith with those who are struggling to do the right thing. Bill Clinton may have received little credit for it in the United States, but his rescue of the peso places him, and not Washington conventional wisdom, on the right side of history. For a century American Presidents have blustered about being good neighbors to the rest of the Americas. Clinton, first in Haiti and now in Mexico, has shown more leadership and less arrogance in the struggle for hemispheric progress than any previous representative of the Colossus of the North. When in about 20 years that too becomes conventional wisdom, remember, you read it here first.

□ 1015

THE BIG LIE

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

Mr. TIAHRT. Mr. Speaker, today's headlines in Congress Daily read, ''Clinton Budget Hikes Deficit More Than Expected.'' That says it all.

Of course, this article proves what we have believed about the Clinton budget and verifies why he campaigned against the balanced budget amendment truly mortgaging our children's future. Yet all of this comes to light while President Clinton and the Democrats shamelessly use children in his big lie scare tactics regarding our reforms.

In fact, let me once again reiterate the facts to the President, to his lackeys, and to the American people. Not only are we not cutting nutrition programs for our children, but we are increasing funding 4.5 percent every year. How many working people out there, if they got a 4.5-percent increase in pay, would think it was a cut?

Mr. Speaker, the American people did not believe the big Social Security lie during the last election used during the campaign and hopefully they will not believe this new big lie. Absent of good ideas and with budget numbers that increase the deficit more every year, what can be expected from the other side? Let us balance the budget. Let us save our children's future.

REPUBLICANS AND NUTRITION PROGRAMS

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

Ms. MCCARTHY. Mr. Speaker, the Republicans claim they received a clear electoral message that the Nation was ready for change. Well, we have begun to see what their definition of change means and here it is Mr. Speaker: If you are a poor, hungry child in America, then you have to wait in line behind the space station and tax breaks for the wealthy before you can receive a nutritious meal.

We have heard Republicans come to this floor and claim they are not cutting child nutrition programs with the proposed block grants for the States. This is simply not true. In fact, in the first 5 years, the school-based nutrition programs will be cut by $2.5 billion and the family-based programs by $4.6 billion. In my State, Missouri, that translates into a $103 million loss for students in the school lunch program. Apparently, Republicans have not only misplaced their compassion, but it seems they have lost their calculators, as well.

Like many of the provisions in the Republican contract that have been rushed through this body, the attack on the nutrition programs promises to dismantle in 100 days, programs that have efficiently fed children for over 30 years.

We all agree on the need to reform the welfare system and to bring Federal spending under control, but I want to remind Republican leaders that it should not be done at the expense of working families.

IMPROVING THE WESTERN FORESTS

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

Mr. COOLEY. Mr. Speaker, I rise today to inform my colleagues that we have taken an important first step in improving the Western forest environment and economy.

Last week, the Appropriations Committee approved an emergency measure to harvest dead, burnt, and diseased timber that is rapidly diminishing the health of our forests.

First, this is important because it will improve the health of our forests. This is proper management that will ensure that our natural resources are not further ravaged by diseases, insect infestation, or fire.

Second, the sale of this timber will bring nearly a billion dollars in tax revenues into the Treasury.

Third, we will put our woodstarved communities back to work. For many mills and their employees, it is already too late. We can, however, help those communities which are struggling to stay alive.

Mr. Speaker, the salvage timber provision serves three vital funcations—improving forest health, returning hefty revenues to Uncle Sam, and putting hard-working people back to work.

I urge my colleagues to support the rescission package next week.

THE FACTS

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

Mr. ROEMER. Mr. Speaker, it has been said before that when you have facts on your side, you pound on the facts. When you have the law on your side, you pound on the law. When you have neither, you pound on the podium.

We have heard a lot of Republicans pounding on the podium for the last 2 weeks saying, we are not cutting school lunches. We are increasing it.

Yesterday in the New York Times the headline read: ''School Lunch Bill Leaves Out Military Children.'' Fifty-seven thousand children eligible for school lunches left out.

When the gentleman from California, [Mr. CUNNINGHAM] was asked, is this true? How could this be? A Republican on the committee said, ''Are there little glitches like this? Absolutely.''

Little glitches leaving out thousands of school children? We do not want to put the Pentagon in charge of serving school lunches, Mr. Speaker. Let us make sure that we do not have glitches and omissions that will put our children on the streets and take food out of their mouths.

LIMITING THE AMOUNT OF ECONOMIC DAMAGES

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

Mr. NORWOOD. Mr. Speaker, the veil of obfuscation must be lowered in this House, if you are to ever hear the truth. I sat here last night in great pain and had to listen to lawyer after lawyer come down in this well and champion the virtues of the trial lawyers against the evil doctors of this Nation. They railed against us for wanting to limit noneconomic damages and from these evil malpracticing doctors of our Nation.

Mr. Speaker, I am struck with how hypocritical that argument is when the other side voted against limiting contingency fees.

When as much as two-thirds of the noneconomic damage awards go to pay the legal fees of trial attorneys, would you not think they would want to limit these costs as well, if they really wanted to make the patient whole? Or maybe they are not interested in the pain and suffering of the victims of the evil doctors. Maybe they are more interested in the pain and suffering of the trial lawyers and the millions of dollars that they give to Democratic campaigns.

I am proud we took that step last night to limit noneconomic damages.

TRUE NATIONAL SECURITY

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

Ms. FURSE. Mr. Speaker, the School Lunch Program was established for the purpose of national defense in 1946, when it was found that many of our soldiers had grown up without adequate nutrition. Well, today our national security is just as dependent on these nutrition programs. That kind of national security, well-fed children, is certainly of greater value than star wars. But believe it or not, the Republican contract calls for cuts in WIC, cuts in school lunches, but increases in star wars.

Well, they certainly kept that promise. Shame on them.

Here are the facts: In Oregon, more than 283,000 children benefit from school lunches in WIC. If we adopt these Republican cuts, Oregon children will have $13 million less to be spent on them. Ask any American: What makes you feel more secure, adequately fed children or star wars? The Republican contract contracts the safety shield for American children. Let us keep feeding our kids, stop stuffing the Pentagon.

SPENDING DISCIPLINES, TAX RELIEF BENEFIT AMERICAN FAMILIES

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

Mr. JONES. Mr. Speaker, families are the core of American society. Families are the principle mechanism through which values, knowledge, and discipline is passed from one generation to the next.

Why must working families suffer at the hands of the Government and its irresponsible spending habits? Families are required to pay more each year in taxes to support the failed welfare state and other failed programs.

To put an end to this tax and spend mentality, we have unveiled a tax relief plan that is pro-family and pro-economic growth. In fact, an additional $20 will go into each family's pocket for every dollar that is given to the Government. More exactly, 76 percent of the tax reductions, will go directly to families. Also, we have included a tax relief provision for small businesses and for future investment.

These provisions incorporated with the contract will benefit families while getting the country back on track.

FEDERAL FOOD ASSISTANCE

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

Mrs. CLAYTON. Mr. Speaker, in our rush to meet an artificial, 100-day goal, it is a fair question to ask, are we hurting more than we are helping?

In yesterday's New York Times, an article noted that when the Personal Responsibility Act was marked up by the Committee on Economic and Educational Opportunity, the language passed resulted in 57,000 children of military families being denied access to the school feeding programs that would be established.

To restore this feeding program for the military, it will cost the Pentagon more than $5 million for meals and another $5 million for administrative costs.

It seems, Mr. Speaker, that we profess to want a strong military, yet we pass legislation that will cause military children to go hungry.

These actions are either mean spirited or grossly negligent. Either way, America suffers.

Let us demonstrate that we are wise enough to know that welfare reform means real wage reform for poor people and not taking food out of the mouths of children. Let us demonstrate the strength of having reason and compassion.

FOR TOM

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

Mrs. SEASTRAND. Mr. Speaker, after dealing with special groups looking out for their own self-interest in the Nation's Capitol, we sometimes feel the creeping cynicism. It takes a strong example of people helping people to turn that cynicism into optimism for the future.

Tom Rogers has been a community leader and elected public servant in Santa Barbara County for more than a decade. Unfortunately Tom has been diagnosed with Lou Gehrig's disease. Now our community is pulling together to show our appreciation for a man who served our community with distinction by declaring this Tom Rogers Month. Friends and strangers alike are setting up community events to raise funds for the Rogers family. I would like to quote from a Santa Barbara News-Press editorial, ''Former Santa Barbara Supervisor Tom Rogers has been dealt a tough hand, but he has faced the last few difficult years with confidence, good humor, and stunning graciousness.'' Mr. Speaker, while Tom Rogers Month ends March 17, Tom's effect on our community and his efforts to make it a better place to live, work, and raise a family will never end. God bless you, Tom.

FALL OF THE DOLLAR

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

Mr. ROTH. Mr. Speaker, today we are seeing the true effects of President Clinton's $20 billion bailout of Mexico. In spite of his use of $20 billion, worked for, paid for, and belonging to the American taxpayer, the Mexican economy continues its downward slide toward collapse. The peso dropped to another historic low last night, and it is expected to go even lower.

The American taxpayers have been fooled again. This bailout was to be the magic formula for the Mexican economy, but it turned out to be poison for both them and for us.

The dollar, once a solid foundation of the global economy, fell again yesterday.

The eyes of the world have now looked on our economy as being destined to be linked with Mexico's. By doing so, we have committed an injustice to our own economy and to that of the American taxpayer. The American taxpayer has been victimized again, thanks to Mr. Clinton.

□ 1030

PAPERWORK REDUCTION ACT OF 1995

Mr. CLINGER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 244), to further the goals of the Paperwork

Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. BONILLA). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 244

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—PAPERWORK REDUCTION

SEC. 101. SHORT TITLE.

This title may be cited as the ''Paperwork Reduction Act of 1995''.

SEC. 102. COORDINATION OF FEDERAL INFORMATION POLICY.

Chapter 35 of title 44, United States Code, is amended to read as follows:

"CHAPTER 35—COORDINATION OF FEDERAL INFORMATION POLICY

''Sec.
''3501. Purposes.
''3502. Definitions.
''3503. Office of Information and Regulatory Affairs.
''3504. Authority and functions of Director.
''3505. Assignment of tasks and deadlines.
''3506. Federal agency responsibilities.
''3507. Public information collection activities; submission to Director; approval and delegation.
''3508. Determination of necessity for information; hearing.
''3509. Designation of central collection agency.
''3510. Cooperation of agencies in making information available.
''3511. Establishment and operation of Government Information Locator Service.
''3512. Public protection.
''3513. Director review of agency activities; reporting; agency response.
''3514. Responsiveness to Congress.
''3515. Administrative powers.
''3516. Rules and regulations.
''3517. Consultation with other agencies and the public.
''3518. Effect on existing laws and regulations.
''3519. Access to information.
''3520. Authorization of appropriations.

"§ 3501. Purposes

''The purposes of this chapter are to—

''(1) minimize the paperwork burden for individuals, small businesses, educational and nonprofit institutions, Federal contractors, State, local and tribal governments, and other persons resulting from the collection of information by or for the Federal Government;

''(2) ensure the greatest possible public benefit from and maximize the utility of information created, collected, maintained, used, shared and disseminated by or for the Federal Government;

''(3) coordinate, integrate, and to the extent practicable and appropriate, make uniform Federal information resources management policies and practices as a means to improve the productivity, efficiency, and effectiveness of Government programs, including the reduction of information collection burdens on the public and the improvement of service delivery to the public;

''(4) improve the quality and use of Federal information to strengthen decisionmaking, accountability, and openness in Government and society;

''(5) minimize the cost to the Federal Government of the creation, collection, maintenance, use, dissemination, and disposition of information;

''(6) strengthen the partnership between the Federal Government and State, local, and tribal governments by minimizing the burden and maximizing the utility of information created, collected, maintained, used, disseminated, and retained by or for the Federal Government;

''(7) provide for the dissemination of public information on a timely basis, on equitable terms, and in a manner that promotes the utility of the information to the public and makes effective use of information technology;

''(8) ensure that the creation, collection, maintenance, use, dissemination, and disposition of information by or for the Federal Government is consistent with applicable laws, including laws relating to—

''(A) privacy and confidentiality, including section 552a of title 5;

''(B) security of information, including the Computer Security Act of 1987 (Public Law 100–235); and

''(C) access to information, including section 552 of title 5;

''(9) ensure the integrity, quality, and utility of the Federal statistical system;

''(10) ensure that information technology is acquired, used, and managed to improve performance of agency missions, including the reduction of information collection burdens on the public; and

''(11) improve the responsibility and accountability of the Office of Management and Budget and all other Federal agencies to Congress and to the public for implementing the information collection review process, information resources management, and related policies and guidelines established under this chapter.

"§ 3502. Definitions

''As used in this chapter—

''(1) the term 'agency' means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but does not include—

''(A) the General Accounting Office;

''(B) Federal Election Commission;

''(C) the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions; or

''(D) Government-owned contractor-operated facilities, including laboratories engaged in national defense research and production activities;

''(2) the term 'burden' means time, effort, or financial resources expended by persons to generate, maintain, or provide information to or for a Federal agency, including the resources expended for—

''(A) reviewing instructions;

''(B) acquiring, installing, and utilizing technology and systems;

''(C) adjusting the existing ways to comply with any previously applicable instructions and requirements;

''(D) searching data sources;

''(E) completing and reviewing the collection of information; and

''(F) transmitting, or otherwise disclosing the information;

''(3) the term 'collection of information'—

''(A) means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either—

''(i) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons, other than agencies, instrumentalities, or employees of the United States; or

''(ii) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes; and

''(B) shall not include a collection of information described under section 3518(c)(1);

''(4) the term 'Director' means the Director of the Office of Management and Budget;

''(5) the term 'independent regulatory agency' means the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Energy Regulatory Commission, the Federal Housing Finance Board, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Mine Enforcement Safety and Health Review Commission, the National Labor Relations Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Review Commission, the Postal Rate Commission, the Securities and Exchange Commission, and any other similar agency designated by statute as a Federal independent regulatory agency or commission;

''(6) the term 'information resources' means information and related resources, such as personnel, equipment, funds, and information technology;

''(7) the term 'information resources management' means the process of managing information resources to accomplish agency missions and to improve agency performance, including through the reduction of information collection burdens on the public;

''(8) the term 'information system' means a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information;

''(9) the term 'information technology' has the same meaning as the term 'automatic data processing equipment' as defined by section 111(a) (2) and (3)(C) (i) through (v) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(a) (2) and (3)(C) (i) through (v));

''(10) the term 'person' means an individual, partnership, association, corporation, business trust, or legal representative, an organized group of individuals, a State, territorial, or local government or branch thereof, or a political subdivision of a State, territory, or local government or a branch of a political subdivision;

''(11) the term 'practical utility' means the ability of an agency to use information, particularly the capability to process such information in a timely and useful fashion;

''(12) the term 'public information' means any information, regardless of form or format, that an agency discloses, disseminates, or makes available to the public; and

''(13) the term 'recordkeeping requirement' means a requirement imposed by or for an agency on persons to maintain specified records.

"§ 3503. Office of Information and Regulatory Affairs

''(a) There is established in the Office of Management and Budget an office to be known as the Office of Information and Regulatory Affairs.

''(b) There shall be at the head of the Office an Administrator who shall be appointed by

the President, by and with the advice and consent of the Senate. The Director shall delegate to the Administrator the authority to administer all functions under this chapter, except that any such delegation shall not relieve the Director of responsibility for the administration of such functions. The Administrator shall serve as principal adviser to the Director on Federal information resources management policy.

''(c) The Administrator and employees of the Office of Information and Regulatory Affairs shall be appointed with special attention to professional qualifications required to administer the functions of the Office described under this chapter. Such qualifications shall include relevant education, work experience, or related professional activities.

''§ 3504. Authority and functions of Director

''(a)(1) The Director shall oversee the use of information resources to improve the efficiency and effectiveness of governmental operations to serve agency missions, including service delivery to the public. In performing such oversight, the Director shall—

''(A) develop, coordinate and oversee the implementation of Federal information resources management policies, principles, standards, and guidelines; and

''(B) provide direction and oversee—

''(i) the review of the collection of information and the reduction of the information collection burden;

''(ii) agency dissemination of and public access to information;

''(iii) statistical activities;

''(iv) records management activities;

''(v) privacy, confidentiality, security, disclosure, and sharing of information; and

''(vi) the acquisition and use of information technology.

''(2) The authority of the Director under this chapter shall be exercised consistent with applicable law.

''(b) With respect to general information resources management policy, the Director shall—

''(1) develop and oversee the implementation of uniform information resources management policies, principles, standards, and guidelines;

''(2) foster greater sharing, dissemination, and access to public information, including through—

''(A) the use of the Government Information Locator Service; and

''(B) the development and utilization of common standards for information collection, storage, processing and communication, including standards for security, interconnectivity and interoperability;

''(3) initiate and review proposals for changes in legislation, regulations, and agency procedures to improve information resources management practices;

''(4) oversee the development and implementation of best practices in information resources management, including training; and

''(5) oversee agency integration of program and management functions with information resources management functions.

''(c) With respect to the collection of information and the control of paperwork, the Director shall—

''(1) review proposed agency collections of information, and in accordance with section 3508, determine whether the collection of information by or for an agency is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

''(2) coordinate the review of the collection of information associated with Federal procurement and acquisition by the Office of Information and Regulatory Affairs with the Office of Federal Procurement Policy, with particular emphasis on applying information technology to improve the efficiency and effectiveness of Federal procurement and acquisition and to reduce information collection burdens on the public;

''(3) minimize the Federal information collection burden, with particular emphasis on those individuals and entities most adversely affected;

''(4) maximize the practical utility of and public benefit from information collected by or for the Federal Government; and

''(5) establish and oversee standards and guidelines by which agencies are to estimate the burden to comply with a proposed collection of information.

''(d) With respect to information dissemination, the Director shall develop and oversee the implementation of policies, principles, standards, and guidelines to—

''(1) apply to Federal agency dissemination of public information, regardless of the form or format in which such information is disseminated; and

''(2) promote public access to public information and fulfill the purposes of this chapter, including through the effective use of information technology.

''(e) With respect to statistical policy and coordination, the Director shall—

''(1) coordinate the activities of the Federal statistical system to ensure—

''(A) the efficiency and effectiveness of the system; and

''(B) the integrity, objectivity, impartiality, utility, and confidentiality of information collected for statistical purposes;

''(2) ensure that budget proposals of agencies are consistent with system-wide priorities for maintaining and improving the quality of Federal statistics and prepare an annual report on statistical program funding;

''(3) develop and oversee the implementation of Governmentwide policies, principles, standards, and guidelines concerning—

''(A) statistical collection procedures and methods;

''(B) statistical data classification;

''(C) statistical information presentation and dissemination;

''(D) timely release of statistical data; and

''(E) such statistical data sources as may be required for the administration of Federal programs;

''(4) evaluate statistical program performance and agency compliance with Governmentwide policies, principles, standards and guidelines;

''(5) promote the sharing of information collected for statistical purposes consistent with privacy rights and confidentiality pledges;

''(6) coordinate the participation of the United States in international statistical activities, including the development of comparable statistics;

''(7) appoint a chief statistician who is a trained and experienced professional statistician to carry out the functions described under this subsection;

''(8) establish an Interagency Council on Statistical Policy to advise and assist the Director in carrying out the functions under this subsection that shall—

''(A) be headed by the chief statistician; and

''(B) consist of—

''(i) the heads of the major statistical programs; and

''(ii) representatives of other statistical agencies under rotating membership; and

''(9) provide opportunities for training in statistical policy functions to employees of the Federal Government under which—

''(A) each trainee shall be selected at the discretion of the Director based on agency requests and shall serve under the chief statistician for at least 6 months and not more than 1 year; and

''(B) all costs of the training shall be paid by the agency requesting training.

''(f) With respect to records management, the Director shall—

''(1) provide advice and assistance to the Archivist of the United States and the Administrator of General Services to promote coordination in the administration of chapters 29, 31, and 33 of this title with the information resources management policies, principles, standards, and guidelines established under this chapter;

''(2) review compliance by agencies with—

''(A) the requirements of chapters 29, 31, and 33 of this title; and

''(B) regulations promulgated by the Archivist of the United States and the Administrator of General Services; and

''(3) oversee the application of records management policies, principles, standards, and guidelines, including requirements for archiving information maintained in electronic format, in the planning and design of information systems.

''(g) With respect to privacy and security, the Director shall—

''(1) develop and oversee the implementation of policies, principles, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for agencies;

''(2) oversee and coordinate compliance with sections 552 and 552a of title 5, the Computer Security Act of 1987 (40 U.S.C. 759 note), and related information management laws; and

''(3) require Federal agencies, consistent with the Computer Security Act of 1987 (40 U.S.C. 759 note), to identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

''(h) With respect to Federal information technology, the Director shall—

''(1) in consultation with the Director of the National Institute of Standards and Technology and the Administrator of General Services—

''(A) develop and oversee the implementation of policies, principles, standards, and guidelines for information technology functions and activities of the Federal Government, including periodic evaluations of major information systems; and

''(B) oversee the development and implementation of standards under section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d));

''(2) monitor the effectiveness of, and compliance with, directives issued under sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759);

''(3) coordinate the development and review by the Office of Information and Regulatory Affairs of policy associated with Federal procurement and acquisition of information technology with the Office of Federal Procurement Policy;

''(4) ensure, through the review of agency budget proposals, information resources management plans and other means—

''(A) agency integration of information resources management plans, program plans and budgets for acquisition and use of information technology; and

''(B) the efficiency and effectiveness of inter-agency information technology initiatives to improve agency performance and the accomplishment of agency missions; and

''(5) promote the use of information technology by the Federal Government to improve the productivity, efficiency, and effectiveness of Federal programs, including

through dissemination of public information and the reduction of information collection burdens on the public.

"§ 3505. Assignment of tasks and deadlines

"In carrying out the functions under this chapter, the Director shall—

"(1) in consultation with agency heads, set an annual Governmentwide goal for the reduction of information collection burdens by at least five percent, and set annual agency goals to—

"(A) reduce information collection burdens imposed on the public that—

"(i) represent the maximum practicable opportunity in each agency; and

"(ii) are consistent with improving agency management of the process for the review of collections of information established under section 3506(c); and

"(B) improve information resources management in ways that increase the productivity, efficiency and effectiveness of Federal programs, including service delivery to the public;

"(2) with selected agencies and non-Federal entities on a voluntary basis, conduct pilot projects to test alternative policies, practices, regulations, and procedures to fulfill the purposes of this chapter, particularly with regard to minimizing the Federal information collection burden; and

"(3) in consultation with the Administrator of General Services, the Director of the National Institute of Standards and Technology, the Archivist of the United States, and the Director of the Office of Personnel Management, develop and maintain a Governmentwide strategic plan for information resources management, that shall include—

"(A) a description of the objectives and the means by which the Federal Government shall apply information resources to improve agency and program performance;

"(B) plans for—

"(i) reducing information burdens on the public, including reducing such burdens through the elimination of duplication and meeting shared data needs with shared resources;

"(ii) enhancing public access to and dissemination of, information, using electronic and other formats; and

"(iii) meeting the information technology needs of the Federal Government in accordance with the purposes of this chapter; and

"(C) a description of progress in applying information resources management to improve agency performance and the accomplishment of missions.

"§ 3506. Federal agency responsibilities

"(a)(1) The head of each agency shall be responsible for—

"(A) carrying out the agency's information resources management activities to improve agency productivity, efficiency, and effectiveness; and

"(B) complying with the requirements of this chapter and related policies established by the Director.

"(2)(A) Except as provided under subparagraph (B), the head of each agency shall designate a senior official who shall report directly to such agency head to carry out the responsibilities of the agency under this chapter.

"(B) The Secretary of the Department of Defense and the Secretary of each military department may each designate senior officials who shall report directly to such Secretary to carry out the responsibilities of the department under this chapter. If more than one official is designated, the respective duties of the officials shall be clearly delineated.

"(3) The senior official designated under paragraph (2) shall head an office responsible for ensuring agency compliance with and prompt, efficient, and effective implementation of the information policies and information resources management responsibilities established under this chapter, including the reduction of information collection burdens on the public. The senior official and employees of such office shall be selected with special attention to the professional qualifications required to administer the functions described under this chapter.

"(4) Each agency program official shall be responsible and accountable for information resources assigned to and supporting the programs under such official. In consultation with the senior official designated under paragraph (2) and the agency Chief Financial Officer (or comparable official), each agency program official shall define program information needs and develop strategies, systems, and capabilities to meet those needs.

"(b) With respect to general information resources management, each agency shall—

"(1) manage information resources to—

"(A) reduce information collection burdens on the public;

"(B) increase program efficiency and effectiveness; and

"(C) improve the integrity, quality, and utility of information to all users within and outside the agency, including capabilities for ensuring dissemination of public information, public access to government information, and protections for privacy and security;

"(2) in accordance with guidance by the Director, develop and maintain a strategic information resources management plan that shall describe how information resources management activities help accomplish agency missions;

"(3) develop and maintain an ongoing process to—

"(A) ensure that information resources management operations and decisions are integrated with organizational planning, budget, financial management, human resources management, and program decisions;

"(B) in cooperation with the agency Chief Financial Officer (or comparable official), develop a full and accurate accounting of information technology expenditures, related expenses, and results; and

"(C) establish goals for improving information resources management's contribution to program productivity, efficiency, and effectiveness, methods for measuring progress towards those goals, and clear roles and responsibilities for achieving those goals;

"(4) in consultation with the Director, the Administrator of General Services, and the Archivist of the United States, maintain a current and complete inventory of the agency's information resources, including directories necessary to fulfill the requirements of section 3511 of this chapter; and

"(5) in consultation with the Director and the Director of the Office of Personnel Management, conduct formal training programs to educate agency program and management officials about information resources management.

"(c) With respect to the collection of information and the control of paperwork, each agency shall—

"(1) establish a process within the office headed by the official designated under subsection (a), that is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved under this chapter, to—

"(A) review each collection of information before submission to the Director for review under this chapter, including—

"(i) an evaluation of the need for the collection of information;

"(ii) a functional description of the information to be collected;

"(iii) a plan for the collection of the information;

"(iv) a specific, objectively supported estimate of burden;

"(v) a test of the collection of information through a pilot program, if appropriate; and

"(vi) a plan for the efficient and effective management and use of the information to be collected, including necessary resources;

"(B) ensure that each information collection—

"(i) is inventoried, displays a control number and, if appropriate, an expiration date;

"(ii) indicates the collection is in accordance with the clearance requirements of section 3507; and

"(iii) contains a statement to inform the person receiving the collection of information—

"(I) the reasons the information is being collected;

"(II) the way such information is to be used;

"(III) an estimate, to the extent practicable, of the burden of the collection; and

"(IV) whether responses to the collection of information are voluntary, required to obtain a benefit, or mandatory; and

"(C) assess the information collection burden of proposed legislation affecting the agency;

"(2)(A) except as provided under subparagraph (B), provide 60-day notice in the Federal Register, and otherwise consult with members of the public and affected agencies concerning each proposed collection of information, to solicit comment to—

"(i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

"(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

"(iii) enhance the quality, utility, and clarity of the information to be collected; and

"(iv) minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology; and

"(B) for any proposed collection of information contained in a proposed rule (to be reviewed by the Director under section 3507(d)), provide notice and comment through the notice of proposed rulemaking for the proposed rule and such notice shall have the same purposes specified under subparagraph (A) (i) through (iv); and

"(3) certify (and provide a record supporting such certification, including public comments received by the agency) that each collection of information submitted to the Director for review under section 3507—

"(A) is necessary for the proper performance of the functions of the agency, including that the information has practical utility;

"(B) is not unnecessarily duplicative of information otherwise reasonably accessible to the agency;

"(C) reduces to the extent practicable and appropriate the burden on persons who shall provide information to or for the agency, including with respect to small entities, as defined under section 601(6) of title 5, the use of such techniques as—

"(i) establishing differing compliance or reporting requirements or timetables that take into account the resources available to those who are to respond;

"(ii) the clarification, consolidation, or simplification of compliance and reporting requirements; or

''(iii) an exemption from coverage of the collection of information, or any part thereof;

''(D) is written using plain, coherent, and unambiguous terminology and is understandable to those who are to respond;

''(E) is to be implemented in ways consistent and compatible, to the maximum extent practicable, with the existing reporting and recordkeeping practices of those who are to respond;

''(F) contains the statement required under paragraph (1)(B)(iii);

''(G) has been developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected, including the processing of the information in a manner which shall enhance, where appropriate, the utility of the information to agencies and the public;

''(H) uses effective and efficient statistical survey methodology appropriate to the purpose for which the information is to be collected; and

''(I) to the maximum extent practicable, uses information technology to reduce burden and improve data quality, agency efficiency and responsiveness to the public.

''(d) With respect to information dissemination, each agency shall—

''(1) ensure that the public has timely and equitable access to the agency's public information, including ensuring such access through—

''(A) encouraging a diversity of public and private sources for information based on government public information, and

''(B) agency dissemination of public information in an efficient, effective, and economical manner;

''(2) regularly solicit and consider public input on the agency's information dissemination activities; and

''(3) not, except where specifically authorized by statute—

''(A) establish an exclusive, restricted, or other distribution arrangement that interferes with timely and equitable availability of public information to the public;

''(B) restrict or regulate the use, resale, or redissemination of public information by the public;

''(C) charge fees or royalties for resale or redissemination of public information; or

''(D) establish user fees for public information that exceed the cost of dissemination.

''(e) With respect to statistical policy and coordination, each agency shall—

''(1) ensure the relevance, accuracy, timeliness, integrity, and objectivity of information collected or created for statistical purposes;

''(2) inform respondents fully and accurately about the sponsors, purposes, and uses of statistical surveys and studies;

''(3) protect respondents' privacy and ensure that disclosure policies fully honor pledges of confidentiality;

''(4) observe Federal standards and practices for data collection, analysis, documentation, sharing, and dissemination of information;

''(5) ensure the timely publication of the results of statistical surveys and studies, including information about the quality and limitations of the surveys and studies; and

''(6) make data available to statistical agencies and readily accessible to the public.

''(f) With respect to records management, each agency shall implement and enforce applicable policies and procedures, including requirements for archiving information maintained in electronic format, particularly in the planning, design and operation of information systems.

''(g) With respect to privacy and security, each agency shall—

''(1) implement and enforce applicable policies, procedures, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for the agency;

''(2) assume responsibility and accountability for compliance with and coordinated management of sections 552 and 552a of title 5, the Computer Security Act of 1987 (40 U.S.C. 759 note), and related information management laws; and

''(3) consistent with the Computer Security Act of 1987 (40 U.S.C. 759 note), identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

''(h) With respect to Federal information technology, each agency shall—

''(1) implement and enforce applicable Governmentwide and agency information technology management policies, principles, standards, and guidelines;

''(2) assume responsibility and accountability for information technology investments;

''(3) promote the use of information technology by the agency to improve the productivity, efficiency, and effectiveness of agency programs, including the reduction of information collection burdens on the public and improved dissemination of public information;

''(4) propose changes in legislation, regulations, and agency procedures to improve information technology practices, including changes that improve the ability of the agency to use technology to reduce burden; and

''(5) ensure responsibility for maximizing the value and assessing and managing the risks of major information systems initiatives through a process that is—

''(A) integrated with budget, financial, and program management decisions; and

''(B) used to select, control, and evaluate the results of major information systems initiatives.

''§ 3507. Public information collection activities; submission to Director; approval and delegation

''(a) An agency shall not conduct or sponsor the collection of information unless in advance of the adoption or revision of the collection of information—

''(1) the agency has—

''(A) conducted the review established under section 3506(c)(1);

''(B) evaluated the public comments received under section 3506(c)(2);

''(C) submitted to the Director the certification required under section 3506(c)(3), the proposed collection of information, copies of pertinent statutory authority, regulations, and other related materials as the Director may specify; and

''(D) published a notice in the Federal Register—

''(i) stating that the agency has made such submission; and

''(ii) setting forth—

''(I) a title for the collection of information;

''(II) a summary of the collection of information;

''(III) a brief description of the need for the information and the proposed use of the information;

''(IV) a description of the likely respondents and proposed frequency of response to the collection of information;

''(V) an estimate of the burden that shall result from the collection of information; and

''(VI) notice that comments may be submitted to the agency and Director;

''(2) the Director has approved the proposed collection of information or approval has been inferred, under the provisions of this section; and

''(3) the agency has obtained from the Director a control number to be displayed upon the collection of information.

''(b) The Director shall provide at least 30 days for public comment prior to making a decision under subsection (c), (d), or (h), except as provided under subsection (j).

''(c)(1) For any proposed collection of information not contained in a proposed rule, the Director shall notify the agency involved of the decision to approve or disapprove the proposed collection of information.

''(2) The Director shall provide the notification under paragraph (1), within 60 days after receipt or publication of the notice under subsection (a)(1)(D), whichever is later.

''(3) If the Director does not notify the agency of a denial or approval within the 60-day period described under paragraph (2)—

''(A) the approval may be inferred;

''(B) a control number shall be assigned without further delay; and

''(C) the agency may collect the information for not more than 2 years.

''(d)(1) For any proposed collection of information contained in a proposed rule—

''(A) as soon as practicable, but no later than the date of publication of a notice of proposed rulemaking in the Federal Register, each agency shall forward to the Director a copy of any proposed rule which contains a collection of information and any information requested by the Director necessary to make the determination required under this subsection; and

''(B) within 60 days after the notice of proposed rulemaking is published in the Federal Register, the Director may file public comments pursuant to the standards set forth in section 3508 on the collection of information contained in the proposed rule;

''(2) When a final rule is published in the Federal Register, the agency shall explain—

''(A) how any collection of information contained in the final rule responds to the comments, if any, filed by the Director or the public; or

''(B) the reasons such comments were rejected.

''(3) If the Director has received notice and failed to comment on an agency rule within 60 days after the notice of proposed rulemaking, the Director may not disapprove any collection of information specifically contained in an agency rule.

''(4) No provision in this section shall be construed to prevent the Director, in the Director's discretion—

''(A) from disapproving any collection of information which was not specifically required by an agency rule;

''(B) from disapproving any collection of information contained in an agency rule, if the agency failed to comply with the requirements of paragraph (1) of this subsection;

''(C) from disapproving any collection of information contained in a final agency rule, if the Director finds within 60 days after the publication of the final rule that the agency's response to the Director's comments filed under paragraph (2) of this subsection was unreasonable; or

''(D) from disapproving any collection of information contained in a final rule, if—

''(i) the Director determines that the agency has substantially modified in the final rule the collection of information contained in the proposed rule; and

''(ii) the agency has not given the Director the information required under paragraph (1) with respect to the modified collection of information, at least 60 days before the issuance of the final rule.

''(5) This subsection shall apply only when an agency publishes a notice of proposed rulemaking and requests public comments.

''(6) The decision by the Director to approve or not act upon a collection of information contained in an agency rule shall not be subject to judicial review.

''(e)(1) Any decision by the Director under subsection (c), (d), (h), or (j) to disapprove a collection of information, or to instruct the agency to make substantive or material change to a collection of information, shall be publicly available and include an explanation of the reasons for such decision.

''(2) Any written communication between the Office of the Director, the Administrator of the Office of Information and Regulatory Affairs, or any employee of the Office of Information and Regulatory Affairs and an agency or person not employed by the Federal Government concerning a proposed collection of information shall be made available to the public.

''(3) This subsection shall not require the disclosure of—

''(A) any information which is protected at all times by procedures established for information which has been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept secret in the interest of national defense or foreign policy; or

''(B) any communication relating to a collection of information which has not been approved under this chapter, the disclosure of which could lead to retaliation or discrimination against the communicator.

''(f)(1) An independent regulatory agency which is administered by 2 or more members of a commission, board, or similar body, may by majority vote void—

''(A) any disapproval by the Director, in whole or in part, of a proposed collection of information of that agency; or

''(B) an exercise of authority under subsection (d) of section 3507 concerning that agency.

''(2) The agency shall certify each vote to void such disapproval or exercise to the Director, and explain the reasons for such vote. The Director shall without further delay assign a control number to such collection of information, and such vote to void the disapproval or exercise shall be valid for a period of 3 years.

''(g) The Director may not approve a collection of information for a period in excess of 3 years.

''(h)(1) If an agency decides to seek extension of the Director's approval granted for a currently approved collection of information, the agency shall—

''(A) conduct the review established under section 3506(c), including the seeking of comment from the public on the continued need for, and burden imposed by the collection of information; and

''(B) after having made a reasonable effort to seek public comment, but no later than 60 days before the expiration date of the control number assigned by the Director for the currently approved collection of information, submit the collection of information for review and approval under this section, which shall include an explanation of how the agency has used the information that it has collected.

''(2) If under the provisions of this section, the Director disapproves a collection of information contained in an existing rule, or recommends or instructs the agency to make a substantive or material change to a collection of information contained in an existing rule, the Director shall—

''(A) publish an explanation thereof in the Federal Register; and

''(B) instruct the agency to undertake a rulemaking within a reasonable time limited to consideration of changes to the collection of information contained in the rule and thereafter to submit the collection of information for approval or disapproval under this chapter.

''(3) An agency may not make a substantive or material modification to a collection of information after such collection has been approved by the Director, unless the modification has been submitted to the Director for review and approval under this chapter.

''(i)(1) If the Director finds that a senior official of an agency designated under section 3506(a) is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved and has sufficient resources to carry out this responsibility effectively, the Director may, by rule in accordance with the notice and comment provisions of chapter 5 of title 5, United States Code, delegate to such official the authority to approve proposed collections of information in specific program areas, for specific purposes, or for all agency purposes.

''(2) A delegation by the Director under this section shall not preclude the Director from reviewing individual collections of information if the Director determines that circumstances warrant such a review. The Director shall retain authority to revoke such delegations, both in general and with regard to any specific matter. In acting for the Director, any official to whom approval authority has been delegated under this section shall comply fully with the rules and regulations promulgated by the Director.

''(j)(1) The agency head may request the Director to authorize a collection of information, if an agency head determines that—

''(A) a collection of information—

''(i) is needed prior to the expiration of time periods established under this chapter; and

''(ii) is essential to the mission of the agency; and

''(B) the agency cannot reasonably comply with the provisions of this chapter because—

''(i) public harm is reasonably likely to result if normal clearance procedures are followed;

''(ii) an unanticipated event has occurred; or

''(iii) the use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information or is reasonably likely to cause a statutory or court ordered deadline to be missed.

''(2) The Director shall approve or disapprove any such authorization request within the time requested by the agency head and, if approved, shall assign the collection of information a control number. Any collection of information conducted under this subsection may be conducted without compliance with the provisions of this chapter for a maximum of 90 days after the date on which the Director received the request to authorize such collection.

''§ 3508. Determination of necessity for information; hearing

''Before approving a proposed collection of information, the Director shall determine whether the collection of information by the agency is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility. Before making a determination the Director may give the agency and other interested persons an opportunity to be heard or to submit statements in writing. To the extent that the Director determines that the collection of information by an agency is unnecessary for the proper performance of the functions of the agency, for any reason, the agency may not engage in the collection of information.

''§ 3509. Designation of central collection agency

''The Director may designate a central collection agency to obtain information for two or more agencies if the Director determines that the needs of such agencies for information will be adequately served by a single collection agency, and such sharing of data is not inconsistent with applicable law. In such cases the Director shall prescribe (with reference to the collection of information) the duties and functions of the collection agency so designated and of the agencies for which it is to act as agent (including reimbursement for costs). While the designation is in effect, an agency covered by the designation may not obtain for itself information for the agency which is the duty of the collection agency to obtain. The Director may modify the designation from time to time as circumstances require. The authority to designate under this section is subject to the provisions of section 3507(f) of this chapter.

''§ 3510. Cooperation of agencies in making information available

''(a) The Director may direct an agency to make available to another agency, or an agency may make available to another agency, information obtained by a collection of information if the disclosure is not inconsistent with applicable law.

''(b)(1) If information obtained by an agency is released by that agency to another agency, all the provisions of law (including penalties which relate to the unlawful disclosure of information) apply to the officers and employees of the agency to which information is released to the same extent and in the same manner as the provisions apply to the officers and employees of the agency which originally obtained the information.

''(2) The officers and employees of the agency to which the information is released, in addition, shall be subject to the same provisions of law, including penalties, relating to the unlawful disclosure of information as if the information had been collected directly by that agency.

''§ 3511. Establishment and operation of Government Information Locator Service

''(a) In order to assist agencies and the public in locating information and to promote information sharing and equitable access by the public, the Director shall—

''(1) cause to be established and maintained a distributed agency-based electronic Government Information Locator Service (hereafter in this section referred to as the 'Service'), which shall identify the major information systems, holdings, and dissemination products of each agency;

''(2) require each agency to establish and maintain an agency information locator service as a component of, and to support the establishment and operation of the Service;

''(3) in cooperation with the Archivist of the United States, the Administrator of General Services, the Public Printer, and the Librarian of Congress, establish an interagency committee to advise the Secretary of Commerce on the development of technical standards for the Service to ensure compatibility, promote information sharing, and uniform access by the public;

''(4) consider public access and other user needs in the establishment and operation of the Service;

''(5) ensure the security and integrity of the Service, including measures to ensure that only information which is intended to be disclosed to the public is disclosed through the Service; and

''(6) periodically review the development and effectiveness of the Service and make

recommendations for improvement, including other mechanisms for improving public access to Federal agency public information.

''(b) This section shall not apply to operational files as defined by the Central Intelligence Agency Information Act (50 U.S.C. 431 et seq.).

''§ 3512. Public protection

''Notwithstanding any other provision of law, no person shall be subject to any penalty for failing to maintain, provide, or disclose information to or for any agency or person if the collection of information subject to this chapter—

''(1) does not display a valid control number assigned by the Director; or

''(2) fails to state that the person who is to respond to the collection of information is not required to comply unless such collection displays a valid control number.

''§ 3513. Director review of agency activities; reporting; agency response

''(a) In consultation with the Administrator of General Services, the Archivist of the United States, the Director of the National Institute of Standards and Technology, and the Director of the Office of Personnel Management, the Director shall periodically review selected agency information resources management activities to ascertain the efficiency and effectiveness of such activities to improve agency performance and the accomplishment of agency missions.

''(b) Each agency having an activity reviewed under subsection (a) shall, within 60 days after receipt of a report on the review, provide a written plan to the Director describing steps (including milestones) to—

''(1) be taken to address information resources management problems identified in the report; and

''(2) improve agency performance and the accomplishment of agency missions.

''§ 3514. Responsiveness to Congress

''(a)(1) The Director shall—

''(A) keep the Congress and congressional committees fully and currently informed of the major activities under this chapter; and

''(B) submit a report on such activities to the President of the Senate and the Speaker of the House of Representatives annually and at such other times as the Director determines necessary.

''(2) The Director shall include in any such report a description of the extent to which agencies have—

''(A) reduced information collection burdens on the public, including—

''(i) a summary of accomplishments and planned initiatives to reduce collection of information burdens;

''(ii) a list of all violations of this chapter and of any rules, guidelines, policies, and procedures issued pursuant to this chapter; and

''(iii) a list of any increase in the collection of information burden, including the authority for each such collection;

''(B) improved the quality and utility of statistical information;

''(C) improved public access to Government information; and

''(D) improved program performance and the accomplishment of agency missions through information resources management.

''(b) The preparation of any report required by this section shall be based on performance results reported by the agencies and shall not increase the collection of information burden on persons outside the Federal Government.

''§ 3515. Administrative powers

''Upon the request of the Director, each agency (other than an independent regulatory agency) shall, to the extent practicable, make its services, personnel, and facilities available to the Director for the performance of functions under this chapter.

''§ 3516. Rules and regulations

''The Director shall promulgate rules, regulations, or procedures necessary to exercise the authority provided by this chapter.

''§ 3517. Consultation with other agencies and the public

''(a) In developing information resources management policies, plans, rules, regulations, procedures, and guidelines and in reviewing collections of information, the Director shall provide interested agencies and persons early and meaningful opportunity to comment.

''(b) Any person may request the Director to review any collection of information conducted by or for an agency to determine, if, under this chapter, a person shall maintain, provide, or disclose the information to or for the agency. Unless the request is frivolous, the Director shall, in coordination with the agency responsible for the collection of information—

''(1) respond to the request within 60 days after receiving the request, unless such period is extended by the Director to a specified date and the person making the request is given notice of such extension; and

''(2) take appropriate remedial action, if necessary.

''§ 3518. Effect on existing laws and regulations

''(a) Except as otherwise provided in this chapter, the authority of an agency under any other law to prescribe policies, rules, regulations, and procedures for Federal information resources management activities is subject to the authority of the Director under this chapter.

''(b) Nothing in this chapter shall be deemed to affect or reduce the authority of the Secretary of Commerce or the Director of the Office of Management and Budget pursuant to Reorganization Plan No. 1 of 1977 (as amended) and Executive order, relating to telecommunications and information policy, procurement and management of telecommunications and information systems, spectrum use, and related matters.

''(c)(1) Except as provided in paragraph (2), this chapter shall not apply to the collection of information—

''(A) during the conduct of a Federal criminal investigation or prosecution, or during the disposition of a particular criminal matter;

''(B) during the conduct of—

''(i) a civil action to which the United States or any official or agency thereof is a party; or

''(ii) an administrative action or investigation involving an agency against specific individuals or entities;

''(C) by compulsory process pursuant to the Antitrust Civil Process Act and section 13 of the Federal Trade Commission Improvements Act of 1980; or

''(D) during the conduct of intelligence activities as defined in section 3.4(e) of Executive Order No. 12333, issued December 4, 1981, or successor orders, or during the conduct of cryptologic activities that are communications security activities.

''(2) This chapter applies to the collection of information during the conduct of general investigations (other than information collected in an antitrust investigation to the extent provided in subparagraph (C) of paragraph (1)) undertaken with reference to a category of individuals or entities such as a class of licensees or an entire industry.

''(d) Nothing in this chapter shall be interpreted as increasing or decreasing the authority conferred by Public Law 89–306 on the Administrator of the General Services Administration, the Secretary of Commerce, or the Director of the Office of Management and Budget.

''(e) Nothing in this chapter shall be interpreted as increasing or decreasing the authority of the President, the Office of Management and Budget or the Director thereof, under the laws of the United States, with respect to the substantive policies and programs of departments, agencies and offices, including the substantive authority of any Federal agency to enforce the civil rights laws.

''§ 3519. Access to information

''Under the conditions and procedures prescribed in section 716 of title 31, the Director and personnel in the Office of Information and Regulatory Affairs shall furnish such information as the Comptroller General may require for the discharge of the responsibilities of the Comptroller General. For the purpose of obtaining such information, the Comptroller General or representatives thereof shall have access to all books, documents, papers and records, regardless of form or format, of the Office.

''§ 3520. Authorization of appropriations

''(a) Subject to subsection (b), there are authorized to be appropriated to the Office of Information and Regulatory Affairs to carry out the provisions of this chapter, and for no other purpose, $8,000,000 for each of the fiscal years 1996, 1997, 1998, 1999, and 2000.

''(b)(1) No funds may be appropriated pursuant to subsection (a) unless such funds are appropriated in an appropriation Act (or continuing resolution) which separately and expressly states the amount appropriated pursuant to subsection (a) of this section.

''(2) No funds are authorized to be appropriated to the Office of Information and Regulatory Affairs, or to any other officer or administrative unit of the Office of Management and Budget, to carry out the provisions of this chapter, or to carry out any function under this chapter, for any fiscal year pursuant to any provision of law other than subsection (a) of this section.''.

SEC. 103. PAPERWORK BURDEN REDUCTION INITIATIVE REGARDING THE QUARTERLY FINANCIAL REPORT PROGRAM AT THE BUREAU OF THE CENSUS.

(a) PAPERWORK BURDEN REDUCTION INITIATIVE REQUIRED.—As described in subsection (b), the Bureau of the Census within the Department of Commerce shall undertake a demonstration program to reduce the burden imposed on firms, especially small businesses, required to participate in the survey used to prepare the publication entitled ''Quarterly Financial Report for Manufacturing, Mining, and Trade Corporations''.

(b) BURDEN REDUCTION INITIATIVES TO BE INCLUDED IN THE DEMONSTRATION PROGRAM.—The demonstration program required by subsection (a) shall include the following paperwork burden reduction initiatives:

(1) FURNISHING ASSISTANCE TO SMALL BUSINESS CONCERNS.—

(A) The Bureau of the Census shall furnish advice and similar assistance to ease the burden of a small business concern which is attempting to compile and furnish the business information required of firms participating in the survey.

(B) To facilitate the provision of the assistance described in subparagraph (A), a toll-free telephone number shall be established by the Bureau of the Census.

(2) VOLUNTARY PARTICIPATION BY CERTAIN BUSINESS CONCERNS.—

(A) A business concern may decline to participate in the survey, if the firm has—

(i) participated in the survey during the period of the demonstration program described under subsection (c) or has participated in the survey during any of the 24 calendar quarters previous to such period; and

(ii) assets of $50,000,000 or less at the time of being selected to participate in the survey for a subsequent time.

(B) A business concern may decline to participate in the survey, if the firm—

(i) has assets of greater than $50,000,000 but less than $100,000,000 at the time of selection; and

(ii) participated in the survey during the 8 calendar quarters immediately preceding the firm's selection to participate in the survey for an additional 8 calendar quarters.

(3) EXPANDED USE OF SAMPLING TECHNIQUES.—The Bureau of the Census shall use statistical sampling techniques to select firms having assets of $100,000,000 or less to participate in the survey.

(4) ADDITIONAL BURDEN REDUCTION TECHNIQUES.—The Director of the Bureau of the Budget may undertake such additional paperwork burden reduction initiatives with respect to the conduct of the survey as may be deemed appropriate by such officer.

(c) DURATION OF THE DEMONSTRATION PROGRAM.—The demonstration program required by subsection (a) shall commence on October 1, 1995, and terminate on the later of—

(1) September 30, 1998; or

(2) the date in the Act of Congress providing for authorization of appropriations for section 91 of title 13, United States Code, first enacted following the date of the enactment of this Act, that is September 30, of the last fiscal year providing such an authorization under such Act of Congress.

(d) DEFINITIONS.—For purposes of this section:

(1) The term ''burden'' shall have the meaning given that term by section 3502(2) of title 44, United States Code.

(2) The term ''collection of information'' shall have the meaning given that term by section 3502(3) of title 44, United States Code.

(3) The term ''small business concern'' means a business concern that meets the requirements of section 3(a) of the Small Business Act (15 U.S.C. 632(a)) and the regulations promulgated pursuant thereto.

(4) The term ''survey'' means the collection of information by the Bureau of the Census at the Department of Commerce pursuant to section 91 of title 13, United States Code, for the purpose of preparing the publication entitled ''Quarterly Financial Report for Manufacturing, Mining, and Trade Corporations''.

SEC. 104. OREGON OPTION PROPOSAL.

(a) FINDINGS.—The Senate finds that—

(1) Federal, State and local governments are dealing with increasingly complex problems which require the delivery of many kinds of social services at all levels of government;

(2) historically, Federal programs have addressed the Nation's problems by providing categorical assistance with detailed requirements relating to the use of funds which are often delivered by State and local governments;

(3) although the current approach is one method of service delivery, a number of problems exist in the current intergovernmental structure that impede effective delivery of vital services by State and local governments;

(4) it is more important than ever to provide programs that respond flexibly to the needs of the Nation's States and communities, reduce the barriers between programs that impede Federal, State and local governments' ability to effectively deliver services, encourage the Nation's Federal, State and local governments to be innovative in creating programs that meet the unique needs of the people in their communities while continuing to address national goals, and improve the accountability of all levels of government by better measuring government performance and better meeting the needs of service recipients;

(5) the State and local governments of Oregon have begun a pilot project, called the Oregon Option, that will utilize strategic planning and performance-based management that may provide new models for intergovernmental social service delivery;

(6) the Oregon Option is a prototype of a new intergovernmental relations system, and it has the potential to completely transform the relationships among Federal, State and local governments by creating a system of intergovernmental service delivery and funding that is based on measurable performance, customer satisfaction, prevention, flexibility, and service integration; and

(7) the Oregon Option has the potential to dramatically improve the quality of Federal, State and local services to Oregonians.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Oregon Option project has the potential to improve intergovernmental service delivery by shifting accountability from compliance to performance results and that the Federal Government should continue in its partnership with the State and local governments of Oregon to fully implement the Oregon Option.

SEC. 105. TERMINATION OF REPORTING REQUIREMENTS.

(a) TERMINATION.—

(1) IN GENERAL.—Subject to the provisions of paragraph (2), each provision of law requiring the submittal to Congress (or any committee of the Congress) of any annual, semiannual or other regular periodic reports specified on the list described under subsection (c) shall cease to be effective, with respect to that requirement, 5 years after the date of the enactment of this Act.

(2) EXCEPTION.—The provisions of paragraph (1) shall not apply to any report required under—

(A) the Inspector General Act of 1978 (5 U.S.C. App.; Public Law 95–452); or

(B) the Chief Financial Officers Act of 1990 (Public Law 101–576).

(b) IDENTIFICATION OF WASTEFUL REPORTS.—The President shall include in the first annual budget submitted pursuant to section 1105 of title 31, United States Code, after the date of enactment of this Act a list of reports that the President has determined are unnecessary or wasteful and the reasons for such determination.

(c) LIST OF REPORTS.—The list referred to under subsection (a) includes only the annual, semiannual, or other regular periodic reports on the list prepared by the Clerk of the House of Representatives for the first session of the One Hundred Third Congress under Clause 2 of Rule III of the Rules of the House of Representatives.

SEC. 106. EFFECTIVE DATE.

The provisions of this title and the amendments made by this title shall take effect on June 30, 1995.

TITLE II—FEDERAL REPORT ELIMINATION AND MODIFICATION

SEC. 201. SHORT TITLE.

This title may be cited as the ''Federal Report Elimination and Modification Act of 1995''.

SEC. 202. TABLE OF CONTENTS.

The table of contents for this title is as follows:

Sec. 201. Short title.
Sec. 202. Table of contents.

SUBTITLE I—DEPARTMENTS

CHAPTER 1—DEPARTMENT OF AGRICULTURE

Sec. 1011. Reports eliminated.
Sec. 1012. Reports modified.

CHAPTER 2—DEPARTMENT OF COMMERCE

Sec. 1021. Reports eliminated.
Sec. 1022. Reports modified.

CHAPTER 3—DEPARTMENT OF DEFENSE

Sec. 1031. Reports eliminated.

CHAPTER 4—DEPARTMENT OF EDUCATION

Sec. 1041. Reports eliminated.
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CHAPTER 5—DEPARTMENT OF ENERGY

Sec. 1051. Reports eliminated.
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CHAPTER 6—DEPARTMENT OF HEALTH AND HUMAN SERVICES

Sec. 1061. Reports eliminated.
Sec. 1062. Reports modified.

CHAPTER 7—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Sec. 1071. Reports eliminated.
Sec. 1072. Reports modified.

CHAPTER 8—DEPARTMENT OF THE INTERIOR

Sec. 1081. Reports eliminated.
Sec. 1082. Reports modified.

CHAPTER 9—DEPARTMENT OF JUSTICE

Sec. 1091. Reports eliminated.

CHAPTER 10—DEPARTMENT OF LABOR

Sec. 1101. Reports eliminated.
Sec. 1102. Reports modified.

CHAPTER 11—DEPARTMENT OF STATE

Sec. 1111. Reports eliminated.

CHAPTER 12—DEPARTMENT OF TRANSPORTATION

Sec. 1121. Reports eliminated.
Sec. 1122. Reports modified.

CHAPTER 13—DEPARTMENT OF THE TREASURY

Sec. 1131. Reports eliminated.
Sec. 1132. Reports modified.

CHAPTER 14—DEPARTMENT OF VETERANS AFFAIRS

Sec. 1141. Reports eliminated.

SUBTITLE II—INDEPENDENT AGENCIES

CHAPTER 1—ACTION

Sec. 2011. Reports eliminated.

CHAPTER 2—ENVIRONMENTAL PROTECTION AGENCY

Sec. 2021. Reports eliminated.

CHAPTER 3—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Sec. 2031. Reports modified.

CHAPTER 4—FEDERAL AVIATION ADMINISTRATION

Sec. 2041. Reports eliminated.

CHAPTER 5—FEDERAL COMMUNICATIONS COMMISSION

Sec. 2051. Reports eliminated.

CHAPTER 6—FEDERAL DEPOSIT INSURANCE CORPORATION

Sec. 2061. Reports eliminated.

CHAPTER 7—FEDERAL EMERGENCY MANAGEMENT AGENCY

Sec. 2071. Reports eliminated.

CHAPTER 8—FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sec. 2081. Reports eliminated.

CHAPTER 9—GENERAL SERVICES ADMINISTRATION

Sec. 2091. Reports eliminated.

CHAPTER 10—INTERSTATE COMMERCE COMMISSION

Sec. 2101. Reports eliminated.

CHAPTER 11—LEGAL SERVICES CORPORATION

Sec. 2111. Reports modified.

CHAPTER 12—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
Sec. 2121. Reports eliminated.
CHAPTER 13—NATIONAL COUNCIL ON DISABILITY
Sec. 2131. Reports eliminated.
CHAPTER 14—NATIONAL SCIENCE FOUNDATION
Sec. 2141. Reports eliminated.
CHAPTER 15—NATIONAL TRANSPORTATION SAFETY BOARD
Sec. 2151. Reports modified.
CHAPTER 16—NEIGHBORHOOD REINVESTMENT CORPORATION
Sec. 2161. Reports eliminated.
CHAPTER 17—NUCLEAR REGULATORY COMMISSION
Sec. 2171. Reports modified.
CHAPTER 18—OFFICE OF PERSONNEL MANAGEMENT
Sec. 2181. Reports eliminated.
Sec. 2182. Reports modified.
CHAPTER 19—OFFICE OF THRIFT SUPERVISION
Sec. 2191. Reports modified.
CHAPTER 20—PANAMA CANAL COMMISSION
Sec. 2201. Reports eliminated.
CHAPTER 21—POSTAL SERVICE
Sec. 2211. Reports modified.
CHAPTER 22—RAILROAD RETIREMENT BOARD
Sec. 2221. Reports modified.
CHAPTER 23—THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD
Sec. 2231. Reports modified.
CHAPTER 24—UNITED STATES INFORMATION AGENCY
Sec. 2241. Reports eliminated.
SUBTITLE III—REPORTS BY ALL DEPARTMENTS AND AGENCIES
Sec. 3001. Reports eliminated.
Sec. 3002. Reports modified.
SUBTITLE IV—EFFECTIVE DATE
Sec. 4001. Effective date.

Subtitle I—Departments

CHAPTER 1—DEPARTMENT OF AGRICULTURE

SEC. 1011. REPORTS ELIMINATED.

(a) REPORT ON MONITORING AND EVALUATION.—Section 1246 of the Food Security Act of 1985 (16 U.S.C. 3846) is repealed.

(b) REPORT ON RETURN ON ASSETS.—Section 2512 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421b) is amended—

(1) in subsection (a), by striking ''(a) IMPROVING'' and all that follows through ''FORECASTS.—''; and

(2) by striking subsection (b).

(c) REPORT ON FARM VALUE OF AGRICULTURAL PRODUCTS.—Section 2513 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421c) is repealed.

(d) REPORT ON ORIGIN OF EXPORTS OF PEANUTS.—Section 1558 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 958) is repealed.

(e) REPORT ON REPORTING OF IMPORTING FEES.—Section 407 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c) through (h) as subsections (b) through (g), respectively.

(f) REPORT ON AGRICULTURAL INFORMATION EXCHANGE WITH IRELAND.—Section 1420 of the Food Security Act of 1985 (Public Law 99–198; 99 Stat. 1551) is amended—

(1) in subsection (a), by striking ''(a)''; and

(2) by striking subsection (b).

(g) REPORT ON POTATO INSPECTION.—Section 1704 of the Food Security Act of 1985 (Public Law 99–198; 7 U.S.C. 499n note) is amended by striking the second sentence.

(h) REPORT ON TRANSPORTATION OF FERTILIZER AND AGRICULTURAL CHEMICALS.—Section 2517 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 104 Stat. 4077) is repealed.

(i) REPORT ON UNIFORM END-USE VALUE TESTS.—Section 307 of the Futures Trading Act of 1986 (Public Law 99–641; 7 U.S.C. 76 note) is amended by striking subsection (c).

(j) REPORT ON PROJECT AREAS WITH HIGH FOOD STAMP PAYMENT ERROR RATES.—Section 16(i) of the Food Stamp Act of 1977 (7 U.S.C. 2025(i)) is amended by striking paragraph (3).

(k) REPORT ON EFFECT OF EFAP DISPLACEMENT ON COMMERCIAL SALES.—Section 203C(a) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking the last sentence.

(l) REPORT ON WIC EXPENDITURES AND PARTICIPATION LEVELS.—Section 17(m) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)) is amended—

(1) by striking paragraphs (8) and (9); and

(2) by redesignating paragraphs (10) and (11) as paragraphs (8) and (9), respectively.

(m) REPORT ON WIC MIGRANT SERVICES.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended by striking subsection (j).

(n) REPORT ON DEMONSTRATIONS INVOLVING INNOVATIVE HOUSING UNITS.—Section 506(b) of the Housing Act of 1949 (42 U.S.C. 1476(b)) is amended by striking the last sentence.

(o) REPORT ON ANNUAL UPWARD MOBILITY PROGRAM ACTIVITY.—Section 2(a)(6)(A) of the Act of June 20, 1936 (20 U.S.C. 107a(a)(6)(A)), is amended by striking ''including upward mobility'' and inserting ''excluding upward mobility''.

(p) REPORT ON LAND EXCHANGES IN COLUMBIA RIVER GORGE NATIONAL SCENIC AREA.—Section 9(d)(3) of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544g(d)(3)) is amended by striking the second sentence.

(q) REPORT ON INCOME AND EXPENDITURES OF CERTAIN LAND ACQUISITIONS.—Section 2(e) of Public Law 96–586 (94 Stat. 3382) is amended by striking the second sentence.

(r) REPORT ON SPECIAL AREA DESIGNATIONS.—Section 1506 of the Agriculture and Food Act of 1981 (16 U.S.C. 3415) is repealed.

(s) REPORT ON EVALUATION OF SPECIAL AREA DESIGNATIONS.—Section 1510 of the Agriculture and Food Act of 1981 (16 U.S.C. 3419) is repealed.

(t) REPORT ON AGRICULTURAL PRACTICES AND WATER RESOURCES DATA BASE DEVELOPMENT.—Section 1485 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5505) is amended—

(1) in subsection (a), by striking ''(a) REPOSITORY.—''; and

(2) by striking subsection (b).

(u) REPORT ON PLANT GENOME MAPPING.—Section 1671 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5924) is amended—

(1) by striking subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

(v) REPORT ON APPRAISAL OF PROPOSED BUDGET FOR FOOD AND AGRICULTURAL SCIENCES.—Section 1408(g) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(g)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

(w) REPORT ON ECONOMIC IMPACT OF ANIMAL DAMAGE ON AQUACULTURE INDUSTRY.—Section 1475(e) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(e)) is amended—

(1) in paragraph (1), by striking ''(1)''; and

(2) by striking paragraph (2).

(x) REPORT ON AWARDS MADE BY THE NATIONAL RESEARCH INITIATIVE AND SPECIAL GRANTS.—Section 2 of the Act of August 4, 1965 (7 U.S.C. 450i), is amended—

(1) by striking subsection (l); and

(2) by redesignating subsection (m) as subsection (l).

(y) REPORT ON PAYMENTS MADE UNDER RESEARCH FACILITIES ACT.—Section 8 of the Research Facilities Act (7 U.S.C. 390i) is repealed.

(z) REPORT ON FINANCIAL AUDIT REVIEWS OF STATES WITH HIGH FOOD STAMP PARTICIPATION.—The first sentence of section 11(l) of the Food Stamp Act of 1977 (7 U.S.C. 2020(l)) is amended by striking '', and shall, upon completion of the audit, provide a report to Congress of its findings and recommendations within one hundred and eighty days''.

(aa) REPORT ON RURAL TELEPHONE BANK.—Section 408(b)(3) of the Rural Electrification Act of 1936 (7 U.S.C. 948(b)(3)) is amended by striking out subparagraph (I) and redesignating subparagraph (J) as subparagraph (I).

SEC. 1012. REPORTS MODIFIED.

(a) REPORT ON ANIMAL WELFARE ENFORCEMENT.—The first sentence of section 25 of the Animal Welfare Act (7 U.S.C. 2155) is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(5) the information and recommendations described in section 11 of the Horse Protection Act of 1970 (15 U.S.C. 1830).''.

(b) REPORT ON HORSE PROTECTION ENFORCEMENT.—Section 11 of the Horse Protection Act of 1970 (15 U.S.C. 1830) is amended by striking ''On or before the expiration of thirty calendar months following the date of enactment of this Act, and every twelve calendar months thereafter, the Secretary shall submit to the Congress a report upon'' and inserting the following: ''As part of the report submitted by the Secretary under section 25 of the Animal Welfare Act (7 U.S.C. 2155), the Secretary shall include information on''.

(c) REPORT ON AGRICULTURAL QUARANTINE INSPECTION FUND.—The Secretary of Agriculture shall not be required to submit a report to the appropriate committees of Congress on the status of the Agricultural Quarantine Inspection fund more frequently than annually.

(d) REPORT ON ESTIMATED EXPENDITURES UNDER FOOD STAMP PROGRAM.—The third sentence of section 18(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2027(a)(1)) is amended—

(1) by striking ''by the fifteenth day of each month'' and inserting ''for each quarter or other appropriate period''; and

(2) by striking ''the second preceding month's expenditure'' and inserting ''the expenditure for the quarter or other period''.

(e) REPORT ON COMMODITY DISTRIBUTION.—Section 3(a)(3)(D) of the Commodity Distribution Reform Act and WIC Amendments of 1987 (Public Law 100–237; 7 U.S.C. 612c note) is amended by striking ''annually'' and inserting ''biennially''.

(f) REPORT ON PRIORITIES FOR RESEARCH, EXTENSION, AND TEACHING.—Section 1407(f)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(f)(1)) is amended—

(1) in the paragraph heading, by striking ''ANNUAL REPORT'' and inserting ''REPORT''; and

(2) by striking ''Not later than June 30 of each year'' and inserting ''At such times as the Joint Council determines appropriate''.

(g) 5-YEAR PLAN FOR FOOD AND AGRICULTURAL SCIENCES.—Section 1407(f)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(f)(2)) is amended by striking the second sentence.

(h) REPORT ON EXAMINATION OF FEDERALLY SUPPORTED AGRICULTURAL RESEARCH AND EXTENSION PROGRAMS.—Section 1408(g)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(g)(1)) is amended by inserting ''may provide'' before ''a written report''.

(i) REPORT ON EFFECTS OF FOREIGN OWNERSHIP OF AGRICULTURAL LAND.—Section 5(b) of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3504(b)) is amended to read as follows:

''(b) An analysis and determination shall be made, and a report on the Secretary's findings and conclusions regarding such analysis and determination under subsection (a) shall be transmitted within 90 days after the end of—

''(1) the calendar year in which the Federal Report Elimination and Modification Act of 1995 is enacted; and

''(2) the calendar year which occurs every ten years thereafter.''.

CHAPTER 2—DEPARTMENT OF COMMERCE

SEC. 1021. REPORTS ELIMINATED.

(a) REPORT ON VOTING REGISTRATION.—Section 207 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa–5) is repealed.

(b) REPORT ON ESTIMATE OF SPECIAL AGRICULTURAL WORKERS.—Section 210A(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1161(b)(3)) is repealed.

(c) REPORT ON LONG RANGE PLAN FOR PUBLIC BROADCASTING.—Section 393A(b) of the Communications Act of 1934 (47 U.S.C. 393a(b)) is repealed.

(d) REPORT ON STATUS, ACTIVITIES, AND EFFECTIVENESS OF UNITED STATES COMMERCIAL CENTERS IN ASIA, LATIN AMERICA, AND AFRICA AND PROGRAM RECOMMENDATIONS.—Section 401(j) of the Jobs Through Exports Act of 1992 (15 U.S.C. 4723a(j)) is repealed.

(e) REPORT ON KUWAIT RECONSTRUCTION CONTRACTS.—Section 606(f) of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 is repealed.

(f) REPORT ON UNITED STATES-CANADA FREE TRADE AGREEMENT.—Section 409(a)(3)(B) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112 note) is amended to read as follows:

''(3) The United States members of the working group established under article 1907 of the Agreement shall consult regularly with the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and advisory committees established under section 135 of the Trade Act of 1974 regarding—

''(A) the issues being considered by the working group; and

''(B) as appropriate, the objectives and strategy of the United States in the negotiations.''.

(g) REPORT ON ESTABLISHMENT OF AMERICAN BUSINESS CENTERS AND ON ACTIVITIES OF THE INDEPENDENT STATES BUSINESS AND AGRICULTURE ADVISORY COUNCIL.—Section 305 of the Freedom for Russia and Emerging Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5825) is repealed.

(h) REPORT ON FISHERMAN'S CONTINGENCY FUND REPORT.—Section 406 of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1846) is repealed.

(i) REPORT ON USER FEES ON SHIPPERS.—Section 208 of the Water Resources Development Act of 1986 (33 U.S.C. 2236) is amended by—

(1) striking subsection (b); and

(2) redesignating subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e), respectively.

SEC. 1022. REPORTS MODIFIED.

(a) REPORT ON FEDERAL TRADE PROMOTION STRATEGIC PLAN.—Section 2312(f) of the Export Enhancement Act of 1988 (15 U.S.C. 4727(f) is amended to read as follows:

''(f) REPORT TO THE CONGRESS.—The chairperson of the TPCC shall prepare and submit to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Foreign Affairs of the House of Representatives, not later than September 30, 1995, and annually thereafter, a report describing—

''(1) the strategic plan developed by the TPCC pursuant to subsection (c), the implementation of such plan, and any revisions thereto; and

''(2) the implementation of sections 303 and 304 of the Freedom for Russia and Emerging Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5823 and 5824) concerning funding for export promotion activities and the interagency working groups on energy of the TPCC.''.

(b) REPORT ON EXPORT POLICY.—Section 2314(b)(1) of the Export Enhancement Act of 1988 (15 U.S.C. 4729(b)(1)) is amended—

(1) in subparagraph (E) by striking out ''and'' after the semicolon;

(2) in subparagraph (F) by striking out the period and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new subparagraphs:

''(G) the status, activities, and effectiveness of the United States commercial centers established under section 401 of the Jobs Through Exports Act of 1992 (15 U.S.C. 4723a);

''(H) the implementation of sections 301 and 302 of the Freedom for Russia and Emerging Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5821 and 5822) concerning American Business Centers and the Independent States Business and Agriculture Advisory Council;

''(I) the programs of other industrialized nations to assist their companies with their efforts to transact business in the independent states of the former Soviet Union; and

''(J) the trading practices of other Organization for Economic Cooperation and Development nations, as well as the pricing practices of transitional economies in the independent states, that may disadvantage United States companies.''.

CHAPTER 3—DEPARTMENT OF DEFENSE

SEC. 1031. REPORTS ELIMINATED.

(a) REPORT ON SEMATECH.—Section 274 of The National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1071) is amended—

(1) in section 6 by striking out the item relating to section 274; and

(2) by striking out section 274.

(b) REPORT ON REVIEW OF DOCUMENTATION IN SUPPORT OF WAIVERS FOR PEOPLE ENGAGED IN ACQUISITION ACTIVITIES.—

(1) IN GENERAL.—Section 1208 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 1701 note) is repealed.

(2) CLERICAL AMENDMENT TO TABLE OF CONTENTS.—Section 2(b) of such Act is amended by striking out the item relating to section 1208.

CHAPTER 4—DEPARTMENT OF EDUCATION

SEC. 1041. REPORTS ELIMINATED.

(a) REPORT ON PERSONNEL REDUCTION AND ANNUAL LIMITATIONS.—Subsection (a) of section 403 of the Department of Education Organization Act (20 U.S.C. 3463(a)) is amended—

(1) in paragraph (2), by striking all beginning with ''and shall,'' through the end thereof and inserting a period; and

(2) by redesignating paragraph (3) as paragraph (2).

(b) REPORT ON PROJECTS FUNDED BY THE FUND FOR THE IMPROVEMENT AND REFORM OF SCHOOLS AND TEACHING.—Section 3232 of the Fund for the Improvement and Reform of Schools and Teaching Act (20 U.S.C. 4832) is amended—

(1) in the section heading, by striking ''and reporting'';

(2) in subsection (a), by striking ''(a) EXEMPLARY PROJECTS.—''; and

(3) by striking subsections (b) and (c).

(c) REPORT ON THE SUCCESS OF FIRST ASSISTED PROGRAMS IN IMPROVING EDUCATION.—Section 6215 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (20 U.S.C. 4832 note) is amended—

(1) by amending the section heading to read as follows:

''**SEC. 6215. EXEMPLARY PROJECTS.**'';

(2) in subsection (a), by striking ''(a) EXEMPLARY PROJECTS.—''; and

(3) by striking subsections (b) and (c).

(d) REPORT ON SUPPORTED EMPLOYMENT ACTIVITIES.—Subsection (c) of section 311 of the Rehabilitation Act of 1973 (20 U.S.C. 777a(c) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(e) REPORT ON THE CLIENT ASSISTANCE PROGRAM.—Subsection (g) of section 112 of the Rehabilitation Act of 1973 (20 U.S.C. 732(g)) is amended—

(1) by striking paragraphs (4) and (5); and

(2) in paragraph (6), by striking ''such report or for any other'' and inserting ''any''.

(f) REPORT ON THE SUMMARY OF LOCAL EVALUATIONS OF COMMUNITY EDUCATION EMPLOYMENT CENTERS.—Section 370 of the Carl D. Perkins Vocational and Applied Technology Act (20 U.S.C. 2396h) is amended—

(1) in the section heading, by striking ''and report'';

(2) in subsection (a), by striking ''(a) LOCAL EVALUATION.—''; and

(3) by striking subsection (b).

(g) REPORT ON THE ADMINISTRATION OF THE VOCATIONAL EDUCATION ACT OF 1917.—Section 18 of the Vocational Education Act of 1917 (20 U.S.C. 28) is repealed.

(h) REPORT BY THE INTERDEPARTMENTAL TASK FORCE ON COORDINATING VOCATIONAL EDUCATION AND RELATED PROGRAMS.—Subsection (d) of section 4 of the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 (20 U.S.C. 2303(d)) is repealed.

(i) REPORT ON THE EVALUATION OF THE GATEWAY GRANTS PROGRAM.—Subparagraph (B) of section 322(a)(3) of the Adult Education Act (20 U.S.C. 1203a(a)(3)(B)) is amended by striking ''and report the results of such evaluation to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate''.

(j) REPORT ON THE BILINGUAL VOCATIONAL TRAINING PROGRAM.—Paragraph (3) of section 441(e) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2441(e)(3)) is amended by striking the last sentence thereof.

(k) REPORT ON ADVISORY COUNCILS.—Section 448 of the General Education Provisions Act (20 U.S.C. 1233g) is repealed.

SEC. 1042. REPORTS MODIFIED.

(a) REPORT ON THE CONDITION OF BILINGUAL EDUCATION IN THE NATION.—Section 6213 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (20 U.S.C. 3303 note) is amended—

(1) in the section heading, by striking ''report on'' and inserting ''**INFORMATION REGARDING**''; and

(2) by striking the matter preceding paragraph (1) and inserting ''The Secretary shall collect data for program management and accountability purposes regarding—''.

(b) REPORT TO CONGRESS ON THE STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.—Subsection (b) of section 724 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11434(b)) is amended by striking paragraph (4) and the first paragraph (5) and inserting the following:

''(4) The Secretary shall prepare and submit a report to the appropriate committees of the Congress at the end of every other fiscal year. Such report shall—

''(A) evaluate the programs and activities assisted under this part; and

''(B) contain the information received from the States pursuant to section 722(d)(3).''.

(c) REPORT TO GIVE NOTICE TO CONGRESS.—Subsection (d) of section 482 of the Higher Education Act of 1965 (20 U.S.C. 1089(d)) is amended—

(1) in the first sentence by striking ''the items specified in the calendar have been completed and provide all relevant forms, rules, and instructions with such notice'' and inserting ''a deadline included in the calendar described in subsection (a) is not met''; and

(2) by striking the second sentence.

(d) ANNUAL REPORT ON ACTIVITIES UNDER THE REHABILITATION ACT OF 1973.—Section 13 of the Rehabilitation Act of 1973 (20 U.S.C. 712) is amended by striking ''twenty'' and inserting ''eighty''.

(e) REPORT TO THE CONGRESS REGARDING REHABILITATION TRAINING PROGRAMS.—The second sentence of section 302(c) of the Rehabilitation Act of 1973 (20 U.S.C. 774(c)) is amended by striking ''simultaneously with the budget submission for the succeeding fiscal year for the Rehabilitation Services Administration'' and inserting ''by September 30 of each fiscal year''.

(f) REPORT PREPARED BY THE DEPARTMENT OF THE INTERIOR ON INDIAN CHILDREN AND THE BILINGUAL EDUCATION ACT.—

(1) REPEAL.—Subsection (c) of section 7022 of the Bilingual Education Act (20 U.S.C. 3292) is repealed.

(2) ANNUAL REPORT.—Paragraph (3) of section 7051(b)(3) of the Bilingual Education Act (20 U.S.C. 3331(b)(3)) is amended—

(A) in subparagraph (D), by striking ''and'' after the semicolon;

(B) in subparagraph (E), by striking the period and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

''(F) the needs of the Indian children with respect to the purposes of this title in schools operated or funded by the Department of the Interior, including those tribes and local educational agencies receiving assistance under the Johnson-O'Malley Act (25 U.S.C. 452 et seq.); and

''(G) the extent to which the needs described in subparagraph (F) are being met by funds provided to such schools for educational purposes through the Secretary of the Interior.''.

(g) ANNUAL EVALUATION REPORTS.—Section 417 of the General Education Provisions Act (20 U.S.C. 1226c) is amended—

(1) in the section heading, by striking ''ANNUAL'' and inserting ''BIENNIAL''; and

(2) in subsection (a)—

(A) by striking ''December'' and inserting ''March'';

(B) by striking ''each year,'' and inserting ''every other year''; and

(C) by striking ''an annual'' and inserting ''a biennial'';

(3) in subparagraph (B), by striking ''previous fiscal year'' and inserting ''2 preceding fiscal years''; and

(4) in subparagraph (C), by striking ''previous fiscal year'' and inserting ''2 preceding fiscal years''.

(h) ANNUAL AUDIT OF STUDENT LOAN INSURANCE FUND.—Section 432(b) of the Higher Education Act of 1965 (20 U.S.C. 1082(b)) is amended to read as follows:

''(b) FINANCIAL OPERATIONS RESPONSIBILITIES.—The Secretary shall, with respect to the financial operations arising by reason of this part prepare annually and submit a budget program as provided for wholly owned Government corporations by chapter 91 of title 31, United States Code. The transactions of the Secretary, including the settlement of insurance claims and of claims for payments pursuant to section 1078 of this title, and transactions related thereto and vouchers approved by the Secretary in connection with such transactions, shall be final and conclusive upon all accounting and other officers of the Government.''.

CHAPTER 5—DEPARTMENT OF ENERGY

SEC. 1051. REPORTS ELIMINATED.

(a) REPORTS ON PERFORMANCE AND DISPOSAL OF ALTERNATIVE FUELED HEAVY DUTY VEHICLES.—Paragraphs (3) and (4) of section 400AA(b) of the Energy Policy and Conservation Act (42 U.S.C. 6374(b)(3), 6374(b)(4)) are repealed.

(b) REPORT ON WIND ENERGY SYSTEMS.—Section 9(a)(3) of the Wind Energy Systems Act of 1980 (42 U.S.C. 9208(a)(3)) is repealed.

(c) REPORT ON COMPREHENSIVE PROGRAM MANAGEMENT PLAN FOR OCEAN THERMAL ENERGY CONVERSION.—Section 3(d) of the Ocean Thermal Energy Conversion Research, Development, and Demonstration Act (42 U.S.C. 9002(d)) is repealed.

(d) REPORTS ON SUBSEABED DISPOSAL OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE.—Subsections (a) and (b)(5) of section 224 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10204(a), 10204(b)(5)) are repealed.

(e) REPORT ON FUEL USE ACT.—Sections 711(c)(2) and 806 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8421(c)(2), 8482) are repealed.

(f) REPORT ON TEST PROGRAM OF STORAGE OF REFINED PETROLEUM PRODUCTS WITHIN THE STRATEGIC PETROLEUM RESERVE.—Section 160(g)(7) of the Energy Policy and Conservation Act (42 U.S.C. 6240(g)(7)) is repealed.

(g) REPORT ON NAVAL PETROLEUM AND OIL SHALE RESERVES PRODUCTION.—Section 7434 of title 10, United States Code, is repealed.

(h) REPORT ON EFFECTS OF PRESIDENTIAL MESSAGE ESTABLISHING A NUCLEAR NONPROLIFERATION POLICY ON NUCLEAR RESEARCH AND DEVELOPMENT COOPERATIVE AGREEMENTS.—Section 203 of the Department of Energy Act of 1978—Civilian Applications (22 U.S.C. 2429 note) is repealed.

(i) REPORT ON WRITTEN AGREEMENTS REGARDING NUCLEAR WASTE REPOSITORY SITES.—Section 117(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10137(c)) is amended by striking the following: ''If such written agreement is not completed prior to the expiration of such period, the Secretary shall report to the Congress in writing not later than 30 days after the expiration of such period on the status of negotiations to develop such agreement and the reasons why such agreement has not been completed. Prior to submission of such report to the Congress, the Secretary shall transmit such report to the Governor of such State or the governing body of such affected Indian tribe, as the case may be, for their review and comments. Such comments shall be included in such report prior to submission to the Congress.''.

(j) QUARTERLY REPORT ON STRATEGIC PETROLEUM RESERVES.—Section 165(b) of the Energy Policy and Conservation Act (42 U.S.C. 6245(b)) is repealed.

(k) REPORT ON THE DEPARTMENT OF ENERGY.—The Federal Energy Administration Act of 1974 (15 U.S.C. 790d), is amended by striking out section 55.

SEC. 1052. REPORTS MODIFIED.

(a) REPORTS ON PROCESS-ORIENTED INDUSTRIAL ENERGY EFFICIENCY AND INDUSTRIAL INSULATION AUDIT GUIDELINES.—

(1) Section 132(d) of the Energy Policy Act of 1992 (42 U.S.C. 6349(d)) is amended—

(A) in the language preceding paragraph (1), by striking ''Not later than 2 years after October 24, 1992, and annually thereafter'' and inserting ''Not later than October 24, 1995, and biennially thereafter'';

(B) in paragraph (4), by striking ''and'' at the end;

(C) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following new paragraph:

''(6) the information required under section 133(c).''.

(2) Section 133(c) of the Energy Policy Act of 1992 (42 U.S.C. 6350(c)) is amended—

(A) by striking, ''October 24, 1992'' and inserting ''October 24, 1995''; and

(B) by inserting ''as part of the report required under section 132(d),'' after ''and biennially thereafter,''.

(b) REPORT ON AGENCY REQUESTS FOR WAIVER FROM FEDERAL ENERGY MANAGEMENT REQUIREMENTS.—Section 543(b)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8253(b)(2)) is amended—

(1) by inserting '', as part of the report required under section 548(b),'' after ''the Secretary shall''; and

(2) by striking ''promptly''.

(c) REPORT ON THE PROGRESS, STATUS, ACTIVITIES, AND RESULTS OF PROGRAMS REGARDING THE PROCUREMENT AND IDENTIFICATION OF ENERGY EFFICIENT PRODUCTS.—Section 161(d) of the Energy Policy Act of 1992 (42 U.S.C. 8262g(d)) is amended by striking ''of each year thereafter,''; and inserting ''thereafter as part of the report required under section 548(b) of the National Energy Conservation Policy Act,''.

(d) REPORT ON THE FEDERAL GOVERNMENT ENERGY MANAGEMENT PROGRAM.—Section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8258(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''and'' after the semicolon;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph:

''(B) the information required under section 543(b)(2); and'';

(2) in paragraph (2), by striking ''and'' after the semicolon;

(3) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following new paragraph:

''(4) the information required under section 161(d) of the Energy Policy Act of 1992.''.

(e) REPORT ON ALTERNATIVE FUEL USE BY SELECTED FEDERAL VEHICLES.—Section 400AA(b)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6374(b)(1)(B)) is amended by striking ''and annually thereafter''.

(f) REPORT ON THE OPERATION OF STATE ENERGY CONSERVATION PLANS.—Section 365(c) of the Energy Policy and Conservation Act (42 U.S.C. 6325(c)) is amended by striking ''report annually'' and inserting '', as part of the

report required under section 657 of the Department of Energy Organization Act, report''.

(g) REPORT ON THE DEPARTMENT OF ENERGY.—Section 657 of the Department of Energy Organization Act (42 U.S.C. 7267) is amended by inserting after ''section 15 of the Federal Energy Administration Act of 1974,'' the following: ''section 365(c) of the Energy Policy and Conservation Act, section 304(c) of the Nuclear Waste Policy Act of 1982,''.

(h) REPORT ON COST-EFFECTIVE WAYS TO INCREASE HYDROPOWER PRODUCTION AT FEDERAL WATER FACILITIES.—Section 2404 of the Energy Policy Act of 1992 (16 U.S.C. 797 note) is amended—

(1) in subsection (a), by striking ''The Secretary, in consultation with the Secretary of the Interior and the Secretary of the Army,'' and inserting ''The Secretary of the Interior and the Secretary of the Army, in consultation with the Secretary,''; and

(2) in subsection (b), by striking ''the Secretary'' and inserting ''the Secretary of the Interior, or the Secretary of the Army,''.

(i) REPORT ON PROGRESS MEETING FUSION ENERGY PROGRAM OBJECTIVES.—Section 2114(c)(5) of the Energy Policy Act of 1992 (42 U.S.C. 13474(c)(5)) is amended by striking out the first sentence and inserting in lieu thereof ''The President shall include in the budget submitted to the Congress each year under section 1105 of title 31, United States Code, a report prepared by the Secretary describing the progress made in meeting the program objectives, milestones, and schedules established in the management plan.''.

(j) REPORT ON HIGH-PERFORMANCE COMPUTING ACTIVITIES.—Section 203(d) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(d)) is amended to read as follows:

''(d) REPORTS.—Not later than 1 year after the date of enactment of this subsection, and thereafter as part of the report required under section 101(a)(3)(A), the Secretary of Energy shall report on activities taken to carry out this Act.''.

(k) REPORT ON NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM.—Section 101(a)(4) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(4)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following new subparagraph:

''(E) include the report of the Secretary of Energy required by section 203(d); and''.

(l) REPORT ON NUCLEAR WASTE DISPOSAL PROGRAM.—Section 304(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10224(d)) is amended to read as follows:

''(d) AUDIT BY GAO.—If requested by either House of the Congress (or any committee thereof) or if considered necessary by the Comptroller General, the General Accounting Office shall conduct an audit of the Office, in accord with such regulations as the Comptroller General may prescribe. The Comptroller General shall have access to such books, records, accounts, and other materials of the Office as the Comptroller General determines to be necessary for the preparation of such audit. The Comptroller General shall submit a report on the results of each audit conducted under this section.''.

CHAPTER 6—DEPARTMENT OF HEALTH AND HUMAN SERVICES

SEC. 1061. REPORTS ELIMINATED.

(a) REPORT ON THE EFFECTS OF TOXIC SUBSTANCES.—Subsection (c) of section 27 of the Toxic Substance Control Act (15 U.S.C. 2626(c)) is repealed.

(b) REPORT ON COMPLIANCE WITH THE CONSUMER-PATIENT RADIATION HEALTH AND SAFETY ACT.—Subsection (d) of section 981 of the Consumer-Patient Radiation Health and Safety Act of 1981 (42 U.S.C. 10006(d)) is repealed.

(c) REPORT ON EVALUATION OF TITLE VIII PROGRAMS.—Section 859 of the Public Health Service Act (42 U.S.C. 298b–6) is repealed.

(d) REPORT ON MODEL SYSTEM FOR PAYMENT FOR OUTPATIENT HOSPITAL SERVICES.—Paragraph (6) of section 1135(d) of the Social Security Act (42 U.S.C. 1320b–5(d)(6)) is repealed.

(e) REPORT ON MEDICARE TREATMENT OF UNCOMPENSATED CARE.—Paragraph (2) of section 603(a) of the Social Security Amendments of 1983 (42 U.S.C. 1395ww note) is repealed.

(f) REPORT ON PROGRAM TO ASSIST HOMELESS INDIVIDUALS.—Subsection (d) of section 9117 of the Omnibus Budget Reconciliation Act of 1987 (42 U.S.C. 1383 note) is repealed.

SEC. 1062. REPORTS MODIFIED.

(a) REPORT OF THE SURGEON GENERAL.—Section 239 of the Public Health Service Act (42 U.S.C. 238h) is amended to read as follows:

''BIANNUAL REPORT

''SEC. 239. The Surgeon General shall transmit to the Secretary, for submission to the Congress, on January 1, 1995, and on January 1, every 2 years thereafter, a full report of the administration of the functions of the Service under this Act, including a detailed statement of receipts and disbursements.''.

(b) REPORT ON HEALTH SERVICE RESEARCH ACTIVITIES.—Subsection (b) of section 494A of the Public Health Service Act (42 U.S.C. 289c–1(b)) is amended by striking ''September 30, 1993, and annually thereafter'' and inserting ''December 30, 1993, and each December 30 thereafter''.

(c) REPORT ON FAMILY PLANNING.—Section 1009(a) of the Public Health Service Act (42 U.S.C. 300a–7(a)) is amended by striking ''each fiscal year'' and inserting ''fiscal year 1995, and each second fiscal year thereafter,''.

(d) REPORT ON THE STATUS OF HEALTH INFORMATION AND HEALTH PROMOTION.—Section 1705(a) of the Public Health Service Act (42 U.S.C. 300u–4) is amended in the first sentence by striking out ''annually'' and inserting in lieu thereof ''biannually''.

CHAPTER 7—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 1071. REPORTS ELIMINATED.

(a) REPORTS ON PUBLIC HOUSING HOMEOWNERSHIP AND MANAGEMENT OPPORTUNITIES.—Section 21(f) of the United States Housing Act of 1937 (42 U.S.C. 1437s(f)) is repealed.

(b) INTERIM REPORT ON PUBLIC HOUSING MIXED INCOME NEW COMMUNITIES STRATEGY DEMONSTRATION.—Section 522(k)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note) is repealed.

(c) BIENNIAL REPORT ON INTERSTATE LAND SALES REGISTRATION PROGRAM.—Section 1421 of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1719a) is repealed.

(d) QUARTERLY REPORT ON ACTIVITIES UNDER THE FAIR HOUSING INITIATIVES PROGRAM.—Section 561(e)(2) of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a(e)(2)) is repealed.

(e) COLLECTION OF AND ANNUAL REPORT ON RACIAL AND ETHNIC DATA.—Section 562(b) of the Housing and Community Development Act of 1987 (42 U.S.C. 3608a(b)) is repealed.

SEC. 1072. REPORTS MODIFIED.

(a) REPORT ON HOMEOWNERSHIP OF MULTIFAMILY UNITS PROGRAM.—Section 431 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12880) is amended—

(1) in the section heading, by striking ''**ANNUAL**''; and

(2) by striking ''The Secretary shall annually'' and inserting ''The Secretary shall no later than December 31, 1995,''.

(b) TRIENNIAL AUDIT OF TRANSACTIONS OF NATIONAL HOMEOWNERSHIP FOUNDATION.—Section 107(g)(1) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701y(g)(1)) is amended by striking the last sentence.

(c) REPORT ON LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.—Section 2605(h) of the Low-Income Home Energy Assistance Act of 1981 (Public Law 97–35; 42 U.S.C. 8624(h)), is amended by striking out ''(but not less frequently than every three years),''.

CHAPTER 8—DEPARTMENT OF THE INTERIOR

SEC. 1081. REPORTS ELIMINATED.

(a) REPORT ON AUDITS IN FEDERAL ROYALTY MANAGEMENT SYSTEM.—Section 17(j) of the Mineral Leasing Act (30 U.S.C. 226(j)) is amended by striking the last sentence.

(b) REPORT ON DOMESTIC MINING, MINERALS, AND MINERAL RECLAMATION INDUSTRIES.—Section 2 of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) is amended by striking the last sentence.

(c) REPORT ON PHASE I OF THE HIGH PLAINS STATES GROUNDWATER DEMONSTRATION PROJECT.—Section 3(d) of the High Plains States Groundwater Demonstration Program Act of 1983 (43 U.S.C. 390g–1(d)) is repealed.

(d) REPORT ON RECLAMATION REFORM ACT COMPLIANCE.—Section 224(g) of the Reclamation Reform Act of 1982 (43 U.S.C. 390ww(g)) is amended by striking the last 2 sentences.

(e) REPORT ON GEOLOGICAL SURVEYS CONDUCTED OUTSIDE THE DOMAIN OF THE UNITED STATES.—Section 2 of Public Law 87–626 (43 U.S.C. 31(c)) is repealed.

(f) REPORT ON RECREATION USE FEES.—Section 4(h) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(h)) is repealed.

(g) REPORT ON FEDERAL SURPLUS REAL PROPERTY PUBLIC BENEFIT DISCOUNT PROGRAM FOR PARKS AND RECREATION.—Section 203(o)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(o)(1)) is amended by striking ''subsection (k) of this section and''.

SEC. 1082. REPORTS MODIFIED.

(a) REPORT ON LEVELS OF THE OGALLALA AQUIFER.—Title III of the Water Resources Research Act of 1984 (42 U.S.C. 10301 note) is amended—

(1) in section 306, by striking ''annually'' and inserting ''biennially''; and

(2) in section 308, by striking ''intervals of one year'' and inserting ''intervals of 2 years''.

(b) REPORT ON EFFECTS OF OUTER CONTINENTAL SHELF LEASING ACTIVITIES ON HUMAN, MARINE, AND COASTAL ENVIRONMENTS.—Section 20(e) of the Outer Continental Shelf Lands Act (43 U.S.C. 1346(e)) is amended by striking ''each fiscal year'' and inserting ''every 3 fiscal years''.

CHAPTER 9—DEPARTMENT OF JUSTICE

SEC. 1091. REPORTS ELIMINATED.

(a) REPORT ON CRIME AND CRIME PREVENTION.—(1) Section 3126 of title 18, United States Code, is repealed.

(2) The table of sections for chapter 206 of title 18, United States Code, is amended by striking out the item relating to section 3126.

(b) REPORT ON DRUG INTERDICTION TASK FORCE.—Section 3301(a)(1)(C) of the National Drug Interdiction Act of 1986 (21 U.S.C. 801 note; Public Law 99–570; 100 Stat. 3207–98) is repealed.

(c) REPORT ON EQUAL ACCESS TO JUSTICE.—Section 2412(d)(5) of title 28, United States Code, is repealed.

(d) REPORT ON FEDERAL OFFENDER CHARACTERISTICS.—Section 3624(f)(6) of title 18, United States Code, is repealed.

(e) REPORT ON COSTS OF DEATH PENALTY.—The Anti-Drug Abuse Act of 1988 (Public Law 100–690; 102 Stat. 4395; 21 U.S.C. 848 note) is amended by striking out section 7002.

(f) MINERAL LANDS LEASING ACT.—Section 8B of the Mineral Lands Leasing Act (30 U.S.C. 208–2) is repealed.

(g) SMALL BUSINESS ACT.—Subsection (c) of section 10 of the Small Business Act (15 U.S.C. 639(c)) is repealed.

(h) ENERGY POLICY AND CONSERVATION ACT.—Section 252(i) of the Energy Policy Conservation Act (42 U.S.C. 6272(i)) is amended by striking '', at least once every 6 months, a report'' and inserting '', at such intervals as are appropriate based on significant developments and issues, reports''.

(i) REPORT ON FORFEITURE FUND.—Section 524(c) of title 28, United States Code, is amended—

(1) by striking out paragraph (7); and

(2) by redesignating paragraphs (8) through (12) as paragraphs (7) through (11), respectively.

CHAPTER 10—DEPARTMENT OF LABOR

SEC. 1101. REPORTS ELIMINATED.

Section 408(d) of the Veterans Education and Employment Amendments of 1989 (38 U.S.C. 4100 note) is repealed.

SEC. 1102. REPORTS MODIFIED.

(a) REPORT ON THE ACTIVITIES CONDUCTED UNDER THE FAIR LABOR STANDARDS ACT OF 1938.—Section 4(d)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 204(d)(1)) is amended—

(1) by striking ''annually'' and inserting ''biannually''; and

(2) by striking ''preceding year'' and inserting ''preceding two years''.

(b) ANNUAL REPORT OF THE OFFICE OF WORKERS' COMPENSATION.—

(1) REPORT ON THE ADMINISTRATION OF THE LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT.—Section 42 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 942) is amended—

(A) by striking ''beginning of each'' and all that follows through ''Amendments of 1984'' and inserting ''end of each fiscal year''; and

(B) by adding the following new sentence at the end: ''Such report shall include the annual reports required under section 426(b) of the Black Lung Benefits Act (30 U.S.C. 936(b)) and section 8194 of title 5, United States Code, and shall be identified as the Annual Report of the Office of Workers' Compensation Programs.''.

(2) REPORT ON THE ADMINISTRATION OF THE BLACK LUNG BENEFITS PROGRAM.—Section 426(b) of the ''Black Lung Benefits Act (30 U.S.C. 936(b)) is amended—

(A) by striking ''Within'' and all that follows through ''Congress the'' and inserting ''At the end of each fiscal year, the''; and

(B) by adding the following new sentence at the end: ''Each such report shall be prepared and submitted to Congress in accordance with the requirement with respect to submission under section 42 of the Longshore Harbor Workers' Compensation Act (33 U.S.C. 942).''.

(3) REPORT ON THE ADMINISTRATION OF THE FEDERAL EMPLOYEES' COMPENSATION ACT.—(A) Subchapter I of chapter 81 of title 5, United States Code, is amended by adding at the end thereof the following new section:

''§ 8152. Annual report

''The Secretary of Labor shall, at the end of each fiscal year, prepare a report with respect to the administration of this chapter. Such report shall be submitted to Congress in accordance with the requirement with respect to submission under section 42 of the Longshore Harbor Workers' Compensation Act (33 U.S.C. 942).''.

(B) The table of sections for chapter 81 of title 5, United States Code, is amended by inserting after the item relating to section 8151 the following:

''8152. Annual report.''.

(c) ANNUAL REPORT ON THE DEPARTMENT OF LABOR.—Section 9 of an Act entitled ''An Act to create a Department of Labor'', approved March 4, 1913 (29 U.S.C. 560) is amended by striking ''make a report'' and all that follows through ''the department'' and inserting ''prepare and submit to Congress the financial statements of the Department that have been audited''.

CHAPTER 11—DEPARTMENT OF STATE

SEC. 1111. REPORTS ELIMINATED.

Section 8 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2606) is amended by striking subsection (b), and redesignating subsection (c) as subsection (b).

CHAPTER 12—DEPARTMENT OF TRANSPORTATION

SEC. 1121. REPORTS ELIMINATED.

(a) REPORT ON DEEPWATER PORT ACT OF 1974.—Section 20 of the Deepwater Port Act of 1974 (33 U.S.C. 1519) is repealed.

(b) REPORT ON COAST GUARD LOGISTICS CAPABILITIES CRITICAL TO MISSION PERFORMANCE.—Sections 5(a)(2) and 5(b) of the Coast Guard Authorization Act of 1988 (10 U.S.C. 2304 note) are repealed.

(c) REPORT ON MARINE PLASTIC POLLUTION RESEARCH AND CONTROL ACT OF 1987.—Section 2201(a) of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1902 note) is amended by striking ''biennially'' and inserting ''triennially''.

(d) REPORT ON APPLIED RESEARCH AND TECHNOLOGY PROGRAM.—Section 307(e)(11) of title 23, United States Code, is repealed.

(e) REPORTS ON HIGHWAY SAFETY IMPROVEMENT PROGRAMS.—

(1) REPORT ON RAILWAY-HIGHWAY CROSSINGS PROGRAM.—Section 130(g) of title 23, United States Code, is amended by striking the last 3 sentences.

(2) REPORT ON HAZARD ELIMINATION PROGRAM.—Section 152(g) of title 23, United States Code, is amended by striking the last 3 sentences.

(f) REPORT ON HIGHWAY SAFETY PERFORMANCE—FATAL AND INJURY ACCIDENT RATES ON PUBLIC ROADS IN THE UNITED STATES.—Section 207 of the Highway Safety Act of 1982 (23 U.S.C. 401 note) is repealed.

(g) REPORT ON HIGHWAY SAFETY PROGRAM STANDARDS.—Section 402(a) of title 23, United States Code, is amended by striking the fifth sentence.

(h) REPORT ON RAILROAD-HIGHWAY DEMONSTRATION PROJECTS.—Section 163(o) of the Federal-Aid Highway Act of 1973 (23 U.S.C. 130 note) is repealed.

(i) REPORT ON UNIFORM RELOCATION ACT AMENDMENTS OF 1987.—Section 103(b)(2) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4604(b)(2)) is repealed.

(j) REPORT ON FEDERAL RAILROAD SAFETY ACT OF 1970.—Section 211 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 440) is repealed.

(k) REPORT ON RAILROAD FINANCIAL ASSISTANCE.—Section 308(d) of title 49, United States Code, is repealed.

(l) REPORT ON USE OF ADVANCED TECHNOLOGY BY THE AUTOMOBILE INDUSTRY.—Section 305 of the Automotive Propulsion Research and Development Act of 1978 (15 U.S.C. 2704) is amended by striking the last sentence.

(m) REPORT ON OBLIGATIONS.—Section 4(b) of the Federal Transit Act (49 U.S.C. App. 1603(b)) is repealed.

(n) REPORT ON SUSPENDED LIGHT RAIL SYSTEM TECHNOLOGY PILOT PROJECT.—Section 26(c)(11) of the Federal Transit Act (49 U.S.C. App. 1622(c)(11)) is repealed.

(o) REPORT ON SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION.—Section 10(a) of the Act of May 13, 1954 (68 Stat. 96, chapter 201; 33 U.S.C. 989(a)) is repealed.

(p) REPORTS ON PIPELINES ON FEDERAL LANDS.—Section 28(w)(4) of the Mineral Leasing Act (30 U.S.C. 185(w)(4)) is repealed.

(q) REPORTS ON PIPELINE SAFETY.—

(1) REPORT ON NATURAL GAS PIPELINE SAFETY ACT OF 1968.—Section 16(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1683(a)) is amended in the first sentence by striking ''of each year'' and inserting ''of each odd-numbered year''.

(2) REPORT ON HAZARDOUS LIQUID PIPELINE SAFETY ACT OF 1979.—Section 213 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2012) is amended in the first sentence by striking ''of each year'' and inserting ''of each odd-numbered year''.

SEC. 1122. REPORTS MODIFIED.

(a) REPORT ON MAJOR ACQUISITION PROJECTS.—Section 337 of the Department of Transportation and Related Agencies Appropriations Act, 1993 (Public Law 102–338; 106 Stat. 1551) is amended—

(1) by striking ''quarter of any fiscal year beginning after December 31, 1992, unless the Commandant of the Coast Guard first submits a quarterly report'' and inserting ''half of any fiscal year beginning after December 31, 1995, unless the Commandant of the Coast Guard first submits a semiannual report''; and

(2) by striking ''quarter.'' and inserting ''half-fiscal year.''.

(b) REPORT ON OIL SPILL LIABILITY TRUST FUND.—The quarterly report regarding the Oil Spill Liability Trust Fund required to be submitted to the House and Senate Committees on Appropriations under House Report 101–892, accompanying the appropriations for the Coast Guard in the Department of Transportation and Related Agencies Appropriations Act, 1991, shall be submitted not later than 30 days after the end of the fiscal year in which this Act is enacted and annually thereafter.

(c) REPORT ON JOINT FEDERAL AND STATE MOTOR FUEL TAX COMPLIANCE PROJECT.—Section 1040(d)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note) is amended by striking ''September 30 and''.

(d) REPORT ON PUBLIC TRANSPORTATION.—Section 308(e)(1) of title 49, United States Code, is amended by striking ''January of each even-numbered year'' and inserting ''March 1995, March 1996, and March of each odd-numbered year thereafter''.

(e) REPORT ON NATION'S HIGHWAYS AND BRIDGES.—Section 307(h) of title 23, United States Code, is amended by striking ''January 1983, and in January of every second year thereafter'' and inserting ''March 1995, March 1996, and March of each odd-numbered year thereafter''.

CHAPTER 13—DEPARTMENT OF THE TREASURY

SEC. 1131. REPORTS ELIMINATED.

(a) REPORT ON THE OPERATION AND STATUS OF STATE AND LOCAL GOVERNMENT FISCAL ASSISTANCE TRUST FUND.—Paragraph (8) of section 14001(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (31 U.S.C. 6701 note) is repealed.

(b) REPORT ON THE ANTIRECESSION PROVISIONS OF THE PUBLIC WORKS EMPLOYMENT ACT OF 1976.—Section 213 of the Public Works Employment Act of 1976 (42 U.S.C. 6733) is repealed.

(c) REPORT ON THE ASBESTOS TRUST FUND.—Paragraph (2) of section 5(c) of the

Asbestos Hazard Emergency Response Act of 1986 (20 U.S.C. 4022(c)) is repealed.

SEC. 1132. REPORTS MODIFIED.

(a) REPORT ON THE WORLD CUP USA 1994 COMMEMORATIVE COIN ACT.—Subsection (g) of section 205 of the World Cup USA 1994 Commemorative Coin Act (31 U.S.C. 5112 note) is amended by striking ''month'' and inserting ''calendar quarter''.

(b) REPORTS ON VARIOUS FUNDS.—Subsection (b) of section 321 of title 31, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (5),

(2) by striking the period at the end of paragraph (6) and inserting ''; and'', and

(3) by adding after paragraph (6) the following new paragraph:

''(7) notwithstanding any other provision of law, fulfill any requirement to issue a report on the financial condition of any fund on the books of the Treasury by including the required information in a consolidated report, except that information with respect to a specific fund shall be separately reported if the Secretary determines that the consolidation of such information would result in an unwarranted delay in the availability of such information.''.

(c) REPORT ON THE JAMES MADISON-BILL OF RIGHTS COMMEMORATIVE COIN ACT.—Subsection (c) of section 506 of the James Madison-Bill of Rights Commemorative Coin Act (31 U.S.C. 5112 note) is amended by striking out ''month'' and inserting in lieu thereof ''calendar quarter''.

CHAPTER 14—DEPARTMENT OF VETERANS AFFAIRS

SEC. 1141. REPORTS ELIMINATED.

(a) REPORT ON FURNISHING CONTRACT CARE SERVICES.—Section 1703(c) of title 38, United States Code, is repealed.

(b) REPORT ON ADEQUACY OF RATES FOR STATE HOME CARE.—Section 1741 of such title is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(c) REPORT ON LOANS TO PURCHASE MANUFACTURED HOMES.—Section 3712 of such title is amended—

(1) by striking out subsection (l); and

(2) by redesignating subsection (m) as subsection (l).

(d) REPORT ON LEVEL OF TREATMENT CAPACITY.—Section 8110(a)(3) of such title is amended—

(1) in subparagraph (A)—

(A) by striking out ''(A)''; and

(B) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(2) by striking out subparagraph (B).

(e) REPORT ON COMPLIANCE WITH FUNDED PERSONNEL CODING.—

(1) REPEAL OF REPORT REQUIREMENT.—Section 8110(a)(4) of title 38, United States Code, is amended by striking out subparagraph (C).

(2) CONFORMING AMENDMENTS.—Section 8110(a)(4) of title 38, United States Code, is amended by—

(A) redesignating subparagraph (C) as subparagraph (D);

(B) in subparagraph (A), by striking out ''subparagraph (D)'' and inserting in lieu thereof ''subparagraph (C)''; and

(C) in subparagraph (B), by striking out ''subparagraph (D)'' and inserting in lieu thereof ''subparagraph (C)''.

Subtitle II—Independent Agencies

CHAPTER 1—ACTION

SEC. 2011. REPORTS ELIMINATED.

Section 226 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5026) is amended—

(1) by striking subsection (b); and

(2) in subsection (a)—

(A) in paragraph (2), by striking ''(2)'' and inserting ''(b)''; and

(B) in paragraph (1)—

(i) by striking ''(1)(A)'' and inserting ''(1)''; and

(ii) in subparagraph (B)—

(I) by striking ''(B)'' and inserting ''(2)''; and

(II) by striking ''subparagraph (A)'' and inserting ''paragraph (1)''.

CHAPTER 2—ENVIRONMENTAL PROTECTION AGENCY

SEC. 2021. REPORTS ELIMINATED.

(a) REPORT ON ALLOCATION OF WATER.—Section 102 of the Federal Water Pollution Control Act (33 U.S.C. 1252) is amended by striking subsection (d).

(b) REPORT ON VARIANCE REQUESTS.—Section 301(n) of the Federal Water Pollution Control Act (33 U.S.C. 1311(n)) is amended by striking paragraph (8).

(c) REPORT ON IMPLEMENTATION OF CLEAN LAKES PROJECTS.—Section 314(d) of the Federal Water Pollution Control Act (33 U.S.C. 1324(d)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(d) REPORT ON USE OF MUNICIPAL SECONDARY EFFLUENT AND SLUDGE.—Section 516 of the Federal Water Pollution Control Act (33 U.S.C. 1375) (as amended by subsection (g)) is further amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(e) REPORT ON CERTAIN WATER QUALITY STANDARDS AND PERMITS.—Section 404 of the Water Quality Act of 1987 (Public Law 100–4; 33 U.S.C. 1375 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(f) REPORT ON CLASS V WELLS.—Section 1426 of title XIV of the Public Health Service Act (commonly known as the ''Safe Drinking Water Act'') (42 U.S.C. 300h–5) is amended—

(1) in subsection (a), by striking ''(a) MONITORING METHODS.—''; and

(2) by striking subsection (b).

(g) REPORT ON SOLE SOURCE AQUIFER DEMONSTRATION PROGRAM.—Section 1427 of title XIV of the Public Health Service Act (commonly known as the ''Safe Drinking Water Act'') (42 U.S.C. 300h–6) is amended—

(1) by striking subsection (l); and

(2) by redesignating subsections (m) and (n) as subsections (l) and (m), respectively.

(h) REPORT ON SUPPLY OF SAFE DRINKING WATER.—Section 1442 of title XIV of the Public Health Service Act (commonly known as the ''Safe Drinking Water Act'') (42 U.S.C. 300h–6) is amended—

(1) by striking subsection (c);

(2) by redesignating subsection (d) as subsection (c); and

(3) by redesignating subsections (f) and (g) as subsections (d) and (e), respectively.

(i) REPORT ON NONNUCLEAR ENERGY AND TECHNOLOGIES.—Section 11 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5910) is repealed.

(j) REPORT ON EMISSIONS AT COAL-BURNING POWERPLANTS.—

(1) Section 745 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8455) is repealed.

(2) The table of contents in section 101(b) of such Act (42 U.S.C. prec. 8301) is amended by striking the item relating to section 745.

(k) 5-YEAR PLAN FOR ENVIRONMENTAL RESEARCH, DEVELOPMENT, AND DEMONSTRATION.—

(1) Section 5 of the Environmental Research, Development, and Demonstration Authorization Act of 1976 (42 U.S.C. 4361) is repealed.

(2) Section 4 of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (42 U.S.C. 4361a) is repealed.

(3) Section 8 of such Act (42 U.S.C. 4365) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsections (d) through (i) as subsections (c) through (h), respectively.

(l) PLAN ON ASSISTANCE TO STATES FOR RADON PROGRAMS.—Section 305 of the Toxic Substances Control Act (15 U.S.C. 2665) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

CHAPTER 3—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SEC. 2031. REPORTS MODIFIED.

Section 705(k)(2)(C) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4(k)(2)(C)) is amended—

(1) in the matter preceding clause (i), by striking ''including'' and inserting ''including information, presented in the aggregate, relating to'';

(2) in clause (i), by striking ''the identity of each person or entity'' and inserting ''the number of persons and entities'';

(3) in clause (ii), by striking ''such person or entity'' and inserting ''such persons and entities''; and

(4) in clause (iii)—

(A) by striking ''fee'' and inserting ''fees''; and

(B) by striking ''such person or entity'' and inserting ''such persons and entities''.

CHAPTER 4—FEDERAL AVIATION ADMINISTRATION

SEC. 2041. REPORTS ELIMINATED.

Section 7207(c)(4) of the Anti-Drug Abuse Act of 1988 (Public Law 100–690; 102 Stat. 4428; 49 U.S.C. App. 1354 note) is amended—

(1) by striking out ''GAO''; and

(2) by striking out ''the Comptroller General'' and inserting in lieu thereof ''the Department of Transportation Inspector General''.

CHAPTER 5—FEDERAL COMMUNICATIONS COMMISSION

SEC. 2051. REPORTS ELIMINATED.

(a) REPORT TO THE CONGRESS UNDER THE COMMUNICATIONS SATELLITE ACT OF 1962.—Section 404(c) of the Communications Satellite Act of 1962 (47 U.S.C. 744(c)) is repealed.

(b) REIMBURSEMENT FOR AMATEUR EXAMINATION EXPENSES.—Section 4(f)(4)(J) of the Communications Act of 1934 (47 U.S.C. 154(f)(4)(J)) is amended by striking out the last sentence.

CHAPTER 6—FEDERAL DEPOSIT INSURANCE CORPORATION

SEC. 2061. REPORTS ELIMINATED.

Section 102(b)(1) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242; 105 Stat. 2237; 12 U.S.C. 1825 note) is amended to read as follows:

''(1) QUARTERLY REPORTING.—Not later than 90 days after the end of any calendar quarter in which the Federal Deposit Insurance Corporation (hereafter in this section referred to as the 'Corporation') has any obligations pursuant to section 14 of the Federal Deposit Insurance Act outstanding, the Comptroller General of the United States shall submit a report on the Corporation's compliance at the end of that quarter with section 15(c) of the Federal Deposit Insurance Act to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives. Such a report shall be included in the

Comptroller General's audit report for that year, as required by section 17 of the Federal Deposit Insurance Act.''.

CHAPTER 7—FEDERAL EMERGENCY MANAGEMENT AGENCY

SEC. 2071. REPORTS ELIMINATED.

Section 201(h) of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281(h)) is amended by striking the second proviso.

CHAPTER 8—FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

SEC. 2081. REPORTS ELIMINATED.

Section 9503 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

''(c) The requirements of this section are satisfied with respect to the Thrift Savings Plan described under subchapter III of chapter 84 of title 5, by preparation and transmission of the report described under section 8439(b) of such title.''.

CHAPTER 9—GENERAL SERVICES ADMINISTRATION

SEC. 2091. REPORTS ELIMINATED.

(a) REPORT ON PROPERTIES CONVEYED FOR HISTORIC MONUMENTS AND CORRECTIONAL FACILITIES.—Section 203(o) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(o)) is amended—

(1) by striking out paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(3) in paragraph (2) (as so redesignated) by striking out ''paragraph (2)'' and inserting in lieu thereof ''paragraph (3)''.

(b) REPORT ON PROPOSED SALE OF SURPLUS REAL PROPERTY AND REPORT ON NEGOTIATED SALES.—Section 203(e)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(e)(6)) is repealed.

(c) REPORT ON PROPERTIES CONVEYED FOR WILDLIFE CONSERVATION.—Section 3 of the Act entitled ''An Act authorizing the transfer of certain real property for wildlife, or other purposes.'', approved May 19, 1948 (16 U.S.C. 667d; 62 Stat. 241) is amended by striking out ''and shall be included in the annual budget transmitted to the Congress''.

CHAPTER 10—INTERSTATE COMMERCE COMMISSION

SEC. 2101. REPORTS ELIMINATED.

Section 10327(k) of title 49, United States Code, is amended to read as follows:

''(k) If an extension granted under subsection (j) is not sufficient to allow for completion of necessary proceedings, the Commission may grant a further extension in an extraordinary situation if a majority of the Commissioners agree to the further extension by public vote.''.

CHAPTER 11—LEGAL SERVICES CORPORATION

SEC. 2111. REPORTS MODIFIED.

Section 1009(c)(2) of the Legal Services Corporation Act (42 U.S.C. 2996h(c)(2)) is amended by striking out ''The'' and inserting in lieu thereof ''Upon request, the''.

CHAPTER 12—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 2121. REPORTS ELIMINATED.

Section 21(g) of the Small Business Act (15 U.S.C. 648(g)) is amended to read as follows:

''(g) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AND INDUSTRIAL APPLICATION CENTERS.—The National Aeronautics and Space Administration and industrial application centers supported by the National Aeronautics and Space Administration are authorized and directed to cooperate with small business development centers participating in the program.''.

CHAPTER 13—NATIONAL COUNCIL ON DISABILITY

SEC. 2131. REPORTS ELIMINATED.

Section 401(a) of the Rehabilitation Act of 1973 (29 U.S.C. 781(a)) is amended—

(1) by striking paragraph (9); and

(2) by redesignating paragraphs (10) and (11) as paragraphs (9) and (10), respectively.

CHAPTER 14—NATIONAL SCIENCE FOUNDATION

SEC. 2141. REPORTS ELIMINATED.

(a) STRATEGIC PLAN FOR SCIENCE AND ENGINEERING EDUCATION.—Section 107 of the Education for Economic Security Act (20 U.S.C. 3917) is repealed.

(b) BUDGET ESTIMATE.—Section 14 of the National Science Foundation Act of 1950 (42 U.S.C. 1873) is amended by striking subsection (j).

CHAPTER 15—NATIONAL TRANSPORTATION SAFETY BOARD

SEC. 2151. REPORTS MODIFIED.

Section 305 of the Independent Safety Board Act of 1974 (49 U.S.C. 1904) is amended—

(1) in paragraph (2) by adding ''and'' after the semicolon;

(2) in paragraph (3) by striking out ''; and'' and inserting in lieu thereof a period; and

(3) by striking out paragraph (4).

CHAPTER 16—NEIGHBORHOOD REINVESTMENT CORPORATION

SEC. 2161. REPORTS ELIMINATED.

Section 607(c) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8106(c)) is amended by striking the second sentence.

CHAPTER 17—NUCLEAR REGULATORY COMMISSION

SEC. 2171. REPORTS MODIFIED.

Section 208 of the Energy Reorganization Act of 1974 (42 U.S.C. 5848) is amended by striking ''each quarter a report listing for that period'' and inserting ''an annual report listing for the previous fiscal year''.

CHAPTER 18—OFFICE OF PERSONNEL MANAGEMENT

SEC. 2181. REPORTS ELIMINATED.

(a) REPORT ON CAREER RESERVED POSITIONS.—(1) Section 3135 of title 5, United States Code, is repealed.

(2) The table of sections for chapter 31 of title 5, United States Code, is amended by striking out the item relating to section 3135.

(b) REPORT ON PERFORMANCE AWARDS.—Section 4314(d)(3) of title 5, United States Code, is repealed.

(c) REPORT ON TRAINING PROGRAMS.—(1) Section 4113 of title 5, United States Code, is repealed.

(2) The table of sections for chapter 41 of title 5, United States Code, is amended by striking out the item relating to section 4113.

(d) REPORT ON PREVAILING RATE SYSTEM.—Section 5347 of title 5, United States Code, is amended by striking out the fourth and fifth sentences.

(e) REPORT ON ACTIVITIES OF THE MERIT SYSTEMS PROTECTION BOARD AND THE OFFICE OF PERSONNEL MANAGEMENT.—Section 2304 of title 5, United States Code, is amended—

(1) in subsection (a) by striking out ''(a)''; and

(2) by striking subsection (b).

SEC. 2182. REPORTS MODIFIED.

(a) REPORT ON SENIOR EXECUTIVE SERVICE POSITIONS.—Section 3135(a) of title 5, United States Code, is amended—

(1) in paragraph (1) by striking out '', and the projected number of Senior Executive Service positions to be authorized for the next 2 fiscal years, in the aggregate and by agency'';

(2) by striking out paragraphs (3) and (8); and

(3) by redesignating paragraphs (4), (5), (6), (7), (9), and (10) as paragraphs (3), (4), (5), (6), (7), and (8), respectively.

(b) REPORT ON DISTRICT OF COLUMBIA RETIREMENT FUND.—Section 145 of the District of Columbia Retirement Reform Act (Public Law 96–122; 93 Stat. 882) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking out ''(1)'';

(ii) by striking out ''and the Comptroller General shall each'' and inserting in lieu thereof ''shall''; and

(iii) by striking out ''each''; and

(B) by striking out paragraph (2); and

(2) in subsection (d), by striking out ''the Comptroller General and'' each place it appears.

(c) REPORT ON REVOLVING FUND.—Section 1304(e)(6) of title 5, United States Code, is amended by striking out ''at least once every three years''.

CHAPTER 19—OFFICE OF THRIFT SUPERVISION

SEC. 2191. REPORTS MODIFIED.

Section 18(c)(6)(B) of the Federal Home Loan Bank Act (12 U.S.C. 1438(c)(6)(B)) is amended—

(1) by striking out ''annually'';

(2) by striking out ''audit, settlement,'' and inserting in lieu thereof ''settlement''; and

(3) by striking out '', and the first audit'' and all that follows through ''enacted''.

CHAPTER 20—PANAMA CANAL COMMISSION

SEC. 2201. REPORTS ELIMINATED.

(a) REPORTS ON PANAMA CANAL.—Section 1312 of the Panama Canal Act of 1979 (Public Law 96–70; 22 U.S.C. 3722) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by striking out the item relating to section 1312.

CHAPTER 21—POSTAL SERVICE

SEC. 2211. REPORTS MODIFIED.

(a) REPORT ON CONSUMER EDUCATION PROGRAMS.—Section 4(b) of the mail Order Consumer Protection Amendments of 1983 (39 U.S.C. 3001 note; Public Law 98–186; 97 Stat. 1318) is amended to read as follows:

''(b) A summary of the activities carried out under subsection (a) shall be included in the first semiannual report submitted each year as required under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.).''.

(b) REPORT ON INVESTIGATIVE ACTIVITIES.—Section 3013 of title 39, United States Code, is amended in the last sentence by striking out ''the Board shall transmit such report to the Congress'' and inserting in lieu thereof ''the information in such report shall be included in the next semiannual report required under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.)''.

CHAPTER 22—RAILROAD RETIREMENT BOARD

SEC. 2221. REPORTS MODIFIED.

Section 502 of the Railroad Retirement Solvency Act of 1983 (45 U.S.C. 231f–1) is amended by striking ''On or before July 1, 1985, and each calendar year thereafter'' and inserting ''As part of the annual report required under section 22(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231u(a))''.

CHAPTER 23—THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD

SEC. 2231. REPORTS MODIFIED.

Section 21A(k)(9) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(k)(9)) is amended by striking out ''the end of each calendar quarter'' and inserting in lieu thereof ''June 30 and December 31 of each calendar year''.

CHAPTER 24—UNITED STATES INFORMATION AGENCY

SEC. 2241. REPORTS ELIMINATED.

Notwithstanding section 601(c)(4) of the Foreign Service Act of 1980 (22 U.S.C. 4001(c)(4)), the reports otherwise required under such section shall not cover the activities of the United States Information Agency.

Subtitle III—Reports by All Departments and Agencies

SEC. 3001. REPORTS ELIMINATED.

(a) REPORT ON PART-TIME EMPLOYMENT.—(1) Section 3407 of title 5, United States Code, is repealed.

(2) The table of sections for chapter 34 of title 5, United States Code, is amended by striking out the item relating to section 3407.

(b) BUDGET INFORMATION ON CONSULTING SERVICES.—(1) Section 1114 of title 31, United States Code, is repealed.

(2) The table of sections for chapter 11 of title 31, United States Code, is amended by striking out the item relating to section 1114.

(c) SEMIANNUAL REPORT ON LOBBYING.—Section 1352 of title 31, United States Code, is amended by—

(1) striking out subsection (d); and

(2) redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

(d) REPORTS ON PROGRAM FRAUD AND CIVIL REMEDIES.—(1) Section 3810 of title 31, United States Code, is repealed.

(2) The table of sections for chapter 38 of title 31, United States Code, is amended by striking out the item relating to section 3810.

(e) REPORT ON RIGHT TO FINANCIAL PRIVACY ACT.—Section 1121 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3421) is repealed.

(f) REPORT ON FOREIGN LOAN RISKS.—Section 913(d) of the International Lending Supervision Act of 1983 (12 U.S.C. 3912(d)) is repealed.

(g) REPORT ON PLANS TO CONVERT TO THE METRIC SYSTEM.—Section 12 of the Metric Conversion Act of 1975 (15 U.S.C. 205j–1) is repealed.

(h) REPORT ON TECHNOLOGY UTILIZATION AND INTELLECTUAL PROPERTY RIGHTS.—Section 11(f) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(f)) is repealed.

(i) REPORT ON EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE.—Section 4(a) of the Act entitled ''An Act to authorize the making, amendment, and modification of contracts to facilitate the national defense'', approved August 28, 1958 (50 U.S.C. 1434(a)), is amended by striking out ''all such actions taken'' and inserting in lieu thereof ''if any such action has been taken''.

(j) REPORTS ON DETAILING EMPLOYEES.—Section 619 of the Treasury, Postal Service, and General Government Appropriations Act, 1993 (Public Law 102–393; 106 Stat. 1769), is repealed.

SEC. 3002. REPORTS MODIFIED.

Section 552b(j) of title 5, United States Code, is amended to read as follows:

''(j) Each agency subject to the requirements of this section shall annually report to the Congress regarding the following:

''(1) The changes in the policies and procedures of the agency under this section that have occurred during the preceding 1-year period.

''(2) A tabulation of the number of meetings held, the exemptions applied to close meetings, and the days of public notice provided to close meetings.

''(3) A brief description of litigation or formal complaints concerning the implementation of this section by the agency.

''(4) A brief explanation of any changes in law that have affected the responsibilities of the agency under this section.''.

Subtitle IV—Effective Date

SEC. 4001. EFFECTIVE DATE.

Except as otherwise provided in this title, the provisions of this title and amendments made by this title shall take effect on the date of the enactment of this Act.

MOTION OFFERED BY MR. CLINGER

Mr. CLINGER. Mr. Chairman, I offer a motion.

The Clerk read as follows:

Mr. CLINGER moves to strike all after the enacting clause of S. 244 and to insert in lieu thereof the text of H.R. 830, as passed, as follows:

H.R. 830

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 ''Paperwork Reduction Act of 1995''.

SEC. 2. COORDINATION OF FEDERAL INFORMATION POLICY.

Chapter 35 of title 44, United States Code, is amended to read as follows:

''CHAPTER 35—COORDINATION OF FEDERAL INFORMATION POLICY

''Sec.
''3501. Purposes.
''3502. Definitions.
''3503. Office of Information and Regulatory Affairs.
''3504. Authority and functions of Director.
''3505. Assignment of tasks and deadlines.
''3506. Federal agency responsibilities.
''3507. Public information collection activities; submission to Director; approval and delegation.
''3508. Determination of necessity for information; hearing.
''3509. Designation of central collection agency.
''3510. Cooperation of agencies in making information available.
''3511. Establishment and operation of Government Information Locator Service.
''3512. Public protection.
''3513. Director review of agency activities; reporting; agency response.
''3514. Responsiveness to Congress.
''3515. Administrative powers.
''3516. Rules and regulations.
''3517. Consultation with other agencies and the public.
''3518. Effect on existing laws and regulations.
''3519. Access to information.
''3520. Authorization of appropriations.

''§ 3501. Purposes

''The purposes of this chapter are to—

''(1) minimize the paperwork burden for individuals, small businesses, educational and nonprofit institutions, Federal contractors, State, local and tribal governments, and other persons resulting from the collection of information by or for the Federal Government;

''(2) ensure the greatest possible public benefit from and maximize the utility of information created, collected, maintained, used, shared and disseminated by or for the Federal Government;

''(3) coordinate, integrate, and to the extent practicable and appropriate, make uniform Federal information resources management policies and practices as a means to improve the productivity, efficiency, and effectiveness of Government programs, including the reduction of information collection burdens on the public and the improvement of service delivery to the public;

''(4) improve the quality and use of Federal information to strengthen decisionmaking, accountability, and openness in Government and society;

''(5) minimize the cost to the Federal Government of the creation, collection, maintenance, use, dissemination, and disposition of information;

''(6) strengthen the partnership between the Federal Government and State, local, and tribal governments by minimizing the burden and maximizing the utility of information created, collected, maintained, used, disseminated, and retained by or for the Federal Government;

''(7) provide for the dissemination of public information on a timely basis, on equitable terms, and in a manner that promotes the utility of the information to the public and makes effective use of information technology;

''(8) ensure that the creation, collection, maintenance, use, dissemination, and disposition of information by or for the Federal Government is consistent with applicable laws, including laws relating to—

''(A) privacy and confidentiality, including section 552a of title 5;

''(B) security of information, including the Computer Security Act of 1987 (Public Law 100–235); and

''(C) access to information, including section 552 of title 5;

''(9) ensure the integrity, quality, and utility of the Federal statistical system;

''(10) ensure that information technology is acquired, used, and managed to improve performance of agency missions, including the reduction of information collection burdens on the public; and

''(11) improve the responsibility and accountability of the Office of Management and Budget and all other Federal agencies to Congress and to the public for implementing the information collection review process, information resources management, and related policies and guidelines established under this chapter.

''§ 3502. Definitions

''As used in this chapter—

''(1) the term 'agency' means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but does not include—

''(A) the General Accounting Office;

''(B) Federal Election Commission;

''(C) the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions; or

''(D) Government-owned contractor-operated facilities, including laboratories engaged in national defense research and production activities;

''(2) the term 'burden' means time, effort, or financial resources expended by persons to generate, maintain, or provide information to or for a Federal agency, including the resources expended for—

''(A) reviewing instructions;

''(B) acquiring, installing, and utilizing technology and systems;

''(C) adjusting the existing ways to comply with any previously applicable instructions and requirements;

''(D) searching data sources;

''(E) completing and reviewing the collection of information; and

''(F) transmitting, or otherwise disclosing the information;

''(3) the term 'collection of information' means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either—

''(A) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons, other than agencies, instrumentalities, or

employees of the United States; or

''(B) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes;

''(4) the term 'Director' means the Director of the Office of Management and Budget;

''(5) the term 'independent regulatory agency' means the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Energy Regulatory Commission, the Federal Housing Finance Board, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Mine Enforcement Safety and Health Review Commission, the National Labor Relations Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Review Commission, the Postal Rate Commission, the Securities and Exchange Commission, and any other similar agency designated by statute as a Federal independent regulatory agency or commission;

''(6) the term 'information resources' means information and related resources, such as personnel, equipment, funds, and information technology;

''(7) the term 'information resources management' means the process of managing information resources to accomplish agency missions and to improve agency performance, including through the reduction of information collection burdens on the public;

''(8) the term 'information system' means a discrete set of information resources and processes, automated or manual, organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information;

''(9) the term 'information technology' has the same meaning as the term 'automatic data processing equipment' as defined by section 111(a)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(a)(2));

''(10) the term 'person' means an individual, partnership, association, corporation, business trust, or legal representative, an organized group of individuals, a State, territorial, or local government or branch thereof, or a political subdivision of a State, territory, or local government or a branch of a political subdivision;

''(11) the term 'practical utility' means the ability of an agency to use information, particularly the capability to process such information in a timely and useful fashion;

''(12) the term 'public information' means any information, regardless of form or format, that an agency discloses, disseminates, or makes available to the public; and

''(13) the term 'recordkeeping requirement' means a requirement imposed by or for an agency on persons to maintain specified records, including a requirement to—

''(A) retain such records;

''(B) notify third parties or the public of the existence of such records;

''(C) disclose such records to third parties or the public; or

''(D) report to third parties or the public regarding such records.

''§ 3503. Office of Information and Regulatory Affairs

''(a) There is established in the Office of Management and Budget an office to be known as the Office of Information and Regulatory Affairs.

''(b) There shall be at the head of the Office an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall delegate to the Administrator the authority to administer all functions under this chapter, except that any such delegation shall not relieve the Director of responsibility for the administration of such functions. The Administrator shall serve as principal adviser to the Director on Federal information resources management policy.

''§ 3504. Authority and functions of Director

''(a)(1) The Director shall—

''(A) develop, coordinate and oversee the implementation of Federal information resources management policies, principles, standards, and guidelines; and

''(B) provide direction and oversee—

''(i) the review and approval of the collection of information and the reduction of the information collection burden;

''(ii) agency dissemination of and public access to information;

''(iii) statistical activities;

''(iv) records management activities;

''(v) privacy, confidentiality, security, disclosure, and sharing of information; and

''(vi) the acquisition and use of information technology.

''(2) The authority of the Director under this chapter shall be exercised consistent with applicable law.

''(b) With respect to general information resources management policy, the Director shall—

''(1) develop and oversee the implementation of uniform information resources management policies, principles, standards, and guidelines;

''(2) foster greater sharing, dissemination, and access to public information, including through—

''(A) the use of the Government Information Locator Service; and

''(B) the development and utilization of common standards for information collection, storage, processing and communication, including standards for security, interconnectivity and interoperability;

''(3) initiate and review proposals for changes in legislation, regulations, and agency procedures to improve information resources management practices;

''(4) oversee the development and implementation of best practices in information resources management, including training; and

''(5) oversee agency integration of program and management functions with information resources management functions.

''(c) With respect to the collection of information and the control of paperwork, the Director shall—

''(1) review and approve proposed agency collections of information;

''(2) coordinate the review of the collection of information associated with Federal procurement and acquisition by the Office of Information and Regulatory Affairs with the Office of Federal Procurement Policy, with particular emphasis on applying information technology to improve the efficiency and effectiveness of Federal procurement, acquisition, and payment and to reduce information collection burdens on the public;

''(3) minimize the Federal information collection burden, with particular emphasis on those individuals and entities most adversely affected;

''(4) maximize the practical utility of and public benefit from information collected by or for the Federal Government;

''(5) establish and oversee standards and guidelines by which agencies are to estimate the burden to comply with a proposed collection of information; and

''(6) place an emphasis on minimizing the burden on small businesses with 50 or fewer employees.

''(d) With respect to information dissemination, the Director shall develop and oversee the implementation of policies, principles, standards, and guidelines to—

''(1) apply to Federal agency dissemination of public information, regardless of the form or format in which such information is disseminated; and

''(2) promote public access to public information and fulfill the purposes of this chapter, including through the effective use of information technology.

''(e) With respect to statistical policy and coordination, the Director shall—

''(1) coordinate the activities of the Federal statistical system to ensure—

''(A) the efficiency and effectiveness of the system; and

''(B) the integrity, objectivity, impartiality, utility, and confidentiality of information collected for statistical purposes;

''(2) ensure that budget proposals of agencies are consistent with system-wide priorities for maintaining and improving the quality of Federal statistics and prepare an annual report on statistical program funding;

''(3) develop and oversee the implementation of Governmentwide policies, principles, standards, and guidelines concerning—

''(A) statistical collection procedures and methods;

''(B) statistical data classification;

''(C) statistical information presentation and dissemination;

''(D) timely release of statistical data; and

''(E) such statistical data sources as may be required for the administration of Federal programs;

''(4) evaluate statistical program performance and agency compliance with Governmentwide policies, principles, standards and guidelines;

''(5) promote the sharing of information collected for statistical purposes consistent with privacy rights and confidentiality pledges;

''(6) coordinate the participation of the United States in international statistical activities, including the development of comparable statistics;

''(7) appoint a chief statistician who is a trained and experienced professional statistician to carry out the functions described under this subsection;

''(8) establish an Interagency Council on Statistical Policy to advise and assist the Director in carrying out the functions under this subsection that shall—

''(A) be headed by the chief statistician; and

''(B) consist of—

''(i) the heads of the major statistical programs; and

''(ii) representatives of other statistical agencies under rotating membership; and

''(9) provide opportunities for training in statistical policy functions to employees of the Federal Government under which—

''(A) each trainee shall be selected at the discretion of the Director based on agency requests and shall serve under the chief statistician for at least 6 months and not more than 1 year; and

''(B) all costs of the training shall be paid by the agency requesting training.

''(f) With respect to records management, the Director shall—

''(1) provide advice and assistance to the Archivist of the United States and the Administrator of General Services to promote coordination in the administration of chapters 29, 31, and 33 of this title with the information resources management policies, principles, standards, and guidelines established under this chapter;

''(2) review compliance by agencies with—

''(A) the requirements of chapters 29, 31, and 33 of this title; and

''(B) regulations promulgated by the Archivist of the United States and the Administrator of General Services; and

''(3) oversee the application of records management policies, principles, standards, and guidelines, including requirements for archiving information maintained in electronic format, in the planning and design of information systems.

''(g) With respect to privacy and security, the Director shall—

''(1) develop and oversee the implementation of policies, principles, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for agencies;

''(2) oversee and coordinate compliance with sections 552 and 552a of title 5, the Computer Security Act of 1987 (40 U.S.C. 759 note), and related information management laws; and

''(3) require Federal agencies, consistent with the Computer Security Act of 1987 (40 U.S.C. 759 note), to identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

''(h) With respect to Federal information technology, the Director shall—

''(1) in consultation with the Director of the National Institute of Standards and Technology and the Administrator of General Services—

''(A) develop and oversee the implementation of policies, principles, standards, and guidelines for information technology functions and activities of the Federal Government, including periodic evaluations of major information systems; and

''(B) oversee the development and implementation of standards under section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d));

''(2) monitor the effectiveness of, and compliance with, directives issued under sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759);

''(3) coordinate the development and review by the Office of Information and Regulatory Affairs of policy associated with Federal procurement and acquisition of information technology with the Office of Federal Procurement Policy;

''(4) ensure, through the review of agency budget proposals, information resources management plans and other means—

''(A) agency integration of information resources management plans, program plans and budgets for acquisition and use of information technology; and

''(B) the efficiency and effectiveness of inter-agency information technology initiatives to improve agency performance and the accomplishment of agency missions; and

''(5) promote the use of information technology by the Federal Government to improve the productivity, efficiency, and effectiveness of Federal programs, including through dissemination of public information and the reduction of information collection burdens on the public.

''§ 3505. Assignment of tasks and deadlines

''(a) In carrying out the functions under this chapter, the Director shall—

''(1) in consultation with agency heads, set an annual Governmentwide goal for the reduction of information collection burdens by at least 10 percent, and set annual agency goals to—

''(A) reduce information collection burdens imposed on the public that—

''(i) represent the maximum practicable opportunity in each agency; and

''(ii) are consistent with improving agency management of the process for the review of collections of information established under section 3506(c); and

''(B) improve information resources management in ways that increase the productivity, efficiency and effectiveness of Federal programs, including service delivery to the public;

''(2) with selected agencies and non-Federal entities on a voluntary basis, initiate and conduct pilot projects to test alternative policies, practices, regulations, and procedures to fulfill the purposes of this chapter, particularly with regard to minimizing the Federal information collection burden; and

''(3) in consultation with the Administrator of General Services, the Director of the National Institute of Standards and Technology, the Archivist of the United States, and the Director of the Office of Personnel Management, develop and maintain a Governmentwide strategic plan for information resources management, that shall include—

''(A) a description of the objectives and the means by which the Federal Government shall apply information resources to improve agency and program performance;

''(B) plans for—

''(i) reducing information burdens on the public, including reducing such burdens through the elimination of duplication and meeting shared data needs with shared resources;

''(ii) enhancing public access to and dissemination of, information, using electronic and other formats; and

''(iii) meeting the information technology needs of the Federal Government in accordance with the purposes of this chapter; and

''(C) a description of progress in applying information resources management to improve agency performance and the accomplishment of missions.

''(b) For purposes of any pilot project conducted under subsection (a)(2), the Director may waive the application of any regulation or administrative directive issued by an agency with which the project is conducted, including any regulation or directive requiring a collection of information, after giving timely notice to the public and the Congress regarding the need for such waiver.

''§ 3506. Federal agency responsibilities

''(a)(1) The head of each agency shall be responsible for—

''(A) carrying out the agency's information resources management activities to improve agency productivity, efficiency, and effectiveness; and

''(B) complying with the requirements of this chapter and related policies established by the Director.

''(2)(A) Except as provided under subparagraph (B), the head of each agency shall designate a senior official who shall report directly to such agency head to carry out the responsibilities of the agency under this chapter.

''(B) The Secretary of the Department of Defense and the Secretary of each military department may each designate a senior official who shall report directly to such Secretary to carry out the responsibilities of the department under this chapter. If more than one official is designated for the military departments, the respective duties of the officials shall be clearly delineated.

''(3) The senior official designated under paragraph (2) shall head an office responsible for ensuring agency compliance with and prompt, efficient, and effective implementation of the information policies and information resources management responsibilities established under this chapter, including the reduction of information collection burdens on the public. The senior official and employees of such office shall be selected with special attention to the professional qualifications required to administer the functions described under this chapter.

''(4) Each agency program official shall be responsible and accountable for information resources assigned to and supporting the programs under such official. In consultation with the senior official designated under paragraph (2) and the agency Chief Financial Officer (or comparable official), each agency program official shall define program information needs and develop strategies, systems, and capabilities to meet those needs.

''(b) With respect to general information resources management, each agency shall—

''(1) manage information resources to—

''(A) reduce information collection burdens on the public;

''(B) increase program efficiency and effectiveness; and

''(C) improve the integrity, quality, and utility of information to all users within and outside the agency, including capabilities for ensuring dissemination of public information, public access to government information, and protections for privacy and security;

''(2) in accordance with guidance by the Director, develop and maintain a strategic information resources management plan that shall describe how information resources management activities help accomplish agency missions;

''(3) develop and maintain an ongoing process to—

''(A) ensure that information resources management operations and decisions are integrated with organizational planning, budget, financial management, human resources management, and program decisions;

''(B) in cooperation with the agency Chief Financial Officer (or comparable official), develop a full and accurate accounting of information technology expenditures, related expenses, and results; and

''(C) establish goals for improving information resources management's contribution to program productivity, efficiency, and effectiveness, methods for measuring progress towards those goals, and clear roles and responsibilities for achieving those goals;

''(4) in consultation with the Director, the Administrator of General Services, and the Archivist of the United States, maintain a current and complete inventory of the agency's information resources, including directories necessary to fulfill the requirements of section 3511 of this chapter; and

''(5) in consultation with the Director and the Director of the Office of Personnel Management, conduct formal training programs to educate agency program and management officials about information resources management.

''(c) With respect to the collection of information and the control of paperwork, each agency shall—

''(1) establish a process within the office headed by the official designated under subsection (a), that is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved under this chapter, to—

''(A) review each collection of information before submission to the Director for review under this chapter, including—

''(i) an evaluation of the need for the collection of information;

''(ii) a functional description of the information to be collected;

''(iii) a plan for the collection of the information;

''(iv) a specific, objectively supported estimate of burden;

''(v) a test of the collection of information through a pilot program, if appropriate; and

''(vi) a plan for the efficient and effective management and use of the information to be collected, including necessary resources;

''(B) ensure that each information collection—

''(i) is inventoried, displays a control number and, if appropriate, an expiration date;

''(ii) indicates the collection is in accordance with the clearance requirements of section 3507; and

''(iii) contains a statement to inform the person receiving the collection of information—

''(I) the reasons the information is being collected;

''(II) the way such information is to be used;

''(III) an estimate, to the extent practicable, of the burden of the collection; and

''(IV) whether responses to the collection of information are voluntary, required to obtain a benefit, or mandatory; and

''(C) assess the information collection burden of proposed legislation affecting the agency;

''(2)(A) except for good cause or as provided under subparagraph (B), provide 60-day notice in the Federal Register, and otherwise consult with members of the public and affected agencies concerning each proposed collection of information, to solicit comment to—

''(i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

''(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

''(iii) enhance the quality, utility, and clarity of the information to be collected; and

''(iv) minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology; and

''(B) for any proposed collection of information contained in a proposed rule (to be reviewed by the Director under section 3507(d)), provide notice and comment through the notice of proposed rulemaking for the proposed rule and such notice shall have the same purposes specified under subparagraph (A) (i) through (iv);

''(3) certify (and provide a record supporting such certification, including public comments received by the agency) that each collection of information submitted to the Director for review under section 3507—

''(A) is necessary for the proper performance of the functions of the agency, including that the information has practical utility;

''(B) is not unnecessarily duplicative of information otherwise reasonably accessible to the agency;

''(C) reduces to the extent practicable and appropriate the burden on persons who shall provide information to or for the agency, including with respect to small entities, as defined under section 601(6) of title 5, the use of such techniques as—

''(i) establishing differing compliance or reporting requirements or timetables that take into account the resources available to those who are to respond;

''(ii) the clarification, consolidation, or simplification of compliance and reporting requirements; or

''(iii) an exemption from coverage of the collection of information, or any part thereof;

''(D) is written using plain, coherent, and unambiguous terminology and is understandable to those who are to respond;

''(E) is to be implemented in ways consistent and compatible, to the maximum extent practicable, with the existing reporting and recordkeeping practices of those who are to respond;

''(F) indicates for each recordkeeping requirement the length of time persons are required to maintain the records specified;

''(G) contains the statement required under paragraph (1)(B)(iii);

''(H) has been developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected, including the processing of the information in a manner which shall enhance, where appropriate, the utility of the information to agencies and the public;

''(I) uses effective and efficient statistical survey methodology appropriate to the purpose for which the information is to be collected; and

''(J) to the maximum extent practicable, uses information technology to reduce burden and improve data quality, agency efficiency and responsiveness to the public; and

''(4) place an emphasis on minimizing the bureen on small businesses with 50 or fewer employees.

''(d) With respect to information dissemination, each agency shall—

''(1) ensure that the public has timely, equal, and equitable access to the agency's public information, including ensuring such access through—

''(A) encouraging a diversity of public and private sources for information based on government public information,

''(B) in cases in which the agency provides public information maintained in electronic format, providing timely, equal, and equitable access to the underlying data (in whole or in part); and

''(C) agency dissemination of public information in an efficient, effective, and economical manner;

''(2) regularly solicit and consider public input on the agency's information dissemination activities;

''(3) provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products; and

''(4) not, except where specifically authorized by statute—

''(A) establish an exclusive, restricted, or other distribution arrangement that interferes with timely and equitable availability of public information to the public;

''(B) restrict or regulate the use, resale, or redissemination of public information by the public;

''(C) charge fees or royalties for resale or redissemination of public information; or

''(D) establish user fees for public information that exceed the cost of dissemination, except that the Director may waive the application of this subparagraph to an agency, if—

''(i) the head of the agency submits a written request to the Director, publishes a notice of the request in the Federal Register, and provides a copy of the request to the public upon request;

''(ii) the Director sets forth in writing a statement of the scope, conditions, and duration of the waiver and the reasons for granting it, and makes such statement available to the public upon request; and

''(iii) the granting of the waiver would not materially impair the timely and equitable availability of public information to the public.

''(e) With respect to statistical policy and coordination, each agency shall—

''(1) ensure the relevance, accuracy, timeliness, integrity, and objectivity of information collected or created for statistical purposes;

''(2) inform respondents fully and accurately about the sponsors, purposes, and uses of statistical surveys and studies;

''(3) protect respondents' privacy and ensure that disclosure policies fully honor pledges of confidentiality;

''(4) observe Federal standards and practices for data collection, analysis, documentation, sharing, and dissemination of information;

''(5) ensure the timely publication of the results of statistical surveys and studies, including information about the quality and limitations of the surveys and studies; and

''(6) make data available to statistical agencies and readily accessible to the public.

''(f) With respect to records management, each agency shall implement and enforce applicable policies and procedures, including requirements for archiving information maintained in electronic format, particularly in the planning, design and operation of information systems.

''(g) With respect to privacy and security, each agency shall—

''(1) implement and enforce applicable policies, procedures, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for the agency;

''(2) assume responsibility and accountability for compliance with and coordinated management of sections 552 and 552a of title 5, the Computer Security Act of 1987 (40 U.S.C. 759 note), and related information management laws; and

''(3) consistent with the Computer Security Act of 1987 (40 U.S.C. 759 note), identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

''(h) With respect to Federal information technology, each agency shall—

''(1) implement and enforce applicable Governmentwide and agency information technology management policies, principles, standards, and guidelines;

''(2) assume responsibility and accountability for information technology investments;

''(3) promote the use of information technology by the agency to improve the productivity, efficiency, and effectiveness of agency programs, including the reduction of information collection burdens on the public and improved dissemination of public information;

''(4) propose changes in legislation, regulations, and agency procedures to improve information technology practices, including changes that improve the ability of the agency to use technology to reduce burden; and

''(5) assume responsibility for maximizing the value and assessing and managing the risks of major information systems initiatives through a process that is—

''(A) integrated with budget, financial, and program management decisions; and

''(B) used to select, control, and evaluate the results of major information systems initiatives.

"§ 3507. Public information collection activities; submission to Director; approval and delegation

''(a) An agency shall not conduct or sponsor the collection of information unless in advance of the adoption or revision of the collection of information—

''(1) the agency has—

''(A) conducted the review established under section 3506(c)(1);

''(B) evaluated the public comments received under section 3506(c)(2);

''(C) submitted to the Director the certification required under section 3506(c)(3), the proposed collection of information, copies of pertinent statutory authority, regulations, and other related materials as the Director may specify; and

''(D) published a notice in the Federal Register—

''(i) stating that the agency has made such submission; and

''(ii) setting forth—

''(I) a title for the collection of information;

''(II) a summary of the collection of information;

''(III) a brief description of the need for the information and the proposed use of the information;

''(IV) a description of the likely respondents and proposed frequency of response to the collection of information;

''(V) an estimate of the burden that shall result from the collection of information; and

''(VI) notice that comments may be submitted to the agency and Director;

''(2) the Director has approved the proposed collection of information or approval has been inferred, under the provisions of this section; and

''(3) the agency has obtained from the Director a control number to be displayed upon the collection of information.

''(b) The Director shall provide at least 30 days for public comment prior to making a decision under subsection (c), (d), or (h), except for good cause or as provided under subsection (j).

''(c)(1) For any proposed collection of information not contained in a proposed rule, the Director shall notify the agency involved of the decision to approve or disapprove the proposed collection of information.

''(2) The Director shall provide the notification under paragraph (1), within 60 days after receipt or publication of the notice under subsection (a)(1)(D), whichever is later.

''(3) If the Director does not notify the agency of a denial or approval within the 60-day period described under paragraph (2)—

''(A) the approval may be inferred;

''(B) a control number shall be assigned without further delay; and

''(C) the agency may collect the information for not more than 1 year.

''(d)(1) For any proposed collection of information contained in a proposed rule—

''(A) as soon as practicable, but no later than the date of publication of a notice of proposed rulemaking in the Federal Register, each agency shall forward to the Director a copy of any proposed rule which contains a collection of information and any information requested by the Director necessary to make the determination required under this subsection; and

''(B) within 60 days after the notice of proposed rulemaking is published in the Federal Register, the Director may file public comments pursuant to the standards set forth in section 3508 on the collection of information contained in the proposed rule;

''(2) When a final rule is published in the Federal Register, the agency shall explain—

''(A) how any collection of information contained in the final rule responds to the comments, if any, filed by the Director or the public; or

''(B) the reasons such comments were rejected.

''(3) If the Director has received notice and failed to comment on an agency rule within 60 days after the notice of proposed rulemaking, the Director may not disapprove any collection of information specifically contained in an agency rule.

''(4) No provision in this section shall be construed to prevent the Director, in the Director's discretion—

''(A) from disapproving any collection of information which was not specifically required by an agency rule;

''(B) from disapproving any collection of information contained in an agency rule, if the agency failed to comply with the requirements of paragraph (1) of this subsection;

''(C) from disapproving any collection of information contained in a final agency rule, if the Director finds within 60 days after the publication of the final rule, and after considering the agency's response to the Director's comments filed under paragraph (2), that the collection of information cannot be approved under the standards set forth in section 3508; or

''(D) from disapproving any collection of information contained in a final rule, if—

''(i) the Director determines that the agency has substantially modified in the final rule the collection of information contained in the proposed rule; and

''(ii) the agency has not given the Director the information required under paragraph (1) with respect to the modified collection of information, at least 60 days before the issuance of the final rule.

''(5) This subsection shall apply only when an agency publishes a notice of proposed rulemaking and requests public comments.

''(6) The decision by the Director to approve or not act upon a collection of information contained in an agency rule shall not be subject to judicial review.

''(e)(1) Any decision by the Director under subsection (c), (d), (h), or (j) to disapprove a collection of information, or to instruct the agency to make substantive or material change to a collection of information, shall be publicly available and include an explanation of the reasons for such decision.

''(2) Any written communication between the Administrator of the Office of Information and Regulatory Affairs, or any employee of the Office of Information and Regulatory Affairs, and an agency or person not employed by the Federal Government concerning a proposed collection of information shall be made available to the public.

''(3) This subsection shall not require the disclosure of—

''(A) any information which is protected at all times by procedures established for information which has been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept secret in the interest of national defense or foreign policy; or

''(B) any communication relating to a collection of information, the disclosure of which could lead to retaliation or discrimination against the communicator.

''(f)(1) An independent regulatory agency which is administered by 2 or more members of a commission, board, or similar body, may by majority vote void—

''(A) any disapproval by the Director, in whole or in part, of a proposed collection of information that agency; or

''(B) an exercise of authority under subsection (d) of section 3507 concerning that agency.

''(2) The agency shall certify each vote to void such disapproval or exercise to the Director, and explain the reasons for such vote. The Director shall without further delay assign a control number to such collection of information, and such vote to void the disapproval or exercise shall be valid for a period of 3 years.

''(g) The Director may not approve a collection of information for a period in excess of 3 years.

''(h)(1) If an agency decides to seek extension of the Director's approval granted for a currently approved collection of information, the agency shall—

''(A) conduct the review established under section 3506(c), including the seeking of comment from the public on the continued need for, and burden imposed by the collection of information; and

''(B) after having made a reasonable effort to seek public comment, but no later than 60 days before the expiration date of the control number assigned by the Director for the currently approved collection of information, submit the collection of information for review and approval under this section, which shall include an explanation of how the agency has used the information that it has collected.

''(2) If under the provisions of this section, the Director disapproves a collection of information contained in an existing rule, or recommends or instructs the agency to make a substantive or material change to a collection of information contained in an existing rule, the Director shall—

''(A) publish an explanation thereof in the Federal Register; and

''(B) instruct the agency to undertake a rulemaking within a reasonable time limited to consideration of changes to the collection of information contained in the rule and thereafter to submit the collection of information for approval or disapproval under this chapter.

''(3) An agency may not make a substantive or material modification to a collection of information after such collection has been approved by the Director, unless the modification has been submitted to the Director for review and approval under this chapter.

''(i)(1) If the Director finds that a senior official of an agency designated under section 3506(a) is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved and has sufficient resources to carry out this responsibility effectively, the Director may, by rule in accordance with the notice and comment provisions of chapter 5 of title 5, United States Code, delegate to such official the authority to approve proposed collections of information in specific program areas, for specific purposes, or for all agency purposes.

''(2) A delegation by the Director under this section shall not preclude the Director from reviewing individual collections of information if the Director determines that circumstances warrant such a review. The Director shall retain authority to revoke such delegations, both in general and with regard to any specific matter. In acting for the Director, any official to whom approval authority has been delegated under this section shall comply fully with the rules and regulations promulgated by the Director.

''(j)(1) The agency head may request the Director to authorize collection of information prior to expiration of time periods established under this chapter, if an agency head determines that—

''(A) a collection of information—

''(i) is needed prior to the expiration of such time periods; and

''(ii) is essential to the mission of the agency; and

''(B) the agency cannot reasonably comply with the provisions of this chapter within such time periods because—

''(i) public harm is reasonably likely to result if normal clearance procedures are followed; or

''(ii) an unanticipated event has occurred and the use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information related to the event or is reasonably likely to cause a statutory or court-ordered deadline to be missed.

''(2) The Director shall approve or disapprove any such authorization request within the time requested by the agency head and, if approved, shall assign the collection of information a control number. Any collection of information conducted under this subsection may be conducted without compliance with the provisions of this chapter for a maximum of 90 days after the date on which the Director received the request to authorize such collection.

''§ 3508. Determination of necessity for information; hearing

''Before approving a proposed collection of information, the Director shall determine whether the collection of information by the agency is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility. Before making a determination the Director may give the agency and other interested persons an opportunity to be heard or to submit statements in writing. To the extent, if any, that the Director determines that the collection of information by an agency is unnecessary for any reason, the agency may not engage in the collection of information.

''§ 3509. Designation of central collection agency

''The Director may designate a central collection agency to obtain information for two or more agencies if the Director determines that the needs of such agencies for information will be adequately served by a single collection agency, and such sharing of data is not inconsistent with applicable law. In such cases the Director shall prescribe (with reference to the collection of information) the duties and functions of the collection agency so designated and of the agencies for which it is to act as agent (including reimbursement for costs). While the designation is in effect, an agency covered by the designation may not obtain for itself information for the agency which is the duty of the collection agency to obtain. The Director may modify the designation from time to time as circumstances require. The authority to designate under this section is subject to the provisions of section 3507(f) of this chapter.

''§ 3510. Cooperation of agencies in making information available

''(a) The Director may direct an agency to make available to another agency, or an agency may make available to another agency, information obtained by a collection of information if the disclosure is not inconsistent with applicable law.

''(b)(1) If information obtained by an agency is released by that agency to another agency, all the provisions of law (including penalties which relate to the unlawful disclosure of information) apply to the officers and employees of the agency to which information is released to the same extent and in the same manner as the provisions apply to the officers and employees of the agency which originally obtained the information.

''(2) The officers and employees of the agency to which the information is released, in addition, shall be subject to the same provisions of law, including penalties, relating to the unlawful disclosure of information as if the information had been collected directly by that agency.

''§ 3511. Establishment and operation of Government Information Locator Service

''In order to assist agencies and the public in locating information and to promote information sharing and equitable access by the public, the Director shall—

''(1) cause to be established and maintained a distributed agency-based electronic Government Information Locator Service (hereafter in this section referred to as the 'Service'), which shall identify the major information systems, holdings, and dissemination products of each agency;

''(2) require each agency to establish and maintain an agency information locator service as a component of, and to support the establishment and operation of the Service;

''(3) in cooperation with the Archivist of the United States, the Administrator of General Services, the Public Printer, and the Librarian of Congress, establish an interagency committee to advise the Secretary of Commerce on the development of technical standards for the Service to ensure compatibility, promote information sharing, and uniform access by the public;

''(4) consider public access and other user needs in the establishment and operation of the Service;

''(5) ensure the security and integrity of the Service, including measures to ensure that only information which is intended to be disclosed to the public is disclosed through the Service; and

''(6) periodically review the development and effectiveness of the Service and make recommendations for improvement, including other mechanisms for improving public access to Federal agency public information.

''§ 3512. Public protection

''(a) Notwithstanding any other provision of law, no person shall be subject to any penalty for failing to maintain or provide information to any agency if the collection of information involved was made after December 31, 1981, and at the time of the failure did not display a current control number assigned by the Director, or fails to state that such request is not subject to this chapter.

''(b) Actions taken by agencies which are not in compliance with subsection (a) of this section shall give rise to a complete defense or bar to such action by an agency, which may be raised at any time during the agency decision making process or judicial review of the agency decision under any available process for judicial review.

''§ 3513. Director review of agency activities; reporting; agency response

''(a) In consultation with the Administrator of General Services, the Archivist of the United States, the Director of the National Institute of Standards and Technology, and the Director of the Office of Personnel Management, the Director shall periodically review selected agency information resources management activities to ascertain the efficiency and effectiveness of such activities to improve agency performance and the accomplishment of agency missions.

''(b) Each agency having an activity reviewed under subsection (a) shall, within 60 days after receipt of a report on the review, provide a written plan to the Director describing steps (including milestones) to—

''(1) be taken to address information resources management problems identified in the report; and

''(2) improve agency performance and the accomplishment of agency missions.

''§ 3514. Responsiveness to Congress

''(a)(1) The Director shall—

''(A) keep the Congress and congressional committees fully and currently informed of the major activities under this chapter; and

''(B) submit a report on such activities to the President of the Senate and the Speaker of the House of Representatives annually and at such other times as the Director determines necessary.

''(2) The Director shall include in any such report a description of the extent to which agencies have—

''(A) reduced information collection burdens on the public, including—

''(i) a summary of accomplishments and planned initiatives to reduce collection of information burdens;

''(ii) a list of all violations of this chapter and of any rules, guidelines, policies, and procedures issued pursuant to this chapter;

''(iii) a list of any increase in the collection of information burden, including the authority for each such collection; and

''(iv) a list of agencies that in the preceding year did not reduce information collection burdens by at least 10 percent pursuant to section 3505, a list of the programs and statutory responsibilities of those agencies that precluded that reduction, and recommendations to assist those agencies to reduce information collection burdens in accordance with that section;

''(B) improved the quality and utility of statistical information;

''(C) improved public access to Government information; and

''(D) improved program performance and the accomplishment of agency missions through information resources management.

''(b) The preparation of any report required by this section shall be based on performance results reported by the agencies and shall not increase the collection of information burden on persons outside the Federal Government.

''§ 3515. Administrative powers

''Upon the request of the Director, each agency (other than an independent regulatory agency) shall, to the extent practicable, make its services, personnel, and facilities available to the Director for the performance of functions under this chapter.

''§ 3516. Rules and regulations

''The Director shall promulgate rules, regulations, or procedures necessary to exercise the authority provided by this chapter.

''§ 3517. Consultation with other agencies and the public

''(a) In developing information resources management policies, plans, rules, regulations, procedures, and guidelines and in reviewing collections of information, the Director shall provide interested agencies and persons early and meaningful opportunity to comment.

''(b) Any person may request the Director to review any collection of information conducted by or for an agency to determine, if, under this chapter, the person shall maintain, provide, or disclose the information to or for the agency. Unless the request is frivolous, the Director shall, in coordination with the agency responsible for the collection of information—

''(1) respond to the request within 60 days after receiving the request, unless such period is extended by the Director to a specified date and the person making the request is given notice of such extension; and

''(2) take appropriate remedial action, if necessary.

''§ 3518. Effect on existing laws and regulations

''(a) Except as otherwise provided in this chapter, the authority of an agency under

any other law to prescribe policies, rules, regulations, and procedures for Federal information resources management activities is subject to the authority of the Director under this chapter.

''(b) Nothing in this chapter shall be deemed to affect or reduce the authority of the Secretary of Commerce or the Director of the Office of Management and Budget pursuant to Reorganization Plan No. 1 of 1977 (as amended) and Executive order, relating to telecommunications and information policy, procurement and management of telecommunications and information systems, spectrum use, and related matters.

''(c)(1) Except as provided in paragraph (2), this chapter shall not apply to obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions—

''(A) during the conduct of a Federal criminal investigation or prosecution, or during the disposition of a particular criminal matter;

''(B) during the conduct of—

''(i) a civil action to which the United States or any official or agency thereof is a party; or

''(ii) an administrative action or investigation involving an agency against specific individuals or entities;

''(C) by compulsory process pursuant to the Antitrust Civil Process Act and section 13 of the Federal Trade Commission Improvements Act of 1980; or

''(D) during the conduct of intelligence activities as defined in section 4–206 of Executive Order No. 12036, issued January 24, 1978, or successor orders, or during the conduct of cryptologic activities that are communications security activities.

''(2) This chapter applies to obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions during the conduct of general investigations (other than information collected in an antitrust investigation to the extent provided in subparagraph (C) of paragraph (1)) undertaken with reference to a category of individuals or entities such as a class of licensees or an entire industry.

''(d) Nothing in this chapter shall be interpreted as increasing or decreasing the authority conferred by Public Law 89–306 on the Administrator of the General Services Administration, the Secretary of Commerce, or the Director of the Office of Management and Budget.

''(e) Nothing in this chapter shall be interpreted as increasing or decreasing the authority of the President, the Office of Management and Budget or the Director thereof, under the laws of the United States, with respect to the substantive policies and programs of departments, agencies and offices, including the substantive authority of any Federal agency to enforce the civil rights laws.

''§ 3519. Access to information

''Under the conditions and procedures prescribed in section 716 of title 31, the Director and personnel in the Office of Information and Regulatory Affairs shall furnish such information as the Comptroller General may require for the discharge of the responsibilities of the Comptroller General. For the purpose of obtaining such information, the Comptroller General or representatives thereof shall have access to all books, documents, papers and records, regardless of form or format, of the Office.

''§ 3520. Authorization of appropriations

''There are authorized to be appropriated to the Office of Information and Regulatory Affairs to carry out the provisions of this chapter such sums as may be necessary.''.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect October 1, 1995.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that the House insist on its amendments to S. 244 and request a conference with the Senate thereon.

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

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Mr. CLINGER, Mrs. MEYERS of Kansas, and Messrs. MCHUGH, MCINTOSH, and FOX of Pennsylvania.

There was no objection.

The SPEAKER pro tempore. Further conferees will be appointed later today.

COMMON SENSE LEGAL STANDARDS REFORM ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 109 and rule XXIII, the Chair declares the House in the Committee of the Whole on the State of the Union for the further consideration of the bill, H.R. 956.

□ 1032

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. 956) providing for further consideration of the bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes, with Mr. DREIER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, March 9, 1995, amendment No. 12, printed in section 2 of House Resolution 109, offered by the gentleman from California [Mr. COX], had been disposed of.

It is now in order to consider amendment No. 13 printed in House Report 104–72.

Apparently the amendment is not being offered.

It is now in order to consider amendment No. 14 printed in House Report 104–72.

AMENDMENT OFFERED BY MR. GEKAS

Mr. GEKAS. Mr. Chairman, I offer an amendment that has been made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GEKAS: Revisions to the heading of H.R. 1075:

Add the words ''and civil'' after the words ''product liability'' and before the word ''litigation''.

Revisions to the Table of Contents:

Page 2, redesignate title IV as title V and renumber sections 401, 402, and 403 as sections 501, 502, and 503, respectively, and after the words ''SEC. 303. DEFINITIONS.'' add the following title:

TITLE IV—COLLATERAL SOURCE RULE REFORM

Sec. 401. Findings.
Sec. 402. Applicability and preemption.
Sec. 403. Collateral source payments.
Sec. 404. Definitions.

Page 30, line 1, redesignate title IV as title V and redesignate sections 401, 402, and 403 as sections 501, 502, and 503, respectively, and insert on line 1 the following:

TITLE IV—COLLATERAL SOURCE RULE REFORM

SEC. 401. FINDINGS.

(1) The practice of not permitting the jury to weigh evidence of collateral source benefits in making its award of damages in health care liability actions burdens interstate commerce by leading to increased costs for health care consumers, decreased efficiency for the legal system, and double recovery for plaintiffs which, in turn, encourages fraud, abuse, and wasteful litigation; and

(2) there is a need to restore rationality, certainty, and fairness to the legal system in order to protect against excessive damage awards and reduce the costs and delay of litigation.

SEC. 402. APPLICABILITY AND PREEMPTION.

This title governs any health care liability action brought in any State or Federal court and to any health care liability claim brought pursuant to an alternative dispute resolution process, by any claimant, based on any conduct, event, occurrence, relationship or transaction involving, affecting or relating to commerce, regardless of the theory of liability on which the claim is based, including claims for legal or equitable contribution, indemnity, or subrogation. The provisions of this title shall preempt State law, with respect to both procedural and substantive matters, only to the extent that such laws are inconsistent with this title and only to the extent that such law prohibits the introduction of collateral source evidence or mandates reimbursement from the claimant's recovery for the cost of collateral source benefits. The provisions of this title shall not preempt any State law that imposes greater restrictions on liability or damages than those provided herein.

SEC. 403. COLLATERAL SOURCE PAYMENTS.

In any civil liability action subject to this title, any defendant may introduce evidence of collateral source benefits. If any defendant elects to introduce such evidence, the claimant may introduce evidence of any amount paid or contributed or reasonably likely to be paid or contributed in the future by or on behalf of the claimant to secure the right to such collateral source benefits. No provider of collateral source benefits shall recover any amount against the claimant or receive any credit against the claimant's recovery or be equitably or legally subrogated to the right of the claimant in any civil liability action subject to this title. This section shall apply whether a civil action is settled or resolved by a fact finder.

SEC. 404. DEFINITIONS.

(a) The term ''claimant'' means any person who asserts a health care liability claim or brings a health care liability action, including a person who asserts or claims a right to legal or equitable contribution, indemnity, or subrogation, arising out of a health care liability claim or action, and any person on whose behalf such a claim is asserted or such an action is brought, whether deceased, incompetent or a minor.

(b) The term ''economic loss'' has the same meaning as defined in section 202(3) of this Act.

(c) The term ''health care liability action'' means a civil action brought in a State or Federal court or pursuant to any alternative dispute resolution process, against a health care provider, an entity which is obligated to provide or pay for health benefits under any health plan (including any person or entity acting under a contract or arrangement to provide or administer any health benefit), or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, in which the claimant alleges a claim based upon the provision of (or the failure to provide or pay for) health care services or the use of a medical product, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, or defendants or causes of action.

(d) The term ''health care liability claim'' means a demand by any person, whether or not pursuant to an alternative dispute resolution process, against a health care provider, health care organization, or the manufacturer, distributor, supplier, marketer, promoter or seller of a medical product, including, but not limited to, third-party claims, cross claims, counter-claims or contribution claims, which are based upon the provision of (or the failure to provide or pay for) health care services or the use of a medical product, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or causes of action.

(e) The term ''health care organization'' means any person or entity which is obligated to provide or pay for health benefits under any health plan, including any person or entity acting under a contract or arrangement to provide or administer any health benefit.

(f) The term ''health care provider'' means any person or entity required by State or Federal laws or regulations to be licensed, registered, or certified to provide health care services, and being either so licensed, registered, or certified, or exempted from such requirement by other statute or regulation.

(g) The term ''health care services'' means any service provided by a health care provider, or by any individual working under the supervision of a health care provider, that relates to the diagnoses, prevention, or treatment of any human disease or impairment, or the assessment of the health of human beings.

(h) The term ''medical product'' means a drug (as defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1)) or a medical device as defined in section 201(h) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321(h)), including any component of raw material used therein, but excluding health care services, as defined in subsection (g) of this section.

(i) The term ''noneconomic damages'' means damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses other than punitive damages.

(j) The term ''punitive damages'' has the same meaning as defined in section 202(5) of this Act.

(k) The term ''State'' has the same meaning as defined in section 202(6) of this Act.

REQUEST FOR MODIFICATION TO AMENDMENT OFFERED BY MR. GEKAS

Mr. GEKAS. Mr. Chairman, I ask unanimous consent that the amendment be modified. The modification is also at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification of amendment offered by Mr. GEKAS: (Technicals)

On page 3, at the beginning of line 24, insert the words ''As used in this title:''

On page 4, strike lines 7 and 8 and on page 6 strike lines 11 through 19 and redesignate the subsections accordingly.

On page 6, line 9, strike ''(g)'' and insert ''(f)''.

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

Mr. STUPAK. Mr. Chairman, reserving the right to object, we would like to have a further inquiry as to this modification. I do not believe we have seen a copy of it.

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

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

Mr. GEKAS. Mr. Chairman, this is purely technical in nature. What happened was when I or my office prepared a series of amendments, six of them to go before the Committee on Rules, all of them were correlated one with the other. Some of the definitions applied. Three of them, specifically, applied to other portions of other bills as if there were a general bill.

We are, by this modification, extracting those from the definitions portion of my amendment.

Mr. STUPAK. Continuing my reservation of objection, Mr. Chairman, we would like to see the amendment. It has not been cleared by the minority. We have not seen it. We would like an opportunity to do that. I would ask the gentleman if he would respectfully withdraw his amendment until we have had a chance to take a look at it. Then we may be able to come back and agree to it.

Mr. GEKAS. If the gentleman will yield further, I will not withdraw it. We cannot withdraw, we have to move along with the amendment. I would be willing to enter into a soliloquy until the gentleman has a chance to review it.

Will somebody furnish the minority with what we are doing here with the definitions?

Mr. Chairman, I assure the gentleman that they are purely technical, that I am not engaged in subterfuge or in any kind of attack on the minority's right to know what we are doing. This is simply technical. The essence of the amendment remains intact.

The CHAIRMAN. The Chair will inform the gentleman from Pennsylvania that we can proceed with the amendment as it was printed in the RECORD and as reported out by the Committee on Rules.

Is there objection to the request of the gentleman from Pennsylvania?

Mr. STUPAK. Mr. Chairman, there is objection to the unanimous-consent request.

The CHAIRMAN. Objection is heard.

The gentleman from Pennsylvania [Mr. GEKAS] is recognized for 15 minutes in support of his amendment, and a Member in opposition is recognized for 15 minutes.

The Chair recognizes the gentleman from Pennsylvania.

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

Mr. Chairman, today we offer a corollary, as it were, to the bill that was approved yesterday in the House of Representatives, where we took a giant step in compacting the costs of medical liability when the House so overwhelmingly adopted the cap on noneconomic damages.

This portion of the debate will center on collateral source. This has been in itself a source of great irritation to the liability community across the Nation, but more than that, it has been a source of increased costs, in many cases double dipping or double recovery, which was paid for in each instance and is continued to be paid for by, guess who, the general public who pay the premiums on their insurances.

Let me give an example of how this works. If I as a claimant received some hospital services, and as a result of that I was unfortunately injured because of some alleged negligence that I say that the hospital performed or was guilty of, in that instance I have to have more doctor care and other hospital bills accrue.

That total package of bills that now I have to pay, let us say it is $10,000, those $10,000 are paid immediately by my personal insurance. I have insurance to cover that. I have, maybe, disability insurance or some kind of health coverage that pays my doctor bills and hospital bills forthwith, so I now undergo, as a result of this negligence, an extra $10,000 worth of bills, but they are paid for by the insurance company which I very foresightedly was able to obtain for myself for just such circumstances.

Now what happens? This is where the double dipping could enter into it. I now sue the hospital. I sue the hospital for, get this now, as part of the damages, the hospital bills and the doctor bills, that $10,000 package for which I have already received payment.

In addition to that, I may sue for lost wages, other kinds of things, pain and suffering that go around with this new round of hospitalization and doctoring that I had to go through, but the point is that the $10,000 that I have already been paid, that has been paid to my doctors, forms part of this claim.

If I recover, let us say, a $100,000 judgment, I, in effect, have been doubly enriched. The $10,000 costs in fees to the doctors and hospitals have been paid, and I recover them anew with the suit that I have successfully endeavored to bring to the court, and which has yielded a $100,000 verdict.

In that regard what happens is that you and I, the general public who purchases health insurance and pays doctors and hospitals, because of the way that the health care structure is dominant in the land, we all pay for that double recovery of this plaintiff. It is not fair, but more than that, it is costly. That is what we are about here today.

Mr. Chairman, let us follow through with our example. The Members will recall that I had $10,000 worth of damages, hospital and doctor bills, following my little incident in the hospital. Under the bill that we now have in front of us, the amendment that I am offering, this would occur.

The collateral source, namely, the insurance company that paid my doctor's bills and hospitals bills right away, that $10,000, is now, under the collateral source rule, in a situation where that stops. If the bills are paid promptly, as my example shows they were, then when I sue, when I sue the hospital and the doctors involved there for my incident in the hospital, the jury, under the amendment that I offer, will be able to take into consideration the fact that I have already been paid for my hospital damages and the doctor's bills.

In other words, the jury will know and will be able to take into consideration in their deliberations the fact that some of the damages are already zero, because my own insurance company has already paid those.

What does that do? That results in a lower cost all across the board.

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

Mr. GEKAS. I yield to the gentleman from Illinois. Does he want to engage in a cacophony?

Mr. HYDE. Mr. Chairman, I want to engage in a cacophony, then, right.

As I understand the gentleman's amendment, it cuts off subrogation claims, is that correct?

Mr. GEKAS. That is correct.

Mr. HYDE. If the gentleman will yield further, therefore, therefore, if the gentleman has insurance, if he is farsighted enough to pay premiums and make an insurance contract, and he is injured, and his insurer, his health insurance, pays that, the benefit of his foresight and the premiums that he has paid for years accrue to the wrongdoer. The wrongdoer walks scot free because the gentleman's company cannot subrogate against him.

The gentleman is paid because he had the smarts enough, the wisdom enough, the foresight to pay premiums, and the real winner is the wrongdoer, am I right?

Mr. GEKAS. Seizing back my time, Mr. Chairman, no, the gentleman is not correct. Here is the way I would paint that.

The gentleman is looking at it from the standpoint of the defendant, as you call him, the wrongdoer, but our whole system of justice calls out for the plaintiff, the claimant, to be reimbursed in full. Nowhere does it say that he should be double dipping, that he should have a double recovery.

If the result of what we are doing here is to eliminate that double dipping, even if it inures to the benefit of lower premiums for medical liability, both for the hospitals and the doctors, then the wrongdoer is not benefiting from that. The general public is, because their doctors and their hospitals will be able to purchase insurance for a lesser amount, thus making the cost of hospital service less.

Mr. HYDE. If the gentleman will continue to yield, Mr. Chairman, would the gentleman consider making the wrongdoer reimburse the plaintiff for the premiums he has paid for 22 years.

Mr. GEKAS. There, Mr. Chairman, the legislation that we have in front of us, the amendment does call for the plaintiff, for the jury, to have the right to take into account what the plaintiff has paid for this coverage.

Mr. HYDE. I thank the gentleman.

Mr. GOODLATTE. Mr. Chairman, will the gentleman yield for that point?

Mr. GEKAS. I yield to the gentleman from Virginia.

□ 1045

Mr. GOODLATTE. It is my understanding that the problem with a plaintiff recovering double is largely being taken care of now with subrogation agreements that are taken care of outside of court.

My concern is that we are sending separate messages for a plaintiff who has been responsible and for years has paid for health insurance, compared to one who might have the same economic circumstances, same type of injury, who has not paid. That plaintiff gets to go into court and say, here are all of my medical bills.

Mr. GEKAS. I understand the point.

Mr. GOODLATTE. Give me a big award.

The one who has been responsible, then the defendant gets to come in and say, ''Don't worry about him because his medical bills are being paid by someone else,'' and that contravenes public policy.

Mr. GEKAS. Recapturing my time, I understand the gentleman's division of thought as to the one who has bought insurance and paid premiums and taken care of his family by doing so and the one who for one reason or another has not done so.

Let me give the same example and see if it does not comport with the gentleman's concerns. I who have bought insurance and paid $3,000 for this coverage, you say, will be treated less handsomely because the verdict will be lower presumably; is that correct? Because the jury could take into consideration all of this and come out with a lower verdict.

Well, in a similar circumstance, if there is a case on all fours exactly with somebody who does not have insurance, the verdict could be higher and you think that might be unjust enrichment, do you not?

However, here is what can and frequently does occur, at least in States like yours and mine that do not have this collateral source idea embedded in their laws. In these cases, the one who does not have insurance, in suing, gets a higher award, shall we say, has to pay higher attorneys' fees because of that, No. 1. No. 2, there is always the right in the entity that provided the medical service for the claimant to go against the verdict to recover their costs and fees, anyway. That has happened time and time again. A verdict and a judgment is always subject to attachment by the entities that provided the services and ran up bills in favor of the claimant. So it still comes out. There might be aberrations.

Mr. GOODLATTE. I have no dispute whatsoever that a plaintiff should not be able to double dip, if you will, but I think that should be taken outside the courtroom. This argument that somehow insurance should be brought into the case is exactly comparable to where the defendant should not want the plaintiff to come into court and tell the jury that the defendant has insurance to take care of the losses.

Mr. GEKAS. Recapturing my time, I would say notwithstanding the gentleman's own State policy and my own State policy of not having this collateral source, 20 other States do have it. So in those States which we have reviewed, and particularly that in California where their whole system is based around these elements of medical liability reform, these objections or concerns of the gentleman's have been resolved over time, and in balance what has happened is that the public has benefited, in California where this is in place, with a stabilized system of medical liability and the costs that are attached thereto.

The CHAIRMAN. The Chair wishes to inform the gentleman that he has consumed 10½ minutes of his 15 minutes.

There has yet to be recognized a Member for the 15 minutes of time in opposition to the amendment.

Mr. GEKAS. Mr. Chairman, I squander my time.

The CHAIRMAN. The gentleman squanders the balance of his time.

Is there a Member seeking to manage opposition to the Gekas amendment?

Mr. CONYERS. Mr. Chairman, I rise to ask the gentleman from Virginia [Mr. SCOTT] to control the time on our side in opposition.

The CHAIRMAN. The gentleman from Virginia [Mr. SCOTT] is recognized for 15 minutes to manage the opposition to the amendment.

Mr. SCOTT. Mr. Chairman, we had reserved the right to object to the unanimous-consent request. Is that still pending?

The CHAIRMAN. No. The request was made by the gentleman from Pennsylvania and there was an objection heard, so we are proceeding with the

original amendment offend by the gentleman from Pennsylvania.

The Chair recognizes the gentleman from Virginia [Mr. SCOTT].

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

Mr. Chairman, there were no hearings on this amendment. it has been slapped together, we tried to fix it on the floor, and we apologize for the confusion on this side where we were disruptive. We were trying to figure out what the last-minute change in the amendment was. That is what happens when we do not have hearings and do not go through a deliberative process.

But in this case, Mr. Chairman, I think there was an intent not to have a hearing because on this same issue, we did have a hearing last year. Let me quote from that hearing last year when we were doing health reform on malpractice reform. The witness who spoke in favor of tort reform, who supported limitations on attorney's fees, restrictions on joint and several liability, reductions in statute of limitations, modifications in punitive damages, when this issue came up, he was asked of the three people of interest in this case, you have got the plaintiff, you have got the defendant, and you have got the health insurance company. Which one ought to receive the benefit of the payment? As the chairman of the committee has suggested, the tortfeasor really ought to be the last person to benefit from the insurance premiums.

I asked the witness, ''Why should the tort-feasor, the wrongdoer, receive the benefit of the insurance?''

The witness said: ''Our position is that there should not be a double recovery.''

Then I asked: ''Well, who ought to receive the recovery? Why shouldn't Blue Cross-Blue Shield get the money back?''

And the witness, a physician, said: ''I think they should. In other words, insurance company ought to be paid.''

Then I said: ''Well, then if the plaintiff doesn't get the money, why shouldn't Blue Cross-Blue Shield be reimbursed?''

He said: ''They should.''

''They should?''

''Yes.''

Then, just to make sure: ''Don't you agree that the tort-feasor, which in this case could be medical malpractice, in another case it could be a drunk driver, ought that be the last person to receive the benefit?''

Answer: ''Yes.''

''So if we deny the plaintiff the basis of recovery for the insurance, then we ought to have subrogation so Blue Cross-Blue Shield can get this money back?''

And the witness said, ''I would agree with that.''

That is the kind of answer we would have gotten if we would have had a hearing. This is a good soundbite amendment but it only rewards the wrongdoer. A hearing would have proved that as it did last year. If there is not going to be any double recovery and you are going to say no to the policyholder who paid his premium, if you are going to deny him the extra benefit of this foresight in paying the premium, then you ought to have subrogation so the health insurance company can get its money back. If it is going to get its money back, at least the premium payer can get some benefit, because presumably the premium payment would be lower if they had subrogation.

This is an attack on consumers again, and I would hope that this amendment would be rejected. We had a hearing last year. The idea was rejected. I would hope that this would be rejected again.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BERMAN].

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

Mr. Chairman, if the Gekas amendment were to deal specifically with the problem of double-dipping as the California law is focused on, I would support this amendment. I think in a tort action for negligence, the plantiff is entitled to be made whole. He is not entitled to be paid twice for the same occurrence. If his medical bills are being paid by one source, he is not entitled to pocket those payments again from another source. But the Gekas amendment goes far beyond the California Micra law and it goes far beyond medical malpractice. It deals with two issues I am very concerned with.

It is written in a fashion that guarantees that the health care provider as the gentleman from Virginia [Mr. SCOTT] pointed out will not get subrogated, in fact it seems to prohibit that very act, that the malpractice insurer rather than the health insurance provider will get the protection, and more importantly by doing it as a matter of evidentiary question, it would be somewhat equivalent to my offering an amendment that said in the course of a trial, it is quite appropriate for the plaintiff's counsel to point out that the defendant is insured, create the sense of the deep pocket, the big pocket so that the recovery will be big and if we ever get to the issue of punitive damages, they will zap them good because they know that there is a place to get that money from.

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

Mr. BERMAN. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Also look at the parallel that we talked about a moment ago between the plaintiff who has been concerned about—say it is a self-employed individual, been concerned about his family, has bought insurance for the family for years, compared to a plaintiff who has never bought insurance and not because of income, comparable income rates, they have the same injury, that plaintiff without insurance gets to go into court and say, ''Look at all the medical bills I have, give me a big award.''

They do not have that with this. What we are doing is we are setting a public policy against people having insurance.

The CHAIRMAN. The Chair wishes to inform the committee that the gentleman from Pennsylvania [Mr. GEKAS] has 4½ minutes remaining, and the gentleman from Virginia [Mr. SCOTT] has 10 minutes remaining.

Mr. GEKAS. If the gentleman from Virginia wants to continue drawing on his resources, I would have no objection since he has more resources at the moment.

The CHAIRMAN. The gentleman from Pennsylvania continues to squander his time.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I thank the gentleman from Virginia for yielding me time.

I think the gentleman from California made the point very well. This is about making the plaintiff whole, and that is what it is all about. If we do not do this, or making the defendant whole, not doing everything we can to make their life miserable.

The plaintiff has bought this insurance, the plaintiff has paid this insurance, and now the very lucky defendant who may have insurance, let's say the defendant has insurance, the defendant's company does not have to pay, even though he is liable, if this were to happen. I think that that is really flipping the whole incentive program so that the plaintiff who bought the insurance, his insurance is now going to cover his cost. The defendant who may have liability insurance, his premiums are going to stay lower because he never has to get that part reimbursed from his. I think that is part of what the gentleman from Virginia was talking about even though we do not allow people to say whether or not the defendant had insurance.

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

Mrs. SCHROEDER. I yield to the gentleman from Virginia.

Mr. GOODLATTE. I thank the gentlewoman for yielding. In fact what we are saying here is this is a case where liability has already been established on the part of the defendant. The defendant is the responsible party, the one who has caused the harm and now gets to say, hey, don't worry about charging me for this because the plaintiff has insurance and they will take care of it.

Mrs. SCHROEDER. That is right.

Mr. GOODLATTE. How would that same defendant like to be put in the situation where the plaintiff said, ''I've got a harm here, it's been established, don't worry about how much you give me because this defendant has X number of millions of dollars in insurance coverage.''

Mrs. SCHROEDER. Reclaiming my time, the gentleman's point is that we are not allowed to say that the defendant has insurance.

Mr. GOODLATTE. That is correct.

Mrs. SCHROEDER. So if we are looking at the two insurance companies, then the question becomes, which one should have to pay, which one's premium should have to go up, and I think it should be the defendant that should have to go up, and I think the gentleman from Pennsylvania should be looking at collateral source rules and not this.

I would hope that the amendment would be defeated.

Mr. SCOTT. Mr. Chairman, is the gentleman from Pennsylvania going to waive again?

Mr. GEKAS. Mr. Chairman, I will take my time now if I may. Does the gentleman want to allow me to go on?

Mr. SCOTT. I have several other speakers.

Mr. GEKAS. I may make a unanimous-consent request to withdraw the amendment. That would help, would it not?

Mr. SCOTT. In that case, Mr. Chairman, I would certainly defer.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania who has to this point chosen to squander the balance of his time.

Mr. GEKAS. I yield myself such time as I may consume.

I want to apprise the gentlewoman from Colorado that the concerns that she has raised here should be thrust at the capital, the State capital of Colorado where there is in existence a collateral source statute and which has been employed for many years.

□ 1100

So, we are not varying that far in this proposal from what is already established in her province in her home State.

But nonetheless, I do not want to yield now because what the gentlewoman has done along with others, they have raised enough questions that perhaps we ought to look at this a little bit more accurately between now and the time that it takes its place in the debate either in the Senate or in conference.

With that, Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

AMENDMENT OFFERED BY MR. SCHUMER

Mr. CONYERS. Mr. Chairman, I offer amendment No. 15.

The CHAIRMAN. Is the gentleman the designee of the gentleman from New York [Mr. SCHUMER]?

Mr. CONYERS. Yes, I am, Mr. Chairman.

The CHAIRMAN. It is now in order to consider amendment No. 15 printed in House Report 104–72.

Mr. CONYERS. Mr. Chairman, I offer the amendment No. 15.

POINT OF ORDER

Mr. HYDE. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HYDE. Mr. Chairman, in looking at the rule, I do not see where a designee is allowed, for it says it may be offered only by a Member designated in the report, and that is for the gentleman from New York [Mr. SCHUMER].

I am not going to object. There he is. I was not going to object, but I wanted to know if this was cleared with the gentleman from Texas [Mr. BRYANT].

The CHAIRMAN. The Chair would say in response to the point of order of the distinguished chairman of the Committee on the Judiciary that the report clearly states the amendment is to be offered by Representative SCHUMER of New York or a designee.

Mr. HYDE. I am sorry; I did not see it in the rule.

The CHAIRMAN. It is in the report.

Mr. HYDE. I was not going to object. I just wanted to make sure it is cleared with the gentleman from Texas [Mr. BRYANT].

The CHAIRMAN. It is now in order to consider amendment No. 15 printed in House Report 104–72.

Mr. SCHUMER. 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. SCHUMER: Page 31, line 5, insert before the period the following: ''AND SUNSET'', in line 6, insert ''(a) EFFECTIVE DATE.—'' at the beginning of the line, and after line 8 insert the following:

(b) SUNSET.—Titles I, II, and III shall expire 5 years after the date of the enactment of this Act unless the Secretary of Commerce has certified to the Congress not less than 90 days before the expiration of such years—

(1) that insurance rates covering liabilities affected by such titles have declined by not less than 10 percent after taking into account changes in the Consumer Price Index, or

(2) that insurance rates have not declined by at least 10 percent because of extraordinary circumstances, has specified such extraordinary circumstances, and has explained their impact on such insurance rates.

The CHAIRMAN. Pursuant to the rule, the gentleman from New York [Mr. SCHUMER] and a Member opposed will each be recognized for 10 minutes.

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

Mr. SCHUMER. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, we are now at the conclusion of the debate on the tort reform proposal, and while I think much has been ballyhooed about the contract, I would agree that this proposal as it emerges, at least in the area of law that we are dealing with, is indeed revolutionary. In fact, the bill goes quite a bit further than was ever imagined, particularly in terms of the two Cox amendments.

We are eliminating joint and several liability in any tort lawsuit anywhere in America. I supported that amendment. I thought it was a wise choice.

We are also putting a cap of $250,000 on all damages, all noneconomic damages in the health care area. That is a major, major change, plus all of the other changes proposed in the product liability area, plus the effect of the cap on punitive damages throughout lawsuits everywhere. Indeed, my colleagues, the bill is revolutionary.

I would say this: We do not know if it is going to work. And in fact, there are many of us who think the bill goes too far. There are some I guess on the far right, mainly on that side of the aisle, who feel that the bill is very good because it is revolutionary. There are some, probably mainly on this side of the aisle, on the far left side, who say the bill is horrible and we should not change very much at all. But there are many of us in the middle who feel the system is out of control, but who are terribly troubled, terribly troubled by the fact that we are making such radical changes without having any idea of what their effect will be.

This amendment deals with those concerns and anxieties. For those of us on both sides of the aisle who find ourselves in the middle, we want real change but we may think that this bill goes too far or we are worried that it does.

It simply says that if liability insurance rates do not go down 10 percent 5 years after these laws take effect, this bill takes effect, then the proposal should sunset.

What is the reason we are doing all of these changes? I certainly believe the proponents of the bill are sincere, they do not want to hurt the little guy, they do not want to hurt defendants, plaintiffs. They certainly think it will make salutary changes for America. But I also know that one of the main reasons we are doing this is because we feel insurance rates are too high. We have heard that over and over and over again.

Perhaps the nostrums we are applying will work. If they do, liability insurance should decline at least 10 percent, and I have counted in inflation, this is 10 percent after accounting for inflation, and then we will say we have done a good thing. Those who voted yes will be proud; those who voted no will admit they made a mistake. But if it does not work, why take away all of the various rights of the little people who need to sue if it is not going to bring insurance rates down at all? And so we propose this sunset.

This is a moderate amendment. It is saying, OK, we are going to make very radical changes, but let us have a little bit of a break on them just in case they do not work. The sunset has been proposed on many pieces of legislation. In fact, some of them I did not agree with, but many I did, but when you do something this breathtaking and this radical, and potentially this dangerous, at

the very least there ought to be a sunset in case the proposal does not work.

The CHAIRMAN. Does the chairman of the committee seek to manage the opposition to the Schumer amendment?

Mr. HYDE. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE] is recognized for 10 minutes.

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

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

Mr. HYDE. Mr. Chairman, I strongly oppose this amendment. It is unnecessary. Focusing on the pricing practices of insurers is irrelevant in many places because most large businesses self-insure and do not purchase liability insurance. This amendment places the future of a fair civil justice system in the hands of Federal Government bureaucrats. Americans overwhelmingly support the reforms in this bill and it is ludicrous to give the Department of Commerce the power to determine whether Americans will continue to benefit by these reforms.

This amendment sunsets this legislation 5 years after the date of enactment unless the Secretary of Commerce certifies that insurance rates either have declined at least 10 percent or have not declined that much because of extraordinary circumstances.

This sunset is ill advised because factors other than this legislation contribute significantly to determining rates charged by insurance companies and the beneficial effects of this legislation are not limited to anticipated savings in insurance-related costs.

As the Committee on the Judiciary noted in its report, ''Our excessive reliance today on a patchwork of conflicting State statutes and common law relating to allegations of product defects excessively burdens interstate commerce, discourages innovations, exacerbates liability insurance costs, compromises American competitiveness and forces Americans to pay higher prices.''

We had more than the cost of insurance in mind when we crafted this legislation. The limitation on joint and several liability, for example, recognizes the injustice of requiring minimally responsible defendants to pay for all noneconomic damages. We propose punitive damage reform, an important title of this bill, not only to ameliorate adverse effects on interstate and foreign commerce but also to protect due process rights. The unfairness of ignoring extent of fault or responsibility in assessing liability for noneconomic damages and the unfairness of virtually unlimited punitive damage awards in a range of cases that extend beyond the product liability context necessitated congressional action.

The 10-percent formula relating to insurance rates is flawed. Our objective of reducing insurance rates will be undermined rather than advanced by this amendment. The sunset creates uncertainty for insurance companies. They will not know whether the reforms incorporated in this legislation will remain in effect 5 years hence, and this uncertainty will affect risk calculations leading to higher rates.

I am confident this legislation, without a sunset, will have a positive effect on insurance rates. I cannot predict how other developments extraneous to this legislation, such as accident patterns and medical care costs, may impact on the risks the insurance company faces. The business of insurance, let us remember, is subject generally to State rather than Federal regulation and the capacity of the Federal Government to achieve rate reductions is limited.

If insurance rates do not decline by at least the arbitrary 10-percent figure, the explanation may have nothing to do with this legislation. The amendment gives the Secretary of Commerce excessive power to scuttle this legislation because only he or she can certify to the extraordinary circumstances to justify a deviation from the 10-percent requirement.

Congress does not need a sunset to revisit the issues addressed in this legislation. We can do that in any and every session that is forthcoming. In response to experiences in the years ahead, we are free to modify and refine the new law. Perhaps stronger medicine will be needed to deter abuses in the litigation process. Perhaps unforeseen developments will justify amending our work product. But a sunset provision that essentially says we may have to return to square one at the say so, the fiat of whoever is the Secretary of Commerce, is not a sensible way to legislate.

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

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. FAZIO], chairman of the Democratic caucus.

Mr. FAZIO. Mr. Chairman, I thank my friend from New York for yielding time to me. I must admit this has been a very difficult piece of legislation for me. I have been associated with Members who wish to see a products liability bill enacted, I have been associated with those who want to move on the question of medical malpractice, and I have made some votes, uncomfortable votes for me because I think the amendments were flawed in their drafting and I indicated that earlier in the deliberation on this bill.

But I must rise in support of the Schumer sunset provisions and in opposition to the enactment of this bill because I think it frankly is a travesty the way it has been put together here at the last minute on the floor, the way it combines a number of disparate elements in the tort reform area. I will be the first to admit these issues should have been deliberated in prior Congresses but the fact they have not does not in my view excuse the approach that has been taken in the amalgamation of all of these various provisions in this bill at this time.

Tort reform is a subject this Congress must deal with. It has not dealt with it effectively in this bill, and the bill should be opposed.

Mr. HYDE. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE] has 5 minutes remaining, and the gentleman from New York [Mr. SCHUMER] has 5 minutes remaining.

Mr. HYDE. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Chairman, I rise in opposition to the amendment. When we first set out on this legislation we had several goals in mind, and I would remind the Members that it was to improve the competitiveness of American business, to increase economic growth, create more jobs, reduce overall liability costs of which insurance rates are only one portion of that equation.

The gentleman from New York [Mr. SCHUMER] who offers the amendment it seems to me really misses the point behind the efforts that we are making with this legislation.

The gentleman from Massachusetts [Mr. MARKEY], who I assume will speak later, had a similar approach in the Committee on Commerce, which was rejected at that point and I think the full House should reject the Schumer amendment as well.

There are a lot of factors. The insurance rates are affected by a number of factors, medical costs, crime rates, accident patterns, court interpretation of legal reforms; punitive damages are not insurable in most jurisdictions, meaning that one of the core provisions of the legislation would not be relevant to insurance rates in most of the States. Insurer losses on which premiums are in part based will probably not decrease for several years because of all of the litigation in the pipeline.

Finally, Mr. Chairman, this amendment places unprecedented power in the hands of the Secretary of Commerce, essentially giving one individual life or death power over this legislation and the good that it is trying to accomplish.

□ 1115

So, Mr. Chairman, for all those reasons, and for the fact that we have a number of ambiguous circumstances involved in the uncertainties, I would ask that the Schumer amendment be defeated.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, the Schumer amendment is really the did-it-really-work amendment. Are all the promises which are being made by the proponents of this reform going to

come to pass? In other words, consumers out there are being told that they will see lower doctor bills, that they will see lower costs for products because insurance rates are going to go down?

Now I remember back in 1988 in the Committee on Commerce when we had hearings. In that particular hearing we actually had insurance executives, and I asked them, ''Will insurance rates go down?''

They said, ''No, no, no.''

Well, if that is the ostensible guise for all of this, let us have a determination 5 years later whether or not the promise, like Reaganomics, of cutting taxes and actually having more revenues is going to work here in insurance product liability as well, and if it cannot withstand the crucible of scrutiny 5 years from today, and insurance companies are retaining windfall profits as——

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

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York [Mr. LAFALCE], the ranking Democrat on the Committee on Small Business.

Mr. LAFALCE. Mr. Chairman, many years ago I had dozens of hearings on the issue of product liability and as long ago as 1978 introduced a uniform product liability law. It was opposed by the Republicans in the Chamber of Commerce at that time because they argued it ought not to be a Federal matter, this was a prerogative of the States.

Mr. Chairman, I will not point out the things that are wrong with the bill that we have today; they are too countless, it is too egregious. There are a lot of things that is wrong with what is not being done, too. We are not dealing with the problems of the insurance industry, and, if we need a law for anything, we need it for the regulation and practices of the insurance industry.

Second, we have Federal regulation now over remedies for product liability cases, but the most fundamental thing, the basic cause of action for a product defect, is left unattended. So we will have 50 separate causes of actions, but we will have one Federal law with respect to limitation of remedies.

Last, and there are so many other things I could point out, but 10 percent of the cases——

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

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state it.

Mr. SCHUMER. I would inquire of the Chair if today is the day when the gentleman from Illinois [Mr. HYDE] has the right to close, or is it the day when we have the right to close?

Mr. HYDE. Mr. Chairman, I direct that parliamentary inquiry as well. I was told that I have the right to close.

The CHAIRMAN. The chairman of the committee controlling time in opposition has the right to close.

Mr. SCHUMER. I appreciate the determination of this very important rule.

The CHAIRMAN. That is the way it works.

Mr. SCHUMER. Mr. Chairman, I yield my remaining time to the distinguished gentleman from Texas [Mr. BRYANT], a member of the committee.

The CHAIRMAN. The gentleman from Texas [Mr. BRYANT] is recognized for 3 minutes.

Mr. BRYANT of Texas. Mr. Chairman, I thank the gentleman for yielding this time to me and for the opportunity to close on this, on our side of the amendment.

We are today taking steps to eliminate 200 years of common law in this country. We are taking an enormous amount of power from the States, something that was thought to be a prohibitive tenet of the Republican philosophy that we would never do, and we are raising a barrier to the middle class of this country that will prevent them from using the courthouse to redress grievances against the most powerful economic interests in our country. The question has to be why. Why are we doing it? We have asked over, and over, and over in this debate, and we asked over, and over, and over in committee, ''Do you have any empirical data to show us that indicates that there is an explosion of lawsuits or there is an explosion in the size of verdicts? Any at all?'' We have had some papers waved at us, but the answers have always been no every time we ask it of our witnesses, every time we ask it of you.

The fact of the matter is that there is no explosions with regard to litigation. We do data; it is not data we put together, but data that was available to my colleagues as well from the National Center for State Courts which indicates that product liability filings are only thirty-six one-hundredths of a percentage of the total civil caseload, that only 10 percent of the people who were ever injured from torts ever used the tort system in the first place. As a matter of fact, the number of cases in State courts and Federal courts are going down, and so I ask, Why are you doing this?

They will come back to us and say, Well, we think it's going to bring down insurance rates, and so the gentleman from New York [Mr. SCHUMER] comes out with an amendment here that says:

''OK. Since we don't know whether what you're promising will work or not, let's put something in the bill that says, 'In 5 years, if insurance rates with regard to the things that are affected by this bill have not come down by 10 percent, this bill will sunset,' and then you stand up on the floor this morning and say, 'Well, we are not sure insurance rates really will come down.'''

Well, Mr. Chairman, then what is the purpose of this bill? The bottom-line purpose is this:

''You want to do a favor for some wealthy, powerful people in this country who are your social peers, who are the people that you live with, the folks that you think about, the people whose opinions you adopt regardless of its impact on the American people, on the average middle class people, and in spite of the lack of any available data to support the direction you're going.''

I say to my colleagues, Mr. SCHUMER has a commonsense amendment. If what you say is true, even if you have no evidence, then insurance rates will surely over 5 years come down 10 percent, and, if they do, the bill stays on the books. If they don't, it won't.

The CHAIRMAN. The time of the gentleman from Texas [Mr. BRYANT] has expired.

Mr. BRYANT of Texas. Vote for the Schumer amendment, and vote against this outrage against the American people.

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

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

Mr. HYDE. Mr. Chairman, I am consoled that the class struggle has not expired with the demise of the former Soviet Union. We still put class against class here. The inability to understand that the nonavailability of medical help, and vaccines and drugs because of the unpredictability of product liability has not permeated our opponents, and I guess there is no way that it ever will.

But this amendment offered by the gentleman from New York [Mr. SCHUMER] guts the bill because the purpose of the bill is to have common standards wherever possible on those important items that affect our economy and predictability. A 5-year sunset means that in 5 years nobody knows what is going to happen. Insurance companies would not be able to set rates with any confidence or predictability, and who is going to make the determination? The Secretary of Commerce.

So, Mr. Chairman, I hope and pray that this amendment is defeated handily, but in closing, and this will be the last vote on this very important bill, I would like to bring to the Members' attention a letter that the gentleman from Michigan [Mr. CONYERS] and I got dated March 6 from the National Governors Association, and I will just read a couple of little paragraphs:

We're writing to convey the support of the Nation's Governors for legislation to establish a uniform product liability code. Since 1986 the association has been on record in support of a uniform, consistent, and predictable approach to product liability. While Governors do not usually support one-size-fits-all legislation, we believe in this case uniform product liability standards can only be achieved by Federal action. We urge you to act swiftly to enact this legislation.

I thank the Chair for the courtesy and the efficiency with which he has conducted these four sessions, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SCHUMER].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 175, noes 249, not voting 10, as follows:

[Roll No. 227]

AYES—175

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

NOES—249

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
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
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
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
Kleczka
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
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Mineta
Molinari
Mollohan
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Bevill
Cubin
Gephardt
Jacobs
Jefferson
Kanjorski
McIntosh
Rangel
Riggs
Towns

□ 1143

The Clerk announced the following pairs:

On this vote:

Mr. Kanjorski for, with Mr. McIntosh against.

Mr. Jefferson for, with Mrs. Cubin against.

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

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

Mr. POMEROY. Mr. Chairman, I rise in opposition to the bill currently before the House, H.R. 956.

Last night the Republican majority shoved through an amendment that was poorly drafted, superficially considered, and will hurt a lot of people. The Cox amendment imposed a cap of $250,000 on noneconomic damages in all civil lawsuits.

What this amendment does is limit the amount that can be recovered against insurance companies that refuse to pay health care claims that they legitimately owe.

I used to be an insurance commissioner. I used to help people who paid hard dollars for insurance so they would be protected against doctor and hospital bills only to find their claims denied and medical bill collectors at their door. The amendment adopted last night now protects those insurance companies who fail to pay what they owe.

I cannot understand how the majority Members of this House can turn their back on people in their districts that will have to deal with bill collectors, shattered credit standing, repossessed automobiles and even foreclosed houses because their insurance companies fail to pay the claim they owe.

They call this bill common sense legal reform. I doubt there is a single American who has had to fight their insurance company to get a claim paid who would think this bill makes any sense at all.

As amended I cannot in good conscience vote for this bill.

Mr. JOHNSON of South Dakota. Mr. Chairman, I reluctantly express my opposition to the passage of H.R. 956. There is no doubt that some reforms of the American civil justice system are needed, despite the fact that this area of the law has historically been largely the province of the individual States. It is true that the courts are too often slow and overburdened, and that jury awards sometimes seem inconsistent and instances of apparent excessive awards are well known. I am particularly concerned over problems involving medical malpractice claims and I have supported State and Federal legislative initiatives in that area.

Nonetheless, this bill is not well thought through and too little serious and reasoned deliberation has gone into its formulation. It makes little sense to me that a corporate CEO might be able to recover $1 million or more punitive damages under this bill but a typical working family in my State would have punitive damages capped at $250,000. It doesn't make sense to me that the punitive damage limit is the same for small business as it is for Fortune 500 corporations, much to the advantage of the largest corporations. I am not pleased that over 60 proposed amendments were not made in order for debate on the House floor and an inadequate amount of time is allowed for debate even for those amendments which were made in order. I am not pleased that the House was not permitted to debate or vote on an amendment which would have prevented Federal preemption of State laws to punish sexual predators and drunk drivers.

This legislation preempts State laws, not just in the product liability arena, but relative to all civil litigation, and increases the likelihood that injured individuals will not be able to collect compensation for their legitimate injuries

from wrongdoers. It is little wonder that this specific bill is opposed by, among others, the Consumer Federation of America, Consumers Union, the National Conference of State Legislators, YWCA, National Women's Health Network, and the American Association of Retired Persons as well as the American Bar Association.

Mr. POSHARD. Mr. Chairman, I rise today in support of the Common Sense Legal Standards Reform Act, because I believe this bill moves us in the right direction of reforming our Nation's liability system. However, I also believe this bill is overreaching in its attempts to reform the system, and that is why I supported several amendments that I believe would have broadened an individual's opportunity to use the courts to seek due compensation for an injury.

While I understand and agree that injured parties are entitled to fair and just compensation, we all recognize the fact that many people have taken advantage of our health care providers along the way. The reality is the only person that pays for the outrageous settlements our health care providers are often forced to pay is the patient.

I believe the most serious harm caused by our current liability system is reduced access to health care. Increasing premiums and the threat of liability have caused physicians to abandon practices or to stop providing certain services in various areas of the country, especially in rural America. In my State of Illinois, 68 percent of all family doctors significantly decreased or eliminated obstetrics over a 5-year period, because of the danger of being sued.

Many of the obstetrical patients in my district travel over our State's eastern border to Indiana where caps on noneconomic damages made the profession of obstetrics more palatable. Because these threats of lawsuits exist, the doctors in my district and across the Nation have been forced to purchase exorbitant amounts of malpractice insurance to protect themselves from the threat of multimillion dollar lawsuits. No longer can many of our rural doctors and hospitals afford this costly insurance or the threat of expensive and time-consuming lawsuits.

Many rural hospitals are on the verge of closing, because of their inability to pay for malpractice insurance or million dollar settlements. The doctors, nurses, and hospitals of rural America are only trying to provide aid and comfort to our injured and sick. It is unfair to these health care officials that we allow a legal system to exist that simply sits and waits for them to make a mistake. Because of the constant fear of being sued, the practice of defensive medicine is costing Americans billions of dollars each year and driving our rural hospitals and medical centers to the brink of financial disaster.

Understand, I support compensating people injured by an individual or corporation's mistake, but I do not believe it is just to seek a high-priced settlement at the expense of a doctor or hospital that serves communities that would otherwise not have access to health care services. It is clear that the impacts of high malpractice premiums and lawsuit threats have created a situation that greatly disadvantages rural Illinois families.

Let me say again, I support this bill today, because I believe it is a step in the right direction, especially in its efforts to reform malpractice suits. However, unless the scope of this bill is further limited in the Senate or during conference committee, I will not be able to support the bill in its final form when it comes before the House of Representatives. In particular, the cap being placed on noneconomic losses, an individual's pain and suffering, must be raised to at least $500,000 if this bill is to receive my support in the future.

I support sending this bill to the Senate, because I believe it is a good and reasonable foundation on which to continue building. However, I could not in god conscience send to the President a bill that I believe would not be fair to those looking to the courts for due compensation.

Just yesterday, the Governor of Illinois signed into law a tort reform measure which may help mitigate the serious problems plaguing our liability system. Nonetheless, Federal action on the issue of malpractice reform could significantly improve the opportunity for rural Americans to have access to quality and affordable health care, and I will do all in my power to foster legislation that will bring about liability reforms which are fair, balanced and effective.

Mr. PORTMAN. Mr. Chairman, America is in the midst of a litigation explosion. Not long ago a woman in New York was using a knife to separate a package of frozen hors d'oeuvres she bought in the supermarket. The knife slipped and she cut her hand. She got a lawyer and sued. She sued the supermarket; she sued the manufacturer; and she sued the packager. We are a litigious society—and we're all paying for it.

In 1991, nearly 19 million new civil suits were filed in our Nation's courts. These lawsuits exact a huge price—a price that is ultimately paid not by big business but by America's consumers. In fact, recent estimates put the price tag at $300 billion annually. That's $1,200 for every man, woman and child in America.

Civil litigation attorneys present themselves as champions of the underdog, yet its estimated that only one-third of each dollar awarded in liability cases gets into the hands of the injured party. The great bulk of jury awards goes instead to pay court costs and the lawyers themselves.

The cost to consumers is high. As much as $500 may be added to the cost of your new car because of litigation costs passed on by the manufacturer. Nearly $3,000 of the cost of an $18,000 pacemaker goes to the tort tax. As much as $500 of the cost of a 3-day maternity stay is due to liability costs.

And it's not just the costs to America's consumers: This litigious feeding frenzy is costing the United States in terms of competitiveness. In a global economy, U.S. businesses have to be able to provide better value for the dollar than their competitors in, say, Japan and Europe. But it's not a level playing field when our products carry a legal surcharge.

The Japanese have 30 times fewer lawsuits than we do. We have 70,000 product liability lawsuits in the United States every year. In Great Britain, they have 200. The greatest loss, however, may not be a question of economics. It can't be measured in dollars and cents. It comes from the products—often medically necessary, life-saving products—that are kept off the market because of the high costs imposed by a civil litigation system run amok.

I believe it's time to stop the litigation explosion. The House took the first step today with the passage of the Contract With America's Common Sense Legal Reform Act. It makes a number of common sense changes, including limiting punitive damage awards to a reasonable relationship to the actual or compensatory damages incurred; punitive damages would be either three times the actual damages or $250,000, whichever is greater. It would help to limit the huge profits tort lawyers now rake in. This will make a plaintiff's lawyer and a potential litigant think carefully before filing a suit.

To discourage frivolous lawsuits, it would provide—as almost all other industrialized nations do—that the loser in civil cases pays costs. This will make a potential litigant think carefully before filing a suit. Right now, plaintiffs may sue on unsubstantiated grounds, because they have nothing to lose even if the jury throws the case out of court. The accused, however, may be saddled with tens of thousands in court costs, despite complete and utter innocence.

I believe common sense and fairness have prevailed by Congress' passage of these legal system reforms.

Mr. CARDIN. Mr. Chairman, although I shall support the amendment to H.R. 1075, offered by Mr. COX, which will add a noneconomic cap in medical malpractice awards, I do so with major reservations. The $250,000 cap is too low. My State of Maryland which originally enacted a $350,000 cap on noneconomic damages has increased that cap to $500,000. Such an amount is far more reasonable.

I also resent the fact that the amendment is being considered without any opportunity for me to submit an amendment to the Cox amendment, No. 12, to raise the cap or for me to submit a separate amendment regarding this subject.

My vote in favor of the Cox amendment should be interpreted only to support the inclusion of a cap. I trust the cap will be adequately adjusted by the Senate or in conference.

Mr. HASTERT. Mr. Chairman, I would like to clarify an important issue regarding title III of H.R. 956. This title incorporates the provisions of H.R. 753, the Biomaterials Access Assurance Act, a bill to ensure that adequate supplies of biomaterials are available to medical device manufacturers. During the Commerce Committee's markup of H.R. 917, I offered an amendment to protect these vital supplies, the text of which now appears, with some modifications, in H.R. 965.

It has come to my attention, however, that in the period of time between offering my amendment and today, language has been added to deal with the difficult issue of biomaterials suppliers who are alleged to have wrongfully withheld or misrepresented safety information, or who know of fraudulent use of their materials. I agree, of course, that conduct of this type, if it occurs, should not go unpunished. However, I have concerns regarding the specific language added to H.R. 965 to address this issue.

I have heard from a number of biomaterials suppliers in recent days that the new language will not arrest the flight of suppliers from the implantable device market. May I remind my colleagues that we came to this debate to achieve a singular objective: To stem the exodus of biomaterials suppliers from the

implantable device market. We must reduce the incidence of unnecessary and costly litigation to prevent further flight by these suppliers. If we do not act, American patients will not have access to life-saving, life-enhancing implantable devices, including pace makers, heart valves, artificial blood vessels, hydrocephalic shunts, hip and knee joints, and even simple sutures for common surgeries.

Mr. Chairman, in the final analysis, this debate is about more than legal theory and procedure. It is about ensuring that those devices which can save and enhance a person's life will be available when they need them. It is imperative that we fix this problem.

In closing, I believe that the issues I have raised need to be discussed further. With the help of my colleagues, I am sure we can draft language that addresses these concerns.

Mr. GEKAS. Mr. Chairman, title III of H.R. 1075 essentially incorporates the provisions of H.R. 753, the Biomaterials Access Assurance Act, which I introduced to help assure adequate supplies of biomaterials for medical devices.

Language has been added in H.R. 1075 to deal with the difficult issue of biomaterials suppliers who are alleged to have wrongfully withheld or misrepresented safety information or who know of fraudulent use of their materials. I believe strongly that conduct of this type should not go unpunished.

Under current law, a medical device manufacturer can bring an action in such circumstances against the biomaterials supplier, and may recover from the supplier any damages that the manufacturer had to pay as a result of a lawsuit by an individual who has been injured. This is unchanged by title III of H.R. 1075. This is as it should be.

The new language in title III, however, prevents a motion for dismissal by a biomaterials supplier if the injured individual claims misrepresentation or fraud. This will keep the deep pockets supplier in the case and subject to the same kind of costly litigation that now threatens to dry up the supply of biomedical materials. So the purpose of title III, to ensure the continuing availability of life-saving and life-enhancing medical devices made from these materials, will be thwarted. Again, let me emphasize that under existing law the manufacturer will have recourse against the errant supplier. The wrongdoer will have to pay for its action. Wrongful conduct will not be immunized.

As this legislation moves forward, I believe this situation should be kept in mind with a view toward finding an appropriate solution.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise today with words of support for H.R. 956, the Common Sense Product Liability and Legal Reform Act, as well as H.R. 10, the entire package of commonsense legal reforms which the House of Representatives has passed this week.

I strongly support the efforts of this House to bring much needed reforms to our tort liability system. This legislation, if enacted, will benefit the State of New Jersey, its businesses, and its consumers.

I have heard from hundreds of constituents and businesses in the 11th District of New Jersey regarding the need for limitations on frivolous lawsuits. These constituents are all too familiar with the rising costs of liability insurance.

I have also heard from constituents whose businesses, increasingly in the past several years, have been the targets of frivolous lawsuits which were eventually found meritless. These decisions came only after having spent obscene amounts of time and money defending themselves. These constituents are all too familiar with the phenomenon of costly settlements having to be made to settle even costlier lawsuits.

The reality is that even a single frivolous lawsuit is sometimes enough to force a small business out of business. Unfortunately, the costs associated with this reality are then passed on to clients and consumers.

Everyone agrees that citizens should have the right to sue and collect reasonable compensation if they are wrongfully injured. These bills will continue to protect fully, that right.

I am pleased to support passage of this well-balanced legislation.

Mr. FAZIO. Mr. Chairman, I rise today to affirm my support for product liability reform and commonsense legal reforms, but it is with great regret that I am not able to vote for final passage of this measure.

First, let me be clear that I strongly believe that we need to replace the current costly patchwork of State laws on product liability with a uniform standard which is fair to consumers, manufacturers, and small businesses. Although over 70 percent of products routinely travel across State lines, under our current laws, the outcome of product liability lawsuits more often depend on geography than the merits of the cases. this confusion of 50 separate State laws stifles business innovation and development. As a result of skyrocketing liability costs, 39 percent of American manufacturers have decided not to introduce new products and 25 percent have discontinued new product research. For consumers, disparate liability laws means that the costs for litigation and skyrocketing insurance rates are passed on to them through higher prices for products.

Furthermore, I support restoring fairness to liability litigation by applying a fair share principle for determining noneconomic damage awards, a step that the majority of States have already taken. This provision would ensure that victims are fairly compensated, but put an end to the practice of lawyers suing any deep pocket who is even remotely connected to the case.

However, I must express my great disappointment and frustration with the way this legislation was brought to the floor. While the title of this legislation is ostensibly the Common Sense Legal Reform Act, I cannot understand why the authors of this bill did not have the common sense to give more careful and deliberate consideration to these complicated issues. This legislation was rushed through the committee process, and as a result, I do not believe this legislation in any way represents the best effort this body can make to produce a uniform liability law. This flawed measure may be keeping the Contract With America on its timetable, but I do not believe it is worth the price of a bad bill.

For example, I supported the Cox amendment addressing the important issue of medical malpractice because I have been a proponent of similar provisions contained in California's Medical Injury Compensation Reform Act [MICRA]. MICRA was adopted to respond to the crisis in the availability and affordability of professional liability coverage for health professionals throughout the State in a way that preserved a high level of quality assurance for patients. MICRA compensates injured patients without limit for all economic losses, but limits noneconomic losses to no more than $250,000.

However, I wish to make it clear that I believe this amendment is a blunt instrument in which to bring MICRA type malpractice reform into the broader national debate about liability reform. This amendment would extend a cap on noneconomic damages to include medical devices as well as health insurance, provisions that are not part of my State's current law. I understand that this amendment was hastily drafted and went under a number of major revisions within less than 24 hours before it was debated. While I am troubled that this amendment contained provisions that were not thoroughly examined or debated, I supported the amendment because I believe that it was an important step to highlight the needs of malpractice reforms. With more time and consideration, this issue could have been addressed much more effectively.

Moreover, if the Rules Committee would have allowed for a fair and reasonable amendment process, I could have likely supported this bill. Regrettably, the Rules Committee shut out the most reasonable amendments that could have made this legislation a sound and workable solution to our product liability problems.

For example, I believe that placing a cap on punitive damages in product liability cases could relieve some the needless uncertainty that exists today about the lottery of current litigation, a system which leads companies to agree to large settlements even in cases with extremely tenuous liability. However, the cap on punitive damages in this bill—$250,000 or three times the amount of monetary awards, which ever is greater—was just too low to serve as a true incentive to manufacturers to ensure their products are safe. Furthermore, this cap applied to all civil cases, not just product liability cases. The cap on punitive damages was a key issue in this debate, and a number of amendments were submitted to the Rules Committee which would have given us the opportunity to keep caps on punitive damages in the bill, but raise them to a more reasonable level or more specifically target the caps to product liability cases. The amendments we were allowed to consider on the floor did not adequately address these critical issues.

Thus, without the opportunity to vote on a better liability reform bill, I must oppose the final version of H.R. 956. It is my sincere hope that this legislation will eventually go to conference with the Senate, and return in a form that I can support which will be fair to consumers and business alike.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WALKER) having assumed the chair, Mr. DREIER, 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. 956) to establish legal standards and procedures for product liability litigation, and for other purposes, pursuant to House Resolution 109, 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 amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1145

MOTION TO RECOMMIT OFFERED BY MR. GORDON

Mr. GORDON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. WALKER). Is the gentleman opposed to the bill?

Mr. GORDON. In its present form, Mr. Speaker, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GORDON moves to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith, with the following amendments:

Add at the end of the bill the following:

SEC. 404. SERVICE OF PROCESS.

This Act shall not apply to a product liability action unless the manufacturer of the product or component part has appointed an agent in the United States for service of process from anywhere in the United States.

Change the limit in section 201 on punitive damages to the following: ''3 times the amount of damages awarded to the claimant for the economic loss on which the claimant's action is based, or $1,000,000, whichever is greater''.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. GORDON] is recognized for 5 minutes in support of his motion.

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

Mr. Speaker, I rise as someone who is a supporter of products liability reform, not just in this Congress, but in past Congresses. I supported the bipartisan bill last year because I do not think status quo is satisfactory. However, I am disappointed that this House has been required to work under a gag rule that has gagged amendments, has gagged this House from fully discussing this issue, and has really gagged the American people from having a full discussion of this issue and allowing us to put better amendments on the floor.

So I rise with a motion to recommit that I think improves this bill in two years: One, to put back in the bill a provision that will require foreign manufacturers to designate an agent in this country. The reason for that is that American consumers are going to be disadvantaged if they are the recipient of some harm by goods in this country by a foreign manufacturer and then cannot get service on them, and American business is going to be at a disadvantage if they are going to be responsible for liability in this country, however foreign manufacturers would not because they do not have an agent to be served.

Mr. Speaker, the second part of this motion to recommit will raise the punitive damage level from $250,000 to a more reasonable $1 million for outrageous conduct.

Mr. Speaker, I yield to my friend, the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, I thank the gentleman from Tennessee for the excellent job he has done.

Mr. Speaker, the motion to recommit makes two simple changes, first restoring the provision from the committee-passed bill which would require foreign manufacturers to be subject to service of process in this country before they could benefit from the bill's provision, and then second increase the cap on punitive damages from a quarter million dollars to $1 million.

Although the body approved a separate amendment by a 92-vote margin that I offered yesterday dealing with foreign manufacturers, that amendment merely ensured that foreign manufacturers were subject to Federal court rules in terms of discovery and jurisdiction. However, we all know that being subject to court rules is not worth anything unless you can actually serve the company with process and bring them into court.

Unfortunately, the first Cox amendment approved yesterday I like to think inadvertently knocked out my service-of-process language. This gutted the whole bill. So the Cox amendment gutted the whole provision of being able to hold foreign wrongdoers responsible for their actions.

Mr. Speaker, I strongly support the motion to recommit.

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

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

Mr. DINGELL. Mr. Speaker, the function of this motion to recommit is a very simple one: One, to include what essentially would have been a bipartisan amendment to this legislation, which would have been offered by the gentleman from Ohio [Mr. OXLEY] and the gentleman from Tennessee [Mr. GORDON], that would have raised the amount of punitive damages to $1 million or three times the economic damages, a very fair and a very humane amendment which would protect the rights of persons injured by serious wrongdoing by manufacturers and others.

The other thing that the amendment does is something which was voted on yesterday and in which by 258 to a substantially lesser number this body came to the judgment that we ought to see to it that foreigners are treated the same way as Americans are.

The Cox amendment yesterday struck from the bill a requirement that foreigners appoint an agent for purposes of receiving service. The striking of that provision meant that no longer is it easy to get jurisdiction over foreigners who engage in improper processes in manufacturing.

Let me give you an example. An American manufacturer manufactures an automobile. In it he includes foreign parts. He is sued for product liability because of the manufacturing of that automobile. Service is easy on the American manufacturer. Under the Cox amendment, it is almost impossible.

Mr. Speaker, if you wanted to treat Americans fairly with foreigners, vote for the motion to recommit. Otherwise vote for the bill as it is.

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

Mr. Speaker, in summary, let me state this motion to recommit offers us a chance to protect U.S. citizens harmed by foreign products, allow American business a chance to compete against foreign manufacturers on an equal footing, and keep the most dangerous products in this country off the market.

Mr. Speaker, I urge Members to support the Conyers-Dingell motion to recommit.

Mr. HYDE. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. HYDE] is recognized for 5 minutes.

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

Mr. HYDE. Mr. Speaker, I yield to the distinguished gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to the motion to recommit, and I do so with some concern, because the fact is the language added regarding service of process I think is a bogus argument and is simply an effort to bash foreign manufacturers.

The motion to recommit, as far as the language increasing its punitive damage ceiling and the cap to $1 million, is an amendment that I had supported and had offered, in fact, to the Committee on Rules. But clearly the language involving service of process in my estimation has no business in the motion to recommit. Frankly, it has no business in the bill.

Mr. Speaker, for that, I feel compelled to oppose the motion to recommit.

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

Mr. Speaker, there are three points to be made on this motion to recommit. The first one is on the first part of the motion to recommit, it has to do with service on foreign corporations. The amendment of the gentleman from Michigan [Mr. CONYERS] was not

stricken by the Cox amendment. It still is in the bill, the one that passed last night making foreign manufactures subject to the jurisdiction of the Federal courts in product liability actions.

What the motion to recommit does has to do with service of process on foreign corporations. I tell you it is unnecessary. The Hague Convention, to which we are all subscribers, already provides for service of process on foreign corporations. So it is unnecessary and it is unneeded.

As to the second part of the motion to recommit, it seeks to elevate the ceiling on punitive damages from $250,000 or three times the economic damages, which could exceed $250,000, to $1 million.

Now, I point out with as much fervor as I can muster, punitive damages are not meant to compensate anybody. They are a punishment, they are a deterrent. There is no inhibition, there is no impediment to a plaintiff suing for medical expenses, economic expenses, noneconomic expenses, pain and suffering, loss of use. All of those things are elements of damages that are recoverable. We are talking now about punitive damages meant to punish somebody, and the purpose of this bill is to have a consistent, reasonable figure so insurance companies and manufacturers are not terrorized by the possibility of bankrupting punitive damages assessed against them in some of the States.

□ 1200

Punitive damages impede quick settlements. They get in the way. The reforms in our bill are reasonable. The Governors Association said, ''We urge you to act swiftly to enact this legislation.''

Now, if you elevate the ceiling to $1 million, you adulterate and you diminish the effect of having a good products liability bill, a good tort reform bill.

I hope Members will stay with the committee, stay with the bill and defeat the motion to recommit.

I want to say something about the remarks of the gentleman who moved this motion to recommit. He called it a gag rule. I, for one, am very tired of having the Republican side berated for issuing rules that do not make in order 82 different amendments but do make in order significant amendments of the opposition. This rule, this rule made in order 8 Democrat amendments out of 15.

I just say to the gentlemen and gentlewomen of this House that they have a short memory if they do not recall in the last session the motor-voter bill, where we got one amendment permitted; the assault weapons ban, where we got no amendments. Do Members hear that? No amendments.

That is a closed rule, let me tell my colleagues. Reinventing Government, do Members know how many amendments Republicans were permitted on that? Zero. How about campaign reform? Do my colleagues know how many amendments we were permitted? Zero. That is one of my objections to term limits. People will forget the way we were treated. And they have the, shall I say, ''chutzpah'' to say we put a gag rule on you when we give you eight amendments. I am sorry. I resist that.

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

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

Mr. CONYERS. Mr. Speaker, I thank the gentleman for yielding to me.

The SPEAKER pro tempore (Mr. WALKER). The time of the gentleman from Illinois [Mr. HYDE] has expired.

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

Mr. GORDON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 195, noes 231, not voting 8, as follows:

[Roll No. 228]

AYES—195

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

NOES—231

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cunningham
Davis
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
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
McCrery
McDade
McHugh
McInnis
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
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
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—8

Cubin
Jefferson
Kanjorski
McIntosh
Moakley
Rangel
Torricelli
Towns

□ 1220

The Clerk announced the following pairs:

On this vote:

Mr. Jefferson for, with Mrs. Cubin against.
Mr. Kanjorski for, Mr. McIntosh 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 passage of the bill.

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

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 265, noes 161, not voting 8, as follows:

[Roll No. 229]

AYES—265

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cunningham
Danner
Davis
Deal
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennelly
Kim
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
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
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—161

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Bateman
Becerra
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Green
Gutierrez
Hastings (FL)
Hinchey
Hoyer
Istook
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kildee
King
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pickett
Pomeroy
Rahall
Reed
Reynolds
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—8

Chambliss
Cubin
Gibbons
Hilliard
Jefferson
McIntosh
Rangel
Towns

□ 1239

The Clerk announced the following pairs:

On this vote:

Mrs. Cubin for with Mr. Jefferson against.
Mr. McIntosh for with Mr. Towns against.

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. CHAMBLISS. Mr. Speaker, unfortunately, when the vote on the Common Sense Legal Standard Reform Act was taken a few minutes ago, I was across the hall meeting with some folks in my State on a very important matter. I did not hear my beeper, nor did I hear the bells, and I just wish to insert in the RECORD the fact that had I been present during the vote, I would have voted affirmatively on that bill.

PERSONAL EXPLANATION

Mr. MCINTOSH. Mr. Speaker, I, too, was inadvertently detained from the floor of the House by an engagement that went beyond the anticipated time, and because of the earlier unanticipated vote on this matter I was not able to make it into the Chamber in time to cast my vote.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 956, the bill just passed.

The SPEAKER pro tempore (Mr. WALKER). Is there objection to the request of the gentleman from Illinois?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 956, COMMON SENSE LEGAL STANDARDS REFORM ACT OF 1995

Mr. HYDE. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill H.R. 956 the Clerk have authority to make such technical and conforming amendments in the text of H.R. 956 as may be required because of the amendments to such bill agreed to by the House.

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

There was no objection.

APPOINTMENT OF ADDITIONAL CONFEREES ON S. 244, PAPERWORK REDUCTION ACT OF 1995

The SPEAKER pro tempore. Without objection, the Chair appoints the following additional conferees on S. 244, Paperwork Reduction Act of 1995.

Mrs. COLLINS of Illinois, Mr. PETERSON of Minnesota, and Mr. WISE.

There was no objection.

REPORT ON RESOLUTION PROVIDING AMOUNTS FOR EXPENSES OF CERTAIN COMMITTEES OF THE HOUSE

Mr. THOMAS, from the Committee on House Oversight, submitted a privileged report (Rept. No. 104–74) on the resolution (H. Res. 107) providing amounts for the expenses of certain committees of the House of Representatives in the 104th Congress, which was reported to the House Calendar and ordered to be printed.

PERMISSION FOR COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES TO FILE REPORT ON H.R. 999, WELFARE REFORM CONSOLIDATION ACT OF 1995

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that the Committee on Economic and Educational Opportunities may have until 5 p.m. today to file a late report on H.R. 999, the Welfare Reform Consolidation Act of 1995.

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

There was no objection.

PERSONAL EXPLANATION

Mrs. JOHNSON of Connecticut. Mr. Speaker, it has come to my attention that last evening I was not recorded on rollcall vote No. 226. I voted in the affirmative. I was on the House floor. I put my card in the machine; I saw the light go on. I did not remember to check whether it had recorded on the board, and I regret the fact that it did not record, but I am absolutely certain I voted.

I have been a long-time advocate of malpractice reform. I support the cap, and I regret that my vote was not recorded in rollcall 226 but I would have voted ''aye.''

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I inquire of the distinguished majority leader the schedule for next week.

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

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

Mr. ARMEY. I thank the gentleman for yielding.

Mr. Speaker, on Monday, March 13, the House will meet in proforma session at 2 p.m. There will be no votes on Monday.

On Tuesday, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. There will be no votes until 5 p.m. We expect to consider eight bills under suspension of the rules. If any votes are called on these bills, they will be held over until 5 p.m.

The following bills are scheduled for consideration under suspension of the rules on Monday:

H.R. 402, the Alaska Native Claims Settlement Amendments Act;

H.R. 421, the Cook Inlet Region Purchase of Common Stock Act;

H.R. 715, the Sea of Okhosk Fisheries Enforcement Act of 1995;

H.R. 531, the Great Western Scenic Trail Designation Act;

H.R. 694, the Minor Boundary Adjustments and Miscellaneous Park Amendments Act;

H.R. 562, the Walnut Canyon National Monument Modification Act of 1995;

H.R. 536, the Delaware Water Gap Recreation Area Vehicle Operation Fees Act; and

H.R. 517, the Chacoan Outliers Protection Act of 1995.

□ 1245

On Wednesday, the House will meet at 11 a.m. to take up House Resolution 107, the committee funding resolution. We expect to complete the resolution and then move to consideration of H.R. 1158 and H.R. 1159, the fiscal year 1995 emergency supplemental appropriations and rescissions legislation, subject to a rule.

On Thursday, the House will meet at 10 a.m. to complete the supplemental and rescission package. It is our hope to have Members on their way home to their districts and their families by 3 p.m. on Thursday.

I would remind Members that the House will not be in session next Friday or on the following Monday due to the district work period.

On the following Tuesday, March 21, we do not expect votes to be held before 5 p.m. If there is any change in this schedule we will notify Members as soon as possible to allow you to finalize your travel plans at the earliest possible date.

Mr. BONIOR. I would ask my friend from Texas, do you expect to have votes on any of these suspension bills that the gentleman listed on Tuesday?

Mr. ARMEY. If the gentleman will yield, of course votes are possible on any of them. We cannot predict at this time whether or not there will be votes, so Members should be advised that we expect votes after 5 o'clock on Tuesday next.

Mr. BONIOR. The reason I ask is these are the same bills that we had in the last Congress. They were so far as I know completely noncontroversial and passed without any objections to them last Congress. And they are the only business we are going to have on Tuesday. On votes, I think we might want to consider whether we want to go ahead with the votes on Tuesday on these measures which appear to be very noncontroversial, but I just raise that as something for my friend to consider.

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

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

Mr. VOLKMER. Briefly on that, I remember back when we had things like this come up, a lot of things, we would roll the votes to the next day when we had a pretty good idea we were not going to have votes or very many votes, and if we are just going to come back here on Tuesday and there are really not going to be any votes after all, I just do not understand it. And the other thing, it does not appear on Wednesday that we are going to be having a real heavy schedule.

Mr. BONIOR. Well, it is my understanding what the majority would like to do is deal with the committee funding bill.

Mr. VOLKMER. That is probably an hour.

Mr. BONIOR. And it is possible to roll the votes, and I would hope my friends on the other side of the aisle would consider that.

May I also ask the majority leader what time for the last votes on Tuesday and Wednesday? Any sense of that?

Mr. ARMEY. If the gentleman will yield, obviously this is a very important piece of legislation. We want to make sure that we can set our timing to as much as possible assure Members of their 3 o'clock departure on Thursday. We should be prepared to go late on both Tuesday and Wednesday night, and of course we would go no later than what we think is necessary to guarantee that 3 o'clock departure.

Mr. BONIOR. If we are only going to do the suspensions on Tuesday, what would necessitate us to go late Tuesday evening?

Mr. ARMEY. If the gentleman will yield, the gentleman's point is well taken. Tuesday night may not necessarily be such a late night, but Wednesday night we should be prepared.

Mr. BONIOR. I thank my colleague for his information on that.

I yield to my friend, the gentleman from Texas.

Mr. DOGGETT. I was wondering about our procedure this next week. Under the new open rules under the Contract With America, when we took up the law enforcement block grants there were at least 10 Members who were denied the right to offer an amendment. On national security there were at least eight Members who were denied an opportunity to offer an amendment. On the regulatory moratorium there were at least 15 Members who were denied the opportunity to offer an amendment. On risk assessment there were a mere three Members including myself and a Republican colleague who were denied the opportunity to offer an amendment. On the takings legislation, two Members, at least two Members were denied the opportunity to offer an amendment.

This week the numbers went up dramatically, four on attorney accountability, three on securities litigation. But 60 specific amendments, germane

amendments, were not declared in order to be offered, Members cut off from the opportunity to offer them even though we have all afternoon, and now apparently under the answers from the majority leader all of Monday and Tuesday that could have been allocated, and I am just wondering with reference to the matters that are scheduled for next week, will we have more Members cut off and denied the opportunity to offer an amendment, or do you think it will stay at the current high level?

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

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

Mr. ARMEY. On the recession bill that we will have under consideration next week we are asking Members to preprint the amendment requests. We anticipate that no requests that are made will be rejected.

Mr. BONIOR. If I could just engage my colleague from Texas and my friend from New York, Mr. SOLOMON, the gentleman from New York announced that the Republican leadership is considering a restrictive rule for the rescission bill, a rule which contains a new set of limitations on the amendment process. It seems to us that under these new standards virtually all of the amendments that were offered in the Committee on Appropriations markup would be blocked on the House floor.

Is that pretty much the gentleman's understanding of the rule which is going to be given to us this week?

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

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

Mr. SOLOMON. The only restrictions on the proposed rule, and we have not made the determination yet, is that on any reinstatement of cuts that appear in the rescission bill, that that would require an offsetting cut. However, if Members were to cut further on those issues that are in the 10 chapters of the bill, they are free to do so. So any of those amendments that were offered in committee can be offered all over again, and hopefully they will be.

Mr. BONIOR. I yield to my friend the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, I would like to pursue that for just a minute with the gentleman from New York, because I had drafted an amendment in regard to restoring the funds for the veterans' outpatient clinic, one in my district that was eliminated in this rescission bill, and I would like to get that money back in.

Mr. SOLOMON. I would like to help the gentleman.

Mr. VOLKMER. You could help, if you really want to.

Mr. SOLOMON. I intend to do so.

Mr. VOLKMER. I am willing to offset, you understand. We found the money to offset. The Parliamentarian tells me it does not fit because we are taking money, we are cutting money elsewhere than what is cut in the bill. If I do not cut, deeper that is than cuts that are in the bill, I cannot cut anyplace else even in the same agency. That is what the gentleman is doing. He is telling me if I want to put the money back for VA I have to take it either out of housing money or someplace else. I cannot cut any further because the committee has already cut the full limits that can be cut in those items. But I cannot go to someplace else and cut and make a cut. The gentleman will not let me do that.

Mr. SOLOMON. It has to be cut by chapter.

Mr. VOLKMER. No, not just chapter, I have to cut within the areas within which the committee already cut. Does the gentleman understand what I am saying?

Mr. SOLOMON. That is correct. Those issues that are in that chapter of the bill.

Mr. VOLKMER. Right. And I cannot cut outside of those if I find money.

Mr. SOLOMON. The gentleman is correct.

Mr. VOLKMER. I cannot cut money someplace else in that chapter, in that agency. I cannot make that cut unless there is already a cut within that in the bill in that specific amount or area.

Mr. SOLOMON. The gentleman is correct.

Mr. VOLKMER. What I am trying to tell my majority whip is they are limiting the amendments by structuring it so we cannot offer amendments unless we make deeper cuts in the programs that we believe in.

Mr. BONIOR. I am aware of that, and that is why I raised the issue with the gentleman on the other side of the aisle. These standards seem arbitrary, and I would hope the gentlemen on the other side of the aisle would reconsider their position before we go to a rule next week.

I yield to my friend the gentleman from Texas.

Mr. DOGGETT. Like the distinguished chairman of the Committee on Rules, I am interested in getting something done about the deficit, and so the one amendment that I am most interested in that the gentleman made general reference to was that of the gentleman from Pennsylvania [Mr. MURTHA], to see that all of the rescissions go to reducing the deficit. Will that amendment be in order here on the floor?

Mr. SOLOMON. If the gentleman will yield, I do not believe so. I think you are going to be legislating in an appropriation bill to do that, and under the rules of the House you are not allowed to. That is why the gentleman from Missouri cannot offer his amendment, because it would be in violation of the rule of the House. We are trying to abide by the rules.

Mr. DOGGETT. Does not the bill as reported legislate on the same matter?

Mr. ARMEY. Mr. Speaker, will the gentleman from Michigan yield?

Mr. BONOIR. I will in just a second. But I think the gentleman from Texas is absolutely correct. There are things in the bill that legislate on appropriations, and I think my friends recognize that. So if that is the case, it seems to us the point my friend from Texas is making is a valid one, an even more important one given the deficit problem we face and its relationship to the other authorizations.

Mr. DOGGETT. If the gentleman will yield further, only momentarily to say, if I understand the answer, we will be denied any further opportunity to see that the cuts that are being made go to reduce the size of the Federal deficit to ensure they all go there, and that is something that is very important to those of us who believe in pay-as-you-go Government. And I am assuming we will be cut off entirely from the opportunity to see that that happens next week.

Mr. BONIOR. I yield to my friend, the gentleman from Missouri.

Mr. VOLKMER. I would like to inquire of the gentleman from New York as to whether or not this rule that will be forthcoming on the rescission bill will protect the language in the bill that does legislate on an appropriation bill, or is that going to be left alone so that it will be subject to a point of order?

Mr. SOLOMON. If the gentleman will yield, the Rules Committee has not met. We are going to take that into consideration.

I can just say to the gentleman though who wants to offer the additional amendment which would legislate in an appropriation bill, even if the appropriation bill did not follow the rules of the House, we intend to.

Mr. VOLKMER. Well then, what the gentleman is telling me basically is I had hoped that what is good for the goose is going to be good for the gander, and if you are not going to permit further things like I would like to do or the gentleman from Pennsylvania would like to do, the Murtha amendment, et cetera that you are going to also protect other things that are in the bill that were put in committee.

Mr. SOLOMON. I would say to the gentleman, come to the Rules Committee meeting at 10:30 on Tuesday morning and we will be glad to entertain the gentleman's testimony.

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

Mr. BONIOR. I yield to my friend, the gentleman from Texas.

Mr. ARMEY. I appreciate the gentleman from Michigan yielding.

Since, in fact, the Rules Committee does invite the Members to come and give testimony and make requests before the committee before writing the rule, and since, in fact, we can debate the merits of the rule during the debate that there will be time scheduled for, I wonder if the gentleman from Michigan had any more questions about the schedule for next week?

Mr. BONIOR. I have one other question for my distinguished majority

leader, and that resolves around the rescission bill itself. The gentleman mentioned that two bills will be considered in the Rules Committee and brought to the floor. Does the gentleman expect these rules to be considered separately?

Mr. ARMEY. If the gentleman will yield, as I pointed out, the Rules Committee has not yet met and decided that.

Mr. BONIOR. May I inquire of the distinguished chairman of the Rules Committee whether his intention is to consider these bills separately or together?

Mr. SOLOMON. If the gentleman will yield, as the distinguished majority leader has said, the Rules Committee has not met, but I will say to the gentleman that there is a probability that we will.

Mr. BONIOR. Let me just mention to my friends, one bill is an emergency bill and one is a nonemergency bill, and as the gentleman will recall vividly from his objections last year, the rules were changed to make it contrary to the new House rules to have these bills considered together and combined. So I hope we will stay with the rules and standards which you established for us during the last Congress and have implemented in the rules of this Congress.

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

Mr. BONIOR. I yield finally to any friend, the gentleman from West Virginia.

Mr. WISE. Mr. Majority Leader, if I could engage you for a moment, I want to point out to the majority leader that last week you and I had a colloquy. The gentleman observed that it was in our best interest to put me at home with my family as opposed to having me on the floor, and you know we agree on that, and I want to thank the gentleman.

I was speaking with the gentleman from Indiana [Mr. ROEMER] as we went off the floor and I said see, just 1 week later and we have 3 days that we will be able to be with our families, so we thank the gentleman for that.

I would note, with my tongue just a little bit in my cheek, that this may bring out something that we have been trying to say all along, that when you remove items of the contract from consideration, like the term limits bill, that not bringing something up under the contract might truly be construed as family friendly.

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

Mr. VOLKMER. I would just like to take up one other little matter with the floor leader, and just bring it to his attention, and I hope that in the future maybe we can work out a little bit better utilization of time than we have been.

This morning we had a limit of 10 1-minutes on each side. At the time we had a number, quite a few more here that wanted to make 1-minutes, including yours truly, and I do not know, there were other Members of your party here also, but I do not know how many wanted to do 1-minutes. I did not go ask them.

□ 1300

But we are here now at 1 o'clock and everything, and I would hope that in the future Members would be able to give them. I appreciate it if the majority leader would recognize that this is an opportunity that many Members think is very worthwhile, to express themselves on an issue, and that by reducing that time unnecessarily it appears to some of us that you just do not want to hear us on the floor of the House, and I hope that that is not so. I would hope that, come like Monday, and Tuesday, there should not be any limit at all; come Wednesday, that we could have sufficient—at least 15 on each side, and then Thursday we will leave it up to you because you want to get out, and we all want to get out at 3 o'clock. But I would hope that we can have a little more favorable view of these 1-minutes.

Mr. ARMEY. Mr. Speaker, if the gentleman would yield?

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

Mr. ARMEY. I would say to the gentleman from Missouri [Mr. VOLKMER] that I would look forward to listening to him speak for as long as he wants. I am sure he could have a 1-hour prime time special order on Monday, and, if the gentleman takes that special order, I am sure I will find some time to listen to some part of it.

Mr. VOLKMER. Well, I am not looking for the 1 hour for myself. I am looking for other Members that have been over here that have speeches ready to go and cannot give them because we have an artificial barrier of limiting the 1-minutes when some feel that it really is not necessary to limit it on certain days, and I would hope that the floor leader—I am not asking for an answer right now, but I hope he looks at it for the future and tries to assess it a little bit different.

Mr. ARMEY. Mr. Speaker, if the gentleman will yield, we plan for a 3 o'clock departure for today. We had a couple of amendments withdrawn. We had a couple of others that were accepted, and we got a bonus because of the working relationship of the majority and minority Members on the floor, and, yes, it turns out, given that circumstance, that our need was not as we had thought it was, and I thank the gentleman for his point.

Mr. BONIOR. Mr. Speaker, I wish the majority leader a very pleasant and happy weekend.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Michigan [Mr. BONIOR].

The SPEAKER pro tempore (Mr. WICKER). The Chair would point out that additional 1-minute speeches are in order at this time.

HOUR OF MEETING ON TUESDAY, MARCH 14, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, March 13, 1995, it adjourn to meet at 12:30 p.m., on Tuesday, March 14, for morning hour debates.

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

There was no objection.

ADJOURNMENT FROM FRIDAY, MARCH 10, 1995, TO MONDAY, MARCH 13, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

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.

PROVIDING FOR THE TRANSFER OF CERTAIN EMPLOYEE POSITIONS

Mr. ARMEY. Mr. Speaker, I send to the desk a resolution (H. Res. 113) providing for the transfer of certain employee positions and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 113

Resolved, That (a)(1) the two statutory positions specified in paragraph (2) are transferred from the House Republican Conference to the majority leader.

(2) The positions referred to in paragraph (1) are—

(A) the position established by section 102(a)(2) of the Legislative Branch Appropriations Act, 1988, as contained in section 101(i) of Public Law 100–202; and

(B) the position established by section 102(a)(2) of the Legislative Branch Appropriations Act, 1990.

(b)(1) The two statutory positions specified in paragraph (2) are transferred from the majority leader to the House Republican Conference.

(2) The positions referred to in paragraph (1) are—

(A) the position established for the chief deputy majority whip by subsection (a) of the first section of House Resolution 393. Ninety-fifth Congress, agreed to March 31, 1977, as enacted into permanent law by section 115 of the Legislative Branch Appropriation Act, 1978 (2 U.S.C. 74a–3); and

(B) the position established for the chief deputy majority whip by section 102(a)(4) of the Legislative Branch Appropriations Act, 1990;

both of which positions were transferred to the majority leader by House Resolution 10, One Hundred Fourth Congress, agreed to January 5 (legislative day, January 4), 1995.

SEC. 2. (a)(1) The two statutory positions specified in paragraph (2) are transferred from the Democratic Steering and Policy Committee to the minority leader.

(2) The positions referred to in paragraph (1) are—

(A) one of the two positions established by section 103(a)(1) of the Legislative Branch Appropriations Act, 1986; and

(B) the position established by section 102(a)(1) of the Legislative Branch Appropriations Act, 1988, as contained in section 101(i) of Public Law 100–202.

(b)(1) The two statutory positions specified in paragraph (2) are transferred from the minority leader to the Democratic Steering and Policy Committee.

(2) The positions referred to in paragraph (1) are—

(A) the position establish by section 102(a)(3) of the Legislative Branch Appropriations Act, 1990; and

(B) the position established by paragraph 2. (a) of House Resolution 690, Eighty-ninth Congress, agreed to January 26, 1966, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1967.

SEC. 3. (a) Upon the enactment of this section into permanent law, the amendment made by subsection (b) shall take effect.

(b) Subsection (a) of the first section of House Resolution 393, Ninety-fifth Congress, agreed to March 31, 1977, as enacted into permanent law by section 115 of the Legislative Branch Appropriation Act, 1978 (2 U.S.C. 74a–3) is amended by striking out ''Chief majority whip'' and inserting in lieu thereof ''chief deputy majority whip''.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF COMMITTEE ON RULES' PLANS ON WELFARE REFORM

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

Mr. SOLOMON. Mr. Speaker, I rise to announce the Committee on Rules' plans for the welfare reform bill. For the information of the Members, the Committee on Ways and Means bill is H.R. 1157, the Committee on Economic Opportunity's bill is H.R. 999, and the Committee on Agriculture bill is H.R. 1135. It is the intention of the committee to make in order a new text reflecting the reported versions of the three major committees of jurisdiction. This text will be introduced as a new bill on Monday, March 13, that is this coming Monday, for draft and inspection purposes. Copies of the new bill can be obtained from the majority offices of the three committees that have reported this legislation around 3 p.m. on Monday, even though the House may have adjourned by that time.

The Committee on Rules plans to meet late next week to grant a rule to provide for consideration of the welfare reform package.

The committee is contemplating a rule which would restrict the offering of amendments. Any Member contemplating an amendment should submit 55 copies of the amendment and a brief explanation to the Rules Committee no later than 5 p.m. Wednesday, March 15. Substitutes and free-standing amendments may be filed. No second-degree amendments will be allowed.

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 their amendments comply with the Rules of the House.

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

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

Mr. VOLKMER. On this bill, Mr. Speaker, it is necessary for Members to expect to appear before the Committee on Rules and to furnish the Committee on Rules with copies of the amendments and not just print them in the RECORD?

Mr. SOLOMON. That is correct. The gentleman is correct.

Mr. VOLKMER. I am glad to know that.

Mr. SOLOMON. I thank the gentleman for reminding the membership.

TURN OFF O.J. AND WATCH MY SPECIAL ORDER

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

Mr. DORNAN. Mr. Speaker, today I am first up for a 1-hour special order, and it is one that I have been trying to do before my fellow Members in this esteemed body and that growing audience of 1,300,000 caring Americans across the country through the courtesy of C–SPAN, and it is going to be on the Battle of the Bulge. Fortunately, I was able to get over to Europe in December with the Secretary of the Army, and I was a little bit saddened that no Member of the other Chamber, of the United States Senate, or any other Member of the House was able to get over there on December 16, which was the beginning of the last major Army offensive move in the West of the war, and it took the lives of between 16,000 Americans killed in action, to 19,000, depending on when one determines what was the cutoff of this offensive, and it was fought in the dead of winter, under snow cover, and I hope that people will turn off O.J. Simpson's trial and watch this special order.

Mr. Speaker, this is what America is all about, remembering those who gave their lives for our freedom.

MOURNING THE PASSING OF JUDGE JAMES B. MCMILLAN

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

Mr. WATT of North Carolina. Mr. Speaker, Judge James B. McMillan, a North Carolina stalwart, died Saturday, March 4. Judge McMillan lived just outside my district, but he had a tremendous impact on children in my district. I rise today in tribute to this great man.

Judge James McMillan will always be remembered for his courageous, and right, court decision which ordered the desegregation of Charlotte-Mecklenburg Schools. This ruling forced a reluctant school system to move into the future. He did this despite the repeated threats to his life and his family, and the subsequent FBI protection that the McMillan family had to live with for years.

Judge McMillan should be remembered for his courage and for the impact he had on Charlotte-Mecklenburg and North Carolina. Today, the Charlotte-Mecklenburg schools are still among the Nation's most integrated schools. Charlotte, as a result, is viewed as a shining symbol of the South.

Because of Judge McMillan, North Carolina's children in 1970 received what they so rarely got: justice. Today's children receive the benefit of his wisdom, and live with more hope and opportunity. We mourn the passing of Judge James B. McMillan.

REPUBLICAN TAX PLAN FOR AMERICA'S CORPORATIONS

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

Mr. MILLER of California. Mr. Speaker, the Republican tax plan announced yesterday takes us back to the days of yesteryear, when 130 of the 250 largest corporations in America paid no income taxes in spite of having profits of $72 billion prior to 1986; 130 of these corporations paid no taxes in 1 or more years.

The Republicans are repealing the alternative minimum tax for corporations and, once again, these corporations will not have an obligation to the people of this country. As they shift the jobs overseas, they will pay no taxes in America.

Prior to 1986, Burlington Industries paid no taxes in 2 out of 4 years; Burlington Northern, 2 out of 4 years; Adolph Coors, 1 out of 5 years; Lockheed, 4 out of 5 years; Mitchell Energy, 4 out of 5 years; General Dynamics, 4 out of 5 years; the Grumman Corp., 4 out of 5 years paid no taxes, yet they earned $72 billion.

Do Members want to know why middle-income taxpayers are paying more taxes? Because the Republicans are going to let the American corporations

off the hook for over $13 billion in taxes.

130 companies that beat the tax system in at least 1 year between 1981 and 1985

[Out of a sample of 250 corporations]

Company	*Number of no-tax years*
Aetna Life & Casualty	1
Air Products and Chemicals	1
American Cyanamid Co.	3
American Standard	2
AMP	1
Anheuser-Busch	1
Archer Daniels Midland Co.	1
Armstrong World Industries	1
Ashland Oil	3
AT&T	2
AZP Group (Arizona Pub. Serv.)	1
Bankers Trust	3
Barnett Banks of Florida	1
Baxter Travenol Laboratories	1
Boeing Co.	4
Borden	1
Burlington Industries	2
Burlington Northern	2
Carolina Power & Light Co.	2
Carpenter Technology Corp.	1
Centex Corp.	3
Central and South West Corp.	2
Champion International Corp.	3
Citizens and Southern Ga. Corp.	2
Cleveland Electric Illum. Co.	1
Combined International Corp.	1
Comerica	4
Commonwealth Edison Co.	1
Continental Telecom	1
Coors (Adolph) Co.	1
Corning Glass Works	2
CSX Corp.	2
Cubic Corp.	1
Dun & Bradstreet Corp.	2
DuPont	3
Englehard Corp.	2
Federal Paper Board Co.	3
First Executive Corp.	2
First Interstate Bancorp	2
First Union Corp.	1
Foster Wheeler Corp.	1
FPL Group (Fla. Power & Light)	1
General Dynamics	4
General Electric	3
General Mills	3
General Public Utilities Corp.	1
Georgia-Pacific Corp.	2
Goodyear Tire & Rubber Co.	1
Grace (W.R.) & Co.	2
Great Northern Nekoosa	3
Greyhound Corp.	5
Grumman Corp.	4
Gulf States Utilities Co.	1
Gulf+Western Industries	1
Harris Bankcorp	1
Harris Corp.	2
Harsco Corp.	1
Hewlett-Packard Co.	1
HNG InterNorth	1
Hormel (Geo. A.) & Co.	1
Household International	1
Houston Industries	1
IC Industries	1
Illinois Power Co.	1
International Multifoods	2
International Paper Co.	2
Internat'l Minerals & Chemical	2
Jim Walter Corp.	2
Leaseway Transportation Corp.	2
Lockheed Corp.	4
MAPCO	1
Martin Marietta Corp.	2
McDonnell Douglas Corp.	1
Media General	1
Mellon Bank Corp.	1
Middle South Utilities	4
Mitchell Energy & Dev. Corp.	4
Mobil Corp.	1
Morgan (J.P.) & Co.	1
M/A–COM	2
Niagara Mohawk Power Corp.	2
Northern Indiana PSC	2
Northern States Power Co.	2
Northrop Corp.	2
Ohio Edison Co.	2
Overseas Shipholding Group	2
Owens-Corning Fiberglas Corp.	1
Owens-Illinois	1
Pacific Gas and Electric Co.	1
Pacific Lighting Corp.	2
PacifiCorp (Pac. Power & Light)	1
Panhandle Eastern Corp.	4
Pennsylvania Power & Light Co.	2
Pennzoil Co.	1
Pepsico	3
Philadelphia Electric Co.	2
Phillips Petroleum Co.	1
Piedmont Aviation	2
Pittway Corp.	1
Prime Computer	1
RCA	2
Rockwell International	1
Rohm and Haas	1
Senta Fe South'n Pacific Corp.	2
SCM Corp.	1
Scott Paper Co.	2
Sears, Roebuck & Co.	1
Singer Co.	3
Southeast Banking Corp.	2
Southern California Edison Co.	1
Southwest Airlines Co.	2
Sperry Corp.	1
Sun Chemical Corp.	2
Sundstrand Corp.	2
Tektronix	2
Tenneco	2
Texaco	3
Transamerica Corp.	4
Tribune Co.	2
TRW	1
Tyson Foods	3
Union Camp Corp.	4
Union Electric	2
Unocal Corp.	1
USG Corp. (U.S. Gypsum)	1
U.S. Bancorp	3
Westinghouse Electric Corp.	2
Westvaco Corp.	1
Weyerhaeuser Co.	2
Xerox	3

TOTALS

Number of companies paying zero or less in taxes in at least one year, 1981–1985—130 out of 250 companies.

Profits in the no-tax years—$72.9 billion.

Total tax rebates in the no-tax years—$6.1 billion.

Average tax rate in the no-tax years—-8.3 percent.

SPECIAL ORDERS

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. RIGGS] will be recognized for 5 minutes.

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

CLOUD OF WRONGDOING COVERING THIS HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. VOLKMER] is recognized for 5 minutes.

Mr. VOLKMER. Mr. Speaker, Members of the House, the majority party took great pains to celebrate the 50th day of their Contract on America when only one piece of legislation had become law to this date. Only one piece of legislation has become law, and that is one we all agreed to. We, as Democrats, passed it last year, and it got bottled up over in the Senate.

Mr. Speaker, I would like to know where the celebration is today to mark the 50 days. Yes, it is a different 50 days. What happened 50 days ago today? Does anybody know?

Nobody knows here.

Well, I can tell my colleagues what happened 50 days ago. The ethics committee was appointed. What has happened since? Where is the press conference for today? Where is a press conference? Where is the majority party having their big celebration?

Mr. Speaker, I ask because no investigation has begun of all the ethics charges brought against the Speaker, and I think they would be out celebrating. I am sure the majority party will want to celebrate this 50th day as well and announce that no investigations are under way, Mr. Speaker, no special counsel has been named, despite the fact the complaints keep stacking up one after the other.

I can see the headlines now. We, Mr. Speaker, have been successful in stonewalling for 50 days, and we feel confident, Mr. Speaker, in continuing to stonewall for the next 50 days. Perhaps the Speaker believes that the ethics complaints are like constitutional rights, to say what you want on the floor, anything you want, but there are different rules for him.

As my colleagues know, we have seen this huge cloud that has grown over this House of Representatives, the House of Representatives that I love so well, that many of us feel is a bastion of democracy, and this cloud of wrongdoing is covering this House, and yet no action is being taken to take this cloud away, to say, ''No, we should try to do something about this. We should have an investigation. We should have an independent counsel. Let the chips fall where they may. If the Member is innocent, so be it. If he is guilty, so be it.''

But why are we stonewalling? It is 50 days since the ethics committee has been appointed, and not one action has been taken in that 50 days. Why not?

Well, I suggest to some of the Members to look and see who got appointed to that ethics committee. I suggest they look and see what has happened as a result of those appointments and who got appointed.

□ 1315

You know, it is interesting to me, I would like to ask other Members, maybe some can tell me the answer, which Member of Congress says he has a constitutional right to speak on the

floor on any given subject, but no other Member has that right? Which Member says that publicly? Now, which Member of Congress said a year ago, ''If you are innocent, why not appoint an Independent Counsel and clear your name?''

Well, our Speaker said that a year ago in regard to the Whitewater investigation. But he does not want it applied to him. I think that all laws, all rules, should apply to all Members equally, and that what is good for the goose should be good for the gander, and I am asking that the Committee on Ethics proceed with appointing an independent counsel to remove this cloud of darkness that permeates this House, and do it right away.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. WELDON] is recognized for 5 minutes.

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

PROBLEMS WITH COMMON SENSE LEGAL REFORM ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, the reason that I am opposing what is billed as the Common Sense Legal Reform Act or Tort Reform Act is not because I am opposed to all tort reform. I am not. I think what most people want is they want to see the courts that are clogged have that ended. They want to discourage frivolous lawsuits. In some cases they want to limit what they see as unfair recoveries and perhaps unfair attorney fees. They want to see the end to the occasional sensational judgment you read about.

The fact of the matter is this legislation this Congress has been considering does not do any of that, and it will not guarantee to any working West Virginian, any middle or low-income West Virginian, any lower insurance rate. It will not guarantee any better health care. It will not do that.

But what it will do besides is, it is going to say to the average West Virginian that you are not going to get any lower insurance rates, you are not going to get any lower health care rates, but you are going to have a lot harder time going to court when you have a legitimate grievance you need to litigate.

I wanted to be able to support the product liability, the securities limitation, and even in some cases the attorney's accountability act. but I cannot do it, for instance, when they completely change the way that there is compensation for the victim. I cannot do it, for instance, when they overrule 200 years of common law in this country to say that now the loser will pay. That has never been a concept in our society. Instead of a contingency fee, the loser pays.

I cannot do it, for instance, when punitive damages are limited so strictly that that working family that is hit by a drunk driver on Route 9 in the eastern panhandle is sharply limited in the punitive damages they can recover, or the victim who has had their lives ruined by a sexual predator is limited strictly in the amount of punitive damages that they can recover.

What happened to the States rights that are so important, and indeed we hear so much about in this body today? What happened to that concept of States rights, when the Federal Government now moves in and says the State of West Virginia does not have the right to protect its citizens the same way it used to? And perhaps the State of West Virginia differs from Tennessee, California, or whatever. This litigation does nothing to stop frivolous lawsuits. This litigation does nothing to stop that attorney that many people worry about maybe filing suit after suit after suit in hopes of hitting the litigation lottery. In fact, there are existing sanctions you can already use on attorneys in the Rules of Civil Procedure. Indeed, there are means by which you can file counterclaims for attorneys fees if you think the other side is acting improperly. But this legislation does not do this.

There is no evidence that this legislation will lower anybody's insurance rates. In fact, there was an amendment defeated that would have made it possible for people to go and find out exactly what the impact of this legislation would be on insurance.

This legislation even added an amendment that limits pain and suffering, so-called noneconomic damages, to $250,000 total. That may sound like a lot, unless you are the 20-year-old who is made a quadriplegic and live out the next 40 or 50 years with pain and suffering, for which you are going to receive an average of about $5,000 or $10,000 a year.

This legislation does not help accountants. That is one of the groups I was hoping in the securities litigation it would help. In fact, the bill that passed was even worse than last year's bill, which was a compromise version.

So, Mr. Speaker, I am going to wait until the Senate acts. This legislation goes to the Senate. I believe it will be tempered there. It is my hope it will be, it will come back, and then we will evaluate again. This is a case of reaching too far. There was a chance to get significant liability reform, product liability reform, but that did not happen.

I want to talk for just a second about the loser-pays provision. What that means is for the average West Virginia couple, the average West Virginian low- or middle-income person who has a serious litigation claim, whether it is personal injury, product liability, whatever it is, when they go to court, when they go to see their lawyer, the lawyer will say, ''I have to tell you even if you have a meritorious case, there is an excellent chance if a jury comes back against you, just by the thinnest of margins, you are going to end up paying the fees of the other side.'' You are going to end up paying the fees of the insurance company that is defending against you. That is quite a deterrent.

I want to speak for just a second about the securities litigation bill. That is one I thought I could vote for, but it, too, had the loser-pays provision in there. That is anathema to any serious tort reform. It also requires the plaintiff, the person filing the suit, the person alleging being defrauded, that they have to show intent by the securities firm. Not just recklessness, they have to show intent, which is an impossible standard. It does not separate accountants, as indeed we hoped it would, and indeed it keeps the loser pays.

Mr. Speaker, for all of those reasons, I oppose this legislation.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

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

THE SYSTEMATIC ASSAULT ON CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of California. Mr. Speaker, earlier this morning in the 1-minutes, several Members of the Republican Party came down and asked why Democrats were saying they are so harsh on children and why this would be true when in fact they have not hurt children at all in the rescissions and the budget cuts that they have already made and in the welfare bills and the nutrition bills that are coming to this House in the next couple of weeks.

The fact is when we analyze the Republicans' welfare bill, the Republicans' rescission bill, the Republicans' nutrition and school lunch bill, the Republicans' child care bill, and what we see is a systematic assault on children, and especially poor children in this Nation.

In the rescission bill that will be coming to the floor of the House next week, $25 million has been cut by the Republicans for the Women, Infants and Children Program. This means about 100,000 pregnant women and newborn infants will not be served this fiscal year.

These are women and newborn infants who have been medically certified to be at high risk of having a pregnancy that is not normal or pregnancy that might not be carried to term or the birth of an infant that will be low birth weight and run a much,

much higher risk of needing all kinds of intensive medical care at the time of birth.

These are some of the most expensive babies born in America today. And yet for a few dollars a week with the Women, Infants and Children Program, we can dramatically reverse these pregnancies and the birth weight of the newborn infants and their lives there ever after. Because some 40 percent of these low birth weight babies with the complications that many of them encounter at that time come back to us in the need of special education, of therapies and other programs to help them. But this is preventable with the Women, Infants and Children Program. Yet at the earliest stages of life, when children are struggling to thrive and survive, when women are struggling to provide a normal pregnancy, a full-term pregnancy, resulting in a healthy baby, we see $25 million taken out of this bipartisan program that has received universal praise and success in every study conducted. Whether in the universities, whether by government, whether by foundations, all of them praise the success in changing the outcome of these pregnancies.

When you consider in this country that 60 percent of all of the pregnancies in this country are unwanted, unintended, and that half of those are resolved by abortion, and now we put into the equation the likelihood of giving birth to a low birth weight baby with all of these complications, we create much more trauma around birth and the expectation of the birth of a child than there should be for these families. But the Republican budget cuts this program.

In the new nutrition program, $7 billion cut from what it would take to maintain the children currently on the program in the next 5 years. In my district, the Mount Diablo School District, that is about half a million dollars. Fewer lunches for fewer children or smaller lunches. The Richmond School District, the same kind of choices. The State of California, $1 billion in nutrition that goes to low-income working families and to poor families to feed their children.

The Food Stamp Program, same families, yet getting another cut, trying to provide nutrition for their children. The day care feeding program, family day care, where working parents leave their children for the hours they are at work, the nutrition program is being cut, raising the price of day care $15 a week, maybe $60 a month for people who are not working for all that high wages, trying to provide child care for their children.

The fact we see drug-free schools, programs started by Nancy Reagan, she was in town this last week testifying about the drug activity, and yet that program is being cut.

Summer youth employment: The greatest determinant of keeping children out of problems when they are adolescents and young people is to provide them employment, job experience, work experience. Half of the money for this program in most communities is put up by the private sector. That program is being zeroed out.

So you can see why the Republicans are so nervous about being anti-child, because on the facts, on the language of their bills, on the numbers of their cuts, and the impact on these programs, children are going to be hurt. This is not an abstract notion, ladies and gentlemen; these are the facts of the bills that will be coming to the floor this next week.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. WYNN] is recognized for 5 minutes.

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

THE GREATEST BATTLE OF WORLD WAR II

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

Mr. DORNAN. Mr. Speaker, as I said a few moments ago in my 1-minute speech, I would be spending the better part of this next hour on America's most costly battle, the one that Winston Churchill said was the greatest battle in American history, the campaign in the Ardennes Forest of Europe. Churchill was correct. If we go by ''killed in action and wounded in action,'' his words were true. His exact words were, ''This is undoubtedly the greatest battle of the war, and will, I believe, be regarded as an ever famous American victory.''

Before I do that, it is my desire, Mr. Speaker, to read slowly an article from the Washington Post on Wednesday that I believe is the great moral battle of our time. The unending death total of almost 4,500 Americans in their mother's wombs every single day. Still, a million and a half abortions every year. It is a death toll that is way past 30 million just since the Roe versus Wade decision, one of the most evil decisions by a court in all of recorded history, a decision based on a total lie.

Norma McCovey, who was named Jane Roe as her nom de guerre, her war title, war against the preborn, never did have an abortion. She tried to kill all three of her daughters that are still estranged from her. They are all in their middle twenties to early thirties now, and they are all saying when their mother is willing to apologize for having tried to kill them then they will reconcile with her.

She is on the road, not a very high IQ lady, on the road for Planned Parenthood and NARAL and other ferociously pro-abortion groups. And she is a sad figure, because she never was raped. And the whole case in Texas by a very poorly prepared attorney general of Texas was based on a lie. She never was raped, I repeat, never did abort one of her three pregnancies. The three daughters live to this day. And on that lie, we did something as loathsome as keeping about four million Americans enslaved, Americans of African heritage, right up through the bloodiest conflict that America has ever known, 618,000 dead from all the American States on both sides, in a Nation that, including the non-free Americans, was only about 37 or 38 million people. And we killed off in their child bearing years through disease and combat, combat far less than those that died of diseases, 618,000 Americans. And here we are doubling that total every year with abortion alone.

□ 1330

This article is by a friend of mine who is an excellent actor. You can see him doing many commercials in any given year. He is a good character actor, but beyond that he teaches law at Pepperdine and he is an excellent philosopher, an observant individual, Benjamin J. Stein. And here is what he writes in Wednesday's Washington Post, one of America's three big liberal papers of record. The title of Ben's article is ''Deep Sixed by the GOP.''

''A bureaucrat is a Democrat who has a job that a Republican wants.' So said Eleanor Roosevelt in 1946 when she was helping to campaign against the Republican tide in Congress. It didn't help, but it made a valid point. There's no particular pride in coining phrases and slogans and in posturing after moral superiority if all you really want is a job,'' that someone else has, ''and the pose of moral superiority is your pitch.''

''This comes to mind because of a recent spate of back pedaling among Republicans about the right-to-life issue. From what I hear,'' says Ben Stein, ''it's coming from across the board, in Congress and elsewhere,'' across our land, ''and there is not a single GOP Presidential hopeful at this point who is in favor of a right-to-life amendment to the Constitution or of repealing Roe versus Wade in any way.''

I might put in an important footnote at that point, Mr. Speaker. This Member, who aspires to the greatest office in this land or any other, I not only have a right-to-life amendment, and have had in every one of nine Congresses that I have been here, but I have always been for repealing Roe versus Wade, a repeal of the Supreme Court decision of infamous and heinous ill repute that was based on a lie.

And the lawyer, Sarah Weddington of Texas, knew it was a lie and told her client Norma McCovey, Jane Roe, to continue lying. She wasn't raped and has never been subjected to an abortion.

Back to Ben Stein. Now to some of us, abortion is the preeminent moral issue of the century. It's not a medical

procedure of moral neutrality. It's not a sad duty that conflicted mothers sometimes have to do. It's the immoral taking of a life, not very different from homicide.

''Since it's done by doctors and by mothers, it's particularly hypocritical since it's the taking of totally helpless life, it's the breaking of the most sacred trust imaginable—the implicit pledge by parents to take care of their children, or at least not to murder them.

''Stopping this riot of immorality is not just another issue like how many pages of regulations there should be on handling chicken by-products. It's not an issue about which learned people differ—but none considers either position immoral—like the balanced budget amendment. It's the bedrock test for many of us of whether we can consider ourselves a moral people. It's as vital for our time as abolitionism was for the America of a century and a half ago. From it flow all other considerations of how much importance we place on human life.

''Obviously, not everyone agrees with us about this issue. There are some politicians, like Barbara Boxer and Diane Feinstein,'' both of California, ''who have always opposed right to life and tried to make the case for abortion. That's not fine, but at least it's understandable. There is some consistency there, and although it's consistency for a wicked principle, it's understandable.

''What's more troublesome right now is this screaming fact: The Republicans ran under the right-to-life banner. They gave money to right-to-life to turn out the pro-life vote. They got a stunningly high percentage of the right-to-life vote.''

I might add another footnote here. Given the preponderance of people of my heritage in the other party, and a similar heritage to an Irish heritage, that of Italian-American ancestry, Polish-American ancestry, Lithuanian-American ancestry, French-American ancestry, there is a strong representation still of what we loosely call in politics, blue collar or Reagan Democrats in the other party. And they came over to the Republican vote on November 8, 1994, in more massive numbers than they ever had before, even in larger numbers than they did to elect Ronald Reagan in 1980 and 1984.

So it is fair to say we got a stunningly high percentage of the right-to-life vote, particularly thanks to the former Governor of Pennsylvania, Robert Casey, a large number of Democrat right-to-life voters.

''It's not an exaggeration to say the right-to-life vote put the Republicans in power in Congress,'' in this 104th Congress.

''Seemingly, now that the GOP is in the jobs that the Democrats had, the right-to-life voters can be safely cast aside. ('Where else do they have to go?' as a Republican strategist here said to me. 'We aren't going to lose them to Hillary Clinton').

''There will be some minimal bows to not using taxpayer money to pay for abortions, but the Federal Government will not use its power to hinder privately paid abortions. (Even though the Federal Government pokes its snout into the nongovernment sector minute by minute, person-by-person all across America.)

''The notion here, as I,'' Ben Stein, ''keep reading, is that abortion is a divisive issue, the kind of issue that gets people angry, that splits the party and that loses elections if it's pressed.

''Or, to put it another way, maybe abortion is the kind of issue that prevents a Republican from getting a job that a Democrat has.'' There is that Eleanor Roosevelt quote again. ''But wait a minute: If it's true that the GOP ran on a pose of moral superiority, got elected on that pose and is now going to deep six the issue it posed on so as to go on to further electoral triumphs, don't we have a word for that? Isn't the word hypocrisy. Isn't it the most painful kind of hypocrisy—hypocrisy about a moral issue that keeps people up at night, that makes people go to jail for what they believe?

And I know my friend Ben is speaking here of people who demonstrate peacefully or at least nonviolently; not the two assassins or the midnight cowardly bomber. He is speaking about nuns and priests and ministers and rabbis and humble mothers and young kids who put it on the line before we tried to restrict the peaceful right to assemble or the freedom of speech of this one—this one human and civil rights movement in the 216-year history of our country.

Only the pro-life movement is subjected to this bullying that used to go on in this Chamber and that I do believe came to a sreeching halt November 8.

Back to Ben Stein's closing two paragraphs: ''Somehow, I don't think that all of the cutting of the budget, reduction of taxes and building up of the military will wipe away the stain. The GOP has seemingly just used the most morally sensitive issue of the century as a ploy to get votes. When it looks as if the issue might lose an election, even if the pledges were unequivocal, the issue and the faithful get dumped. It's frighteningly cynical.

''But now we know. Get the votes and run. A bureaucrat is a Democrat who has a job that a Republican wants. That, apparently, is the bottom line.''

Signature by Benjamin J. Stein, a writer and actor in Los Angeles, a teacher of law at Pepperdine University.

Well, I would hope that my party will show more courage and more principle than what Mr. Stein suspects here, Mr. Speaker. And after we have our first pro-life debate and our pro-life vote, after the largest number of Roman Catholics to ever serve in this body waive the scriptural admonition, what does it profit a person to gain the whole world and lose their immortal soul, that some Roman Catholics who regularly vote for abortion here, that they will come home to their Christian faith and they will realize that they can be in the majority now. An easy call. That they can just give us a supermajority on stopping this unbelievable death toll of abortion in our fair, beautiful land, and that they will have a chance to reconcile themselves with their faith. That they no longer have to posture that they know more than Mother Teresa, more than the Pope in Rome, more than every bishop in this country—no matter how flaky they are on liberalism or how flaky they are on homosexuality—every bishop in this country and most protestant bishops, all Jewish rabbis of orthodox faith closest to the land of the book that we all call the holy land, that maybe there will be a reconciliation and a coming home before that first vote before people lock themselves into what is, to quote Ben, a screaming denial of decency and a denial of their faith. Let's see what happens in the 104th Congress.

Now, I have been joined by a friend of mine who can almost ask me anything. But I was now about to spend the rest of this hour on the Battle of the Bulge. This man has probably seen more combat, given the retirement rate, than anybody in this Chamber; has shot down five of the enemy's best MIG fighters and was shot down himself in the process and plucked out of the sea by rescue forces before the enemy had a chance to torture him. And this is the kind of guy I think they would have preferred to torture to death, rather than let him come home and run for Congress, DUKE CUNNINGHAM.

And my dear colleague, I see a note from you that you want to take from my ration on the Battle of the Bulge 5 minutes for what subject?

Mr. CUNNINGHAM. Children's Nutrition Program.

Mr. DORNAN. Children alive today who are alive because of those heroes at the Battle of the Bulge and the drive across the Rhine which started 50 years ago on the 7th of March, a few days ago.

I was also going to mention that this is day 20 of the 36 days of our Marine Corps taking their worst casualties ever, almost 6,800 others dying on the island of Iwo Jima. They had reached the north shore yesterday and they still had 16 vicious days to go.

I will tell you what I will do. Children's nutrition is so important, and you are an expert, let me set the scene for my words on the Battle of the Bulge by telling everybody what happened 50 years ago today, DUKE, and then I will give you those 5 minutes carved right out of the middle of what I hope is commanding the attention of people.

DUKE, what I said in the 1-minute, and I meant to say at the beginning of this, I am begging anybody listening to

the sound of my voice and to this distinguished Chamber and we have got—I can't identify them by name, but we have about, look at that, 250, make 300 young Americans, generation-X folks chasing the baby-boomers into what I hope will be a successful life for every one of them.

I am begging them, anybody listening, to call a friend, a friend that may be watching the O.J. Simpson trial—an athletic hero gone sour, but never was asked to lay his life on the line for his country, as you were and as I offered to do in peacetime as a combat-ready, trained fighter pilot.

Call a friend, tell them to take a break from the O.J. Simpson trial. Turn on C–SPAN and watch what you have to say on child nutrition and watch what I have to say about the heroes of Iwo Jima, the crossing of the Rhine, and the ones that I just didn't get an opportunity to talk about with our reorganization and rebirth of the American revolution here the last couple of months, what I learned in Europe in December last, this last Christmas week, about the Battle of the Bulge.

But let me set the scene and then I will yield to you, Mr. CUNNINGHAM. March 10, 1945, 50 years ago today—I am going to set the scene:

I have here the words of the 40th President of the United States, Ronald Reagan. And this is why I am doing this. Ronald Reagan, in his goodbye speech as President of the United States, 8 wonderful years, 9 days before George Bush was sworn in as our 41st President, President Reagan on all three major networks and CNN said goodbye to his fellow countrymen.

It is a beautiful speech, truly beautiful. I have put it into the RECORD several times. But at the end of his speech, in the last few paragraphs, he asked us to reflect upon the importance of the history of our great and fair land.

He said, and these are his exact words: ''We've got to teach history based not on what's in fashion, but on what's important—why the Pilgrims came here, who Jimmy Doolittle was, and what those 30 seconds over Tokyo meant. You know, 4 years ago, on the 40th anniversary of D-day,'' this is the 51st anniversary coming up, ''I read a letter from a young women writing to her late father, who'd fought on Omaha Beach. Her name was Lisa Zanatta Henn, and she said, 'We will always remember, we will never forget what the boys of Normandy did.' ''

President Reagan goes on to talk about helping her keep her word and he closes his goodbye to the country this way. ''Let me offer lesson number one about America: All great change in America begins at the dinner table. So, tomorrow night in the kitchen I hope the talking begins. And children, if your parents haven't been teaching you what it means to be an American, let 'em know and nail 'em on it. That would be a very American thing to do.''

He goes on to talk about what he meant about ''a shining city upon a hill,'' talks about the early Pilgrims, early freedom men, referring back to the stirring moments in his early speech where he recounted a favorite story of his of Vietnamese boat people seeking freedom, people we had betrayed and left behind in Vietnam to the cruel tortures and executions of their Communist masters from Hanoi, the conquerers who still rule there.

And this young Vietnamese boy, now an American citizen somewhere in the country, maybe listening to my voice right this afternoon, he yelled up at one of our rescue ships, ''Hello,'' to this young sailor, ''hello, freedom man.''

So President Reagan is referring back to his beautiful freedom man story and he talks about what his vision of an American city on a hill is. And then he says about himself, ''We've done our part. And as I walk off into the city streets, a final word to the men and women of the Reagan revolution, the men and women across America who for 8 years did the work that brought America back. My friends: We did it. We weren't just marking time. We made a difference. We made the cities stronger, we made the city freer, and we left her in good hands. All in all, not bad, not bad at all.

''And so goodbye, God bless you and God bless the United States of America.''

That was 9:02 p.m. from the Oval Office, January 11, 1989. Remember those words: Children, if your parents haven't been teaching you what if means to be an American, let 'em know. Nail 'em on it. That would be a very American thing to do at your kitchen table.

Now, set the scene. March 10, 50 years ago. The allies complete the Rhineland campaign, on the west side of Europe's greatest river, the Rhine. The American 1st Army, 3rd Army, 9th Army, and the Canadian 1st Army are lined up across a 140-mile stretch of the Rhine.

Within a few days from now, General Patton is across the Rhine. A few more days after that, at the end of March, General Alexander Patch is across the Rhine. But at this moment, 50 years ago, it was day 3 of the Remagen bridgehead crossing at the Ludendorf Bridge. A 2-month offensive leading up to this crossing of the Rhine had cost us 63,000 Allied casualties.

Bob Michel was here yesterday, our former minority leader, I said, Bob, 50 years ago today, March 9, where were you? He stopped and said, ''In the hospital recovering from my wounds of a few weeks ago.'' And he said, ''Back getting ready to go back into combat.''

But the Germans, a Christian nation composed of basically Roman Catholics and Lutherans, how did they ever get these Lutheran and Catholic kids to run those concentration camps or to murder our prisoners at Malmedy, the sacred ground that I walked across last Christmas week?

The Germans have lost 250,000, including 150,000 very eager-to-surrender young POW's and older men of the Home Guard. American combat engineers have now completed two bridges across the Rhine next to the shakey Remagen Bridge, which was to fall in a few days killing 14 of our heroic engineers trying to hold on to the railroad bridge while we build the two-pontoon bridge alongside.

The 9th ''Varsity'' Division, the 78th ''Lighting'' Division, the 99th ''Checkerboard'' Division have all joined the 9th ''Phantom'' Armor Division to expand the 1st Army's east bank foothold across the Rhine in Germany proper.

The Germans are trying to corral the bridgehead with 12 divisions—we are still badly outnumbered—including two of the infamous Panzer divisions. Hitler has named Kesseling, a professional field marshal, to replace Gerd von Rundstedt who he fired 3 days ago once we got across the river.

I already mentioned what was happening in Iwo Jima. General McArthur with the United States Army in the southern Philippines has the 41st ''Sunset'' Division establishing a beachhead on Mindanao's Zamboanga Peninsula; 150,000 Filipinos were slaughtered. Manila is just rubble and the Japanese commander, Hama, will be executed after the war because this slaughter took place under him.

That is setting the scene for me to go back to the veterans of the Rhineland campaign and those that crossed the Rhine that earned their place in American history in terrible snowstorms 50 years ago last December and this January at the Battle of the Bulge, which I will do after my friend DUKE CUNNINGHAM, brings us up to to date and informs us what is truly taking place about children's nutrition.

It is all yours, Mr. CUNNINGHAM.

CHILDREN'S NUTRITION PROGRAMS

Mr. CUNNINGHAM. Mr. Speaker, first of all, I really appreciate my friend from California, BOB DORNAN, yielding the time. I tried to make it over for the 5 minutes and he has been gracious enough to extend me the privilege to interrupt his special order.

And I first would like to say it is always good to be back with Tiger Flight. As always BOB DORNAN has more knowledge on military history than the Smithsonian Museum has. And if you notice, he does not do it from paperwork; he does it from memory. And, BOB, I would like to especially thank you.

You know, I do not know how to counter untruths that are spoken on this House floor, and I think one of the most frustrating thing for Members is to hear the daily rhetoric that goes on on this House floor that are untruths, that are not the truth. And I think who we hurt the most and how many Members on the other side hurt the most are our pages and our youngsters and the people that watch.

I listened and talked to some of the Democratic pages and also to the Republican pages and some of them came back to me and said, Congressman CUNNINGHAM, we know that they are saying children's nutrition, cutting children's nutrition programs is not right. We are Democrats but we were brought up not to tell untruths. And I do not know why our side of the aisle is doing it, but what can you do to show them the actual facts and that is why I have come today.

I am the chairman of the subcommittee that went over and looked at children's nutrition programs. I met with the Speaker, with the Republican Governors, and they said there are 366 welfare programs in existence. All 366 of those welfare programs have personnel, they have facilities, they have paperwork requirements. They have reporting data that school teachers and principals and superintendents have to deal with every day, a stack this high.

And they all intertwine and they cover different folks. But yet we have many people applying for various ones of the 366 and we cannot track who they are. The system has gone amuck. And just take a look at our welfare system today.

It is a disaster and it needs to be fixed. And this is a choice of allowing our children in the future to maintain in their lifetime and have a debt ceiling on their lives of $180,000 that they would pay in taxes just for the interest on the debt.

Now, the question is, are we doing that on the backs of the children? Are we taking food out of children's mouths? The answer is, of course not.

In the program what I did is took a look, and under H.R. 4, the plan was to take all of the block grants and put them in the welfare block grant. After consultations with my own school districts in San Diego, consultation with different groups that came in and talked to me in the food services, I determined, as well as Chairman GOODLING, that if we did that we would actually hurt children's nutrition programs. So being the chairman of the committee, I personally removed the child breakfast and the child lunch programs from the overall welfare block grant. I separated them.

There is another program that works very, very well to help, and you can tie an economic model on both of these programs. And that is the Women, Infants, and Children's Program, called WIC. They work very well. And in this body, both Republicans and Democrats, on a bipartisan basis, have supported both the school-based and the family-based program of WIC. And if we would have put them into that block grant, it would have damaged both of them.

I hear time after time after time again from the other side of the aisle that we are cutting those programs. Well, Mr. Speaker, I would like to speak to that very issue. Because instead of cutting the program, I protected them. I separated them in a block grant instead of cutting them.

There were many people that came back to this Congress, especially our freshmen, and said, We came back to cut, we want to cut down and we want to work on the deficit, and we want to cut the program. And they wanted not to go to zero growth, but to actually cut into it by 5 percent.

I went to Chairman GOODLING, and I said, Mr. Chairman, if that feeling prevails, I will resign my chairmanship of early childhood education. Because if we do that, again, we will damage children's nutrition programs. It meant that much to protect programs that work.

Are we cutting? Take a look at the WIC Program itself. This is what we, Mr. Speaker, in 1995, this year, we spent $3.47 billion on the Women, Infants, and Children's Program. In the year 2000, we spend $4.246 billion. And if you look at next year, from $3.4 we go to $3.7 billion. That is the Women, Infants, and Children's Program.

If you take a look at the school-based program, this year we spent $4.5 billion on our children and our School Lunch Programs. Next year, we spend $4.7 billion. And every year we increase it by more than $200 million a year. Instead of cutting it, I arranged to add dollars in that every single year and protect those programs.

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What about the protection of them? Each State is different. What Tommy Thomson's requirements are in Wisconsin may be different from what Governor Wilson's requirements are in California or Christy Whitman's requirements are in New Jersey. So we gave the Governors the remaining 20 percent.

I mandated that 80 percent of the money in this block grant goes to WIC. That 80 percent is represented in this figure. It is more than we currently spend every year in WIC.

In the lunch program, I mandated that 80 percent of the funds go to those children that need it most, those below 185 percent poverty level, the kids that cannot get a school meal because their parents or their economic situation would keep that child from eating. That child, if they don't eat, they are not going to learn, and those are the children we found are going to end up on the economy on welfare or in low-paying jobs. So there is an economic model to it.

Now, in that 80 percent, there is 20 percent left over. It doesn't take a mathematical genius to figure that out. The Governor in each of those States has the authority to take that remaining 20 percent and if, in their State, they need it because of maybe a recession, whatever it is, and put more money into the School Breakfast and School Lunch Program, they can. If they need it to go in the WIC, in that separate block grant, they can take the 20 percent out that have block grant and include it there.

I yield back.

Mr. DORNAN. This is just the way you described it, trying to set the record straight. Tonight there is a dinner, a Lincoln dinner in the county of Washington in Arkansas, and they asked me to tape an introduction to the dinner for them because they knew I couldn't get down there by tonight because of votes today.

And I went to Arkansas 2 weeks ago, great American State, 24 Medal of Honor winners and hardly the image that comedians have given it since the current President was elected. But they had asked me to address one of four issues. One was the balanced budget, one was illegal immigration. And they said, please help us to tell fellow Republicans or conservative Democrats that the Republican Party is—and here is the quote—DUKE, not taking milk from the mouths of infants, not waging war upon poor young American children, and that is what you are setting the record straight on here.

So let me give you another couple of minutes and then I would love to join you in a special order next week to continue to set this record straight. The flamingest liberals in the dominant media culture are running wild with this theme. That it is being picked up in far-left Hollywood and all their comedian front men, that we are literally trying to hurt women and children, women, infants and children of the WIC Programs and others.

So take another couple minutes, please.

Mr. CUNNINGHAM. We are finally getting through to the press. Here is the Washington Post, the Washington Times, the Union. I talked to seven of the superintendents in most liberal schools in California, that is Los Angeles, San Francisco, Oakland, and they favored the block grant.

What they would like us to do even is to take the money and not even go through the State but get it down to the local LEA, or the local school district, so they are in favor of this. It takes out that middle bureaucracy.

What we did cut in all of those thousands of reports, we cut those out from the Federal Government, the personnel, the systems that have to operate it, to take away the dollars that we are actually trying to give. So we not only add dollars, we make it more cost effective so that there is more money. They don't have to spend it on those administration fees, on the extra people they have to hire to take care of their reports. They don't have to go through the reports and send them back here to Washington, DC.

We happen to believe that Government works best closest to the people. What about the nutrition standards? Well, DUKE, you are going to individual States. In the language—I had the language that protected the nutrition standards. Mr. GUNDERSON and Mrs. ROUKEMA said, Well, DUKE, we still

don't feel that it is strong enough. It said that the latest science would prevail on nutrition standards.

In a bipartisan, Republican and Democrat, we passed two amendments to protect the nutritional standards for the States. And the point is, are we cutting children's nutrition programs? Absolutely not. We are adding dollars every single year. And what the Democrats are doing, politically motivated, in our old budget cycle, if the Democrats, when they were in the majority, projected that we would have a million dollars in the future for a program, but when it came time around for the budget, they would say, Well, we are going to cut $500,000 from that. We will reduce the rate of that growth by $500,000. They would come back and tell you that they cut the budget in half, by 50 percent.

Did they? No. They increased it by $500 million, and that is what we are doing. GAO projected that they would extend——

Mr. DORNAN. That is baseline budgeting.

Mr. CUNNINGHAM. At the end of 5 years, the rate would go up to 5.2 percent. This is at the end of 5 years. We are not even at that yet.

Mr. DORNAN. Mr. Speaker.

Mr. CUNNINGHAM. I will finish.

Mr. DORNAN. Then I want to ask you one question and then back to the Bulge 50 years ago. Go ahead.

Mr. CUNNINGHAM. That we are not even out here in 5 years at the year 2001. We are here now. This 4.5 percent is more than they even projected for the growth this year and I have added more money than even the GAO baseline, and the political rhetoric, it is an attempt to make us look like we are taking the food out of children's mouths, and we are not, Mr. Speaker. We are increasing it. We are making it cheaper.

We are giving the States the flexibility and at the same time we are going to make it where people that can—my children don't need money to go to school. I should have to pay for my child. I am not at a low poverty level, and neither should other people that cannot afford it. And that way we can bring down over a gradual period of time and balance the budget.

Thank you, and I thank my friend.

Mr. DORNAN. Let me take you back to your youth to show people that you can handle figures accurately.

Mr. CUNNINGHAM. That was a long time ago.

Mr. DORNAN. That is all right. You were a swimming coach before you were a Navy fighter pilot.

Mr. CUNNINGHAM. Swimming and football coach at Hinsdale High School.

Mr. DORNAN. There are a lot of aces in our society. There are ace pool players, there are ace marble players in the school yard, wide receiver aces that get five touchdowns in a game, but there is only one act that puts his life on the line, and that is a fighter ace, and that is what you are. Well, I guess tank aces too out there in the sand.

Let me show people—I will give you a chance to shine a little bit here because I love talking with my hands with you. What is the turn rate of a Faggot, a MiG–15?

Mr. CUNNINGHAM. It turns at about 19 degrees a second.

Mr. DORNAN. How about a Fresco, MiG–17?

Mr. CUNNINGHAM. Turns at about 20 degrees a second. A Phantom turns at about 11 degrees a second.

Mr. DORNAN. That is why our big Phantom that you were flying, what was your back-seater's name? Driscoll?

Mr. CUNNINGHAM. Willie Driscoll and we were both Irish.

Mr. DORNAN. Happy St. Patrick's Day. Where is he today?

Mr. CUNNINGHAM. Willie sells real estate for Coldwell Banker and that is not a 1–800 number.

Mr. DORNAN. May his sales increase if we can balance the budget around here. So with that big Phantom turning what? What is his turn ratio?

Mr. CUNNINGHAM. About 11, 11½ degrees a second at 420 knots.

Mr. DORNAN. What is a MiG–17 doing?

Mr. CUNNINGHAM. Twenty degrees a second.

Mr. DORNAN. So you can get inside that much smaller fighter?

Mr. CUNNINGHAM. No. If I get behind him and he turns at 19 to 20 degrees a second and I turn at 11, he is going to come around and shoot me.

Mr. DORNAN. So he is turning more degrees than you are and a MiG–21 is what?

Mr. CUNNINGHAM. A MiG–21, depending on the speed, but at his best turn rate turns in excess of 20 degrees a second.

Mr. DORNAN. So that is more of a fair fight. You have got a couple of those.

Mr. CUNNINGHAM. He also has more power to go vertical.

Mr. DORNAN. The reason I brought this out is to show that my friend, DUKE CUNNINGHAM of San Diego, can handle and master figures, and you taught this as the squadron CO of the aggressor squadron down there at fighter town USA, Miramar. This is not rocket science or shooting down MiG's for you to master these nutrition programs. What is the new name of the education and labor committee?

Mr. CUNNINGHAM. Early Childhood, Youth and Families.

Mr. DORNAN. Early Childhood, Youth and Families.

Mr. CUNNINGHAM, I am glad you are on that committee. I am glad you are doing this work. Let's keep telling the truth here and I want to master these figures and not just be the self-appointed House historian around here. Thanks, DUKE.

And speaking of history, Mr. Speaker, sometimes when you speak in grand terms about the sweep of battle in a war as cataclysmic or as massive in numbers of participants as World War II, you lose the viewpoint of a foxhole, the mud, one on one, combat situations.

Here is a book that I came across. I belong to the Military Book Club, along with the History Book Club and lots of other political book clubs, and I got a little book in the mail a couple of weeks before I left for Europe on an Army aircraft with the Secretary of the Army, Togo West, and sitting next to me, Harry Canard, as a 29-year-old full Eagle, full bird colonel, who was G3 operations for General McAuliffe, trapped inside Bastogne, completely surrounded by the best of German Panzer units, demanding that they surrender, and of course McAuliffe turned to his G3 in the headquarters as they read the German surrender demand and McAuliffe says, Well, this is nuts, nuts to them. What should I do, Harry?

General Canard, by the way, took the 1st Cavalry to Vietnam in 1965. Quite a man, and young 28-year-old Lieutenant Colonel Lynn still made bull in April a couple weeks before his birthday.

Lt. Col. Harry Canard said, Nuts is good enough, just tell them nuts, and that is what their young officers carried to the German side to this spit-and-polish Panzer commander, and the German reads the notes. I remember Harry saying it to me in German. Pardon my German if you speak the language, but he said something like, ''Neutz, Was ist das?'' ''Negativ-affirmativ,'' and the young captain said, ''It means hell no; hell no, we won't surrender.''

That was probably still fresh in my mind why I used those words in the well January 25 while analyzing what aid and comfort to a hostile force that we are engaged in combat, what truly constitutes when you are in foreign countries. So ''Hell no, hell no, we won't surrender'' was embodied in the word ''nuts.''

Well, here is a small book, very quick and easy read by a young private, as he puts it, a private comes of age, the title of the book is, ''Inside the Battle of the Bulge,'' published in 1994 by Roscoe C. Blunt, Jr. And in the foreword, in dedicating it to his sons, he explains that the first version of my book was called, ''A War Remembered.'' He made it more specific with ''Inside the Battle of the Bulge'' and published it last year to take advantage of the 50th anniversary.

He says, It was written for my sons, Roscoe C. Blunt III, to Randy A. Blunt and to Richard D. Blunt. My purpose was to offer them—oh, I see, Richard is probably his brother. He said, My purpose was to offer them an insight into a time in my life that was quite remote from the man they know.

Many fathers, as mine almost did, take to the grave the stories of their youth when they were called upon to offer their very life or their limbs or suffer unbelievably serious wounds as BOB DOLE, the leader of the Republicans in the Senate, majority leader in

the Senate, suffered just 16 days before Hitler committed suicide at the end of the war. Senator DOLE is approaching the 50th anniversary of his horrible wounds that kept him literally imprisoned in a hospital in Kansas for 3½ years. The full length of the war itself is what BOB had to add to his Army service. A young 21-year-old lieutenant when a German artillery shell brought him to the very edge of death's door.

This is the story also of the 84th Infantry Division. The ax chopping at a piece of wood, one of the divisions that was formed in 1942, building our Nation up to roll back Nazism, fascism, Mussolini, Hitler and the warlords of Tojo.

So, please, to young people, if you want just one man's view of these cataclysmic events across Europe, Roscoe Blunt's book, ''Inside the Battle of the Bulge,'' is as good as it gets and it is very short. You can read it in a night or two.

I wanted to put in the RECORD, Mr. Speaker, a brief analysis of why Adolf Hitler, Chancellor and Furor of Germany, leader of Germany, why in September 1944 he organized with great secrecy our intelligence, did not break the secret of his massive offensive across the first few acres of Germany, territory that we held on the West or allied side of the Rhine River 50 years ago last December.

It said, Hitler's offensive, General Field Marshall Toeffel wrote after the war, Hitler's offensive was because he, Hitler, was convinced that the Allied coalition was on the verge of breaking up. He was into the gossip of the tension between Montgomery and Gen. George Patton, but he did not take into account the major skills as a conciliator of Gen. Dwight Eisenhower, a man who had only been a lieutenant colonel at the Louisiana war games in 1940. We did find the right man in the right place at the right time to hold together all of these egos, in the best sense of the word, of his combatant officers, British, Canadian, and United States.

But the Bulge was mainly a United States battle, the British only had—''only'' is a sad word to use—200 killed in action, that is 50 more than we lost in the whole gulf war and double what our Allies lost in the gulf war. Two hundred is painful, but compared to our thousands, 11,000 killed in action and twice that missing in action, it was an American conflict.

The nightmare in their Ardennes, Mr. Speaker, what we call the Bulge, began on a snowy afternoon 2 days before the combat when a Sgt. Ralph Neppel, to focus in on one man, and the rest of his machine gun squad, December 14, 1944, set up a defensive perimeter at the end of the main street of Birgel, and that was German soil this side of the Rhine, a hamlet on the edge of the Herkin Forest, which is where Bob Michel, our former leader was wounded and where one of our now deceased great leaders on the other side, Mr. Nichols of Alabama had lost a leg in the Herkin Forest trying to retrieve a wounded man from a mine field, he also stepped on a mine leaving his leg in Europe. Before that time, Neppel's company had advanced steadily from that day it landed at Normandy on D–day plus 13.

The combat through the hedge rows and into Germany had been fierce, but nothing had prepared Sgt. Ralph Neppel for what he was to endure that evening at Birgel. Near dusk, the machine gun crew was astonished to hear the rumble of tanks entering the town. Neppel later reasoned that he and his men had not seen them earlier because they were camouflaged for winter. The sound of the grinding machinery, the terrifying sound for ground forces, came closer until a number of tanks emerged from the narrow side streets and turned toward the squad's position. German infantry followed the lead tank using it as a shield.

Neppel held his fire until the Germans had advanced to within 100 yards, then released a burst that killed several of the foot soldiers. The first tank lumbered forward within 30 yards of Neppel, then fired one cannon shot and blasted the Americans and sent the machine gun flying. Neppel was thrown 10 yards from the gun, his legs wounded horribly. In shock, he looked down to see that his foot had been blown off. He realized the other men were either dead or about to die, so he crawled on his elbows back to the gun and tried to set it up himself.

When he found the tripod had been knocked loose, he cradled the gun in the crook of his arm and fired until he was too weak to lift it any further. He killed the remaining infantrymen around the lead German tank.

Without infantry cover, the Panzer tank was left vulnerable to attack from bazookas or other American foot soldiers with phosphorous grenades so the tanks stopped. Neppel remembered the furious commander emerging from his tank and like a vision from a nightmare, advancing on the sergeant with a Luger held in his hand. The officer fired, hitting Neppel in the helmet and left him for dead. The helmet apparently diverted the course of the bullet. Neppel's skull was creased but he was alive and conscious.

Remember, Mr. Speaker, no foot, the rest of his leg shredded. When he again heard the rumbling of tanks, he was gripped by the awful thought that they were moving forward and would soon crush him under their tank treads. Instead, they withdrew.

Neppel was rescued by American troops as they took Birgel. He was to spend 6 months regaining his strength in a hospital. He had single-handedly turned back a Nazi armored attack but had lost both of his legs in the effort.

When he heard he was to receive the Medal of Honor, his reaction was to feel humble. This quotes him, ''to feel humble.'' You see so many die, then in the hospital, you see triple amputees, guys who have lost their eyesight. You feel there are so many more deserving that you shouldn't be taking the glory as an individual. This was one of many recipients of the Medal of Honor and one of those who came home with terrible wounds, as I repeat, Senator BOB DOLE did.

Here is a picture of Neppel posing with a French rifle prior to his individual battle with a German Tiger on Panther tank. It doesn't identify the tank.

Here is another individual case. Pfc. Melvin ''Bud'' Biddle and the rest of his unit were in Reims, France, waiting to go home when the Germans launched their attack. Veterans of campaigns in Italy and southern France, they had turned in their equipment and were passing the time listening to Axis Sally, an English-speaking Nazi radio propagandist who played the latest hits from America while spouting lies in an attempt to demoralize the Allies. The troops were amused and then influenced by her show.

That night she announced, men of the 517th Parachute Infantry Regiment, you think you are going home, but you are not. This time, her information was deadly correct. The men of the 517th were issued new equipment, so new, in fact, that their rifles were still packed in Cosmoline grease, which the men had to clean off before they boarded their trucks and were driven to a crossroads in an area near the most advanced point of the German thrust into Belgium. This is during the later rescue operation of Patton's Third Army.

The men were to face again the elite troops of the German Army, Panzer divisions, paratroopers, and the dreaded SS soldiers. The mission of the 517th was to clear the Germans out of 3 miles of territory between the towns of Soy and Hotton. Biddle was the lead scout for the 517th. I may have mixed up the 101st with the 82d Airborne, here, Mr. Speaker, and I won't have time to correct it. A job he had inherited with other scouts who were wounded or killed during the Italian campaign.

One of his qualifications was his superb vision. He later picked up the nickname, Hawkeye, this GI from Indiana. I saw every German out in front before they saw me, which was a large part of keeping me alive. He was keenly aware of the responsibility he held as the lead scout and said later it helped him forget his fear.

I think I got so I would rather die than be a coward. I was terrified most of the time. But there were two or three times when I had no fear, no fear. That is why I love to wear it on my ball cap, Team Dornan, no fear, and it is remarkable. It makes you so you can operate in the lead.

One of those times came on the 7th day of the Battle of the Bulge, the 23d of December. Biddle was ahead of his company as he crawled through the thick underbrush toward railroad tracks leading out of Hotton.

I would recommend to these young people in the gallery, get a map. Keep

the map next to the books and the stories as you read this and track what these 18-, 19-, 20- and 21-year-old heroes, 21- and 22-year-old platoon leaders, 20-, 21-year-old sergeants, platoon sergeants leading three squads of young men and some 10 years older than they.

Unseen by the Germans, he crawled to within 10 feet of three sentries. Firing with his M1 rifle, he wounded one man in the shoulder, killed a second with two shots near the heart. The third sentry fled but not before Biddle shot him twice.

I should have got him. He kept running and got to their machine guns and then all hell broke loose. Under heavy fire, Biddle stayed on point as his unit crawled to within range through lobbed grenades and destroyed all but one of the guns. With his last grenade, Biddle blew up the remaining machinegun, then he charged the surviving gunners, killing them all.

That night the Americans heard a large number of tracked vehicles which Biddle hoped would be American. I have never heard so many Germans. They didn't have equipment like we had, not in our numbers.

Biddle volunteered to lead two others in a scouting foray to make contact with these vehicles, what he thought were Americans. In the darkness, the three men came upon a German officer who fired at them. Separated from the others, Biddle crawled toward the German lines by mistake, realizing his error, he continued to reconnoiter by himself, alone, and carried back valuable information for use in the next day's attack.

Mr. Speaker, the next morning he spotted a group of Germans dug in along a ridge. He ducked behind a small bank for cover. He found he could not properly maneuver in order to shoot. In basic training he had learned to shoot from a sitting position, his favorite, but at the time he had thought there would be no way to use that in combat.

Now moving to a sitting stance, he shot 14 men. He hit each one in the head, imagining that the helmets were the same as the targets he had aimed at in training. Although others in his unit later would view the bodies, Biddle could not bring himself to look at the carnage he had wrought. His sharp shooting, however, made it possible for his unit to secure the village.

The next day, a German 88, same artillery that hit Senator DOLE, exploded a shell in a building behind him as he was returning to his unit from a hospital in London. Another soldier asked if he had heard about the guy in the Bulge that shot all those people. My God, between Soy and Hotton, it was littered with Germans. I think they are going to put the guy in for the Medal of Honor. He is another one of our surviving Medal of Honor winners from the Bulge battle. Most paid for it with their lives.

Mr. Speaker, I would like to submit this for the RECORD. I would like to submit an article on the 80,987 men who were casualties, again, 10,276 killed, 23,218 missing. And I would like to put in an article on what was happening this month 50 years ago, the rout in the Rhineland and also another article from the VFW magazine this month sweeping the southern Philippines where our young men, who may be not so young today, watching will know that I have not forgotten the Pacific.

And I close on the words of a youngster plus 50 that I met on the scene in the Bulge. I said, ''What division were you in, corporal?'' And he said he was wearing a jacket from his old uniform. He said 106th Division, two of our regiments surrendered; the largest American battle surrender in the history of our Nation.

And he said these sentences to me: ''We were all college kids. We were too young. We didn't make out very well. It was all a waste.'' And I said, ''Wait a minute. Did you regroup? Were you captured?'' ''No.'' ''Were you retrained? Did you go on to fight in Germany and bring about the collapse of Hitler on D-Day, March 8th Harry Truman's birthday.'' ''Yes, Congressman, I did.'' And I said, ''Corporal, It was worth it. Your units weren't a failure. You took the brunt, as unbloodied, unseasoned troops that were put on what they thought was a quiet front-line area and no matter what your casualties nor how your regimental commander surrendered you to save lives since you were out of ammunition, you were part of what Eisenhower called 'The Great Crusade.' ''

At some point I am going to do a special order on our young prisoners who were killed not at night, as it is shown in movies, not machinegunned from the back of trucks where they dropped the tail end of the truck, but the way it happened for real, in the middle of the afternoon, in an open field, at this Baugneuz crossroads and that sacred ground where so many of our prisoners were machinegunned by SS order telling young men to kill other men their age.

That Malmèdy massacre deserves a half-hour of its own and I will try and do that, Mr. Speaker, and then move on to Okinawa next month. These heroes gave us our freedom. The Nation was only about 135 million at Pearl Harbor. We are now closing in on 270 million, twice as many people, as we called upon to mount this great effort for victory and freedom in World War II.

Reagan used to like to say, ''We are Americans, we can do anything.'' Is there any reason we can't balance the budget here and recapture the American spirit and leave a better country to our grandchildren? Of course we can do it and nobody is asking us to die or have our young bodies torn apart in the process.

I yield back a few seconds, look forward to hearing my colleague from Pennsylvania.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

ROUT IN THE RHINELAND

(By Ken Hechler)

In a Belgian orchard 10 miles from the German border at daybreak on Sept. 10, 1944, a barrage from U.S. 155mm guns thundered into the German frontier town of Bildchen. The church steeple collapsed in a shower of mortar dust and bricks. Defenders now realized that although they were being pulverized from afar, GIs were knocking at the gates of their homeland.

Within five days, U.S. forces were assaulting the ''West Wall'' or Siegfried Line, officially launching the Rhineland Campaign.

GIs joked about the much-vaunted Siegfried Line with its pillboxes and ''dragon's teeth'' tank obstacles: ''All we have to do is to send a couple of dentists to yank out the dragon teeth and we'll tie knots in the Siegfried Line!'' The boast came back to haunt its author, as some of the fiercest fighting of the war came as the Americans spent from Oct. 2–21 capturing the first sizable German city: Aachen.

The day after the Long Tom artillery shell toppled the Bildchen steeple, Staff Sgt. Warner W. Holzinger of the 85th Cavalry Reconnaissance Squadron had the honor of leading the first patrol across the German border.

But it soon became apparent that the Germans fully intended to use the pyramid-shaped concrete obstacles, plus their string of reinforced pillboxes, to exact a severe toll on the attackers.

''JEWEL CITY'': AACHEN

Aachen opened the way to the Rhineland and the Cologne plain. To the German garrison—12,000 strong—defending Aachen, Heinrich Himmler sent this message: ''German soldiers! Heroes of Aachen! Our Fuehrer calls upon you to defend to the last bullet, the last gasp of breath, Aachen, this jewel city of German kultur, this shrine where German emperors and kings have been enthroned!''

Combat engineers, with bangalore torpedoes and TNT, blasted a path through the West Wall fortifications.

1st Lt. Frank Kolb of the 1st Div. led the first platoon to launch the attack toward Aachen. It was rough going. In a five-day period, the 1st Bn., 16th Inf. Regt. lost 300 men out of its 1,300-man strength. Supported by the 3rd Armored Div. and the 30th Inf. Div. farther north, the ''Big Red One'' found it slow slogging as the rains churned up the mud and kept the bombers out of the sky.

German SS troops strengthened the enemy lines. Future Medal of Honor recipient T/Sgt. Jake Lindsey remarked: ''Either those Krauts were crazy or else they were the bravest soldiers in the world.'' House-to-house fighting within Aachen produced murderously high casualties on both sides. (The 30th Inf. Div. lost 3,100 men; the 1st Inf. Div. suffered an equal number of casualties.)

The 248th Engineer Combat Bn. created a humorous diversion by loading up several streetcars on a downgrade into Aachen with time-fused shells and other explosives; swarms of news correspondents covered the bizarre exploit, which actually caused little damage.

Finally, after Aachen was surrounded and his own headquarters were under small arms fire, the German commander surrendered when his ammunition ran out.

''The city is as dead as a Roman ruin,'' wrote an American observer. ''But unlike a ruin it has none of the grace of gradual

decay * * * Burst sewers, broken gas mains and dead animals have raised an almost overpowering smell in many parts of the city.'' Hitler's prophecy had been realized: ''Give me five years and you will not recognize Germany again,'' he had said.

ANCIENT METZ FALLS

Some 113 miles to the south, on the French border, ''Blood and Guts'' Gen. George S. Patton had led his Third Army on a 450-mile run from Avranches at the base of the Cherbourg Peninsula to the gates of the fortress city of Metz, where he met the forbidding fortifications of Fort Driant.

The fort had concrete walls seven feet thick, connected by underground tunnels with a central fortress. The defenders had emplaced huge quantities of barbed wire to add to the problems facing attackers. The German garrison of 10,000 had ample supplies of food and water. Other forts in the Metz area were similarly equipped.

In the early days of November, the 5th, 90th and 95th Infantry and 10th Armored divisions of XX Corps were slowed by the heavy rains which plagued the entire theater. Hitler took a very personal interest in the defense of Metz, reiterating his order that it must be held ''to the last man.'' The new garrison commander, Heinrich Kittel, pledged to carry out that order.

There were many individual feats of heroism as U.S. forces slowly closed the jaws of the trap around Metz between Nov. 18–22. Pfc. Elmer A. Eggert of L Co., 379th Inf. Regt., 95th Div., advanced alone against a machine gun, killing five of the enemy and capturing four, earning a Distinguished Service Cross. After his tank received a direct hit, Cpl. C.J. Smith of the 778th Tank Bn. dismounted the .30-caliber machine gun and fought on alone until help arrived; he was also awarded a DSC.

Despite Hitler's own order, he allowed an SS regiment—which he planned to use in the Ardennes offensive—to slip out of Metz in the last stages of the U.S. offensive. Gen. Kittel finally surrendered Metz on Nov. 21, although several of the forts, including Driant, held out well into December before giving up.

The 5th Div.'s November losses were 172 KIA, 1,005 WIA and 143 MIA. The 95th Div. estimated 281 KIA, 1,503 WIA and 405 MIA. Records of casualties of other units involved in the Metz operation are incomplete. Hugh M. Cole, official Army historian of the Metz operation, concluded that the capture of Metz was ''skillfully planned and marked by thorough execution,'' and ''may long remain an outstanding example of a prepared battle for the reduction of a fortified position.''

The U.S. First and Ninth Armies had launched Operation Queen in mid-November, with the Ninth clearing the west bank of the Roer River from Brachelen to Altdorf by early December. (See the November issue for the Battle of Huertgen Forest.) Queen witnessed, incidentally, the largest air-ground cooperative effort to date in the ETO.

Offensive operations were resumed Jan. 17, 1945. Operation Grenade achieved the Allied assault crossings over the Roer River, followed by a northeastward drive by the U.S. Ninth Army's link up with the First Canadian Army along the Rhine. The Ninth Army (its dash to the Rhine was dubbed Operation Flashpoint) comprised four corps with 13 divisions. In reaching the Rhine, the Ninth Army captured 30,000 German soldiers and killed 6,000, at the cost of 7,300 U.S. casualties.

A sequel to Grenade—Operation Lumberjack—was a converging thrust made by the U.S. First and Third Armies to trap the Germans in the Eifel Mountains during the first week of March. GIs were now poised to ''bounce'' the Rhine.

REMAGEN: AN ''OPEN WOUND''

On the afternoon of March 7, 1945, 34-year-old Sgt. Alex Drabik from Toledo, Ohio, bobbed and weaved his squad across a Rhine River railroad bridge (Ludendorff) at the little town of Remagen, Germany. His company commander, Lt. Karl Timmermann, from A Co., 27th Armored Inf. Bn., 9th Armored Div., who had ordered the crossing, followed close behind. Drabik, Timmermann and a handful of infantrymen, engineers and tankers, performed one of the most incredible feats in the annals of military history.

The Rhine River had not been crossed by an invading army since Napoleon's time over a century earlier. Hitler had ordered all the bridges up and down the Rhine to be blown up as the Americans approached. The last bridge, between Cologne and Koblenz, was still standing to enable German tanks and artillery to retreat safely. Just as Lt. Timmermann gave the order for Drabik's squad to cross, tremendous explosions shook the bridge and seemed to lift it from its foundations. The structure shuddered, but miraculously remained standing.

At this point, Lt. Hugh Mott and two brave armored engineers, Eugene Dorland and John Reynolds, dashed out on the bridge and feverishly cut wires to the remaining explosive charges. The Germans blew a 30-foot crater in the approach to the bridge to prevent tanks from crossing. Sgt. Clemon Knapp of Rupert, W.Va., and a crew, manned a ''tank dozer''—a Sherman tank with a bulldozer blade—and filled in the crater. Knapp and his crew received Silver Stars for their actions.

The night of March 7 was one of the darkest of the war. Yet Lt. Windsor Miller gently guided his 35-ton Sherman tanks across the shaky bridge, dodging some gaping holes as he maneuvered between white tapes strung by the engineers. Across the Rhine, Miller's tank platoon beat off several German counter-attacks as they helped the armored infantry hang on to their tenuous toehold.

When the bridge was captured, the first troops proudly attached a sign reading: Cross the Rhine with dry feet—Courtesty 9th Arm'd Div.

The 9th, 78th and 99th Infantry divisions rushed to the scene to reinforce the bridgehead. Military police, tank-destroyer and anti-aircraft units were awarded Presidential Unit Citations for their heroism under fire.

Hitler threw in jet planes, underwater swimmers, giant V–2 rockets and massive reinforcements in trying to destroy the bridge. The bridge itself was so severely damaged that it collapsed without warning on March 17, taking the lives of 28 repairmen and injuring 93. But not before a pontoon and treadway bridge had been built under fire on either side of the permanent bridge.

WEST BANK CLEANSED

By mid-March, mopping up operations west of the Rhine were completed by the U.S. VIII Corps. Within a few days, Operation Undertone was under way by the U.S. Seventh Army to clear the Saar-Palatinate triangle.

On March 22, 1945, the 90th Inf. Div. cleared Mainz while other GIs achieved a surprise late night crossing of the Rhine at Oppenheim, south of Mainz. By then, the U.S. First Army held a bridgehead across the river 20 miles wide and eight miles deep; six divisions were east of the Rhine. The stage was set for the final drive into Germany's heartland.

□ 1430

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 24 AND HOUSE CONCURRENT RESOLUTION 5

Mr. FOX of Pennsylvania. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 24 and House Concurrent Resolution 5.

The SPEAKER pro tempore (Mr. WICKER). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

THE CONTRACT WITH AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Pennsylvania is recognized for 30 minutes as the designee of the majority leader.

Mr. FOX of Pennsylvania. Mr. Speaker, I want to thank the gentleman from California [Mr. DORNAN] for his eloquent testimony about the importance of the Battle of the Bulge in U.S. history, and the importance of our service men and women who have given us the opportunity to serve here in Congress and to try to make a difference in each person's life.

Mr. Speaker, it occurs to me that the media's coverage of the new Speaker of the House is further proof that elitists in the Washington press corps still do not get it. They fail to understand that the Republicans' sweep in November was not about the personalities of power inside the beltway that accompanied the democratically controlled Congress for so many years. The election was not about power in Washington at all. It was about ideas, about helping people.

Speaker NEWT GINGRICH is an excellent articulator of the conservative tenets of individual freedom and decentralized government, as well outlined by Jay Heslick in the Southeast Missourian.

Just this past week we have been discussing how we can work with our families, our neighborhoods, and our schools. The fact is we are growing school meals. Hungry children cannot learn. We are growing kids, not government. We are growing school meals 4.5 percent a year. Under our plan, in 5 years we will be spending $1 billion more on school meals than we are today.

For kids under school age, we are growing the WIC program, for lower-income women, infants, and children. A country that is broke certainly cannot feed a hungry child. The Clinton budget piles $1 trillion in new debt on our kids, which they will have to repay with interest. Unless we turn this around, a child born today will pay $180,000 in Federal debt during his or her lifetime. That is not for a house, a car, or a college education. That is interest on the Federal debt, and the Clinton budget is growing.

That is why I support the balanced budget amendment, even though President Clinton does not, and that is why I support reviewing all Federal expenditures, to see if they can be transformed or reformed. Money spent on bureaucrats cannot be spent feeding kids, and because the Clinton administration is still running deficits and adding to the debts that our kids will owe, money spent on bureaucrats has to be paid back with interest.

On school meals, we are transforming and reforming the program. We are cutting out the bureaucrats in Washington, cutting the paperwork and the waste that they impose on local schools, and we are going to add to the school lunch program by having more students served because less bureaucrats will be served.

At this point, Mr. Speaker, I think it is very interesting and very enlightening to see we have already passed here within the House the balanced budget amendment as part of the Contract With America; we have increased the penalties against violent criminals; we have already worked within the committee on tax cuts for families, and a stronger national defense, with no U.S. troops under U.N. command. We are working on various other items, common sense legal reform has just been completed, and we are going to be working on many other important issues.

Mr. Speaker, I did want to take a moment to talk about legislation which has received bipartisan support which goes to the item dealing with protecting our children, protecting our citizens, and protecting our country by discouraging the crime of jury tampering and witness tampering and witness intimidation.

Mr. Speaker, it was discovered not that long ago by the Wall Street Journal that in fact if someone is charged with a major offense federally, kidnaping or murder, and is through their own devices acquitted of the major offense because they tampered with a jury or intimidated a witness, later on, when it comes up, the fact is they can use double jeopardy to keep from being tried again. The fact is right now in our current law there is only a six month sentence for tampering with a jury or tampering with a witness.

Under legislation that has received bipartisan support that we have just filed, we will be able to increase those penalties for jury tampering and witness tampering, and to have a chilling effect on those crimes, by increasing the penalty to be equal to the substantive or greater offense. We believe it is a step in the right direction. I am pleased it is being investigated and studied by the National District Attorneys Association, and my own district attorney in Montgomery County, Michael D. Marino has endorsed this legislation fully. He believes this legislation will definitely be a deterrent for those who want to commit crimes, then to intimidate or bribe a witness, and then be off scot-free because they have in fact through illegal self-help made it easier for them to get away with a crime.

I am pleased to report to the House the bill has been filed. It will be going to the Committee on the Judiciary. It has received the support of the Committee on the Judiciary, the gentleman from Illinois [Mr. HYDE], the ranking member, the gentleman from Michigan [Mr. CONYERS], and the subcommittee ranking member, the gentleman from New York [Mr. SCHUMER], and as well the Crimes Subcommittee chairman, the gentleman from Florida [Mr. MCCOLLUM]. These individuals are behind the bill. They are leaders in this legislation to reduce crime. I must say, Mr. Speaker, I am proud to be associated with them in this kind of legislation, which we hope will be good for all of the people of the United States and obviously not good for the criminals.

Mr. Speaker, in conclusion, I just want to say that for those people who realize we have a Contract With America, much of that credit goes to our Speaker, the gentleman from Georgia [Mr. GINGRICH], to the gentleman from Texas [Mr. ARMEY], the gentleman from Texas [Mr. DELAY], the gentleman from Ohio [Mr. BOEHNER], our leadership. These individuals helped to write this contract, and for the first time in years we have a document that tells the people what we are going to try to do in the first 100 days.

We are more than halfway there. We are working hard, we are keeping promises, we are trying to make a difference. I am happy to say we have had bipartisan support for this people-oriented legislation, which is going to hold the line on costs, provide quality services to people, but make sure the people are part of the process. That is why we are here.

RULES OF PROCEDURE FOR THE COMMITTEE ON STANDARDS AND OFFICIAL CONDUCT FOR THE 104TH CONGRESS

(Mrs. JOHNSON of Connecticut asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, I am submitting to the House the interim rules of the Committee on Standards of Official Conduct of the 104th Congress. These rules were adopted by the committee at our organizational meeting on February 9, 1995.

The committee adopted these rules on an interim basis so that we could undertake the work before the committee according to the rules by which the committee was operating at the time of the initial filing of pending business. The committee intends to review these rules during the 104th Congress and make additional recommendations.

RULES OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Foreword

The Committee on Standards of Official Conduct is unique in the House of Representatives. Consistent with the duty to carry out its advisory and enforcement responsibilities in an impartial manner, the Committee is the only standing committee of the House of Representatives the membership of which is divided evenly by party. These rules are intended to provide a fair procedural framework for the conduct of the Committee's activities and to help insure that the Committee serves well the people of the United States, the House of Representatives, and the Members, officers, and employees of the House of Representatives.

Part I—General Committee Rules

Rule 1. General Provisions

(a) So far as applicable, these rules and the Rules of the House of Representatives shall be the rules of the Committee and any subcommittee. The Committee adopts these rules under the authority of clause 2(a) of Rule XI of the Rules of the House of Representatives, 103d Congress.

(b) The rules of the Committee may be modified, amended, or repealed by a vote of a majority of the Committee.

(c) When the interests of justice so require, the Committee, by a majority vote of its members, may adopt any special procedures, not inconsistent with these rules, deemed necessary to resolve a particular matter before it. Copies of such special procedures shall be furnished to all parties in the matter.

Rule 2. Definitions

(a) ''Adjudicatory Subcommittee'' means a subcommittee of the Committee, comprised of those Committee members not on the investigative subcommittee, that holds a disciplinary hearing and determines whether the counts in a Statement of Alleged Violation are proved by clear and convincing evidence.

(b) ''Committee'' means the Committee on Standards of Official Conduct.

(c) ''Complaint'' means a written allegation of improper conduct against a Member, officer, or employee of the House of Representatives filed with the Committee with the intent to initiate a Preliminary Inquiry.

(d) ''Disciplinary Hearing'' means an adjudicatory subcommittee hearing held for the purposes of receiving evidence regarding conduct alleged in a Statement of Alleged Violation and determining whether the counts in the Statement of Alleged Violation have been proved by clear and convincing evidence.

(e) ''Investigative Subcommittee'' means a subcommittee designated pursuant to Rule 6 to conduct a Preliminary Inquiry to determine if a Statement of Alleged Violation should be issued.

(f) ''Office of Advice and Education'' refers to the Office established by section 803(i) of the Ethics Reform Act of 1989. The Office handles inquiries; prepares written opinions in response to specific requests; develops general guidance; and organizes seminars, workshops, and briefings for the benefit of the House of Representatives.

(g) ''Preliminary Inquiry'' means an investigation by an investigative subcommittee into allegations against a Member, officer, or employee of the House of Representatives.

(h) ''Respondent'' means a Member, officer, or employee of the House of Representatives who is the subject of a complaint filed with the Committee or who is the subject of a Preliminary Inquiry or a Statement of Alleged Violation.

(i) ''Sanction Hearing'' means a Committee hearing to determine what sanction, if any, to recommend to the House of Representatives.

(j) ''Statement of Alleged Violation'' means a formal charging document filed by an investigative subcommittee with the Committee containing specific allegations against a Member, officer, or employee of the House of Representatives of a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities.

Rule 3. Advisory Opinions and Waivers

(a) There is established within the Committee an Office of Advice and Education. The Office shall handle inquiries; prepare written opinions providing specific advice; develop general guidance; and organize seminars, workshops, and briefings for the benefit of the House of Representatives.

(b) Any Member, officer, or employee of the House of Representatives, or any other person specifically authorized by law, may request a written opinion with respect to the propriety of any current or proposed conduct of such Member, officer, employee, or person.

(c) The Office of Advice and Education may provide information and guidance regarding laws, rules, regulations, and other standards of conduct applicable to Members, officers, and employees in the performance of their duties or the discharge of their responsibilities.

(d) In general, the Committee shall provide a written opinion to an individual only in response to a written request.

(e) Unless specifically authorized by law or resolution of the House of Representatives, written opinions may be provided only to Members, officers, and employees of the House of Representatives. Other individuals may be provided with general information regarding rules or laws, such as citations to relevant texts of publicly available documents.

(f) A written request for an opinion shall be addressed to the Chairman of the Committee and shall include a complete and accurate statement of the relevant facts. A request shall be signed by the requester or the requester's authorized representative or employing authority. A representative shall disclose to the Committee the identity of the principal on whose behalf advice is being sought.

(g) A written opinion shall address the conduct only of the inquiring individual, or of persons for whom the inquiring individual is responsible as employing authority.

(h) The Office of Advice and Education shall prepare for the Committee a response to each written request for an opinion. Each response shall discuss all applicable laws, rules, regulations, or other standards.

(i) Where a request is unclear or incomplete, the Office of Advice and Education may seek additional information from the requester.

(j) The Chairman and Ranking Minority Member are authorized to take action on behalf of the Committee on any proposed written opinion that they determine does not require consideration by the Committee. If the Chairman or Ranking Minority Member requests a written opinion, or seeks a waiver, extension, or approval pursuant to Rules 3(n), 4(c), 4(e), or 4(h), the next ranking member of the requester's party is authorized to act in lieu of the requester.

(k) The Committee shall keep confidential any request for advice, as well as any response thereto.

(l) The Committee may take no adverse action in regard to any conduct that has been undertaken in reliance on a written opinion if the conduct conforms to the specific facts addressed in the opinion.

(m) Information provided to the Committee by a Member, officer, or employee seeking advice regarding prospective conduct may not be used as the basis for initiating an investigation under clause 4(e)(1)(B) of Rule X of the Rules of the House of Representatives, if such Member, officer, or employee acts in good faith in accordance with the written advice of the Committee.

(n) A written request for a waiver of House Rule XLIII, clause 4 (the House gift rule), or for any other waiver or approval, shall be treated in all respects like any other request for a written opinion.

(o) A written request for a waiver of House Rule XLIII, clause 4 (the House gift rule), shall specify the nature of the waiver being sought and the specific circumstances justifying the waiver.

(p) An employee seeking a waiver of time limits applicable to fact-finding or substantial participation travel shall include with the request evidence that the employing authority is aware of the request. In any other instance where proposed employee conduct may reflect on the performance of official duties, the Committee may require that the requester submit evidence that the employing authority knows of the conduct.

Rule 4. Financial Disclosure

(a) In matters relating to Title I of the Ethics in Government Act of 1978, the Committee shall coordinate with the Clerk of the House of Representatives, Office of Records and Registration, to assure that appropriate individuals are notified of their obligation to file Financial Disclosure Statements and that such individuals are provided in a timely fashion with filing instructions and forms developed by the Committee.

(b) The Committee shall coordinate with the Office of Records and Registration to assure that information that the Ethics in Government Act requires to be placed on the public record is made public.

(c) The Chairman and Ranking Minority Member are authorized to grant on behalf of the Committee requests for reasonable extensions of time for the filing of Financial Disclosure Statements. Any such request must be received by the Committee no later than the date on which the statement in question is due. A request received after such date may be granted by the Committee only in extraordinary circumstances. Such extensions for one individual in a calendar year shall not exceed a total of 90 days. No extension shall be granted authorizing a nonincumbent candidate to file a statement later than 30 days prior to a primary or general election in which the candidate is participating.

(d) An individual who takes legally sufficient action to withdraw as a candidate before the date on which that individual's Financial Disclosure Statement is due under the Ethics in Government Act shall not be required to file a Statement. An individual shall not be excused from filing a Financial Disclosure Statement when withdrawal as a candidate occurs after the date on which such Statement was due.

(e) Any individual who files a report required to be filed under title I of the Ethics in Government Act more than 30 days after the later of—

(1) the date such report is required to be filed, or

(2) if a filing extension is granted to such individual, the last day of the filing extension period, is required by such Act to pay a late filing fee of $200. The Chairman and Ranking Minority Member are authorized to approve requests that the fee be waived based on extraordinary circumstances.

(f) Any late report that is submitted without a required filing fee shall be deemed procedurally deficient and not properly filed.

(g) The Chairman and Ranking Minority Member are authorized to approve requests for waivers of the aggregation and reporting of gifts as provided by section 102(a)(2)(D) of the Ethics in Government Act. If such a request is approved, both the incoming request and the Committee response shall be forwarded to the Office of Records and Registration for placement on the public record.

(h) The Chairman and Ranking Minority Member are authorized to approve blind trusts as qualifying under section 102(f)(3) of the Ethics in Government Act. The correspondence relating to formal approval of a blind trust, the trust document, the list of assets transferred to the trust, and any other documents required by law to made public, shall be forwarded to the Office of Records and Registration for such purpose.

(i) The Committee shall designate staff counsel who shall review Financial Disclosure Statements and, based upon information contained therein, indicate in a form and manner prescribed by the Committee whether the Statement appears substantially accurate and complete and the filer appears to be in compliance with applicable laws and rules.

(j) Each Financial Disclosure Statement shall be reviewed within 60 days after the date of filing.

(k) If the reviewing counsel believes that additional information is required because (1) the Statement appears not substantially accurate or complete, or (2) the filer may not be in compliance with applicable laws or rules, then the reporting individual shall be notified in writing of the additional information believed to be required, or of the law or rule with which the reporting individual does not appear to be in compliance. Such notice shall also state the time within which a response is to be submitted. Any such notice shall remain confidential.

(l) Within the time specified, including any extension granted in accordance with clause (c), a reporting individual who concurs with the Committee's notification that the Statement is not complete, or that other action is required, shall submit the necessary information or take appropriate action. Any amendment may be in the form of a revised Financial Disclosure Statement or an explanatory letter addressed to the Clerk of the House of Representatives.

(m) Any amendment shall be placed on the public record in the same manner as other Statements. The individual designated by the Committee to review the original Statement shall review any amendment thereto.

(n) Within the time specified, including any extension granted in accordance with clause (c), a reporting individual who does not agree with the Committee that the Statement is deficient or that other action is required, shall be provided an opportunity to respond, orally or in writing. If the explanation is accepted, a copy of the response, if written, or a note summarizing an oral response, shall be retained in Committee files with the original report.

(o) The Committee shall be the final arbiter of whether any Statement needs clarification or amendment.

(p) If the Committee determines, by vote of a majority of its members, that there is reason to believe that an individual has willfully failed to file a Statement or has willfully falsified or willfully failed to file information required to be reported, then the

Committee shall refer the name of the individual, together with the evidence supporting its finding, to the Attorney General pursuant to section 104(b) of the Ethics in Government Act. Such referral shall not preclude the Committee from initiating such other action as may be authorized by other provisions of law or the Rules of the House of Representatives.

Rule 5. Meetings

(a) The regular meeting day of the Committee shall be the second Wednesday of each month, except when the House of Representatives is not meeting on that day. When the Committee Chairman determines that there is sufficient reason, a meeting may be called on additional days. A regularly scheduled meeting need not be held when the Chairman determines there is not business to be considered.

(b) A subcommittee shall meet at the discretion of its chairman.

(c) Insofar as practicable, notice for any Committee or subcommittee meeting shall be provided at least seven days in advance of the meeting. The Chairman of the Committee or subcommittee may waive such time period for good cause.

Rule 6. Subcommittees—General Policy and Structure

(a) If the Committee determines by majority vote of its members that allegations of improper conduct (brought to its attention by a complaint or otherwise) by a Member, officer, or employee merit further inquiry, the Chairman and Ranking Minority Member of the Committee shall designate four or six members (with equal representation from the majority and minority parties) to serve as an investigative subcommittee to undertake a Preliminary Inquiry. The senior majority and minority members of an investigative subcommittee shall serve as the chairman and ranking minority member of the subcommittee. The Chairman and Ranking Minority Member of the Committee may serve only as nonvoting, ex officio members of any investigative subcommittee.

(b) If an investigative subcommittee, by a majority vote of its members, adopts a Statement of Alleged Violation, the remaining members of the Committee shall comprise an adjudicatory subcommittee to hold a Disciplinary Hearing under Committee Rule 19 on the violations alleged in the Statement.

(c) The Committee may establish other noninvestigative and nonadjudicatory subcommittees and may assign to them such functions as it may deem appropriate. The membership of each subcommittee shall provide equal representation for the majority and minority parties.

(d) The Chairman may refer any bill, resolution, or other matter before the Committee to an appropriate subcommittee for consideration. Any such bill, resolution, or other matter may be discharged from the subcommittee to which it was referred by a majority vote of the Committee.

(e) Any member of the Committee may sit with any noninvestigative or nonadjudicatory subcommittee, but only regular members of such subcommittee may vote on any matter before that subcommittee.

Rule 7. Quorums and Member Disqualification

(a) The quorum for an investigative subcommittee to take testimony and to receive evidence shall be two members, unless otherwise authorized by the House of Representatives.

(b) The quorum for an adjudicatory subcommittee to take testimony, receive evidence, and conduct business shall consist of a majority plus one of the members of the adjudicatory subcommittee.

(c) Except as stated in clauses (a) and (b) of this rule, a quorum for the purpose of conducting business consists of a majority of the members of the Committee or subcommittee.

(d) A member of the Committee shall be ineligible to participate in any Committee or subcommittee proceeding that relates to the member's own conduct.

(e) A member of the Committee may disqualify himself or herself from participating in any investigation of the conduct of a Member, officer, or employee of the House of Representatives upon the submission in writing and under oath of an affidavit of disqualification stating that the member cannot render an impartial and unbiased decision. If the Committee approves and accepts such affidavit of disqualification, or if a member is disqualified pursuant to Rule 15(h) or Rule 19(a), the Chairman shall so notify the Speaker and ask the Speaker to designate a Member of the House of Representatives from the same political party as the disqualified member of the Committee to act as a member of the Committee in any Committee proceeding relating to such investigation.

Rule 8. Vote Requirements

(a) The following actions shall be taken only upon affirmative vote of a majority of the members of the Committee or subcommittee, as appropriate.

(1) Adoption of a resolution to conduct a Preliminary Inquiry;

(2) Adoption of a Statement of Alleged Violation;

(3) Finding that a count in a Statement of Alleged Violation has been proved by clear and convincing evidence;

(4) Sending of a letter of reproval;

(5) Adoption of a recommendation to the House of Representatives that a sanction be imposed;

(6) Adoption of a report relating to the conduct of a Member, officer, or employee;

(7) Issuance of an advisory opinion of general applicability establishing new policy.

(b) Except as stated in clause (a), action may be taken by the Committee or any subcommittee thereof by a simple majority, a quorum being present.

(c) No motion made to take any of the actions enumerated in clause (a) of this Rule may be entertained by the Chair unless a quorum of the Committee is present when such motion is made.

Rule 9. Communications by Committee Members and Staff

Committee members and staff shall not disclose any evidence relating to an investigation to any person or organization outside the Committee unless authorized by the Committee, nor shall any evidence in the possession of an investigative subcommittee to disclosed to Committee members who are not members of the subcommittee prior to the filing of a Statement of Alleged Violation with the Committee.

Rule 10. Committee Records

(a) The Committee may establish procedures necessary to prevent the unauthorized disclosure of any testimony or other information received by the Committee or its staff.

(b) Members and staff of the Committee shall not disclose to any person or organization outside the Committee, unless authorized by the Committee, any information regarding the Committee's or a subcommittee's investigative, adjudicatory or other proceedings, including, but not limited to: (i) the fact of or nature of any complaints; (ii) executive session proceedings; (iii) information pertaining to or copies of any Committee or subcommittee report, study, or other document which purports to express the views, findings, conclusions, or recommendations of the Committee or subcommittee in connection with any of its activities or proceedings; or (iv) any other information or allegation respecting the conduct of a Member, officer, or employee.

(c) The Committee shall not disclose to any person or organization outside the Committee any information concerning the conduct of a Member, officer, or employee of the House of Representatives until it has transmitted a statement of Alleged Violation under Rule 17 of the Committee rules, to such Member, officer, or employee and the Member, officer, or employee has been given full opportunity to respond pursuant to Rule 18. The Statement of Alleged Violation and any written response thereto shall be made public at the first meeting or hearing on the matter that is open to the public after such opportunity has been provided. Any other materials in the possession of the Committee regarding such statement may be made public as authorized by the Committee to the extent consistent with the Rules of the House of Representatives.

(d) If no public hearing or meeting is held on the matter, the Statement and any written response thereto shall be included in the Committee's final report to the House of Representatives.

(e) All communications and all pleadings pursuant to these rules shall be filed with the Committee at the Committee's office or such other place as designated by the Committee.

(f) All records of the Committee which have been delivered to the Archivist of the United States shall be made available to the public in accordance with Rule XXXVI of the Rules of the House of Representatives.

Rule 11. Broadcasts of Committee and Subcommittee Proceedings

Whenever any hearing or meeting by the Committee or a subcommittee is open to the public, the Committee or subcommittee may, by a majority vote, permit coverage, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any such methods of coverage, under the following rules:

(a) If television or radio present live coverage of the hearing or meeting to the public, it shall be without commercial sponsorship.

(b) No witness shall be required against his or her will to be photographed or otherwise to have a graphic reproduction of his or her image made at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any witness, all media microphones shall be turned off, all television and camera lenses shall be covered, and that making of a graphic reproduction at the hearing shall not be permitted. This paragraph supplements clause 2(k)(5) of Rule XI of the Rules of the House of Representatives relating to the protection of the rights of witnesses.

(c) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The Committee may allocate the positions of permitted television cameras among the television media in consultation with the Executive Committee of the Radio and Television Correspondents' Galleries.

(d) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the Committee, or the visibility of that witness and that member to each other.

(e) Television cameras shall not be placed in positions that unnecessarily obstruct the

coverage of the hearing or meeting by the other media.

Part II—Investigative Authority

Rule 12. House Resolution

Whenever the House of Representatives, by resolution, authorizes the Committee to undertake an inquiry or investigation, the provisions of the resolution, in conjunction with these Rules, shall govern. To the extent the provisions of the resolution differ from these Rules, the resolution shall control.

Rule 13. Committee Authority to Investigate—General Policy

Pursuant to clause 4(e)(2)(B) of Rule X of the Rules of the House of Representatives, the Committee may exercise its investigative authority when—

(a) a complaint by a Member of the House of Representatives is transmitted directly to the Committee;

(b) a complaint by an individual not a Member of the House of Representatives is transmitted through a Member who agrees, in writing, to submit it for the purpose of requesting an investigation;

(c) a complaint by an individual not a Member of the House of Representatives is submitted to the Committee after three Members of the House of Representatives have refused, in writing, to transmit the complaint to the Committee for the purpose of requesting an investigation;

(d) the Committee, on its own initiative, determines that a matter warrants inquiry;

(e) a Member, officer, or employee is convicted in a Federal, State, or local court of a criminal offense for which a sentence of one or more years' imprisonment may be imposed; or

(f) the House of Representatives, by resolution, authorizes the Committee to undertake an investigation.

Rule 14. Complaints

(a) A complaint submitted to the Committee shall be in writing, under oath and dated, setting forth in simple, concise, and direct statements—

(1) the name and legal address of the party filing the complaint (hereinafter referred to as the ''complainant'');

(2) the name and position or title of the respondent;

(3) the nature of the alleged violation of the Code of Official Conduct or of other law, rule, regulation, or other standard of conduct applicable to the performance of duties or discharge of responsibilities; and

(4) the facts alleged to give rise to the violation. The complaint shall not contain innuendo, speculative assertions, or conclusory statements.

(b) Any documents in the possession of the complainant that relate to the allegations may be submitted with the complaint.

(c) A complaint by a Member of the House of Representatives may be transmitted directly to the Committee.

(d) A complaint by an individual not a Member of the House of Representatives may be transmitted through a Member who states, in writing, that it is submitted for the purpose of initiating a Preliminary Inquiry. A copy of the exact complaint submitted to and transmitted by the Member must be attached to the Member's letter to the Committee.

(e) If a complaint by an individual who is not a Member of the House of Representatives is submitted to three Members of the House of Representatives who refuse, in writing, to transmit the complaint to the Committee for the purpose of requesting an investigation, the complainant may transmit the complaint to the Committee. Legible copies of each refusal letter must accompany the complaint. Each letter must clearly state the Member's refusal to transmit the complaint and must contain the Member's acknowledgment that such refusal may cause the Committee to consider initiating a Preliminary Inquiry. A legible copy of the exact complaint submitted to and considered by the Member must be attached to that Member's refusal letter.

(f) A complaint must be accompanied by a certification that the complainant has provided an exact copy of the filed complaint and all attachments to the respondent.

(g) The Committee may defer action on a complaint against a Member, officer, or employee of the House of Representatives when the Committee has reason to believe such conduct is being reviewed by appropriate law enforcement or regulatory authorities.

(h) A complaint may not be amended without leave of the Committee. Otherwise, any new allegations of improper conduct must be submitted in a new complaint that independently meets the procedural requirements of the Rules of the House of Representatives and the Committee's Rules.

(i) the Committee shall not accept, and shall return to the complainant, any complaint submitted within the 60 days prior to an election in which the subject of the complaint is a candidate.

(j) The Committee shall not consider a complaint, nor shall any investigation be undertaken by the Committee, of any alleged violation which occurred before the third previous Congress unless the Committee determines that the alleged violation is directly related to an alleged violation which occurred in a more recent Congress.

Rule 15. Processing of Complaints

(a) Upon receipt of a complaint, the Committee shall determine if it complies with clause 4(e)(2)(B) of Rule X of the Rules of the House of Representatives and Rule 14 of the Committee rules.

(b) If the complaint does not comply with such House and Committee Rules, it shall be returned to the complainant with copy of such Rules and a statement specifying why the complaint is not in compliance. The respondent shall be notified when a complaint is returned and provided the reasons therefor.

(c) If a complaint is in compliance with House and Committee Rules, a copy of the complaint and the Committee Rules shall be forwarded to the respondent with notice that the complaint conforms to the applicable rules and will be placed on the Committee's agenda.

(d) The respondent may provide to the Committee any information relevant to a complaint filed with the Committee. The Committee staff may request information from the respondent prior to the consideration of a Resolution of Preliminary Inquiry only when so directed by the Chairman and Ranking Minority Member.

(e) At the first meeting of the Committee following the procedures or actions specified in clauses (c) and (d), the Committee shall consider the complaint.

(f) If the Committee, by a majority vote, determines that the complaint is within the Committee's jurisdiction and merits further inquiry, it shall adopt a Resolution of Preliminary Inquiry. After such resolution is adopted, the Chairman and Ranking Minority Member shall designate four or six members to serve as an investigative subcommittee to conduct a Preliminary Inquiry in accordance with Rule 17.

(g) The respondent shall be notified, in writing, regarding the Committee's decision either to dismiss the complaint or to initiate a Preliminary Inquiry.

(h) Respondent shall be notified of the membership of the investigative subcommittee and shall have ten days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and shall be on the grounds that the member cannot render an impartial and unbiased decision. The member against whom the objection is made shall be the sole judge of his or her disqualification.

Rule 16. Committee Initiated Preliminary Inquiry

(a) Notwithstanding the absence of a filed complaint, the Committee may consider any information in its possession indicating that a Member, officer, or employee may have committed a violation of the Code of Official Conduct or any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of his or her duties or the discharge of his or her responsibilities.

(b) If the Committee determines that the information merits further inquiry, the Committee shall proceed in accordance with Rule 17.

(c) Any written request by a Member, officer, or employee of the House of Representatives that the Committee conduct an inquiry into such person's own conduct shall be processed in accordance with subsection (a) of this Rule.

(d) An investigative or disciplinary hearing shall not be undertaken regarding any alleged violation that occurred before the third previous Congress unless a majority of the Committee determines that the alleged violation is directly related to an alleged violation that occurred in a more recent Congress.

(e) Conviction of a Member, officer, or employee of the House of Representatives in a Federal, state, or local court of a criminal offense for which a sentence of one or more years' imprisonment may be imposed shall be a matter that merits further inquiry pursuant to Rule 15 and, after sentencing, a preliminary inquiry shall be undertaken. Notwithstanding this provision, the Committee may exercise its investigative authority at any time prior to conviction or sentencing.

Rule 17. Preliminary Inquiry

(a) In a Preliminary Inquiry undertaken by an investigative subcommittee—

(1) All proceedings, including the taking of testimony, shall be conducted in Executive Session and all testimony taken by deposition or things produced pursuant to subpoena or otherwise shall be deemed to have been taken or produced in Executive Session.

(2) The Chairman of the investigative subcommittee shall ask respondent and all witnesses whether they intend to be represented by counsel. if so, respondent or witnesses or their legal representatives shall provide written designation of counsel. A respondent or witness who is represented by counsel shall not be questioned in the absence of counsel unless an explicit waiver is obtained.

(3) The subcommittee shall provide the respondent an opportunity to present, orally or in writing, a statement, which must be under oath or affirmation, regarding the allegations and any other relevant questions arising out of the Preliminary Inquiry.

(4) The staff may interview witnesses, examine documents and other evidence, and request that submitted statements be under oath or affirmation and that documents be certified as to their authenticity and accuracy.

(5) The subcommittee, by a majority vote of its members, may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers,

documents, and other items as it deems necessary to the conduct of the inquiry. Unless the Committee otherwise provides, the subpoena power shall rest in the Chairman and Ranking Minority Member of the Committee and a subpoena shall be issued upon the request of the chairman and ranking minority member of the investigative subcommittee. A motion to quash a subpoena shall be decided by the Chairman of the Committee.

(6) The subcommittee shall require that testimony be given under oath or affirmation. The form of the oath or affirmation shall be: ''Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God?)'' The oath or affirmation shall be administered by the chairman or subcommittee member designated by him to administer oaths.

(b) During the Preliminary Inquiry, the procedure respecting the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The chairman of the subcommittee or other presiding member at any investigative subcommittee proceeding shall rule upon any question of admissibility or pertinency of evidence, motion, procedure or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness's counsel, or a member of the subcommittee may appeal any evidentiary rulings to the members present at that proceeding. The majority vote of the members present at such proceeding on such appeal shall govern the question of admissibility, and no appeal shall lie to the Committee.

(3) Whenever a person is deemed by a chairman or presiding member to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with respondent and/or respondent's counsel as to facts that are not in dispute.

(c) Upon completion of the investigation, the staff shall draft for the investigative subcommittee a report that shall contain a comprehensive summary of the information received and may include any recommendations for action by the subcommittee regarding the alleged violations.

(d) Upon completion of the Preliminary Inquiry, an investigative subcommittee, by majority vote of its members, may adopt a Statement of Alleged Violation if it determines that there is reason to believe that a violation has occurred. If more than one count is alleged, such Statement shall be divided into counts. Each count shall relate to a separate violation, shall contain a plan and concise statement of the alleged facts of such violation, and shall include a reference to the provision of the Code of Official Conduct or law, rule, regulation or other applicable standard of conduct governing the performance of duties or discharge of responsibilities alleged to have been violated. A Statement of Alleged Violation may include offenses beyond those referenced in the Resolution of Preliminary Inquiry. A copy of such Statement shall be transmitted to the respondent and respondent's counsel.

(e) If the investigative subcommittee does not adopt a Statement of Alleged Violation, it shall transmit to the Committee a report containing a summary of the information received in the inquiry, its conclusions and reasons therefor, and any appropriate recommendation. The Committee shall transmit such report to the House of Representatives.

Rule 18. Respondent's Answer

(a)(1) Within 30 days from the date of transmittal of a Statement of Alleged Violation, the respondent shall file with the investigative subcommittee an answer, in writing and under oath, signed by respondent and respondent's counsel. Failure to file an answer within the time prescribed shall be considered by the Committee as a denial of each count.

(2) The answer shall contain an admission to or denial of each count set forth in the Statement of Alleged Violation and may include negative, affirmative, or alternative defenses and any supporting evidence or other relevant information.

(b) The respondent may file a Motion for a Bill of Particulars within 15 days of the date of transmittal of the Statement of Alleged Violation. If a Motion for a Bill of Particulars is filed, the respondent shall not be required to file an answer until 15 days after the subcommittee has replied to such motion.

(c)(1) The respondent may file a Motion to Dismiss within 15 days of the date of transmittal of the Statement of Alleged Violation or, if a Motion for a Bill of Particulars has been filed, within 15 days of the date of the subcommittee's reply to the Motion for a Bill of Particulars. If a Motion to Dismiss is filed, the respondent shall not be required to file an answer until 15 days after the subcommittee has replied to the Motion to Dismiss.

(2) A Motion to Dismiss may be made on the grounds that the Statement of Alleged Violation fails to state facts that constitute a violation of the Code of Official Conduct or other applicable law, rule, regulation, or standard of conduct, or on the grounds that the Committee lacks jurisdiction to consider the allegations contained in the Statement.

(d) Any motion filed with the subcommittee pursuant to this rule shall be accompanied by a Memorandum of Points and Authorities.

(e)(1) The chairman of the investigative subcommittee, for good cause shown, may permit the respondent to file an answer or motion after the day prescribed above.

(2) If the ability of the respondent to present an adequate defense is not adversely affected and special circumstances so require, the chairman of the investigative subcommittee may direct the respondent to file an answer or motion prior to the day prescribed above.

(f) If the day on which any answer, motion, reply, or other pleading must be filed falls on a Saturday, Sunday, or holiday, such filing shall be made on the first business day thereafter.

(g) As soon as practicable after an answer has been filed or the time for such filing has expired, the Statement of Alleged Violation and any answer, motion, reply, or other pleading connected therewith shall be transmitted by the chairman of the investigative subcommittee to the Chairman and Ranking Minority Member of the Committee.

Rule 19. Disciplinary Hearings

(a) If a Statement of Alleged Violation is transmitted to the Chairman and Ranking Minority Member pursuant to Rule 18, and no waiver pursuant to Rule 22(b) has occurred, the Chairman shall designate the members of the Committee who did not serve on the investigative subcommittee to serve on an adjudicatory subcommittee. The Chairman and Ranking Minority Member of the Committee shall be the chairman and ranking minority member of the adjudicary subcommittee. The respondent shall be notified of the designation of the adjudicatory subcommittee and shall have ten days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and shall be on the grounds that the member cannot render an impartial and unbiased decision. The member against whom the objection is made shall be the sole judge of his or her disqualification.

(b) A majority of the adjudicatory subcommittee membership plus one must be present at all times for the conduct of any business pursuant to this rule.

(c) The adjudiciary subcommittee shall hold a Disciplinary Hearing to determine whether any counts in the Statement of Alleged Violation have been proved by clear and convincing evidence and shall make findings of fact, except where such violations have been admitted by respondent.

(d) At a Disciplinary Hearing the adjudicatory subcommittee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary. Depositions, interrogatories, and sworn statements taken under any investigative subcommittee direction may be accepted into the hearing record.

(e) The procedures set forth in clause 2(k) of Rule XI of the Rules of the House of Representatives shall apply to Disciplinary Hearings. All such hearings shall be open to the public unless the adjudicatory subcommittee, pursuant to such clause, determines that the hearings or any part thereof should be closed.

(f)(1) The adjudicatory subcommittee shall, in writing, notify the respondent that respondent and his or her counsel have the right to inspect, review, copy, or photograph books, papers, documents, photographs, or other tangible objects that the adjudicatory subcommittee counsel intends to use as evidence against the respondent in a Disciplinary Hearing. Respondent shall be given access to such evidence, and shall be provided the names of witnesses the subcommittee counsel intends to call, and a summary of their expected testimony, no less than 15 calendar days prior to any such hearing. Except in extraordinary circumstances, no evidence may be introduced or witness called in a Disciplinary Hearing unless respondent has been afforded a prior opportunity to review such evidence or has been provided the name of the witness.

(2) After a witness called by subcommittee counsel has testified on direct examination at a Disciplinary Hearing, the Committee, at the request of the respondent, shall make available to the respondent any statement of the witness in the possession of the Committee which relates to the subject matter as to which the witness has testified.

(3) Any other testimony, statement, or documentary evidence in the possession of the Committee which is material to the respondent's defense shall, upon request, be made available to the respondent.

(g) No less than five days prior to the Disciplinary Hearing, respondent or counsel shall provide the adjudicatory subcommittee with the names of witnesses expected to be called, summaries of their expected testimony, and copies of any documents or other evidence proposed to be introduced.

(h) The respondent or counsel may apply to the subcommittee for the issuance of subpoenas for the appearance of witnesses or the production of evidence. The application shall be granted upon a showing by the respondent that the proposed testimony or evidence is relevant and not otherwise available to respondent. The application may be denied if

not made at a reasonable time or if the testimony or evidence would be merely cumulative.

(i) During the Disciplinary Hearing, the procedures regarding the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The chairman of the subcommittee or other presiding member at an adjudicatory subcommittee hearing shall rule upon any question of admissibility or pertinency of evidence, motion, procedure, or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness's counsel, or a member of the subcommittee may appeal any evidentiary ruling to the members present at that proceeding. The majority vote of the members present at such proceeding on such an appeal shall govern the question of admissibility and no appeal shall lie to the Committee.

(3) Whenever a witness is deemed by a chairman or other presiding member to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with respondent and/or respondent's counsel as to facts that are not in dispute.

(j) Unless otherwise provided, the order of a Disciplinary Hearing shall be as follows:

(1) The chairman of the subcommittee shall open the hearing by stating the adjudicatory subcommittee's authority to conduct the hearing and the purpose of the hearing.

(2) The chairman shall then recognize Committee counsel and respondent's counsel, in turn, for the purpose of giving opening statements.

(3) Testimony from witnesses and other pertinent evidence shall be received in the following order whenever possible:

(i) Witnesses (deposition transcripts and affidavits obtained during the Preliminary Inquiry may be used in lieu of live witnesses) and other evidence offered by the Committee counsel,

(ii) Witnesses and other evidence offered by the respondent,

(iii) Rebuttal witnesses, as permitted by the chairman.

(4) Witnesses at a hearing shall be examined first by counsel calling such witness. The opposing counsel may then cross-examine the witness. Redirect examination and recross examination may be permitted at the chairman's discretion. Subcommittee members may then question witnesses. Unless otherwise directed by the chairman, such questions shall be conducted under the five-minute rule.

(k) A subpoena to a witness to appear at a hearing shall be served sufficiently in advance of that witness' scheduled appearance to allow the witness a reasonable period of time, as determined by the chairman of the adjudicatory subcommittee, to prepare for the hearing and to employ counsel.

(l) Each witness appearing before the subcommittee shall be furnished a printed copy of the Committee rules, the pertinent provisions of the Rules of the House of Representatives applicable to the rights of witnesses, and a copy of the Statement of Alleged Violation.

(m) Testimony of all witnesses shall be taken under oath or affirmation. The form of the oath or affirmation shall be: ''Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?'' The oath or affirmation shall be administered by the Chairman or Committee member designated by the Chairman to administer oaths.

(n) At a Disciplinary Hearing the burden of proof rests on Committee counsel to establish the facts alleged in the Statement of Alleged Violation by clear and convincing evidence. However, Committee counsel need not present any evidence regarding any count that is admitted by the respondent or any fact stipulated.

(o) As soon as practicable after all testimony and evidence have been presented, the subcommittee shall consider each count contained in the Statement of Alleged Violation and shall determine by majority vote of its members whether each count has been proved. If a majority of the subcommittee does not vote that the count has been proved, a motion to reconsider that vote may be made only by a member who voted that the count was not proved. A count that is not proved shall be considered as dismissed by the subcommittee.

(p) The findings of the adjudicatory subcommittee shall be reported to the Committee.

Rule 20. Sanction Hearing and Consideration of Sanctions or Other Recommendations

(a) If no count in a Statement of Alleged Violation is proved, the Committee shall prepare a report to the House of Representatives, based upon the report of the adjudicatory subcommittee.

(b) If an adjudicatory subcommittee completes a Disciplinary Hearing pursuant to Rule 19 and reports that any count of the Statement of Alleged Violation has been proved, a hearing before the Committee shall be held to receive oral and/or written submissions by counsel for the Committee and counsel for the respondent as to the sanction the Committee should recommend to the House of Representatives with respect to such violations. Testimony by witnesses shall not be heard except by written request and vote of a majority of the Committee.

(c) Upon completion of any proceeding held pursuant to clause (b), the Committee shall consider and vote on a motion to recommend to the House of Representatives that the House take disciplinary action. If a majority of the Committee does not vote in favor of the recommendation that the House of Representatives take action, a motion to reconsider that vote may be made only by a member who voted against the recommendation. The Committee may also, by majority vote, adopt a motion to issue a Letter of Reproval or take other appropriate Committee action.

(d) If the Committee determines a Letter of Reproval constitutes sufficient action, the Committee shall include any such letter as a part of its report to the House of Representatives.

(e) With respect to any proved counts against a Member of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Expulsion from the House of Representatives.

(2) Censure.

(3) Reprimand.

(4) Fine.

(5) Denial or limitation of any right, power, privilege, or immunity of the Member if under the Constitution the House of Representatives may impose such denial or limiation.

(6) Any other sanction determined by the Committee to be appropriate.

(f) With respect to any proved counts against an officer or employee of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Dimissal from employment.

(2) Reprimand.

(3) Fine.

(4) Any other sanction determined by the Committee to be appropriate.

(g) With respect to the sanctions that the Committee may recommend, reprimand is appropriate for serious violations, censure is appropriate for more serious violations, and explusion of a Member or dismissal of an officer or employee is appropriate for the most serious violations. A recommendation of a fine is appropriate in a case in which it is likely that the violation was committed to secure a personal financial benefit; and a recommendation of a denial or limitation of a right, power, privilege, or immunity of a Member is appropriate when the violation bears upon the exercise or holding of such right, power, privilege, or immunity. This clause sets forth general guidelines and does not limit the authority of the Committee to recommend other sanctions.

(h) The Committee report shall contain an appropriate statement of the evidence supporting the Committee's findings and a statement of the Committee's reasons for the recommended sanction.

Rule 21. Disclosure of Exculpatory Information to Respondent

If the Committee, or any investigative or adjudicatory subcommittee at any time receives any exculpatory information respecting a Complaint or Statement of Alleged Violation concerning a Member, officer, or employee of the House of Representatives, it shall make such information immediately known and available to the Member, officer, or employee.

Rule 22. Rights of Respondents and Witnesses

(a) A respondent shall be informed of the right to be represented by counsel, to be provided at his or her own expense.

(b) A respondent may seek to waive any procedural rights or steps in the disciplinary process. A request for waiver must be in writing, signed by the respondent, and must detail what procedural steps respondent seeks to waive. Any such request shall be subject to the acceptance of the Committee or subcommittee, as appropriate.

(c) Witnesses shall be afforded a reasonable period of time, as determined by the Committee or subcommittee, to prepare for the hearing and to obtain counsel.

(d) Except as otherwise specifically authorized by the Committee, no Committee member or staff member shall disclose to any person outside the Committee the name of any witness subpoenaed to testify or to produce evidence.

(e) Prior to their testimony, witness shall be furnished a printed copy of the Committee's Rules of Procedure and the provisions of the Rules of the House of Representatives applicable to the rights of witnesses.

(f) Witnesses may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chairman may punish breaches of order and decorum, and of professional responsibility on the part of counsel, by censure and exclusion from the hearings; and the Committee may cite the offender to the House of Representatives for contempt.

(g) Each witness subpoenaed to provide testimony of other evidence shall be provided such travel expenses as the Chairman considers appropriate. No compensation shall be authorized for attorney's fees or for a witness' lost earnings.

(h) With the approval of the Committee, a witness, upon request, may be provided with a transcript of his or her deposition or other testimony taken in executive session, or,

with the approval of the Chairman and Ranking Minority Member, may be permitted to examine such transcript in the office of the Committee. Any such request shall be in writing and shall include a statement that witness, and counsel, agree to maintain the confidentiality of all executive session proceedings covered by such transcript.

Adopted February 9, 1995.

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. WISE) to revise and extend their remarks and include extraneous material:)

Mr. VOLKMER, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mr. MILLER of California, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

(The following Member (at the request of Mr. DORNAN) to revise and extend his remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.

EXTENSION OF REMARKS

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

(The following Members (at the request of Mr. WISE) and to include extraneous matter:)

Mr. STUDDS.

Mr. HILLIARD.

Mr. ANDREWS in two instances.

Mr. FAZIO.

Mr. BROWN of Ohio.

Mr. LEWIS of Georgia.

(The following Members (at the request of Mr. DORNAN) and to include extraneous matter:)

Mr. NEY.

Mr. PORTMAN.

Mr. FRELINGHUYSEN.

Mr. HASTERT.

Mr. PACKARD.

Mr. DIAZ-BALART.

Mr. FRANKS of New Jersey.

Mrs. SMITH of Washington.

Mr. DORNAN.

(The following Members (at the request of Mr. FOX of Pennsylvania) and to include extraneous matter:)

Mr. PALLONE.

Mr. PORTER.

Mr. GILMAN.

Mr. PETRI.

ADJOURNMENT

Mr. FOX of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 35 minutes p.m.), under its previous order, the House adjourned until Monday, March 13, 1995, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

514. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to recover costs of establishing standards for agricultural products; to the Committee on Agriculture.

515. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Air Force, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

516. A letter from the Administrator, Panama Canal Commission, transmitting a draft of proposed legislation entitled, the ''Panama Canal Amendments Act of 1995''; to the Committee on National Security.

517. A letter from the Federal Housing Finance Board, transmitting the office's 1995 compensation plan, pursuant to Public Law 101–73, section 1206 (103 Stat. 523); to the Committee on Banking and Financial Services.

518. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. B–95 which relates to enhancements or upgrades from the level of sensitivity of technology or capability described on section 36(b)(1) AECA certification 92–40 of September 14, 1992, pursuant to 22 U.S.C. 2776(b)(5); to the Committee on International Relations.

519. A letter from the Chairman, U.S. Advisory Commission on Public Diplomacy, transmitting the Commission's report on public diplomacy activities of the U.S. Government, pursuant to 22 U.S.C. 1469; to the Committee on International Relations.

520. A letter from the Chairman, Commodity Futures Trading Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

521. A letter from the Secretary of Transportation, 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.

552. A letter from the Secretary, Department of Transportation, transmitting the annual report on railroad financial assistance for fiscal year 1994, pursuant to section 409 of the Staggers Rail Act of 1980; to the Committee on Transportation and Infrastructure.

523. A letter from the Secretary of Transportation, transmitting the Department's annual report on pipeline safety activities for calendar year 1992, pursuant to 49 U.S.C. app. 1683(a); jointly, to the Committees on Transportation and Infrastructure, Commerce, and Resources.

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. THOMAS: Committee on House Oversight. House Resolution 107. Resolution providing amounts for the expenses of certain committees of the House of Representatives in the 104th Congress; with an amendment (Rept. 104–74). Referred to the House Calendar.

Mr. GOODLING: Committee on Economic and Educational Opportunities. H.R. 999. A bill to establish a single, consolidated source of Federal child care funding; to establish a program to provide block grants to States to provide nutrition assistance to economically disadvantaged individuals and families and to establish a program to provide block grants to States to provide school-based food services to students; to restrict alien eligibility for certain education, training, and other programs; and for other purposes; with an amendment (Rept. 104–75, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. WYDEN (for himself, Mr. SCHUMER, and Mrs. MORELLA):

H.R. 1201. A bill to amend the Public Health Service Act to prohibit health insurance discrimination with respect to victims of domestic violence; to the Committee on Commerce, 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. BROWN of California (for himself, Mr. GOSS, Mr. MEEHAN, Mr. YATES, Mr. CLAY, Mr. BEILENSON, Mrs. MALONEY, Mr. MCDERMOTT, Mr. JACOBS, Mr. MOORHEAD, Mr. STARK, Mr. NADLER, Mr. OWENS, Mr. LANTOS, Ms. LOWEY, Mr. WILSON, Mr. TORRES, Mr. GEJDENSON, Mr. SHAYS, Mr. PORTER, Ms. PELOSI, Mr. MILLER of California, Ms. ESHOO, Mr. GALLEGLY, Mr. WAXMAN, Mr. ABERCROMBIE, Mr. DEFAZIO, Ms. ROYBAL-ALLARD, Mr. MINETA, Mr. COYNE, Mr. GUTIERREZ, and Mr. WELDON of Pennsylvania):

H.R. 1202. A bill to amend title 18, United States Code, to prohibit interstate-connected conduct relating to exotic animals; to the Committee on the Judiciary.

By Mr. FRANKS of New Jersey (for himself, Mr. ALLARD, Mr. BEREUTER, and Mr. LAHOOD):

H.R. 1203. A bill to provide an exemption for small cargo tank vehicles of 3,500 gallons or less, transporting petroleum products, from certain hazardous material transportation regulations; to the Committee on Transportation and Infrastructure.

By Mr. GEKAS:

H.R. 1204. A bill to amend the Immigration and Nationality Act to substitute references to children born out of wedlock for references to illegitimate children in the definition of child; to the Committee on the Judiciary.

By Mr. HILLIARD:

H.R. 1205. A bill to transfer to the Secretary of Agriculture jurisdiction over the research and experimentation program to develop methods for the commercial production of fish in shallow reservoirs and flooded rice lands and to transfer the experiment station in Marion, AL, established as part of the program; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATOURETTE (for himself, Mr. QUINN, and Mr. OBERSTAR):

H.R. 1206. A bill to amend the Federal Water Pollution Control Act to require the

Administrator of the Environmental Protection Agency to conduct at least three demonstration projects involving promising technologies and practices to remedy contaminated sediments in the Great Lakes system and to authorize the Administrator to provide technical information and assistance on technologies and practices for remediation of contaminated sediments, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR:

H.R. 1207. A bill to revise the master plan of Voyageurs National Park, and for other purposes; to the Committee on Resources.

By Mr. OXLEY:

H.R. 1208. A bill to amend the Federal Election Campaign Act of 1971 to provide for increased fairness and competition in elections for Federal office; to the Committee on House Oversight.

By Mr. QUINN (for himself and Mr. LATOURETTE):

H.R. 1209. A bill to amend the Federal Water Pollution Control Act to coordinate and promote Great Lakes activities, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science, 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. RAHALL (for himself, Mr. YOUNG of Alaska, and Mr. OBERSTAR):

H.R. 1210. A bill to amend the Railway Labor Act concerning the applicability of requirements of that act to U.S. air carriers and flight crews engaged in flight operations outside the United States; to the Committee on Transportation and Infrastructure.

By Mrs. ROUKEMA:

H.R. 1211. A bill to amend the Community Reinvestment Act of 1977 to enhance the availability of investment capital for low- and moderate-income housing in low- and moderate-income neighborhoods; to the Committee on Banking and Financial Services.

By Mrs. SMITH of Washington (for herself, Ms. DUNN of Washington, Mr. HERGER, and Mr. COLLINS of Georgia):

H.R. 1212. A bill to amend the Internal Revenue Code of 1986 to revise the estate and gift taxes in order to preserve American family enterprise, and for other purposes; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 1213. A bill to amend the Internal Revenue Code of 1986 to make S corporations eligible for the rules applicable to real property subdivided for sale by noncorporate taxpayers; to the Committee on Ways and Means.

By Mr. TALENT:

H.J. Res. 78. Joint resolution to grant the consent of the Congress to certain additional powers conferred upon the Bi-State Development Agency by the States of Missouri and Illinois; to the Committee on the Judiciary.

By Mr. HOYER (for himself, Mrs. MORELLA, Mr. WYNN, Ms. NORTON, Mr. WOLF, and Mr. MORAN):

H. Con. Res. 38. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; to the Committee on Transportation and Infrastructure.

By Mr. ARMEY (for himself and Mr. GEPHARDT):

H. Res. 113. Resolution providing for the transfer of certain employee positions; considered and agreed to.

By Mr. GILMAN:

H. Res. 114. Resolution expressing the sense of the House of Representatives that the United States should support peace and stability in the South China Sea; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 55: Mr. SHAYS.

H.R. 65: Mr. MINETA.

H.R. 103: Ms. LOWEY, Mr. DEFAZIO, Mr. FRANK of Massachusetts, Mr. DE LA GARZA, and Mr. YATES.

H.R. 104: Mr. HASTERT.

H.R. 218: Mr. HAYWORTH.

H.R. 303: Mr. MINETA and Mr. OWENS.

H.R. 467: Mr. WALSH, Mr. BLUTE, and Mr. STUPAK.

H.R. 483: Mr. LEWIS of California, Mr. SERRANO, Mr. LEWIS of Kentucky, and Mr. BACHUS.

H.R. 494: Ms. MCKINNEY.

H.R. 497: Mr. BEILENSON.

H.R. 530: Mr. JOHNSON of South Dakota and Mr. TORRICELLI.

H.R. 560: Mr. BAKER of Louisiana.

H.R. 592: Mr. HERGER.

H.R. 682: Mr. ACKERMAN and Mr. LIPINSKI.

H.R. 704: Mr. ZIMMER and Mr. SERRANO.

H.R. 705: Mr. NORWOOD, Mr. PACKWOOD, and Mr. BAKER of Louisiana.

H.R. 708: Mr. CHRYSLER, Mr. ZIMMER, and Mrs. MORELLA.

H.R. 726: Mr. FATTAH, Mr. LIPINSKI, and Mr. SPRATT.

H.R. 763: Mr. GILLMOR, Mr. PARKER, Mr. KASICH, Mr. FROST, Mr. OBERSTAR, Mr. TOWNS, Mr. MARTINEZ, Mrs. FOWLER, Mr. METCALF, and Mr. GALLEGLY.

H.R. 771: Mr. KLUG, Mr. EVANS, Mr. LIPINSKI, Mr. ENGLISH of Pennsylvania, and Mrs. MORELLA.

H.R. 782: Mr. FRANK of Massachusetts and Mr. BRYANT of Tennessee.

H.R. 786: Miss COLLINS of Michigan and Mr. CRAMER.

H.R. 797: Mr. FATTAH.

H.R. 803: Mr. ZIMMER, Ms. LOFGREN, Mr. BONO, Mr. CALVERT, Mr. DREIER, Mr. HORN, Mr. KIM, Mr. MCKEON, Mr. RADANOVICH, Mr. RIGGS, Mr. ROHRABACHER, Mr. ROYCE, and Mrs. SEASTRAND.

H.R. 858: Mr. BORSKI, Mr. DELLUMS, Mr. EVANS, Mr. LIPINSKI, Mr. OLVER, Mr. SISISKY, Mr. CALVERT, Mr. DAVIS, Mr. FARR, and Mr. MASCARA.

H.R. 894: Mr. SOLOMON.

H.R. 895: Mr. PARKER and Mr. BENTSEN.

H.R. 899: Mrs. THURMAN, Mr. EVANS, Mr. VOLKMER, Mr. KASICH, Ms. FURSE, Mr. LUTHER, Mr. GILLMOR, Mr. ROBERTS, Mr. HOUGHTON, Mr. NUSSLE, and Mr. NEUMANN.

H.R. 940: Mr. BARRETT of Wisconsin and Mr. FATTAH.

H.R. 952: Mr. KINGSTON, Mr. TALENT, and Mr. PARKER.

H.R. 957: Mr. GALLEGLY and Mr. SAXTON.

H.R. 1002: Mr. COX, Mr. MILLER of California, Ms. DUNN of Washington, Mr. BEVILL, and Mr. PALLONE.

H.R. 1003: Mr. LIPINSKI, Mr. COLEMAN, and Mr. SAXTON.

H.R. 1010: Mr. FROST, Mr. HALL of Texas, Mr. CALVERT, Mr. GILLMOR, Mr. WILLIAMS, Mr. BROWN of Ohio, Mr. HILLIARD, Ms. MOLINARI, and Mr. SERRANO.

H.R. 1033: Mr. FRANK of Massachusetts, Mr. SCARBOROUGH, Mr. SCHUMER, and Mr. SAXTON.

H.R. 1045: Mr. MILLER of Florida, Mr. DREIER, Mr. BASS, Mr. LAHOOD, Mr. NETHERCUTT, Mr. HANCOCK, Mr. WELLER, Mr. BARTON of Texas, Mr. FOLEY, and Mr. NUSSLE.

H.R. 1055: Ms. VELAZQUEZ and Mr. FOX.

H.R. 1061: Mr. BAKER of California and Mr. HERGER.

H.R. 1103: Mr. GALLEGLY.

H.R. 1118: Mr. FIELDS of Texas, Mr. CALVERT, Mr. LEWIS of Kentucky, Mr. BARRETT of Nebraska, Mr. KNOLLENBERG, Mr. LUCAS, and Mr. BAKER of California.

H.R. 1129: Ms. RIVERS and Mr. BROWDER.

H.R. 1194: Mr. LIPINSKI, Mr. POMBO, and Mr. MARTINEZ.

H.J. Res. 64: Mr. NORWOOD, Mr. PACKARD, and Mr. BAKER of Louisiana.

H.J. Res. 76: Mr. SCARBOROUGH, Mr. RADANOVICH, Mr. DAVIS, Mr. FUNDERBURK, Mr. ENSIGN, Mr. BONO, and Mr. TALENT.

H. Con. Res. 12: Mr. ROBERTS.

H. Res. 21: Mr. TALENT.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1158

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 1: Page 49, line 14, strike ''$5,733,400,000'' and insert ''$5,574,400,000''.

Page 49, line 20, strike ''$2,694,000,000'' and insert ''$2,625,000,000''.

Page 50, beginning on line 4, strike ''$90,000,000 shall be from amounts earmarked for the lead-based paint hazard reduction program;''.

Page 50, strike lines 16 through 26.

Page 51, strike lines 7 through 12.

Page 54, after line 13, insert the following:

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(REDUCTION)

The amount otherwise provided under this heading in this Act is hereby reduced by $632,000,000.

H.R. 1158

OFFERED BY: MR. KLECZKA

AMENDMENT NO. 2: At the end of the bill, add the following new title:

TITLE IV—DEFICIT REDUCTION

DEDICATION OF SAVINGS TO DEFICIT REDUCTION

SEC. 4001. For each of the fiscal years 1995 through 1998, the Secretary of the Treasury shall transfer to the Deficit Reduction Fund established by Executive Order 12858 (58 Fed. Reg. 42185) amounts equivalent to the net deficit reduction achieved during such fiscal year as a result of the provisions of this Act. Such amounts shall be in addition to the amounts specified in section 2(b) of such order, but shall be subject to the requirements and limitations set forth in sections 2(c) and 3 of such order.

H.R. 1158

OFFERED BY: MR. ROHRABACHER

AMENDMENT NO. 3: Page 33, line 20, strike ''$47,000,000'' and insert ''$94,000,000''.

Page 33, line 22, strike ''$94,000,000'' and insert ''$188,000,000''.

H.R. 1158

OFFERED BY: MR. VOLKMER

AMENDMENT NO. 4: On page 48, strike line 7 through line 24.

On page 54, line 10, strike ''$3,200,000'' and insert ''$50,700,000''

On page 54, at the end of line 24 delete the period (.) and add the following ''; and, of the funds made available under this heading in Public Law 103–327, $158,610,000 are rescinded.''

H.R. 1158

OFFERED BY: MR. VOLKMER

AMENDMENT NO. 5: On page 48, strike line 7 through line 24.

On page 54, line 10, strike ''$3,200,000'' and insert ''$50,700,000''

On page 54, line 18, strike ''$38,000,000'' and insert ''$196,610,000''.

H.R. 1159

OFFERED BY: MR. KLECZKA

AMENDMENT NO. 1: At the end of the bill, add the following new section:

DEDICATION OF SAVINGS TO DEFICIT REDUCTION

SEC. 308. For each of the fiscal years 1995 through 1998, the Secretary of the Treasury shall transfer to the Deficit Reduction Fund established by Executive Order 12858 (58 Fed. Reg. 42185) amounts equivalent to the net deficit reduction achieved during such fiscal year as a result of the provisions of this Act. Such amounts shall be in addition to the amounts specified in section 2(b) of such order, but shall be subject to the requirements and limitations set forth in sections 2(c) and 3 of such order.

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PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, FRIDAY, MARCH 10, 1995 No. 45

Senate

(Legislative day of Monday, March 6, 1995)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. ASHCROFT].

The ACTING PRESIDENT pro tempore. Dr. Richard C. Halverson, the beloved Chaplain of the Senate for the past 14 years, pastor to Senators and staff, and former pastor of the Fourth Presbyterian Church of Bethesda, MD, will lead us in the invocation.

Dr. Halverson.

PRAYER

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

Let us pray:

And we know that all things work together for good to them that love God, to them who are the called according to his purpose.—Romans 8:28.

Eternal God, Ruler of history, Governor of the nations, we are unspeakably grateful for the political system inherited from those who founded this Nation. We thank Thee for their faith in a Creator God, the equality of all humans, and the conviction that the Creator endowed His creatures with inalienable rights which Government was to secure, receiving its authority from the consent of the governed.

In a day of instantaneous communication universally, the words and actions of national leadership are observed by the people as they are being said and done—instantly. Not uncommonly, they are misunderstood, or seen and heard out of context, which breeds misunderstanding, anger, and cynicism.

Mighty God, encourage Your servants to recover the vision of our founders, to seek wisdom from the Scriptures, and the guidance of God. May Thy blessing rest upon every person who labors so tirelessly in this vortex of rapid information through press, radio, and television. Cover their families with Your grace and love and protection, and remind them as often as necessary that, though they sought their office, their position has been ordained of God.

Gracious Father, thank you for the privilege of serving Your servants for all these years.

In the name of Jesus, the King of Kings and the Lord of Lords. Amen.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

RECESS

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate stand in recess for 2 minutes.

There being no objection, the Senate, at 10:04 a.m., recessed until 10:08 a.m.; whereupon, the Senate reassembled when called to order by the Acting President pro tempore.

RICHARD C. HALVERSON, SENATE CHAPLAIN

Mr. DOLE. Mr. President, as the Acting President pro tempore noted, today marks the end of Dr. Richard Halverson's 14 years as Chaplain of the Senate.

Some people say that the Senate Chaplain has one of the best jobs in Washington. After all, whenever he speaks, all Senators are quiet. And that is a luxury we do not extend to anybody else.

I joined with many Senators in saluting Dr. Halverson when he announced his retirement last year. But I wish to take a minute this morning to once again thank Dr. Halverson for his service, his dedication, and his friendship. He should also be thanked for his patience and for agreeing to stay on for many months while we searched for someone to fill his shoes. And we look forward to Dr. Ogilvie's first official day as Chaplain on Monday.

I know that all Senators join me in wishing Dr. Halverson and his wife, Doris, many, many more years of health and happiness.

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

CONGRATULATING DR. HALVERSON

Mr. NICKLES. Mr. President, I join with the majority leader in congratulating Dr. Halverson for his 14-plus years of service to the U.S. Senate, not only to the Senate as a body but to each and every Member of this group of Senators, and also to each and every member of the entire Capitol complex. I have had the pleasure of watching, working with, and worshiping with Dr. Halverson, and in his presence he emanates love. He emanates love in his actions, in his words, and by his presence. He has been a mentor to me and countless others, but also to our staffs and to the elevator operators and to the interns and to the pages. He has shown his love by his actions, and we have really been blessed by his presence. For his years of service we are very grateful. Many of us are eternally grateful, and we thank him for that.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

TRIBUTE TO THE REVEREND RICHARD C. HALVERSON

Mr. HEFLIN. Mr. President, our Senate Chaplain, Dr. Richard C. Halverson, our dear friend, is retiring today and has delivered his last official prayer. He has been a great Chaplain. During his tenure, Dr. Halverson has proved himself over and over again, not only to be a comforting spiritual guide but also a wonderful friend and adviser to

● 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 entire Senate family, which includes all of its workers: elevator operators, the police, the pages, the waitresses, the waiters, the electricians. Every conceivable worker has in some way or form felt his influence. His ministering support has been helpful to us immeasurably as we wrestled with difficult personal, political, and policy issues.

While he is not a Catholic and I am not a Catholic, it seems to me that the Catholic Church has a title that is befitting Dr. Halverson, and that is ''Father.'' He is father of the entire Senate family and we want to wish him well.

The Chaplain of the Senate is one of its 5 officers, and probably its most visible. Many people around the country watch as he opens the Senate's day with a prayer, or introduces the guest Chaplain to conduct the prayer. Dr. Halverson has been superb at arranging for guest Chaplains, thereby giving wide representation to the many diverse religious denominations in our Nation. As Chaplain, he has provided pastoral services to Members and our staffs, most of whom are far away from their own churches and ministers as well as to the entire Senate family. His soothing countenance and understanding manner have made us feel more at home here in the Senate.

Beginning his service on February 2, 1981, the Reverend Dr. Richard Halverson is the 60th Senate Chaplain. A native of North Dakota, he is a graduate of Wheaton College and the Princeton Theological Seminary. He has been awarded honorary doctoral degrees by Wheaton and Gordon Colleges, and has served churches in Kansas City, MO; Coalinga and Hollywood, CA; and for 23 years at his last pastorate at the Fourth Presbyterian Church in Bethesda, MD.

Dr. Halverson has been deeply involved as an associate in the International Prayer Breakfast movement in Washington, and I have had the personal pleasure of working with him since coming to the Senate. He has been active with this prayer breakfast for almost 40 years. He has served as chairman of the board of World Vision and president of Concern Ministries. He has authored several books, including ''A Day at a Time,'' ''Be Yourself . . . and God's,'' ''Between Sundays,'' ''No Greater Power,'' and ''We the People.''

He has traveled extensively through his associations with World Vision, the prayer breakfast movement, and pastors' and leaders' conferences in Asia, Australia, South America, Africa, and Europe.

Mr. President, Dick Halverson is an outstanding example of why the Senate has always had a Chaplain. He has been completely devoted to the Senate and we are grateful for his many years of service. We sincerely appreciate him, we will miss him, and we wish him and his wonderful wife, Doris, all the best as they move on to a well-deserved retirement. Dr. Halverson has left his mark on this body, and it will not be the same without him. The Senate is better for having had his guidance and wisdom for 14 years.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

THANK YOU, DICK HALVERSON, ON BEHALF OF ALL OF US

Mr. DOMENICI. Mr. President, the Book of Sirach, as I interpret it, tells us that from what comes out of our lips we will know what is in our hearts. Frankly, I want to say that there can be no doubt what is in Dick Halverson's heart. For he has the kindest, most loving words at his lips for everyone, all the time, of anybody I have ever known. He has been a personal spiritual influence on this Senator and many others. And that is not all. The people of this place were all part of his mission. I do not think it should go unnoticed that, instead of just Senators saying some kind remarks that he is entitled to, that there are many around the Senate who wish they could be here so they could say thank you.

I do not know how to do that, really, on behalf of all of them, but at least I will try, and say: Dick, we love you. We think you are one of the finest things that ever happened to this place. I hope that I speak for the thousands of non-Senators that you chose to help, of all religions, all creeds, all walks of life. Thank you very much.

I yield the floor.

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

THE EXAMPLE OF CHAPLAIN RICHARD C. HALVERSON

Mr. NUNN. Mr. President, echoing the remarks of my friend from New Mexico, I think it would truly be a unique hour in the history of the Senate if we could let the policemen and the maids and the janitors come up for an hour and talk about Dick Halverson.

None of us could express what this whole family of the Senate would say about this wonderful man who is a devoted follower of Jesus and who lives that example every day, more so than any person I have ever observed in my life; and whose religion is not only through the spoken word, but most of all through example.

Benjamin Franklin, who first suggested that sessions of the then-Continental Congress be opened with prayer, once said that true human happiness is produced not so much by great pieces of good fortune that seldom happen, as by little advantages that occur every day.

The Members of the Senate have enjoyed such daily advantages—I would not really call them small—having been blessed over the past 14 years by the thoughtful opening prayers of the Chaplain of the Senate, Dr. Richard Halverson.

In all that time, Dr. Halverson has been a real pastor to the Senate as a whole, sharing our long sessions, agonizing with us at times of difficult decisions, and helping us wrestle with the great moral concerns of our Nation. He has been there for each of us from the majority leader to the policemen to the waiters, conscious of the special pressures of our responsibilities, and of the pressures those responsibilities place on our families. He has brought to his duties a deep compassion and a deep concern for the moral climate of our Nation. He has shared his knowledge of the Scriptures and the thoughts of great spiritual leaders through the ages from many faiths, bringing to our attention passages from books and poems and his own meditations that he thought would be helpful to us as a body, through his prayers and pastoral letters, and as individuals in a variety of thoughtful ways.

Before he came to minister to the Senate, Dr. Halverson ministered to Presbyterian congregations from the Midwest to Hollywood to Maryland. We have benefited from his long experience and understanding of human frailty and human needs, and of the capacity of human beings to be compassionate, wise, and courageous as well. A committed follower of Jesus who lives his beliefs, he has never tried to impose his personal beliefs, but has worked hard to help us live up to ours, and to help us find the wellsprings of moral and ethical action as legislators and leaders.

I would like to think I speak on behalf, as the Senator from New Mexico has, of everyone here, the thousands of people in the Senate family, when we say to Dick Halverson, our friend, our colleague, our mentor, our adviser, and most of all our example: Thank you and God bless you and your family.

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

DR. HALVERSON, CHAPLAIN WITH AN OPEN HEART

Mr. CAMPBELL. Mr. President, I do not have a formal statement but I add my best wishes to Dr. Halverson. I am reminded that when Jesus was on the cross, he forgave a prostitute and a thief. I think there are very few people in the world that have hearts as open and as forgiving as Dr. Halverson.

Three years ago, in a discussion about crime, Dr. Halverson and I decided to try to bring some gang members to Washington on the day of the National Prayer Breakfast. So the next year we did, and this year was the second time we did that. We brought, as I remember, about 35 gang members. These are some pretty tough youngsters, the hoods, they are called, Crips and Bloods and Inca Boys and so on. We tried, through Dr. Halverson's leadership, to take them to the National Cathedral on the day of the Prayer Breakfast, and tried to show them a little different way of conducting their lives.

I know Dr. Halverson has that same attitude as Jesus himself, that there

should be forgiveness in all of our hearts. No one is lost if you really to try to help them.

I certainly wish him good luck. I want him to know that program he started now will be in its third year. I intend, with the help of my colleagues, to carry that on.

My best wishes.

I yield the floor.

Several Senators addressed the Chair.

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

DR. HALVERSON, A BROTHER

Mr. STEVENS. Mr. President, Dr. Halverson is a good example of why we should think twice about term limits. These past 14 years have gone by so quickly for those of us who have participated in the Senate Prayer Breakfast weekly. I know many are here who have done that, who have gone on Wednesday morning. The one thing that really drew us to that was not our participation with our colleagues, but it was the magnet of Dr. Halverson. We have developed the concept of calling each other brother, and I really and truly feel a sense of being a brother to Dr. Halverson.

Many of us have come through periods of great strain in our lives while still serving in the Senate. If there has been one steadying hand in this Senate to all of us, it has been Dick Halverson. In terms of just the camaraderie that surrounds the breakfast table on Wednesday morning, he always has something to add to really bring a little sparkle into life before the breakfast starts. Particularly, I recall, as Senator NUNN did, the times when we would go around the table and ask if anyone knew of any person who was connected with the Senate who ought to be remembered in our prayers. And, invariably, Reverend Halverson would tell us of members of the staff or a member of the family of a member of the staff or a person who was formerly with the Senate, to bring back to us the reality of the world outside of the beltway, outside of, really, the formality of the Senate.

I cannot remember the number of times we have conferred about the Presidential Prayer Breakfast over the years. I really think one of the guiding forces that has kept that great institution going and made it so meaningful, as the Senator from Colorado said, to people beyond the scope of our lives, is Dick Halverson.

I suggested several years ago that we start inviting a representative from each of the State legislatures to come to the Presidential Prayer Breakfast and that has become meaningful, due to the work of Dr. Halverson and Doug Coe who, together, have brought so many people into the family of Christ, working together with us here in the Senate Prayer Breakfast.

We shall miss his leadership, not only here opening the Senate in the morning, but we shall miss his friendship as we pass one another in the hall and as he comes by at the lunch table, or as he just takes time to visit with us here on the floor.

I have seen Members of the Senate retire, and we have expressed here on the floor our regret. But this is a retirement that will affect each of our lives, I think. We look forward to his successor and developing a relationship with his successor. But in my life, and particularly in terms of my approach to religion as I see it, I shall miss the steady hand of Richard Halverson. And I regret deeply that the time has passed so fast.

Mr. LIEBERMAN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

THE REVEREND DR. RICHARD C. HALVERSON

Mr. LIEBERMAN. Mr. President, I am really honored to have the opportunity to join in an expression of gratitude and tribute and, really, thanks to Chaplain Halverson.

His presence has really enriched the 6 years that I have been privileged to be in the U.S. Senate—by the warmth and grace of his personality, by the strength of his faith, and by the profound depth of his humanity and kindliness, the spirit of kindliness which just emits from him all the time.

He also has reminded us, by his daily public words as Chaplain, of the words that are over the door to the Chamber, which are ''In God We Trust.'' And he has reminded us, in the words of the Psalmist, that the honor that we have been given here comes from the Lord. With that recognition, I think he has helped us proceed with more of both a sense of humility and a sense of purpose than we would otherwise have had.

Chaplain Halverson is a true student of both the Old and the New Testament. He is a son of both the Old and the New Testament. And I think in his life he has been an exemplar of the values that are contained in the aspirations that are expressed for those of us here in his daily life.

So I cannot thank him enough. I cannot tell him how much I hope we have the opportunity to stay in touch. And I can benefit from his counsel and personal warmth and strength.

I wish him all of God's blessings with his family in the years ahead.

I thank the Chair.

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

THE REVEREND DR. RICHARD C. HALVERSON

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, I want to add to the accolades that are being given this morning to a wonderful leader in the U.S. Senate, and they are well deserved.

I have been here a short time compared to many of my compatriots who are talking today. But when I came the first day, I remember getting an invitation from Reverend Halverson to come to the weekly prayer breakfast that the Senate holds. I must say, when I started going to those, I felt that was the one hour that we had together on a very bipartisan basis—Jewish Members, Catholic Members, Baptist Members, Episcopalian Members—all coming together to share a quiet moment in an otherwise sometimes stormy week.

It has made a difference in my service in the Senate, and I cannot imagine that we would have been so strong had we not had the leadership of Reverend Halverson telling us how very important it was for us to come together in this very bipartisan way to talk about the things that bring us together rather than the things that sometimes divide us on this floor.

I have heard Members who have been here for years talk about personal things that he has done for members of their staff who were in trouble. The personal testimonies are legion around here about this man.

We will all miss him. But we will all remember what a strong leader he has been and how much better off we are for having him among us.

So I know all of us wish him Godspeed, but not farewell, because we hope that he will be back many times in the future.

Thank you, Mr. President.

Mr. BURNS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

THE REVEREND DR. RICHARD C. HALVERSON

Mr. BURNS. Thank you, Mr. President.

Mr. President, it is a long way from Pingree, ND, to the Halls of the U.S. Senate. And I would like to just be a part of a book that could be written about this young man's life.

We sort of entered his life when we came here in 1989, and they say in every man's life or every person's life there has to be what we call in the West, in the corral, a snubbing post—something to latch onto, something that is permanent, that has value, and those values were drawn from the soils of the High Plains and Northern High Plains of this great country. I guess those sorts of personalities blend, and they grow together.

That is what happened when I met Dr. Halverson. Not only does he write the prayer and give the prayer for this body on a daily basis, but he is counselor to us all in the long hours, and to our staffs. All of us have experienced tragedies in our staffs' lives and in our personal lives, and he was there to be a minister.

That will not be forgotten by this family and by this man who stands among the peers in this body.

So we say ''farewell,'' not ''goodbye''—just farewell. We hope that he does not cut us out of his life. We hope he will come by and share some North Dakota stories with us.

And we wish him Godspeed.

I yield the floor.

A FOND FAREWELL TO REV. RICHARD HALVERSON

Mr. COATS. Mr. President, in 1988, when I ran for reelection to the House of Representatives, I was, shortly after that both surprised and also very privileged to be considered for appointment to fill the vacancy created when Senator Dan Quayle was elected to the Vice Presidency. I was fortunate enough to receive that appointment to the Senate. I then resigned my House seat, and I was appointed to the Senate beginning in 1989.

I had several thoughts when that decision came down, but one of the very first thoughts that I had was the fact that I would have the privilege of serving in an institution in which Rev. Dick Halverson was Chaplain. We are fortunate to have been graduates of the same institution, Wheaton College.

I followed Chaplain Halverson's career as minister of the Fourth Presbyterian Church and his chaplaincy here in the Senate. So I had an inkling of the kind of man he was and deemed it a great privilege to be able to come here and serve with him.

I have observed few, if any, people that in my opinion better exemplify the walk of the Lord and the love of the Lord than Dr. Halverson. He has been a great inspiration to me. He is a humble servant of God.

We see him publicly, and most of the world sees him publicly, giving the opening prayer to the Senate. And those of us who are privileged to serve in the Senate see him on Wednesday morning in our Senate prayer breakfast. We have the opportunity to see him on the floor as he listens to our debate. And we know of his work behind the scenes, in total confidentiality, and his counsel to the Senators.

But what most do not see is the work that Dr. Halverson has done throughout the Senate for the Senate family. I think the thing I appreciate the most about Dick Halverson is that he sees us as God sees us. He sees us all as one. He shows respect to all persons. It is the example of Christ embodied in this man, who has served us so faithfully as our Chaplain.

We have heard some wonderful tributes here this morning. But I do not think any of the tributes that we can provide could begin to equal the tributes that we would hear if the guards and the cooks and the clerks and the staff and all those who serve us in the U.S. Senate could come to this floor and tell us what Dr. Halverson has meant in their lives. The guard at the door, the cook in the kitchen, the maintenance man working in the basement, and the staffers working in the back offices, are just as important to Dr. Halverson's ministry as the Senators who speak on this floor. That is a story that will not really be told and which most of the world has not heard. But that is the example of a Christ-like walk that has meant the most to me.

And so, if I could, on behalf of the thousands of people who support us so that we can come here and stand in the spotlight, I want to pay tribute to Dr. Halverson and all that he has meant in their lives and for all that he has done. I wish he and his dear wife many, many years of happiness together, rest, and well-deserved relaxation. I know he will keep us in his thoughts and prayers as he views the Capitol from his apartment and looks over this city that he loves so much and this institution into which he has poured his life and his love. We will miss you deeply.

Your successor, Dr. Ogilvie, is a fine man of God. He has huge shoes to fill. God's grace will allow him to do that. But you will be deeply missed. Your legacy lives in our hearts and in the hearts and minds of the thousands of people you have touched during your chaplaincy here, and we thank you for it.

Mr. President, I yield the floor.

Mr. BYRD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia [Mr. BYRD] is recognized.

A GOOD AND FAITHFUL SERVANT

Mr. BYRD. Mr. President, this morning, we heard the Reverend Dr. Richard C. Halverson offer his last prayer before the Senate. Dr. Halverson has been an inspiration for all of us over these many years, throughout which we have been blessed by his friendship, his fellowship, and his pastorship. And we shall miss him.

Tennyson's words, ''I am a part of all that I have met,'' applies to our association with Dr. Halverson. He has ministered to us and to our families. When Erma, my wife, was in the hospital a few years back, he came to the hospital and prayed for Erma, prayed with Erma, prayed with me. When I lost my grandson, the oldest of our grandchildren in April 1982, Dr. Halverson delivered the prayer and the message at the memorial service.

His life has touched my life in many ways. He has inspired us with his prayers, with his dedication to the service here, with his dedication to this large family of his, with his dedication to his spotless Savior, Jesus Christ.

As Dr. Halverson goes away, he takes something of us with him, but he leaves something of himself with us.

''Twas battered and scarred, and the auctioneer
Thought it scarcely worth his while
To waste much time on the old violin,
But held it up with a smile:
''What am I bidden, good folks,'' he cried,
''Who'll start the bidding for me?''
A dollar, a dollar''; then, ''Two!'' ''Only two?
Two dollars, and who'll make it three?
Three dollars, once; three dollars, twice;
Going for three——'' But no,
From the room, far back, a gray-haired man
Came forward and picked up the bow;
Then, wiping the dust from the old violin,
And tightening the loose strings,
He played a melody pure and sweet,
As a caroling angel sings.

The music ceased, and the auctioneer,
With a voice that was quiet and low,
Said: ''What am I bid for the old violin?''
And he held it up with the bow.
''A thousand dollars, and who'll make it two?
Two thousand! and who'll make it three?
Three thousand, once, three thousand, twice,
And going, and gone,'' said he.
The people cheered, but some of them cried,
''We do not quite understand
What changed its worth.'' Swift came the reply:
''The touch of a master's hand.''

And many a man with life out of tune,
And battered and scarred with sin,
Is auctioned cheap to the thoughtless crowd,
Much like the old violin.
A ''mess of pottage,'' a glass of wine;
A game—and he travels on.
He is ''going'' once, and ''going'' twice,
He's ''going'' and almost ''gone.''
But the Master comes, and the foolish crowd
Never can quite understand
The worth of a soul and the change that's wrought
By the touch of the Master's hand.

Dr. Halverson spoke to us often about that Master from Galilee. Dr. Halverson was something of a master himself. As he ministered to his flock, he gave of himself. And he continued to serve when his body sought retirement. His ready smile, his kind voice, his ever-ready hand extended in Christian fellowship—all these, we will miss.

We live in a very skeptical town. It is full of doubters and skeptics and cynics. But Dr. Halverson always represented the solid rock of faith, a steadfast belief in a higher power that has governed the destiny of this Nation from its beginnings.

This town, and every other town in America, large and small, needs to turn back to the old values that made America great, the old values that Dr. Halverson taught and that he emulated and that he followed in his daily walk with us.

Emerson, a great contemporary of Thoreau, said:

> The true test of civilization is, not the census, nor the size of cities, nor the crops—no, but the kind of man the country turns out.

This country needs to return to the old values that were taught by Dr. Halverson. The country would turn out better men, and those of us who are already turned out would become better.

Since its inception, the Christian movement has rested on the foundation of the personal witness of the individual believer.

During his several valuable years among us as the Senate Chaplain, Dr. Richard C. Halverson has served as a twentieth-century model of that ageless witness—one man, though an ordained clergyman of a distinguished community of believers, moving among us, sharing a love that he borrowed from his relationship with God, shedding light in darkness, drying the tears of ''those who mourn,'' giving hope to the downcast, and, sometimes through his presence alone, reassuring thousands—thousands—here on Capitol Hill and, through the electronic eye, reassuring millions that life—even political life—has eternal meaning. It causes us,

or ought to cause us, to pause amidst the strife that we endure on the political battlefields, pause and be still and know that ''I am God.'' There is life beyond the Senate. There is a life beyond a political party. And that there is a life beyond this life.

I pity—I pity—one who does not believe in immortality. I cannot comprehend a belief that is without God. I cannot comprehend the worth of a life on this Earth if there is no assurance of a life beyond the grave, no assurance of immortality, if there is no assurance that I will ever again see, with my tired eyes, my departed grandson.

We are daily caught up in the gewgaws of political life, and our social life. Many of these things are, of course, worthwhile. But there will come a day and a time, if my mind is still clear, when I will look forward to crossing that mystic sea to the eternal land where Michael, where my parents, and the couple who raised me, and the friends of yesteryear will be waiting to greet me. It is up to me to be prepared, when the time arrives, for the narrow gate that leads home.

No man is good. I do not pretend to be a religious man. We all have our faults and we all fall short of our duty. We are all unworthy. We get caught up each day in the little chores and the demands that are made upon us as public servants. It is easy to forget how really tiny we are, how really insignificant we are. I have often thought that I would like to have gone to the Moon, just to be able to look back on this tiny, tiny, tiny speck which we know as our earthly planet, and then try, while looking down from that magnificent orb, to imagine tiny man and how insignificant and how small man truly is—less than a particle of dust traveling through this ephemeral life. How vain is man! How proud, vainly proud, is mortal man! I sometimes wonder if I am not the vainest, the vainest of men.

Even in leaving this work here as our Chaplain, Dr. Halverson has caused Senators today to reflect upon things that are lasting, things that are eternal. Darwin, in his treatise—as he expounds his theory of natural selection and conveys his impressions regarding the selection of the fittest as a microscopic organism evolves from virtual nothingness—speaks of a Creator. Darwin speaks of a Creator—of God.

So it is that through all of the ages, men of all races, in all parts of the Earth, have believed in a Higher Power, a creator.

Throughout Dr. Halverson's tenure as our Chaplain, he led us to a greater knowledge of, and a closer relationship with, our Creator, and more than once I have benefited from Dr. Halverson's ministry—a universal ministry not restricted by sectarian or even other-than-Christian boundaries. Just as important, however, I have benefited by Dr. Halverson's personal friendship. That friendship has brightened my life and enriched my work here as a Senator, and for that, I am grateful to him.

In the years that lie before Dr. Halverson, I wish him every happiness and every fulfillment that his exemplary spirit and pure heart might enjoy. And in that Great Eternal Beyond, I look forward to continuing the friendship and fellowship that are the promise to all of those whose daily walk is as Dr. Halverson's walk has been among us here in the U.S. Senate.

I think of Dr. Halverson as one who exemplifies the faith of the poor couple who raised me. I think of my own coal miner Dad as one of the few truly great men whom I have met in this life. He had very little education acquired in the halls of learning, but he was a man who owed no man a penny when he died. I never heard him use God's name in vain in all the years that I lived with him—a humble, hard-working coal miner.

And the woman who reared me from the day my mother died—I was then 1 year old. The woman who reared me was a woman of great religious conviction. Not a religious fanatic—I hold no brief for religious fanatics or any other fanatics. She lived a simple, good life. Many times, when I have driven to West Virginia, arriving at 2 o'clock in the morning, she would open the door, and I would hear her say, ''ROBERT, can I fix you something to eat?''

And when it came time for me to return to Washington, she would say, ''Robert, you be a good boy. I always pray for you.''

It is that kind of ministry that touches the human heart. And it was that kind of ministry that Dr. Halverson gave to us here.

As Dr. Halverson departs our company on this side of the Capitol, I say to Dr. Halverson, ''Well done, well done. You have served us and your country well, and we will never forget you.''

Last night, I passed beside the blacksmith's door,
And heard the anvil ring the vesper chime,
And looking in, I saw upon the floor,
Old hammers worn with beating years of time.
''How many anvils have you had,'' said I,
''To wear and batter all these hammers so?''
''Only one,'' the blacksmith said, then with twinkling eye,
''The anvil wears the hammers out, you know.''
And so the Bible, the anvil of God's word,
For centuries, skeptic blows have beat upon,
But, though the noise of falling blows was heard,
The anvil is unharmed, the hammers gone.

Mr. President, I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Illinois.

CHAPLAIN HALVERSON HAS SERVED US WELL

Mr. SIMON. Mr. President, I would like to associate myself with the words of praise of Dr. Halverson that Senator BYRD just provided us. I cannot do it with the same eloquence. I hate to say it, the few poems I memorized back when I was in grade school and high school I cannot recite now. But I wish I had Senator BYRD's recollections or ability to recall things so vividly.

Every once in a while someone says, ''Why do you need a Chaplain in the Senate?'' We go through the same pains and agonies that everyone else does, and we have, in addition, the stress of being here.

I hope I never have to go through what the Senator from West Virginia has gone through, seeing a grandchild die. I cannot imagine how tough that must be. But I know having a Chaplain, not just for Members of the Senate but for our staffs—Chaplain Halverson was there to help anyone associated with the Senate who had problems, and the same is true of Chaplain Ford in the House.

When I was in the House, I can remember one of my colleagues looked as if something was wrong. I sat down next to him. I said, ''Everything all right?''

He said, ''I just got word that my son committed suicide.''

I will never forget it. He needed help, and it is important to each of us and important to the Nation that we provide that.

I have noticed Chaplain Halverson—yes, he is good to each of us who is in the Senate, but I think equally important, he is good to all the staff. I can remember serving in the House with someone who was always good to his colleagues, but he was mean to elevator operators and others. Frankly, I never had any respect for him, even though he was a person of great ability. One of the things I really appreciate about Chaplain Halverson's service is he was available to everyone. He has served this Senate, he has served all of us very well. I want to associate myself with the remarks of Senator BYRD.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

THE IMPACT OF CHAPLAIN HALVERSON ON PEOPLE

Mr. GORTON. Mr. President, I would like to associate myself with the remarks of my friend from Illinois on the remarkable eloquence of our senior colleague from West Virginia. I was thinking during his remarks how much they will be appreciated in printed form by Chaplain Halverson himself during the course of his retirement. They show a thoughtfulness and a sense for history and our culture which is unique with our friend from West Virginia.

One particular set of remarks made by my friend from Illinois were particularly appropriate, I think, and they had to do with the impact of Chaplain Halverson on the other people, other than the Members in the Senate.

One of the great occasional pleasures I can remember would be to walk down one of the Hallways here or in one of the Senate office buildings with the Chaplain and see how the faces of all we passed, all of the people who serve us and serve this body, would simply

light up when they saw the face of the Chaplain and how he was never in too much hurry not to stop and have a good word or two of greeting for each and every person.

He was truly a Chaplain not just for 100 Senators but for all of the broad Senate family and for those in some sudden need who were just here as visitors as well.

As he retires and leave us, my own remembrance, my own memory of him will be of a man who comes closer in character to what we read about when we read about the saints and the great religious leaders in history, that he partakes of more of those qualities than any other individual whom I have been privileged to know, not just during my career here but during my life.

Chaplain Halverson, at some different time and some different place, might well end up being nominated a saint because his character was and remains a saintly character, who brings joy and sustenance and strength and peace into the lives of all with whom he associates.

Mr. BYRD. Mr. President, I thank both of my colleagues.

Mr. President, I also thank Senator DOLE, the majority leader, for his thoughtfulness in asking Senators to come to the floor today, to come to the Chamber and to be present when Dr. Halverson uttered his last prayer here in the Chamber. I think that was a very good thing to do, and I appreciate very much the majority leader's having done that, and told him so when he was here earlier.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for not to extend beyond the hour of 11 a.m., with Senators permitted to speak for up to 5 minutes each.

Mr. GRASSLEY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

DR. RICHARD C. HALVERSON

Mr. GRASSLEY. Mr. President, I hope before the clock starts to tick that I can take 15 seconds to speak about Pastor Halverson, and to remind everybody that Pastor Halverson is just retiring as Chaplain for the U.S. Senate. He is not retiring from being a pastor for people. He is not retiring from being a servant for the Lord.

This morning, I asked him to pray for me, and as I have done for the last 14 years, I will continue to pray for his work daily because I know that work will continue.

CONCERNING PRESIDENTIAL ETHICS

Mr. GRASSLEY. Mr. President, President Clinton was asked, at his most recent news conference, how he could explain the ethical controversies surrounding his administration—and these are the words of an inquiring press—''* * * after [he] came into office promising the most ethical administration in history.''

I wanted to take this opportunity to discuss how the President reacted to that inquiry at his news conference.

First, he responded to allegations about Roger Altman's ethical troubles. President Clinton stated that:

> Roger Altman resigned even though he had violated no law and no rule of ethics.

There are two problems with that statement. First, Roger Altman resigned because bipartisan members of the Senate Banking Committee found that he misled Congress in sworn testimony. I hope that President Clinton did not mean to suggest that misleading Congress in sworn testimony is ethical.

And, second, Altman did not really resign. Several months later, he was still performing functions for the Treasury Department.

That is not the commitment to ethics that the President promised the American people.

President Clinton also mentioned former Agriculture Secretary Mike Espy. The President said that Secretary Espy's actions involved ''* * * a few thousand dollars, all of which he has reimbursed.''

I think Secretary Espy made a number of significant contributions as Agriculture Secretary. But, once again, I have to take issue with the President. The purity of the Nation's food supply is vital. Laws have been on the books for decades to prevent the Agriculture Department personnel from taking any payment that might influence their decisions regarding food product safety. And ethics is about the adherence to rules. The fact that amounts involved might have been petty may relate to appropriate punishments. But it does not relate to or excuse an ethics violation, if one occurred.

The President's comments that Mr. Espy is the only Cabinet Secretary to resign based on ethics challenges to actions taken while in office is technically true. But this is only because Commerce Secretary Ron Brown has not resigned. It is simply not true, as the President has repeatedly said, that the charges relating to Secretary Brown concern only his conduct prior to taking office. Significant ethical issues arise from the manner in which he reported various financial transactions on his ethics disclosure forms once he assumed office. Various conflicts of interest are alleged to have arisen after he became Secretary of Commerce as well.

I am also concerned that the President seems to think that somehow it is a matter of less concern that a person in his administration is accused of ethical conduct prior to joining his administration than afterward. What does that say about the vetting process that was followed?

Does the President suggest that the ethics of a person he chose for his administration matter only with respect to actions they took while in office? Remember, Vice President Agnew resigned because of actions he took prior to assuming that office.

I think that it is not asking too much of the President, who promised the toughest ethical standards in history, that his appointees be ethical in their current positions and that they have records of acting ethically.

However, the President said that we are ''creating a climate here in which a lot of people will be reluctant to serve.'' Let me make crystal clear that, in fact, we are trying to create a climate in which people who are not ethical, including a number this President has appointed, are very reluctant to serve.

President Clinton also said that under the independent counsel law investigations cannot be controlled. The President said that if a certain number of Members of Congress ask for an independent counsel, then the prospect of a counsel is triggered. Mr. President, I am pleased to have supported the independent counsel law over many years in times of both Republican and Democrat Presidents. President Clinton made reauthorization of that statute a priority, so he should not complain about that law.

But we should be clear about the terms of the statute. A particular number of Senators cannot demand that an independent counsel be appointed. What Members of Congress can do is force the Attorney General to conduct an investigation and to make a decision. But the decision to ask for an independent counsel is the Attorney General's alone.

For instance, a majority of Republicans on the House Judiciary Committee wrote the Attorney General to ask that an independent counsel be appointed to prosecute Ira Magaziner on the contempt charges arising from the health care task force litigation that the Justice Department defended. Attorney General Reno conducted an investigation, but she decided not to ask for the appointment of an independent counsel. In the other instances in which an independent counsel was appointed, it was the President's own Attorney General who sought the appointment because the circumstances warranted it. Members of Congress cannot force an appointment.

President Clinton also said that with respect to his administration, ''You would be hard pressed to cite examples that constitute abuse of authority.'' In fact, it is very easy in regard to the health care reform task force. A violation of the Federal Advisory Committee Act by the health care task force is one example. Failure to immediately put assets in a blind trust, as all other recent Presidents did, while those assets included a fund that shorted health care stocks, is a second example. A third example is Travelgate;

that was an abuse of authority. And, of course, there are many others.

Mr. President, the Olympic games include the high jump. The gold medal is awarded to the person who jumps the highest, not to the person who sets the bar the highest but fails to scale it. President Clinton may honestly believe that his administration has set the ethics bar the highest of any of his predecessors. But that is irrelevant because so many people he has appointed are not clearing that bar.

With ethics, it is not the standard that is set but the standard that is met that counts. The fact is that this administration is not practicing what it preaches in the area of ethics. And that fact is unfortunately reducing public trust in Government. When President Clinton is questioned about the ethical performances of his administration, as he was in a news conference, he should make amends, not excuses. He should make sure that his appointees live up to the standards he believes are so high. Until then, the questions will continue.

Mr. LOTT addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

SCHEDULE

Mr. LOTT. Mr. President, as has already been announced, following the leader time, morning business will go until 11 o'clock with Senators allowed to speak not to exceed 5 minutes. In addition to the exception of 10 minutes for Senator GRASSLEY just being used, we also have 10 minutes for Senator ABRAHAM, 10 for Senator KOHL, and 15 minutes for Senator GRAHAM.

At 11 o'clock, we will resume consideration of H.R. 889, the supplemental appropriations bill. Cloture was filed last night on the Kassebaum striker replacement amendment. We hope to set that aside and set aside the pending Kassebaum amendment so we can consider other amendments. I urge my colleagues on the other side to allow that to happen, because this is an important supplemental appropriation.

We have already agreed that we will have a vote on Monday on the cloture motion, and we have other business that we can do on this bill. We should go forward with that this afternoon.

If consent is not given, the leader has indicated that he would expect full debate on the Kassebaum amendment throughout the day, and votes, therefore, would be possible throughout the day.

I yield the floor.

Mr. ABRAHAM addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. ABRAHAM. Thank you, Mr. President.

Mr. ABRAHAM. Mr. President, I would like to congratulate.

TORT REFORM

Mr. ABRAHAM. Mr. President, I would like to congratulate our colleagues in the House for acting this week to bring our tort system under control. The bill passed by the House earlier this week imposes all attorneys fees on a party who turns down a settlement offer if the final judgment is not more favorable to the offeree than that which he turned down. It also would eliminate junk science from the courtroom and require courts to sanction attorneys who file frivolous claims.

The House action constitutes an important first step toward reforming our civil justice system.

I also would like to take a few moments to respond to the criticism recently leveled at attempts to reform our tort system.

President Clinton and his Attorney General have called the House reform bill ''too extreme.'' His counsel Abner Mikva went even further, claiming that the bill would ''tilt the legal playing field dramatically to the disadvantage of consumers and middle-class Americans.''

Some of our colleagues and the American Trial Lawyer's Association, one of President Clinton's most generous and loyal contributors, would like this characterization to take hold.

Opponents of tort reform would like it if the American people were to see changes in our civil justice system as a boon to big corporations and the rich rather than a broad-based set of reforms that will help consumers, victims, and the general public at the expense only of a handful of individuals and lawyers who bring frivolous lawsuits.

To hear much of the public debate you would think that tort reform is a struggle between corporate fat cats who want to injure the public with impunity and legal barracudas who seek only to feed on small business and the tort victims who must entrust lawyers with their claims. But this heated rhetoric in my judgment, helps no one, in fact it keeps us from focusing on the issue at hand—making our tort system more just and fair.

I come to this debate, not to attack lawyers, but to help victims and consumers. I take exception to the charge that tort reform is anti-consumer, particularly given the faults in the system as it stands.

Is it really pro-consumer to have a system like the current one in which those who are injured—consumers of legal services—receive only 43 cents of every dollar in damages awarded?

Is it really pro-consumer to have a system in which, as reported in a recent Conference Board survey, 47 percent of firms withdraw products from the marketplace, 25 percent discontinue some form of research, and 8 percent lay off employees, all out of fear of lawsuits?

Does it really help consumers and the middle class to have a system in which, according to a recent Gallup survey, one out of every five small businesses decides not to introduce a new product, or not to improve an existing one, out of fear of lawsuits?

Are we and our children better off when pharmaceutical companies stop producing helpful drugs like the DPT vaccine out of fear of lawsuits?

In this last case, that of DPT, two of the three companies making the vaccine stopped production in 1985 because they could not afford to deal with all the suits arising from the always highly suspect and now clearly disproved theory that it might in very rare instances cause brain damage. To conserve the limited supply remaining the Centers for Disease Control recommended that doctors no longer vaccinate children over age 1, leading to who knows how many illnesses in small children.

Is it really pro-consumer to have a system in which poor, unsophisticated clients in particular must hire lawyers, without fully knowing how much they will pay or what their options for legal services are?

Are our communities better off when the parents of Little Leaguers are afraid to have their kids play or organize games for fear of being sued?

Legal reform is in everyone's interest. The tort reform bill Senator MCCONNELL and I have introduced would lower prices, establish a legal consumer's right to know what he or she is purchasing and at what cost, promote early settlements, and reduce time and cost to injured parties, as well as often innocent defendants.

Our bill would curb windfall profits in lawsuits—thus reducing the price ultimately paid for goods by the consumer—by capping punitive damages and eliminating joint and several liability.

The bill would empower clients in their dealings with lawyers by requiring that attorneys disclose in writing, to any client with whom they have entered a contingency fee agreement, both the actual services performed and the precise number of hours expended on performing them. The bill also would require lawyers to tell clients that they may pay a percentage of their award or, alternatively, pay an hourly fee.

Thus we would protect consumers' right to know how much they are paying and for what services. We recognize this right to know in all other markets and should do so in the legal services market as well.

Our bill also would reform contingency fees by providing that, if a plaintiff receives a settlement offer and still wants to go to trial, the lawyer would receive the usual contingency percentage only on the portion of the award that is above the original offer.

Besides preventing lawyer overreaching, this last contingency fee reform also will encourage early settlements, thus saving transaction costs

for plaintiffs and defendants, and ultimately consumers.

Our bill also would allow defendants, by making an early offer, to limit their exposure to certain damages and legal fees.

If a potential defendant agrees to pay in full for economic losses and the plaintiff accepts the offer there obviously would be no lawsuit. Under our bill, should the plaintiff not accept the offer, he or she still can sue, but can only recover noneconomic damages if they prove beyond a reasonable doubt that the defendant intentionally acted against the plaintiff's rights.

Besides discouraging lawyers and litigants from unreasonably holding out for more money and higher fees unless it clearly is warranted, this reform also would discourage defendants and their insurance companies from dragging out litigation in hopes of making plaintiffs give up their suits and go away.

Promoting early settlements, reducing insurance and legal transaction costs and thus reducing prices and stimulating production and innovation, and protecting the legal consumer's right to know. Those are the reforms we seek to institute for the good of all members of the American community.

Which brings me to my final point. Community is one of President Clinton's favorite terms. The President even wants a new covenant to bind us together as a people. Well I too am a proponent of community. I think it is important for Americans to join together in their homes, in their churches, and on their neighborhood baseball fields to learn one another's needs, form common habits, and see one another more as brothers and sisters than as strangers.

But Americans join together less and less, out of fear that an accident on the Little League baseball field will land them in court. Accidents happen, we all know that. But in my judgment, if we all spend all of our time trying to avoid them, or at any rate avoid paying for them in court, we will not have much time or energy left over to form the bonds of community that hold our society together.

Without the bonds formed on our ballfields and in our local civic halls we will lose that sense of our duty to be decent and civil to one another that maintains our civilization.

Our current tort system, by turning neighbors into potential defendants and/or plaintiffs, discourages us from coming together, and that is a major reason why I believe it must be changed. We must reform the system to reward the neighborly, who seek to settle disputes quickly and so reduce the fear of being sued that hangs over too many relationships in our society today.

As we proceed with legal reform in the Senate, I would urge that we consider everyone's needs and interests—victims who should receive quick and fair settlements, consumers who should not have to pay higher prices or have their product choices and economic opportunity stifled by high legal costs, and members of our own communities, whom we should not be tearing apart through explosive rhetoric but rather bringing together in a spirit of trust and cooperation.

Mr. President, I yield the floor.

Mr. GRAHAM addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. GRAHAM. Mr. President, I believe under the order Senator KOHL was to speak at this time. I was to speak after Senator KOHL. I request the opportunity to speak at this time.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. GRAHAM. Mr. President, I have a unanimous-consent request which has been cleared on both sides. I ask unanimous consent that morning business be extended for up to 30 minutes so that I and Senator KOHL may have time provided under the previous order, and that up to 15 minutes be allocated to the Senator from North Dakota [Mr. DORGAN].

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

TRIBUTE TO REVEREND HALVERSON

Mr. GRAHAM. Mr. President, I would like to extend my very warm feelings for the service that Reverend Halverson has extended to me and to my colleagues.

One of the challenges in life is to be able to approach it holistically. We tend to focus on that thing for which we have a particular responsibility. In our case, our responsibility to represent our constituents in the Nation in the U.S. Senate.

What Reverend Halverson has so appropriately reminded Members is we also have broader reins of responsibility—responsibilities of a spiritual nature, responsibilities of a human nature, particularly our responsibilities within our own families. That constant reminder of our broad range of responsibilities has been one of his gifts to me. It will be a gift that I will continue to draw strength from.

I wish the reverend well in his own next stage of life. As I told him personally a few moments ago, I hope that he will be able to include some of the warmth of our State—not only its climate—in our appreciation of his service.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 529 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Under the previous order, the Senator from North Dakota is recognized for not to exceed 15 minutes.

CONGRATULATIONS TO REVEREND HALVERSON FOR DEDICATED SERVICE

Mr. DORGAN. Mr. President, I would like today to congratulate Reverend Halverson for his dedicated service to the Senate of the United States and to our country, and say that I take a special pride in the fact that Chaplain Halverson comes from my home State of North Dakota. He is from Valley City, ND. He has performed a wonderful service for our Nation.

I would like to add my comments to the comments of so many of my colleagues about what he has done for all of us for all of these years.

TAX CUT—WHAT IS POPULAR IS NOT ALWAYS RIGHT

Mr. DORGAN. Mr. President, a week ago, we finished a debate about a constitutional amendment to balance the budget. In that debate, there was a great deal of discussion about the desire of Members of Congress to see the Government balance its books and produce a balanced budget.

It is interesting to me today, on Friday, that we find a week later some of those who boasted the loudest about wanting to balance the Federal budget are now deciding that what we really need to do is to cut taxes. In fact, they are just marking up in the other body a $188 billion tax cut bill, which I assume is popular and I assume that in their polling has shown to be something that the American people would favor. So they decide that the road to fiscal policy health, at least from their perspective, is to offer the American people a tax cut.

Often what is popular is not always right, and that is the case with a proposed tax cut at this point in our country's history. All of us would like to be able to say to our constituents, we would like lower taxes for you. In fact, if we are signing up, let me sign up for a zero tax rate for my constituents.

I am sure that most of them would like to not pay any taxes if they can avoid doing so, but they understand the responsibility to do so. They understand the need to keep our streets safe and have a police department, to have a Defense Department to keep our country secure, to pay for education, to pay for the things that make life worthwhile in this country. They understand the need to pay some taxes. They do not want those payments wasted. They want them invested in the future of our country.

But at a time when we have a significant debt and a very significant budget deficit, for those who bellowed the loudest about changing the Constitution to require a balanced budget to 7

days later now tell us that their plan really includes reducing Federal revenues by $188 billion reminds me a little of watching ponies at the circus, all gussied up, prancing around in a circle, never going anyplace, just showing off.

The question is, Are you going to balance the budget or not? You do not balance the budget by cutting this Nation's revenues and increasing one of the largest accounts, defense spending. That is not an arithmetic that I learned in a high school class of nine. There might be a new math out there someplace that comes with these new Republicans who have arrived in Washington, but if it is a new math, I do not think it adds up.

At least from my standpoint, I say to the Contract With America and those who wrote it, I say to the President, I say to others who believe there ought to be a tax cut, you are wrong. Our job is simple. Our job is to cut Federal spending and use the savings to cut the Federal budget deficit. That is our job. It is not our job to be weather vanes, spinning to the latest moment of public passion and deciding it is popular now to be talking about tax cuts. It is our job now to be talking about spending cuts and reducing the budget deficit and putting us on a path towards balancing this Federal budget.

So again I say the proof is not in what people say, but it is in what people do. Those who now come trudging along with a proposal for a massive tax cut, much of which will go to the wealthiest of Americans, do no service to this country in the search for a balanced budget. I, for one, believe our job is clear. It is not to cut taxes, it is to cut spending and use the savings to cut the budget deficit. The sooner we do that in a serious way, the better this country's future will be.

SOCIAL SECURITY TRUST FUND

Mr. DORGAN. Mr. President, I would like to speak this morning about one other issue. In this morning's newspaper, a columnist named Krauthammer wrote a column. It was entitled ''Social Security 'Trust Fund' Whopper.'' His column was one of the most Byzantine pieces of journalism that I have seen in some long while, and I have seen a few in my public career.

It demonstrates to me that you can be an awfully good writer without knowing anything about math or accounting. In fact, when I read this column this morning by Mr. Krauthammer, it occurred to me this is a candidate for O.J. Simpson's defense team. Facts and evidence seem irrelevant.

Let me go through just a bit of this column and talk about some of the conclusions.

Mr. Krauthammer's contention is that the Social Security trust fund is a ''fiction.'' He says, it is a pay-as-you-go system and he says there, incorrectly, by the way, we are accumulating surpluses in the trust fund today so that ''with so many boomers working today'' that ''produces a cash surplus.''

Mr. Krauthammer, I think, pulled away from the research table a little too soon; at least his research comes up a little short. The surplus this year in the Social Security trust fund is not because we have so many boomers working and they produce a cash surplus, it is for a very specific reason. Mr. Krauthammer would know it had he researched it or remembered it.

In 1983, we passed a Social Security reform bill and in that bill made a specific, conscious decision to increase the FICA tax, in order to produce revenues that exceeded expenditures during this period and leading up through about the year 2019. We did that deliberately because we knew we were going to need those revenues later.

This is not a surplus that is an accident as a result of more people working. That is not what it is about. This is a deliberate strategy, and he could determine that by simply going back and reading the 1983 Social Security Reform Act. I, incidentally, helped write that. I was on the Ways and Means Committee at the time, so I would know something about that.

I would tell him, in future columns, he might want to remember, it is not an accident. It is not how many people are working versus how many retired. This was a deliberate strategy embarked on in 1983 to accumulate a deliberate pool of national savings in order to meet a need after the baby boomers retire.

Mr. Krauthammer says the Social Security trust fund is a fiction. Well, the money that is collected from the paychecks of workers and from those who employ them in this country is deposited in a trust fund that invests them in Government securities. The trust fund is in the same position as a young boy who just received as a birthday gift a $100 U.S. savings bond. Both possess assets, redeemable by the Federal Government. So the proposition that the trust fund is a ''fiction,'' as Mr. Krauthammer suggests, demonstrates, in my judgment, a profound lack of knowledge.

Perhaps the best way to demonstrate the bankruptcy of this argument by Mr. Krauthammer would be to use the year 2002, just focus on one year, 2002, when my friends who proposed the balanced budget amendment say the budget would be in balance.

Let us take a look at that year only. According to the Congressional Budget Office, in the year 2002, we will in that one year alone raise $111 billion more in Social Security receipts than we need in spending. That surplus, as I have said before, is part of a long-term plan to save for the period when we are going to need the extra money.

Now, under the constitutional amendment that was offered, in the year 2002, the operating budget of the United States would show a zero balance. But, of course, in order to show the zero balance the $111 billion surplus in the Social Security trust fund account would have to be used to get there. Without using the Social Security surplus for that year, the operating budget deficit would not be zero, would not be in balance, but would in fact show a deficit of $111 billion.

The legislative promise that was made in 1983 was that that $111 billion would be saved in a trust fund to be used later. But, of course, if it is used to reduce the operating budget deficit, there is then no forced pool of national savings with which to fund the baby boomers' retirement later.

Now, I would say if Mr. Krauthammer's view, and for other proponents I would say, if their view of double-entry bookkeeping is that you can use the same money twice, then I understand the rationale for his column this morning, and I understand the rationale for their argument. It is, of course, a fraud, but it is still a column or it is still an argument. If, however, he, like most people, understands you can only use money once, it is either here or it is there. It is not both here and there. Then the balanced budget achieved by the constitutional amendment in the year 2002 was not in balance at all. It was $111 billion in deficit.

To me at least that looks like Washington as usual. It looks like Washington the way it always works, I guess an environment which Mr. Krauthammer is part of and comfortable with. But it is still, nonetheless, not honest budgeting.

Let me use an example probably closer to home. Let us assume a columnist makes speeches and gets speaking fees, big speaking fees, and uses a portion of those speaking fees to put them in a 401(k) to save for later in life.

Now, let us assume that after putting money away in a 401(k) from speaking fees, that person goes on a spending binge and spends more than their current income, and simply takes the money out of the 401(k) to cover the extra spending that occurred. And I suppose that person could say, well, I spent no more than I had; I spent all my income plus all my savings.

It is true they spent no more than they had, but it is also true they depleted their savings; they have no 401(k); it is gone. And that is the point.

That is the point about the year 2002. And that demonstrates it is not honest budgeting if you promise to save in a trust fund and use it to balance the rest of the budget. That is the point Mr. Krauthammer misses, and it is the point others miss.

I feel a bit strongly about this, as my colleagues understand, because I helped write the 1983 Social Security Reform Act when I was a member of the Ways and Means Committee. I would not have ever supported or cast a vote for that kind of proposition if someone had said to me, ''let us increase payroll taxes, let us tell the American workers that those moneys will go into a trust fund, let us use that

trust fund—which comes from a regressive tax—and instead balance the Federal budget deficit.'' I guarantee you that would not have gotten two votes in the Senate or the House. No one, I mean no one, here would have had the bad judgment to decide to substantially increase a payroll tax, promise it will be put in a trust fund, and then claim later that it is used to reduce the Federal budget deficit. But that is exactly what has happened in the past. It is exactly what would have been enshrined in a requirement in the constitutional amendment in the future.

I regret that people like Mr. Krauthammer write articles with such a profound lack of understanding about the facts. They have every right to do that. But the fact is we have every right to challenge those who write as carelessly as he did.

Mr. President, we have a challenge, all of us, to start doing instead of talking. We offered yesterday a proposal for a new budget process. It said let us do this. If we believe, and I do, that we can balance the budget by the year 2002 without using Social Security trust funds, and we should, then let us decide on a budget procedure that brings a point of order, a 60-vote majority to overcome, against any budget that comes to this floor without a 7-year plan to get to a balanced budget by the year 2002. Let us see if people are willing to bite into this problem with real teeth. Let us decide soon whether this is a lot of talk or whether this is honest concern by people involved who are willing to do some heavy lifting.

At least in the last 24 hours, the news that the same people who were trumpeting the constitutional amendment for the balanced budget are now off deciding that what they want to do is have a very big tax cut, much of the benefits to go to the wealthiest Americans, does not seem to me that they are very serious about reaching a balanced budget in this country's future. I for one think a tax cut proposal in the midst of the kind of deficits and debt we have makes no sense at all. It is the ultimate in political posturing and the ultimate, in my judgment, failure to be willing to come to grips honestly with the serious problem this country faces.

At least speaking for myself, and I hope for others, we should not have a debate anymore about who wants balanced budgets. I do. I am willing to join in any group, in any way, on any day, in a bipartisan way to take tough medicine, to cut Federal spending in the right way, and to move this country toward a balanced budget. That ought to be the obligation of all of us working together in the months ahead.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. The Senate is in morning business.

Mr. SIMON. I thank the Chair. Parliamentary inquiry. When are we scheduled to return to—I believe the pending amendment is the Kassebaum amendment on the emergency supplemental?

The PRESIDING OFFICER. At 11:30.

Mr. SIMON. At 11:30.

BALANCED BUDGET AMENDMENT

Mr. SIMON. Mr. President, let me say first that I agree with three-fourths of what my colleague from North Dakota has just said. First, I think it makes absolutely no sense to be talking about a tax cut now. I think it is just absolutely irrational. It politically makes sense but it does not make sense any other way. And so I agree with him.

Let me point out one other area where we can save money and do a great deal of good for the people in our country. That is if we pass a minimum wage bill. If we pass a minimum wage bill, we will spend less money on food stamps; we will spend less money on welfare. That is very practical. I do not know the precise numbers, but I saw one figure yesterday that we will save approximately $1.8 billion a year if we pass a minimum wage bill, in terms of a Federal budget. I do not know how thoroughly documented that is.

Where I differ slightly from my colleague from North Dakota—I agree with him that we ought to be moving away from reliance on the Social Security trust fund in balancing the budget, and we came very close to an agreement on that—where I do differ is that it seems to me that the Krauthammer column is correct in saying the great threat to Social Security is the debt. Because if we do not change our policies, we will end up monetizing the debt, printing money, devaluing our currency. We are already seeing some of that. I want to comment on that in just a moment. We are already seeing some of that, just in the days since we failed to pass the balanced budget amendment last Thursday.

I am a cosponsor of the bill to move, by legislation, toward a balanced budget by the year 2002. There are two problems with that. I hope it can have some impact. I, frankly, do not think ultimately it is going to work, because as soon as the squeeze gets on we simply change the law. That is the reality. There is a second problem with it. Assuming that it works. And that is interest by the financial markets is composed of two things. One is they want to have a margin of profit. That is always going to be there. The second thing the financial markets do is they put into interest, a hedge against inflation. So every study, CBO, Data Resources, Inc., Wharton—all of them say if we pass a balanced budget amendment interest rates will go down. We have seen what has happened to interest rates since a week ago Thursday. We did not pass the balanced budget amendment.

There will be no similar confidence in the financial markets by any statutory change that we make. So we will be paying a premium on interest for our failure to pass a constitutional amendment. We will spend hundreds of billions of dollars, in my opinion—and no one knows this precisely—unnecessarily on interest because of our failure to pass a balanced budget amendment.

Data Resources, Inc., one of the two most prominent econometric forecasters in the Nation, predicts that, by the year 2002, if we pass it, the prime rate will drop 2.5 percent. Wharton says 4 percent. But Data Resources, 2.5 percent. They say half the savings that we must get can come from interest savings. That is a very significant savings.

Finally—and this is not in relation to the comment of my colleague from North Dakota, but to what has happened—I notice the international publications are very clear in pointing to our failure to pass the balanced budget amendment. Some of the domestic publications are, too, though there is much more focus on Mexico as a reason for the fall of the dollar. The reality is, if we had our fiscal house in order, what we have done by guaranteeing $20 billion in loans to Mexico would be just a blip on the horizon. A $20 billion loan guarantee for a country with a $6 trillion economy is not that significant an item. But when you compound it with our failure to pass a balanced budget amendment, then you have a problem.

I would like to quote a few items here, if I can find them. Yesterday's Los Angeles Times lead story, ''Greenspan Asserts Deficit Sank Dollar. Fed chief says defeat of balanced-budget amendment sent wrong signal to global markets. He says Washington must cut deficit to ease pressure on greenback.''

Then let me read the lead story by James Risen.

> Federal Reserve Board Chairman Alan Greenspan on Wednesday blamed last week's Senate defeat of the balanced-budget amendment for the sudden plunge in the value of the dollar and pointedly warned Congress that the currency will remain under pressure until Washington tackles the deficit.

There are a number of stories along the same line. I am not going to bother reading all of them at this point.

The point is, it is easy for us here to point to Mexico and say that is the cause of our problem. The reality of the cause of our problem is right here in the U.S. Senate, and we have to face up to that reality. The longer we postpone facing up to that reality, the greater the jeopardy we put the dollar in and all the ramifications that will have on the standard of living of our people.

I hope we will face up to reality.

Mr. President, since I do not believe anyone else seeks the floor right now, let me glance through a few of these things here. Here is the Financial Post, from Great Britain, ''The Current U.S.

Dollar Crisis Was Exacerbated by Congress' Inability To Get the Balanced Budget Amendment Passed.''

Here is the Independent, also a British publication.

* * * defeat of the balanced budget amendment only reinforced in foreign eyes Washington's reputation for incurable fiscal profligacy. And most important of all, the tectonic plates of interest rate expectations have abruptly shifted.

AFX News. I confess I do not know where that is from.

I think some of the support the dollar got from the election of the Republican Congress has faded with the defeat of the balanced budget.

Quoting some analyst here.

Here, from Singapore, the Straits Times.

The dollar's fall began last Friday, after Federal Reserve Board member, Mr. Lawrence Lindsay, told reporters that the yen-dollar rate had not reached a ''critical level.''

It coincided with the failure of the U.S. Senate to pass a constitutional amendment requiring a balanced Federal budget.

The failure was seen as a lack of political will by the United States to tackle its twin deficits—budget and trade deficits—widely seen as among the factors contributing to the weak dollar.

And the stories go on. Here is one from Japan, the Daily Yomiuri.

The move was accompanied by news that the U.S. Senate voted down an amendment to the U.S. Constitution that would have forced balancing of the national budget by 2002. This combination caused the mark to soar, followed by the surge of the yen.

And the stories go on.

Clearly we have the ability here to get ahold of this thing. We ought to do it for the future of our country. But it is affecting us right now, and I hope in some way we can find one more Member of the U.S. Senate who will vote for a constitutional amendment. I think when that happens, if that happens, you will see a reversal. Obviously, I cannot predict and guarantee this. But the evidence is pretty overwhelming. You are going to see a reversal of what has happened to the dollar.

I hope we do the sensible thing.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MINIMUM WAGE

Mr. SARBANES. Mr. President, the time is long overdue for the Federal Government to establish a realistic wage standard for the American worker. The real value of the minimum wage has deteriorated markedly since 1979. At its current level of $4.25 per hour, the minimum wage will fall to its lowest real value in 40 years if Congress fails to take action. In the late 1950's the real value of the minimum wage was worth more than $5 per hour by today's standards and in the mid-1960's it peaked at $6.28. However, because Congress has failed to respond to inflation over the last 20 years, the real value of the minimum wage is now 27 percent lower than it was in 1979, and has fallen by almost 50 cents since 1991.

The decrease in the value of the minimum wage has widened the gulf between rich and poor, making it even more difficult for hard-working families to make ends meet. In 1993, I strongly supported President Clinton's expansion of the earned income tax credit [EITC] which raised the income of 15 million households—helping many families rise above the poverty line. Today a family of four with one worker working year round, full-time at the current minimum wage would earn $8,500 and receive a tax credit of $3,400 for a total annual income of approximately $14,700. The Congressional Budget Office [CBO] estimates that in 1996 the poverty line for a family of four will be $16,092. Therefore, under the current minimum wage, workers can work full-time for an entire year and still fall $1,300 below the poverty line.

One of the most common arguments put forth by opponents of the minimum wage is that an increase would ultimately rob the economy of jobs and income. The idea is that by increasing the minimum wage, businesses will have to pay fewer workers more, resulting in lower employment rates. Recent evidence has indicated that this argument is seriously flawed. A 1992 study by Princeton economists David Card and Alan Kruger in New Jersey found ''no evidence'' that a rise in New Jersey's minimum wage reduced employment. In fact, just the opposite was true. Card and Krueger's research indicates that ''the increase in the minimum wage increased employment.'' These findings were echoed by Nobel Prize winning Economics Professor Robert Solow of MIT when he stated, ''The main thing about minimum wage research is that the evidence of job loss is weak.''

Mr. President, it is clear that the American economy can afford a reasonable increase in the minimum wage. In fact, it stands to reason that more money in the pocket of the American workers means that more money is being spent and purchasing power is increased. As Henry Ford so aptly stated, ''If you cut wages, you just cut the number of your customers.''

In debating the economic value of this important policy decision, we must be careful not to overlook what I believe to be the heart of the matter—the American worker. Historically, Congress has acted to ensure minimum standards of decency for working Americans. Measures to protect workers from unsafe and unfair working conditions were enacted under the belief that, as a society, we should support a basic standard of living for all Americans. It is in this spirit that minimum wage laws have been updated through the years. It is my strongly held view that these actions appropriately reflect the values and beliefs at the very core of our society—the idea that if you work hard and play by the rules, you deserve the opportunity to get ahead.

As long as we fail to act, we send the message to working families across the country that hard work and sound living is not enough. According to the Bureau of Labor Statistics, two-thirds of all minimum wage earners are adults who are struggling to achieve a decent standard of living for themselves and their families. The objective of the minimum wage is to make work pay well enough to keep families out of poverty and off Government assistance. An hourly rate of $4.25 is not enough to cover the average living expenses of a family of four. It is unthinkable to me that in what is arguably the wealthiest Nation in the world, there are families out there right now trying to choose between buying groceries for their children or heating their homes.

As the Senate prepares to take up the debate on welfare reform, it is important to note that the Bureau of Labor Statistics estimates that three out of every five workers earning the minimum wage or below are women—and the current minimum wage falls significantly short of enabling single mothers to achieve self-sufficiency. How can a single mother be expected to be able to provide food, clothing, shelter, medical care, and child care on $4.25 an hour? In my view, instead of maintaining barriers to work, we should be helping to tear them down.

Mr. President, Americans want to work. They want to be able to adequately provide for themselves and their families. But they are working for less and are becoming increasingly frustrated in the process. It is critical that we recognize the reality of minimum wage earners and take steps to help them rise above poverty. President Roosevelt once called for ''a fair day's pay for a fair day's work.'' The American worker deserves no less, and I urge my colleagues to join me in supporting efforts to increase the Federal minimum wage.

EPA DRINKING WATER REGULATIONS SHOULD PROGRESS

Mr. KOHL. Mr. President, I rise today to express my displeasure with action taken by the Senate Governmental Affairs Committee.

Yesterday, in their markup of regulatory moratorium legislation, on a party-line vote, the Governmental Affairs Committee rejected an amendment by Senator GLENN to allow long-overdue EPA regulations protecting citizens from parasite contamination in drinking water to move forward.

Mr. President, just under 2 years ago, my colleagues will perhaps remember

the national headlines delivering the grim news that citizens of Milwaukee were dying as a result of an infestation by the parasite cryptosporidium in the city's drinking water. By the time the parasite infestation had fully run its course, 104 Milwaukee residents had died, and over 400,000 had suffered from a debilitating illness.

What was the cause of the infestation? Government inaction. While we can all talk at length, and with good justification, about examples of overregulation, we must recognize that there are instances in which the Federal Government has not done enough to protect our citizens. Mr. President, parasite contamination in drinking water is one of those cases. The 104 deaths and 400,000 illnesses in Milwaukee are but one example attesting to that fact. In reality, while the Milwaukee incident is the largest reported outbreak in U.S. history, it is just one of many outbreaks nationwide. Other major outbreaks in recent years include a 1987 cryptosporidium outbreak in Carrollton, GA, that sickened 13,000 people, and a 1992 cryptosporidium incident in Jackson County, OR that caused 15,000 people to become ill. There are numerous other examples of parasite contamination nationwide.

In reaction to the lack of Federal Government action in this area, the city of Milwaukee has gone ahead with its own efforts to protect its residents against water-borne parasites such as cryptosporidium. But other communities are still vulnerable.

Mr. President, I support efforts to require a thoughtful cost-benefit justification to be made for Federal regulations. I think that that makes eminent sense given the complexity of risks that exist today. But I urge my colleagues to exercise some judgment and common sense when it comes to matters as important and as dangerous as parasite contamination in drinking water. We can sit in our towers of philosophical purity and vote party line on matters of general policy, but when it comes to life and death realities for the people of this Nation, we must use common sense.

So again Mr. President, I am upset by the actions of the Governmental Affairs Committee yesterday to prevent EPA from moving forward with regulations to protect our citizens from parasite contamination in drinking water. It is my hope that when the regulatory moratorium legislation reaches the floor, my friends on the other side of the aisle will use their good common sense when it comes to clear dangers in our drinking water. We should not be voting party line, when lives are on the line.

TRIBUTE TO JESSE LEWIS, JR.

Mr. HEFLIN. Mr. President, Jesse J. Lewis, Jr., a Birmingham, AL, advertising and public relations executive, passed away on February 26 after a tragic automobile accident. He was the president and chief executive officer of Jesse J. Lewis & Associates. His firm's clients included the State of Alabama, the city of Birmingham, the Birmingham Water Works Board, Midfield Dodge, the Birmingham Civil Rights Institute, and the Jefferson County Citizens' Coalition.

A native of Birmingham, Jesse Lewis, Jr., was one of the first blacks to attend the prestigious Indian Springs School in Pelham. He later graduated from John Carroll High School and Miles College.

In 1980, he took over the advertising firm from his father, Jesse Lewis Sr., who is publisher of the Birmingham Times newspaper, former president of Lawson State Community College, and the first black this century appointed to an Alabama Governor's cabinet; he served as director of highway traffic and safety under former Gov. George Wallace. The firm was founded in 1952, and is one of the oldest black-owned advertising and public relations companies in the country.

Jesse J. Lewis & Associates received the 1994 Travel Industry of America's Marketing and Promotion Creativity Award in the broadcast/radio category for an Alabama Bureau of Tourism commercial. Jesse, Jr. was also nominated for Business Person of the Year last year. He had a wide circle of friends crossing racial, economic, and social lines. He was extremely energetic and contributed much of his time to many civic organizations, especially those having to do with the city of Birmingham. He sat on the board of directors of the Birmingham Urban League.

Jesse Lewis, Jr.'s death at such a young age leaves a great void in his community and the business world of which he was such an integral part. He had already accomplished so much professionally, and so much more was confidently expected of him. He truly enjoyed the admiration and respect of those who knew him, including his loyal clients.

I extend my sincerest condolences to Jesse's parents, Jesse and Helen Lewis, and his brother James in the wake of their tremendous loss.

TRIBUTE TO JUDGE WILLIAM HUTCHINS COLE

Mr. HEFLIN. Mr. President, former Jefferson County, AL, Circuit Judge William Hutchins Cole, who served 18 years on the bench, passed away on February 12, 1995, at the age of 76. Judge Cole served as county circuit criminal judge until 1988, when he reached his 70th birthday. Under Alabama's judicial article, judges must retire when they turn 70. However, they may stay on as supernumerary judges—hearing cases as needed—as Judge Cole did until 1991.

During his tenure, Judge Cole presided over some of the most notorious criminal trials in Jefferson County. He was known for his sometimes stern demeanor in court. He was also known as one of the most conscientious and hard-working jurists in Alabama.

Judge Cole was a native of Towson, MD, and a graduate of the University of Maryland School of Law. He served as an FBI agent during World War II, beginning law practice in Birmingham in 1946 where he was a founding partner of the firm Jenkins, Cole, Callaway, & Vance.

Judge William Cole was an outstanding judge who contributed much to the legal community throughout his career and will be greatly missed. I extend my sincerest condolences to his wife Susan and the rest of his family in the wake of their tremendous loss.

THE CLOSING OF KORBET'S RESTAURANT

Mr. HEFLIN. Mr. President, a longtime fixture of the Mobile, AL, area, Korbet's Restaurant closed in January after serving customers—including me and some of my staff—at the same location for 45 years. The restaurant on Airport Boulevard was a part of Mobile's Loop area beginning in 1949, when owner Nick Catranis' mother and father-in-law—George and Katie Kordomenos—moved there from their Victory Cafe in downtown Mobile. The name for the restaurant came from the first three letters of their last name combined with the first three of a partner's name.

Nick Catranis married Ethel Kordomenos and joined her family's business in 1963, managing Korbet's for the next 32 years.

Nick issued a letter to his loyal customers in December giving a heartfelt description of his family's struggle against changing times and the personal sacrifice it took to keep the operation running. I ask unanimous consent that a copy of the letter be printed in the RECORD following my remarks. It is illustrative of the kinds of difficulties many small companies face in today's increasingly competitive business climate.

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

(See exhibit 1.)

Mr. HEFLIN. Mr. President, it was sad to see Korbet's close. It was one of the last of a vanishing breed of mom-and-pop businesses that add so much flavor and character to a community or neighborhood. I congratulate Nick and Ethel Catranis for bringing so much dining pleasure to the Mobile area for so many years, and wish them all the best for the future. Korbet's is sorely missed.

[Exhibit 1]

KORBET'S RESTAURANT,
Mobile, Ala., Dec. 27, 1994.

DEAR KORBET'S RESTAURANT CUSTOMER: Korbet's Restaurant has been a part of many families in the Mobile area since 1949.

Mr. and Mrs. George Kordomenos started Korbet's in 1949 when they came to this location from the Victory Cafe in downtown Mobile. Their devotion to their profession, to the community and their desire to succeed

made Korbet's Restaurant an institution in Mobile. They created a Mobile tradition for what would be a family gathering place for generations: a place where people proposed marriage and returned year after year to celebrate their anniversary; a place where people celebrated, graduations, retirements and other occasions; a place where families gathered for Thanksgiving and other holidays.

In return they accomplished ''the American Dream.'' They helped their relatives back in the country that they left, they educated their children and saw their grandchildren become doctors, businessmen and pharmacists.

In 1963, my wife and I came into the family business and worked together with Mom and Dad. Then, in 1968, Dad, Mr. George Kordomenos, passed away and as you all know, Mother, Mrs. Katie Kordomenos, passed away last year.

Managing this restaurant for 32 years has taken its toll on me, I have become too wrapped up in my work. I have missed many things in my life such as not seeing my children grow up.

On January 14, 1995, Korbet's Restaurant will close its doors and will no longer serve Mobilians.

This decision is not a sudden one; it has taken much contemplation, has stirred many emotions, and has been of great consideration for many months. We feel that we have served the community as best as we personally could. As we move out of the restaurant business and diversify, we feel that we will be serving our community in other ways.

My belief for success has been that you have to get down in the trenches and work with your employees. That is what I have done and together, we have been successful.

However, in recent years the restaurant industry has made many changes; our governing bodies have imposed many new taxes, regulations, and restrictions and so the time has come for us to move on.

Turning one's back on a business such as this is hard to do. I am lucky and blessed that I'm able.

My wife Ethel, my children, and I want to thank each and every one of you, our customers and fellow workers, for your loyalty throughout the years. We sincerely regret this move.

We want to thank our many suppliers who have made our survival possible by providing quality products so we may serve our many customers throughout the years.

To all the realtors of Mobile and the many politicians who had their business meetings here and in turn molded and reshaped the city of Mobile—they changed the borders, the subdivisions, the streets, the shopping centers—we thank them and feel that we were a part of all this, too.

To the many busboys and busgirls that worked here during their school years: this being their first job in life, and where we tried to instill in them and try to teach them the importance of work in life, and where they have gone and become professionals, good citizens, and raised families. We thank them for their contribution.

To the many waitresses, cooks, cashiers, and managers who worked endless, long and hard hours and have raised their families and educated their children: we thank you for your contribution.

To our many loyal customers and the many that we have spoiled: nothing could have been possible without your loyalty—we will always cherish your friendship and loyal patronage.

And finally, to my wife and children, whom I deprived many things for 32 years by working all day and all night often till 2:00 a.m., thank you for your support.

And now Korbet's Restaurant will go down in history as other great family businesses have, such as Hays Davis Packing, Constantines Restaurant, Gulas Restaurant, Metropolitan Restaurant, Government Street Lumber, Wintzell's Restaurant and many others.

On behalf of our management and staff, we want our customers to know you will be missed.

And so as the world goes around, so must we.

Sincerely,

NICK AND ETHEL CATRANIS.

PRESIDENTIAL INITIATIVE TO RESPOND TO GULF WAR VETERANS' NEEDS

Mr. DASCHLE. Mr. President, last month we commemorated the 50th anniversary of Iwo Jima. Iwo Jima holds a special place in our national consciousness because of the mythic heroism of those who fought there—and because of the ultimate sacrifice made by those who died there.

Grateful as we are to the veterans of Iwo, the truth is: Every veteran has performed an act of heroism, and every veteran deserves this Nation's support. Not simply our gratitude. But our support, while they are on the battlefield, and after they leave it.

This week, during an address to the Veterans of Foreign Wars, President Clinton announced a number of initiatives that will provide for some of our newest veterans—the veterans of the gulf war—the support which they clearly need and deserve.

I want to focus in particular on one of those initiatives.

The President announced that he is creating a Presidential advisory committee on gulf war veterans' illnesses. This will be the first fully independent panel to examine the issues surrounding what has come to be known as gulf war syndrome, the chronic medical problems suffered by many gulf war veterans and, in some cases, their spouses and children.

There are currently 30 studies being conducted on the gulf war syndrome.

The advisory committee will act as a clearinghouse. It will coordinate research efforts into the causes and treatment of gulf war-related illnesses.

It will also conduct aggressive outreach efforts to make sure that gulf war veterans and the medical professionals who treat them are kept fully informed of any advances.

The advisory committee will work with the Departments of Veterans Affairs, Defense, and Health and Human Services. And they will report directly their findings and recommendations directly to the President before the year is out.

America showed 4 years ago during the gulf war what we can accomplish when we mobilize all our resources to achieve a goal.

The veterans of that conflict are now relying on us to marshall our resources once again to provide them with the medical care they need and deserve.

Whether an injury is diagnosed or undiagnosed; whether it was caused by a bullet, by some invisible, poisonous gas, or by any other factor, it is still a service-related injury, and the man or woman who suffered it deserve our support.

In the last session I worked with my friend and colleague Senator ROCKEFELLER to develop legislation that would give VA the authority to pay compensation to ailing gulf war veterans, even if the exact nature of their illness has not yet been diagnosed. Congress passed that legislation because it was the right thing to do.

For more than a decade, I fought to gain compensation for veterans whose illnesses were caused by exposure to agent orange in Vietnam. That battle was won eventually, but only after a science proved what commonsense already told us: that there was a clear scientific link between agent orange and the illnesses.

Let us not repeat that mistake.

When the men and women who fought in the gulf were called to serve they did not say, ''Let us conduct a study.'' They did their duty.

Now a grateful Nation should do its duty.

The President's advisory committee will help us perform that duty with the least possible duplication or delay.

As a veteran myself, and as a grateful American, I salute the President's initiative.

PEACE IN THE MIDDLE EAST

MR. PRESSLER. Mr. President, It was just ten months ago when Israeli Prime Minister Yitzhak Rabin and Jordan's King Hussein came before this body—and the world—to make an unprecedented call for peace in the Middle East. This week, Secretary of State Warren Christopher travels to Israel in an effort to jump start the peace process and help forge an agreement between Israel and Syria over perhaps the most vexing issue of the peace process: the status of the Golan Heights. However, as the people of Israel know all to well, the road to peace is a long and arduous one. Now more than ever, we must bolster our support for our greatest ally in the Middle East—Israel—and adopt her mission of regional peace as our own.

Without a doubt, a peaceful environment of mutual self-determination and co-existence in the Middle East is advantageous for the United States. I need not remind this body of the binding political and cultural ties that this country maintains with Israel and the great potential that an Arab-Israeli peace would have for the United States. The peace process is not solely an opportunity for improved Arab-Israeli affairs, but a unique occasion upon which the United States may attempt to ally herself with countries that, in the past, have vehemently refused to open their doors to the West.

Syria represents perhaps the last great obstacle to regional peace. The Syrian mandate for a single, complete Israeli withdrawal from the Golan Heights has resulted in a year and a half impasse in Syria-Israel negotiations. Arbitrary demands for withdrawal as a condition of cooperation cannot be viewed as a good faith effort to achieve peace. Without a doubt, Israel is correct to insist upon a comprehensive peace agreement with ironclad security arrangements before it begins any pullback from the strategically vital Golan Heights. Israel should not be asked to risk the security of her people in return merely for the possibility of better relations with Syria.

Mr. President, I sincerely hope that Secretary Christopher's latest round of shuttle diplomacy with Israel and Syria results in a renewal of the peace process. Clearly, Secretary Christopher needs to convey to the Syrian government that real concessions must be made in order for the Syrians to demonstrate they are serious about peace. The United States cannot agree to turn a blind eye to Syria's drug trade in exchange for cooperation in the peace process. Rather, Syria must take the initiative to stop being a safe-haven for terrorists and drug lords. That kind of action represents a genuine commitment to the peace-making process. Paper pledges and handshakes do not suffice.

Some have suggested that the recent peace talks are just cause for the United States to scale back its financial commitments with Israel. I disagree. The United States can best support the fragile peace process by continuing its investment in Israel's economic and military strength. The financial assistance we provide each year is in our national interest. Without it, Israel would be unable to deter potential threats and would fall victim to regional extremists. An economically vigorous Israel is the single most important element to sustain any peace agreement with her neighbors. For the past forty-six years, we have refused to manipulate Israel by bartering economic assistance for political influence. We have continually voted to avoid jeopardizing Israel's stability, at the bequest of our constituencies and our consciences. That course of action has put us on the path to peace. Therefore, I urge my colleagues to pursue our present course rather than consider options that have the potential of debilitating our sole democratic ally in the region during this delicate transition.

Eleven years ago, Congress endorsed the relocation of the United States Embassy in Israel from Tel Aviv to Jerusalem—a symbolic recognition of Jerusalem as the true capital of the State of Israel. It is time to call upon the United States government to begin the formal process of recognizing Jerusalem as Israel's capital city. To be sure, the acknowledgement of Jerusalem as the political center of Israel would not alienate the religious rights of Arabs or Christians. As Prime Minister Rabin recently stated before the Knesset, ''[Jerusalem] has been * * * and forever will be the capital of the Jewish people.'' By clarifying our position now, instead of during sensitive ''final status'' negotiations, the United States would expedite the peace process. In doing so, we would represent the American people, assist our ally, and help preclude any existing false hopes among Palestinians.

Mr. President, though I no longer sit as a member of the Foreign Relations Committee, I will continue to monitor closely the events in the Middle East. Very few current foreign policy issues bear greater relevance to this nation than the security of the people of Israel. We must stand side by side with Israel's democratically elected leadership in the struggle for lasting peace. As the world's sole superpower, we must be unrelenting in our support of our allies, especially Israel who bravely stands alone as the Middle East's sole democracy. It is the responsibility of the United States to foster the peace process, and not to undermine our ally's regional goals during this time of transition. We must work to see the day when the people of Israel can turn to all its neighbors in the Middle east and say ''Shalom Aleichem''—''Peace be with you.''

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES!

Mr. HELMS. Mr. President, as of the close of business on yesterday, Thursday, March 9, the Federal debt stood at $4,846,101,629,353.21. On a per capita basis, every man, woman, and child in America owes $18,395.89 as his or her share of that debt.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 889, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Bumpers amendment No. 330, to restrict the obligation or expenditate of funds on the NASA/Russian Cooperative MIR program.

Kassebaum amendment No. 331 (to committee amendment beginning on page 1, line 3), to limit funding of an Executive order that would prohibit Federal contractors from hiring permanent replacements for striking workers.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 331

Mr. SIMON. Mr. President, I rise in opposition to the pending amendment, which is the KASSEBAUM amendment.

I would like to make one brief point. Later I will probably speak on some other points. But in 1935 when Congress passed the National Labor Relations Act, section 13 stated:

Nothing in this act, except as specifically provided for herein, shall be construed so as either to interfere with or impede, or in any way diminish, the right to strike, or to affect the limitations or qualifications on that right.

Then in 1938 in the Mackay radio case, the Supreme Court interpreted that as permitting permanent striker replacement. But that really did not happen in our country to any great extent and has not happened up until very recently. By tradition, we have worked things out, and we have avoided what most Western industrialized countries have outlawed. But the point I want to make is that in the discussion on the floor of the Senate, it has been assumed that the President's Executive order is as sweeping as our proposal last year on prohibiting permanent striker replacement. It is nowhere near as sweeping. It gives no additional powers to the National Labor Relations Board.

Let me just read two pertinent sections. This is the President's Executive order.

It is the policy of the Executive Branch in procuring goods and services that, to ensure the economical and efficient administration and completion of Federal Government contracts, contracting agencies shall not contract with employers that permanently replace lawfully striking employees. All discretion under this Executive order shall be exercised consistent with this policy.

Then section 4(a):

''When the Secretary determines that a contractor has permanently replaced lawfully striking employees, the Secretary may''—no mandate—''may debar the contractor thereby making the contractor ineligible to receive government contracts.''

It is much more restrictive than the legislation that we had before us last year that a majority of the Senate voted for but because of our filibuster rules we were unable to pass.

I will hold off saying anything further at this point, Mr. President. I will have some further comments before long.

I see my colleague, the new Senator from Oklahoma, here. I believe he wishes to speak.

So I yield the floor, Mr. President.

The PRESIDING OFFICER. The pending question is amendment No. 331 offered by the Senator from Kansas to the committee amendment on page 1, line 3 of the bill.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I have been very disturbed during the debate on the defense supplemental appropriations. I just wanted to make a couple of comments not directly addressing the KASSEBAUM amendment but the appropriations itself.

I really believe this is one of the few times that I can stand here and say I do not know for sure how I am going to vote on this. I am a member of the Senate Armed Services Committee. When I was in the House of Representatives, I was a member of the House Armed Services Committee.

I find that we are in a way endorsing what I refer to as a flawed foreign policy when we come up in our forces to have supplemental appropriations to pay for various maneuvers and various missions that our military has pursued while we clearly disagree with those. As an example, I would suggest that, if the President had come to Congress, or to the Senate, and said is it going to cost $17 million to send troops to Rwanda, we probably would say ''no'' and we would not have to incur these costs.

The same thing would be true in Somalia—recognizing that in Somalia we originally sent them in December, under a previous administration, however. I think they were sent over for a humanitarian mission not to exceed—I believe it was—90 days initially. Then after that, each quarter we would have resolutions in order to try to bring the troops back home. That ended up costing $17 million.

If the President had come to Congress and asked Congress to appropriate $312 million to send troops to Bosnia without a well-defined mission there, certainly not having anything to do with our Nation's events, without having anything to do with our Nation's security, I suggest we would have said ''no.'' The same thing is true; $367 million to Cuba, and then there is Haiti. This appropriation is going to have $595 million to support what nobody really knows we are doing in Haiti. I can assure you, Mr. President, that if the President had come to Congress and said we are going to ask you for $595 million so we can send troops into Haiti to help them with problems they are having, it would have been rejected. So here we come along later and are forced to do it.

I hesitated in voting against it, Mr. President, because it is not the military's fault. It is not their policy. They did not decide to go into Haiti. It was not their idea to go to Somalia, Bosnia, or Rwanda. If we do not do this, they are going to be forced into taking it out of their personnel accounts, their operation accounts, R&D accounts. And there are no spare dollars right now in any of those accounts. In fact, we are operating under a budget in this fiscal year that is comparable to the budget we had in 1980 when we could not afford spare parts.

So I have sat in these meetings and talked to the Chairman of the Joint Chiefs of Staff, as well as the Chief of Staff in the various services. I listened to them about the problems they have right now with their budget, in trying to keep America strong. I cannot conscientiously say take it out of our R&D budget just because I disagreed with the missions for which this money is being spent.

So, Mr. President, I wanted to get on record that I am very disturbed with the system. I hope we can establish some type of a system where those of us who are going to be asked to appropriate the money to pay for these missions will have some voice in making the decisions as to what we are doing with our armed services.

I yield the floor.

Mr. SIMON. Mr. President, if I may get back to mundane things that we talk about here, amendments—and it is good, not simply as a tribute to the Chaplain but it is good for us to pull ourselves back and remind each other there are things more important than these amendments we vote on, and we too easily forget.

Mr. President, let me comment again on the amendment that is before the Senate. It is very easy to forget we are talking about people, real people who are struggling for a living when we talk about people who go on strike.

I just have been going through some testimony given a couple of years ago by people who were struggling. I just this morning was with Senator KENNEDY, who held an informal session with a number of people who spoke on the need for a minimum wage. Two people I remember particularly. One is—and I believe I have his name correctly—David Dow, who has two children, a daughter 2, a son 1. He and his wife went 1 year to college. Then their first child was coming along so they had to quit.

They are struggling on the minimum wage. They cannot afford health insurance. They are paying $75 a month for their student loan, making that payment on the minimum wage. And he just told about the struggle he is going through.

These are real people we deal with when we are talking about a minimum wage. It is not some theoretical thing.

There was a small employer there who said he would like to pay the minimum wage if everybody else had to raise their minimum wage so we would all be on the same level.

We are talking about—and here they are judgment calls; I recognize that, but we are talking about trying to maintain some sense of balance in our society. I think that is what is needed in this area of permanent striker replacement. All the other Western industrialized nations, with the exception of Great Britain, Singapore, and Hong Kong, outlaw permanent striker replacement. Italy, Greece, France, Germany, Portugal, Spain, Denmark, Norway, Sweden, Finland—I am sure I am forgetting a few—Japan, all of them outlaw permanent striker replacement, and they do it for a very solid reason, that there is an imbalance. I say this as a former employer who was in business myself. There is an imbalance. Obviously, it is a struggle for a small business person. It was not easy for me in business. But as an employer I am at an advantage over somebody who is just struggling to pay a mortgage and to get by.

And so we had built into our structure certain things that give some power to the employees. While we have not outlawed it as a result of the Mackay Radio decision in the Supreme Court of 1938, with only three exceptions in large businesses we have exercised self-restraint and avoided having permanent striker replacements.

I think it is important that continue. I have been working with both sides in the Caterpillar strike in Illinois. Let me add I have great respect for Don Feits, the chief executive officer of Caterpillar, and Owen Biever, the president of the United Automobile Workers.

My feelings are, if we just turned this whole thing over to the two of them, we would get it worked out. But if at Caterpillar you were to have permanent striker replacements, in a community like Peoria, it would just tear that town apart. It just would not be good. I think virtually everyone recognizes that. While that is a more volatile situation because of the concentration of employees of one company, I think we have to recognize we have to have balance, and that means, among other things, labor and management working together more than we have traditionally done. Germany has something they call mitbestimmung where an officer of the union is on the board of the corporation, but when that corporation talks about what they might offer to the unions in terms of concessions when they go to a contract, that union representative absents himself. But that way the unions get a chance to understand the problems of management and management gets to understand the problems of the unions.

It is also important they work together and get together for a cup of coffee, a beer, whatever, and just talk things over informally. Do not wait until you get to contract time. But occasionally we have situations that get to the extreme, and I do not think we should let that extreme go to the point of having permanent striker replacements. I think that puts things out of kilter. I do not think we should be in a situation where we want to encourage it.

The President's Executive order does one thing and one thing only. It says if we are going to buy supplies, we will not buy them from people who have permanent striker replacements, or at least we have that option. That is up to the Secretary of Labor.

My hope is that we will not adopt the Kassebaum amendment. My hope is,

frankly, that the President, if that should be part of this bill, even though he needs this emergency supplemental appropriation, would veto it and say give me a clean bill on what we need in the Defense Department. I know that postpones things for the Defense Department, and I know they would not be happy about it, but the better answer is for us not to accept the Kassebaum amendment and to move ahead and maintain this important balance between labor and management that we need in this Nation.

Mr. President, if no one else seeks the floor, I question the presence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. 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. CRAIG. Mr. President, I ask unanimous consent that I may speak as in morning business for no longer than 5 minutes.

The PRESIDING OFFICER. Without objection, the Senator is recognized.

THE DAY-TO-DAY ACTIVITIES OF CONGRESS

Mr. CRAIG. Mr. President, I have before me at this moment the National Journal's Congressional Daily. It is a report of the activities of Congress on a daily basis, referring to what committees are doing both in the House and the Senate and also reporting on the executive branch of Government. It is one of those documents that many of us often refer to as an accurate accounting of the day-to-day activities of the U.S. Congress.

I thought it was appropriate to bring before us at this time. A week ago, we finalized debate and voted on a balanced budget amendment to our Constitution. At that time, we failed to get the necessary 67 votes by 1 vote. Immediately following that, we saw a precipitous drop in the value of the dollar on world currency markets, which actually continued through most of this week, only to be abated by Alan Greenspan coming to Capitol Hill and talking to a House committee on the need for congressional action as it relates to deficit reduction. That seemed to, at least for a time, level out the decline of the dollar.

One of the things that has concerned me—and I see the Senator from Illinois on the floor at this moment, who was one of the major leaders in the balanced budget amendment issue—and has concerned the Senator from Illinois for so long is the inability of Congress to manage the deficit. And even though there have been many tries made over the last several years, it was this inability that brought me, several years ago, to the conclusion that only a constitutional amendment to balance the budget would change this scenario.

I am not going to speak of the intentions of this President, but I will only say that this President, since he came to office, convinced this Congress that with a major tax increase in what was called a deficit reduction package, that he could reduce the deficit, he could control the out-of-control Federal budget.

Yet, this year we saw this President bring to the Hill a budget that is not reflective of a declining deficit. In fact, most assume that this administration has largely given up on their ability to bring the deficit near balance and that it is now moving up again. The reason I thought it was appropriate at this moment to mention that is that, in today's Congressional Daily, it says President Clinton's fiscal 1996 budget would cause the Federal deficit to climb $82 billion higher by the year 2000 than the administration has estimated, according to the Congressional Budget Office.

The article goes on to talk about preliminary studies or examinations which show that, by 2000, the deficit will still be in the $276 billion-and-climbing range.

The point I want to make is very simple. Once again, it is clearly reflective that this Congress and this President cannot and have not been able to control the Federal deficit. While this President may have tried, it is obvious that, under their own budget figures, whether it is lack of an adequate estimate or whether simply a failure to make the necessary cuts, he, too, is missing a Federal budget deficit projection in his own budgets by $82 billion.

That is a phenomenal amount of money under anyone's estimation and certainly it is by ours. If the budget were out of balance by $82 billion, then I think the Senator from Illinois and I would say, well, that is a major and a good-faith effort. But this is the estimate of a budget that is out of balance by nearly $300 billion, as it will be $82 billion higher.

Those are the problems we face that I think so clearly dramatize, day after day, year after year, why we need a constitutional amendment to balance the Federal budget.

Mr. SIMON. Mr. President, I want to join my colleague from Idaho in his efforts in this area. I would give the President a little more credit than he might in terms of what the President did in 1993. There is no question we made some progress on the deficit.

But the budget that has been submitted by the administration is illustrative of the fact that these things kind of ebb and flow. They go up and down like a roller coaster. Right now, I think the mood in Congress, after our lengthy discussion of the constitutional amendment, is we want to do something. And I think we may pass some statutory action to move us in that direction. I have no confidence, however, that statutory action this time, any more than in the past, is going to get us there. Because while today the mood is ''Let's do something about the deficit,'' tomorrow, who knows what the mood will be? And so we will move away from that.

So I join my colleague in believing that that is the direction in which we have to go and one of these days, I believe it will happen.

Mr. President, if no one else seeks the floor, I question the presence of a quorum.

Mr. BYRD. Will the Senator withhold?

Mr. SIMON. I withdraw my request.

(Mr. CRAIG assumed the chair.)

BALANCING THE BUDGET

Mr. BYRD. Mr. President, may I suggest to both of my good friends, the Senator from Idaho and the Senator from Illinois, why do we not just quit talking about the balanced budget amendment and get on with balancing the budget?

The President has proposed an $83 billion tax cut. Let us vote it down. The Republicans, in their so-called Contract With America, have urged that we have something like a $200 billion tax cut. Let us also vote that down. Let us get out here and say that we are against any tax cuts at this time.

Mr. INHOFE. Will the Senator yield?

Mr. BYRD. No, I am not ready to yield just yet.

Let us say we are against tax cuts; just vote them both down. This is no time to talk about tax cuts while balancing the budget.

We are all concerned about budget deficits. We are concerned about passing this huge debt on to our children and grandchildren. Let us do something about it. Let us do it now.

We have heard the advertisement on TV, ''Do it here. Do it now.'' Let us vote down both proposals for tax cuts.

Why do we not consider a tax increase? Let us increase taxes. Surely, we could sit down and, working together, could come up with a reasonable tax increase that would be calculated and directed toward reducing the deficits.

We have operated on a national credit card now for 14 years. During the 12 years of the Reagan and Bush administrations, we were on a national credit card binge: Enjoy today, pay later. Let our children and grandchildren pay for our profligacy. Live for today.

One can only cry so much over spilt milk, and it does not do any good after awhile. So why do we not just get on with balancing the budget? Let us help this President. Let us help him to balance the budget. First of all, vote his $83-billion tax cut down.

I have been somewhat critical of the tax cut that the President has advocated. I try to be constructive about it. But I think we also ought to be critical of the more-than-$200-billion tax cut

that is being advocated by our Republican friends. That is not going to balance the budget.

''Oh,'' they say, ''we will offset our tax cut. We can find $189 billion to offset it.'' Let us take a look at what they are going to offset, first, Mr. President. And then, whatever can be offset, whatever can be reasonably offset, let us apply that to the deficit.

Now, the Senator asked me to yield.

Mr. INHOFE. Mr. President, I thank the Senator from West Virginia for yielding.

The Senator asked a question, and the question was: Why not pass a tax increase? I suggest to the Senator from West Virginia that we passed, under the Clinton budget in 1993, what has been characterized as the largest single tax increase in our Nation's history.

All too often, we go back and say what a great job the administration did and we have these wonderful reductions in the deficit. I suggest to the Senator from West Virginia that a lot of people out there are learning that that kind of talk is not being very honest.

There was an article in Reader's Digest, I believe it was last December, the name of which was ''Budget Baloney.'' In that article, they said, to let you know how they do things in Washington, a guy who has $5,000 who wants a $10,000 car, all he does is say, ''Well, I really wanted a $15,000 car, but I settled on a $10,000 car. So I reduced the deficit by $5,000.''

We played games for so long that I think we have an awareness and an understanding by the public out there that they did not have in years past.

I can recall one of your very good friends that you served with, Senator Carl Curtis of Nebraska, way back in 1972 was trying so hard to convince the American people that we could not continue on this road of increased deficits. Our deficit in 1972 was $15 billion. I remember this so well, because they tried to get the people of America to understand how significant the debt was, and they stacked up $1,000 bills until they were the height of the Empire State Building to try to impress upon people how significant the debt was. The debt at that time, in 1972, was $240 billion.

The first question you asked was, you know, why do we not do something about it if we want to reduce the deficit? That is a very legitimate question.

But I think that we, in the two bodies here in Congress, have demonstrated over the past 40 years that we are incapable of doing it without having some type of discipline there that we are forced to adhere to.

Mr. BYRD. Mr. President, I thank the Senator for his contribution.

Here we go again, saying that we need some kind of discipline to force us to act.

I do not know when we are going to stop breaking the mirror in the Alice in Wonderland story.

The Senator says we passed—we passed in 1993—the greatest tax increase. No, ''we'' did not pass it. Not a Senator on that side of the aisle voted for that tax increase. Not a Senator. Not a House Member on the Republican side of the aisle voted for that tax increase. Moreover, not one Republican on the Senator's side of the aisle or in the House on the Republican side voted for that same 1993 legislation, which, overall, reduced the budget deficits by somewhere between $450 billion to $500 billion. And it really has done better than that. The deficit has decreased 3 consecutive years in a row.

The Senator does not want to vote for a tax increase, but the Senator's party is advocating a tax cut of over $200 billion.

Now, who can possibly stand with a straight face and say, ''Let's cut the deficit,'' and, at the same time, come in here day after day and talk about the President and how he has failed to cut the deficit, how the President has failed to exemplify leadership, who could do that with a straight face, and then turn around and say, ''Let's cut taxes''?

Mr. INHOFE. Will the Senator yield?

Mr. BYRD. Not yet. I will yield in a moment.

The Senator's party is the party that is out here advocating cutting taxes louder than anybody else.

I think it is folly to cut taxes in this climate. It is folly, whether it is my President advocating it, or whether it is the so-called Contract With America. It is silly.

I cannot look my grandchildren in the eye and say ''Well, I am for cutting taxes. I would rather have you live with the problems that we leave.'' I cannot say that to my grandchildren. ''I would rather have you live with the problems that we have created in our time. I prefer that you increase taxes in your day and time.''

Do not talk to me about cutting taxes. I think that is a bad message.

But we say, ''Cut taxes.'' What utter folly! Now, the Senator's party is advocating cutting taxes. I do not see how they can do that with a straight face and come here on this floor, day after day after day and moan and groan and gnash their teeth over the fact that the balanced budget to the Constitution has been voted down. Now they say that that is the cause of the drop in the dollar. That is the cause of this, that, everything else.

But yet, not a word do they say—not a word—about the $200-plus billion tax cut that is being advocated by the so-called Contract With America.

Mr. SIMON. Will my colleague yield?

Mr. BYRD. Yes, I will yield in a moment, Mr. President.

Furthermore, I say to my friend from Oklahoma, who says we have played games, we are playing games. Yes, I was here when we played games during the Reagan administration. Read David Stockman's book, and he will tell the Senator from Oklahoma who played the games down in the Oval Office. He will tell the Senator who played the games in the Reagan administration with hidden asterisks.

I urge all Senators to read David Stockman's book. As a matter of fact, I may bring a portion of it to the floor after a while and read it. It is enlightening. Yes, I was here when the Reagan administration blew into town. And in all of the 39 previous administrations—182 years of administrations under various political parties—the Nation had accumulated a total debt of less than $1 trillion.

I saw Mr. Reagan get on television with that chart, pointing to that stack of what he called, would represent a stack of $1,000 bills, ''Have a stack four inches thick and you will be a millionaire.'' He said it would take a stack of $1,000 bills 63 miles high to be representative of the debt that had been accumulated in all the administrations going back to the year 1789.

He never appeared on television with that chart again, Senator. Know why? Because during his administrations the debt reached to a total of over $3 trillion, and then, during the Bush administration, it reached $4 trillion. So, to represent that debt on the chart, with $1,000 bills stacked into the stratosphere and beyond, would probably require a stack of bills that would reach 252 miles into the sky, or some such.

I saw the debt triple. I saw it quadruple. Further, may I say to the distinguished Senator, I went down to see Mr. Reagan. I urged him not to press for his triple tax cut in 1981. He proposed a 3-year tax cut—the first year 5 percent, the next year 10 percent, and the third year, 10 percent—all in one passage. I urged him to at least leave off the third year until we could evaluate the economy, the deficit, what was happening to the dollar, interest rates, unemployment. At least, leave off the third year and wait 2 years, and then if he felt compelled to go for the third year, then try it. Why go for a 3-year tax cut all at once? He never could tell me why, never. He looked at his little card, the notes on the card, but he never could answer that question.

So now we have the aftermath of the Reagan tax cuts of 1981. I voted for his tax cuts. I have always regretted it. My constituents back home said ''Give the man a chance. Give this new President a chance.'' I gave him a chance. I have regretted it ever since. There is blame enough to go around, Senator.

The Senator from Oklahoma has talked about the last 40 years. Do not go back that far. Just go back to the fiscal year 1981 budget. Start there. Start there and see then what happened.

I yield.

Mr. SIMON. Mr. President, I agree with two-thirds of what my colleague from West Virginia has to say, and he knows I differ on the balanced budget amendment.

I do believe, however, in the immediate choices that we face, one is a tax

cut. I think it makes absolutely no sense. When I was in the House I voted against the Reagan tax cut and I voted against the Democratic tax cut. We were in a bidding war, we are in a bidding war again. I am going to vote against the Republican vote, and I am going to vote against the Democratic tax cut. I do not think they make any sense at all.

In terms of tax increases, I think the political reality is we can only pass them if they are for designated purposes. The American public—if we need it for balancing the budget, it is very interesting—53 percent of the American public says they are for balancing the budget, even if it means they have to sacrifice. I think they are willing to face that.

In 1990, if I may be immodest, I faced reelection. One of the things my opponent, a very distinguished woman who served in the House, Lynn Martin, used against me, is that I said I think we need increases in Federal taxes to balance the budget.

I can remember reading in Roll Call that I was destined to defeat. I ended up getting the biggest plurality of any contested Senator of either political party running for reelection that year. I think people want to be told the truth.

The reality is on tax increases—if we take the 18 Western industrialized countries as a percentage of our income—we pay a lower percentage than any of the other countries. We have the lowest tax on gasoline of any country outside of Saudi Arabia. We have the lowest tax on cigarettes. We do not have a value-added tax that many countries have. But I think the reality is we have to tie any kind of revenue increase with something concrete, like a health program. Or like getting rid of the deficit.

As my colleague who is presiding, Senator CRAIG, knows, I have said all along that I think we have to combine cuts in spending to achieve a balanced budget with increases in revenue. I think that is the reality.

I do believe—and here I differ with my colleague from West Virginia—I do believe the only way we are really going to get a balanced budget is with constitutional restraint. I respect the fact that he and I differ on that question. I thank him for yielding.

Mr. BYRD. I thank the Senator. We do not have to wait. We do not have to wait for a constitutional amendment.

Mr. SIMON. I agree.

Mr. BYRD. Putting that aside entirely, I have many reasons for opposing the constitutional amendment to balance the budget. I am not against amending the Constitution. I have voted for five amendments to the Constitution since I have been in the Senate. Enough of that.

Mr. INHOFE. Will the Senator yield?

Mr. BYRD. The framers saw a need for amendments at some point in time, so they provided a way to do that in the Constitution itself. But I am opposed to amending the Constitution to write fiscal theory into it, fiscal policy. I am also opposed to destroying our constitutional system of mixed powers and checks and balances by a constitutional amendment to balance the budget.

I respect those who differ with me, but why do we keep on talking about a constitutional amendment? We Senators have as much power as Senators in the year 2002 will have. Why wait?

Mr. INHOFE. Will the Senator yield?

Mr. BYRD. I will in a moment. Why wait? Why not do it now? Instead, we continue to hear those who are up here every day pining over the loss of the balanced budget amendment, still bewailing the loss of the constitutional amendment that they say would give us discipline, that would put a little iron in our backbone; that great constitutional amendment, still crying over it, weeping, bemoaning the days of the past when the Senate voted down that monstrosity—killed it.

I hope that Senators will stop whining and weeping and bemoaning that vote. Let us get on with balancing this budget that they want so much to do. Let us get on with doing something for our children and grandchildren, which the Senators say they want so much to do. And, first of all, may I say to my friends on the other side, stop talking about Mr. Clinton until you yourselves are willing to vote for a deficit reduction package that he helped us to work out. You did not demonstrate your willingness to do that.

The Senator from Oklahoma was not here at that time, of course. But Republican Senators did not demonstrate a willingness in 1993 to exercise a little discipline, a little steel in the backbone. They used the excuse, and still use it, that it increased taxes.

I say, let them haul down the banner, haul down their own party banner of a tax cut. It is silly—silly—whether you use the old math or the new math. How in the world can anyone with a straight face get up here day after day and complain about a balanced budget constitutional amendment that was rejected and, at the same time, support a so-called Contract With America that would advocate a $200-billion-plus tax cut? That is what the Republican leadership is doing, advocating over $200 billion in tax cuts to the middle class.

If we really mean business about reducing the deficit, that will bring more relief to the middle class and every other class in this country and to our children and to our children's children, let us get on with balancing the budget, and not rule out the raising of taxes. That is a tool that could be used to balance the budget and to decrease the deficit. I am not on the Finance Committee or the Ways and Means Committee, but I certainly am open to suggestions as to how we might enact a tax increase that would be calculated and directed toward reduction of the deficit. There are many people in this country who can afford such a tax. Do not put the tax option off the table. At least leave it on the table as something to consider.

Yes, I yield.

Mr. INHOFE. The distinguished Senator from West Virginia has asked the question a couple of times that I previously answered, and that question is, What are we doing? I think, I say to the Senator, that if we have demonstrated that we have been incapable of doing it, that we are incapable of facing up to that insatiable appetite for spending money that future generations will have to pay back, year after year after year, then that should be evidence enough the discipline, the word you do not seem to like, is necessary.

Mr. BYRD. Oh, I like the word discipline. I like it. I like the word discipline. I have no problem with the word discipline. Let us discipline ourselves now. Let us not wait until we garble and scar the Constitution waiting on some magic discipline that that might give us. Let us exercise discipline now.

Mr. INHOFE. Let me repeat to the Senator from West Virginia.

Mr. BYRD. I yield.

Mr. INHOFE. We have demonstrated we are incapable of doing it——

Mr. BYRD. No, we are not incapable.

Mr. INHOFE. Year after year after year.

Mr. BYRD. No, no.

Mr. INHOFE. Some 48 States—in 1941 in Oklahoma, we were incapable of doing it. We passed a balanced budget amendment and it worked.

I want to address one other thing that you mentioned and——

Mr. BYRD. On that point—Mr. President, I have the floor—on that point about the States, the States do not balance their budgets in the sense that we are talking about balancing the Federal budget. The States have operating budgets. The States have capital budgets, and the Senator knows that. And to use that old canard is to fool the American people. The American people know that the States do not balance their budgets. The States borrow money, the States are in debt, the States are going more and more into debt every year.

Mr. INHOFE. Will the Senator yield on that?

Mr. BYRD. Yes.

Mr. INHOFE. They borrow money, but the difference is the States pay the money back.

Mr. BYRD. Oh——

Mr. INHOFE. The cities pay it back. I served in the State legislature.

Mr. BYRD. So did I.

Mr. INHOFE. I served as mayor of a major city, the city of Tulsa, and we have those constraints beyond which we cannot spend. It has worked very effectively. I did not get to the point I wanted to.

Mr. BYRD. On that point, let us stay with that point. I was majority leader when the Governors and the mayors of the country came to Washington with

their hats in their hands and their hands out.

Mr. INHOFE. No, not this mayor. I was a mayor when you were majority leader.

Mr. BYRD. I did not say anything about the Senator. I was saying I was majority leader once. I was majority leader twice, and I saw the Governors of the States and mayors. I talked with them on the telephone. They called me on the telephone. They wanted this help; they wanted this aid; they wanted that aid; they wanted this appropriation increased. Do not talk to me about the great job the mayors and Governors have done throughout this country in balancing their budgets without help from the Federal Government.

Now, that is not to say that mayors and Governors have not taken strong actions to try to curtail expenditures. I do not say that at all. But do not come here trying to tell this Senator that the States balance their budgets. They do not do it, and they get a lot of help from the Federal Government. I know. I have met them right there, back there in my office and right over here in that office when I was leader. Do not tell me that stuff.

Mr. INHOFE. Will the Senator yield further?

Mr. BYRD. I know different. Yes, I yield.

Mr. INHOFE. I wanted to address this subject of the tax increase that you seem to be advocating at this time. There is a great misunderstanding about tax increases. When you look at what our problem is today, I offer a very friendly alternative to your philosophy, and that is, our problems are not that we are taxed too little, we are spending too much.

When you talk about a tax reduction that has been offered, you are also talking about spending reductions that are going to be offered at the same time.

I would like to suggest also that perhaps you share the philosophy of the chief financial adviser to the President, Laura Tyson, when she said that there is no relationship between the level of taxation and economic activity, and herein is the problem that we are having in communicating within this body and with the administration.

You are talking about the tax cuts during the eighties, during the Reagan years and the Bush years, keeping in mind just a few of those years did we have even control of one of the Houses, so it took both Houses to do it.

In 1980, the total revenues——

Mr. BYRD. We did not have control of the White House.

Mr. INHOFE. If the Senator will read the Constitution which he has in his pocket there and very available to him——

Mr. BYRD. Yes.

Mr. INHOFE. I am sure that he will see that it is the constitutional responsibility of Congress to develop the budget, to pass the budget on to the President.

In 1980, the total revenues that were derived from the income taxes amounted to $244 billion. In 1990, 10 years later, the total revenues that were derived were $466 billion. In that interim period, in the 1980's came the largest marginal tax reductions, as the Senator has already mentioned, that we probably have had in any 10-year period in this Nation's history.

The maximum rate then went down from 70 percent to 28 percent. We had some help as far as capital gains taxes are concerned. And yet during that time we actually increased the revenue from those sources.

The fact is that for each 1-percent increase in economic activity we increase revenues by $24 billion. And if we can increase economic activity, we can increase revenues. What has been suggested by many of the conservative think tanks using the CBO's projections is that we can balance the budget without cutting any programs. We can balance the budget without reducing any programs. The 2-percent-growth concept which we have already talked about, the Senator and I have, on the floor of this body, is one that would actually bring the budget into balance in approximately 8 years and not reduce one Government program; without a tax increase.

Mr. BYRD. I say to the Senator, the Congress has cut the Presidents' deficits. Since 1945, over that period of 50 years, Congress has appropriated something like $200 billion less than the accumulated budgets that have been requested by the various Presidents who have occupied the White House during those years. Congress has a good record.

Mr. INHOFE. I will grant the Senator that on occasion Presidents have left their philosophy feeling they could not get a budget passed and have gone to Congress such as was the case with President Bush at the famous meeting out at Andrews Air Force Base where he decided to go ahead and agree to a tax increase.

I think now in retrospect, and I think he believes the same thing, that was a mistake.

Before I catch a plane, I have one other area the Senator mentioned I feel compelled to address which is the issue of grandchildren.

The Senator might remember here a few weeks ago—it seems as if we have been addressing this subject now for quite a few weeks—I had occasion to give a talk over here for about an hour and 10 minutes with the picture of two beautiful children behind me, and those two children were my grandchildren.

If we are to look at this in a compassionate way, I think that should be the driving force for our actions today because virtually everyone who has made any kind of a prediction, CBO included, has said that if we do not change from the way we have been doing business for the last 10 years and the last 40 years, if you project that forward, someone who is born today such as my two grandchildren, who are less than 2 years old, will have to pay 82 percent of their lifetime income in taxes.

Now, the distinguished Senator advocates increases in taxes. I believe, and I believe the people who voted in the election on November 8 believe, that we can do it without increasing taxes but cutting the size of Government.

I used two charts here in the Chamber to show that those individuals who were opposing the balanced budget amendment were also the same ones who historically on the record are the biggest taxers and spenders in Congress, in both Houses. And also I showed on a chart that those individuals who lost the election, the 66 House Members that are not here after the November 8 election, and the eight Senators who either retired or are not here for one reason or another, all of them had a National Taxpayers Union rating of D or F. That is the universally accepted rating for those people who tax and spend. And all of them had voted for the 1993 stimulus bill, which was the largest spending increase, and the 1993 tax increase, which was the largest tax increase.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I saw those lovely pictures of the Senator's grandchildren, and we all love our grandchildren. I have been loving my grandchildren for almost 30 years now. But if we really want to do something for those grandchildren, those two lovely grandchildren whose pictures the Senator so proudly and prominently displayed on the floor, let us get on with the business of reducing the deficits now. We do not have to have any constitutional amendment to balance the budget. We have the tools in our own hands now. If we really want to help those grandchildren, let us get on with balancing the budget. Let us speak out against tax cuts for the middle class, whether they are being advocated by Mr. Clinton or by the so-called Contract With America.

Now is not the time for a tax cut. And let us not remove possible tax increases from the table when it comes to consideration. There must be some heads in this Chamber who have the expertise, who serve on the tax writing committees, who could devise a tax increase that would be calculated to reduce the deficit, which could be directed solely to the reduction of the deficit.

I know it is not easy to vote for a tax increase. I have been in political bodies—I am in my 49th year of serving in various and sundry legislative bodies. It is not easy to vote for tax increases. It is always easy to vote for tax cuts. But I think we have to forget the easy road now and at least consider increasing some taxes. We do have to continue to cut spending. I carry no brief for protecting all spending. There is some

spending we have to do as a Government of a great people. We have to invest in our people's future.

Mr. INHOFE. One last comment before I leave.

Mr. BYRD. Not yet. I will yield to the Senator. I am conscious of the fact that he needs to catch a plane. But let me finish what I was about to say.

There is not only a Federal fiscal deficit but there is also an investment deficit. I was at the 1990 summit with Mr. Bush and with the Republican leadership and with the Democratic leadership in both ends of the Capitol. I said at the summit, we have an investment deficit. We need to build up our infrastructure, both human and physical. Any business or company that does not improve its plant and equipment and keep its employees trained to the new mode of manufacturing or production of things is going to go under. Business has to invest. Our country needs to invest. And spending moneys for infrastructure is wise. We just cannot cut everything.

During the Reagan years, and up to now, we have continued to cut domestic discretionary spending. It has been cut to the bone. I say to the Senator, we will have cut over the next 5 years—in the 1993 deficit reduction package, we cut Government spending. We cut domestic discretionary spending. And we put the level of spending on a 5-year downward glide. We froze it, meaning that we would not take into account inflation from year to year.

Not only that, but the amendment that was offered in the Finance Committee by Mr. EXON and Mr. GRASSLEY further cut $26 billion below a freeze. That $26 billion was reduced to a $13 billion cut in conference with the other body. So we are operating below a freeze in discretionary spending.

That is not to say we cannot cut more. But we cannot take defense off the table and say we will not touch it and still balance the budget and have a tax cut. All of these goodies—if you have a tax cut at the same time—we cannot do it.

Mr. INHOFE. Will the Senator yield?

Mr. BYRD. Yes, I yield.

Mr. INHOFE. One more comment. It was not my intention to use so much of the Senator's time.

I can only say, I am going to catch a plane. I am going back to Oklahoma where real people are, where the people spoke loudly and clearly in the November 8 election when they said: We want to downsize the scope of Government; we do not want to have Government involved in our lives to the degree that Government now is involved.

You and I probably will disagree philosophically with the role of Government. But the bottom line is, and I say it one last time, we have demonstrated we cannot do it, that either we cannot or will not do it.

I have not given up. I would like to serve notice to everyone in this Chamber, I believe we will get that one additional vote because the people are now identifying what is going on in this country and they are going to be heard.

I have the utmost respect for the Senator from West Virginia, but I suggest if you take a trip back to West Virginia, you will hear the same thing there.

Thank you.

Mr. BYRD. Mr. President, on that point, may I say to my friend, he does not need to instruct me about going to West Virginia. When he says he is going to Oklahoma where ''real people are,'' he does not have to travel that far. West Virginia is within an hour and a half's drive. West Virginians are ''real people.'' The people of Oklahoma are real people. The people of West Virginia are real people.

May I say to the Senator, I came here when I was a little wet behind the ears, too. For me to say to another Senator that he ought to go back to his own State and see what the people say—that is a little bit—that is stretching one's credibility a little bit.

Mr. INHOFE. I would say I appreciate the compliment, to the Senator from West Virginia, because this is the first time since I have reached the age of 60 I have been called wet behind the ears.

Mr. BYRD. Of course, a person who is 77, who has been in this body 37 years, can remember when he, this Senator from West Virginia, came here when he, too, was wet behind the ears. But I have never said to a Senator: You ought to go back to your own State and see what the people think. Leave me and my fellow West Virginians to ourselves.

Does anybody else want me to yield? I yield to the—I will either yield the floor or yield to the lady.

Mrs. HUTCHISON. Mr. President, I was just going to ask the Senator from West Virginia—I would like to make a statement totally off this subject in morning business talk. But I certainly do not want to interrupt the Senator if he is in the middle of continuing his speech on the amendment. I was really asking for a clarification of his ability to yield me some time, but I do not want to interrupt.

Mr. BYRD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia yields the floor.

Mrs. HUTCHISON. Mr. President, I thank the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from Texas.

A STRAITJACKET FOR LILLIE RUBIN

Mrs. HUTCHISON. Mr. President, our regulatory reform debate has ranged from the sublime to the ridiculous and back. Today I would like to weigh in briefly on the side of the ridiculous.

The dressing room of a fine women's clothing store may seem like an odd place for the EEOC to intrude in a way that perfectly illustrates regulatory excess, but that is exactly where we find ourselves today. The firm in question, Lillie Rubin, is a successful 49-year-old business with 60 affiliates, specializing in clothes for women. But the EEOC is measuring Lillie Rubin for a new outfit, and I think it seems like more of a straitjacket than a woman's dress.

In opposition to its own regulations and its own previous decisions, the EEOC has ruled that a Lillie Rubin store in Phoenix must employ male salespeople, and it is demanding that they be allowed to work in the store's fitting rooms where female customers try on clothes. I know this does not sound like an EEOC case so much as an ''I Love Lucy'' rerun, but it is true.

However much our society has changed, I still believe that certain standards prevail, and I believe this dress store's customers should not be guinea pigs in a new Government experiment. I am astounded that an agency of the Government would seek to strong-arm a private business into violating basic standards in such an outrageous way. It is beyond my understanding why the EEOC would try to force a business such as Lillie Rubin to sacrifice the privacy of its customers in order to avoid Government censure.

But customer privacy is not all that Lillie Rubin would be sacrificing if it is forced to comply with this EEOC ruling. What the EEOC has concocted is a remedy that could well drive away Lillie Rubin's customers and hurt its business.

This is more than regulatory intrusion. The EEOC decision, if not reversed, will leave the company in an exposed financial position.

As a final blow, EEOC is insisting that Lillie Rubin pay for newspaper advertisements to publicize that it may be vulnerable to EEOC claims by men who have applied in the past or might in the future.

The EEOC's approach to Lillie Rubin has been highhanded and arbitrary in the extreme, and bizarre, I think, as well. According to the company, one EEOC investigator told a company representative that ''Some women like it'' when there are males in the dressing room when they disrobe.

Mr. President, I ask you, is that what the taxpayers of America want their hard-earned dollars to pay for from our Government employees? Is that what this Congress wants the people to whom we are delegating our authority to implement regulations to do? Of course not. I am sure President Clinton would not want an agency of his executive branch to be putting forward a policy that forces men into women's dressing rooms. Surely he realizes by now that it is impossible for one individual, regardless of how powerful, to even think that this would happen and to come to grips with the regulatory gridlock that has been created here.

I think this argues even more for a regulatory moratorium. If these kinds of things are out there happening in the real world, and if regulators are

going to this extreme, I think it is time to have a moratorium that says: Hold it. Time out. Let us bring common sense into this process and let us find out how big the problem is.

I think this Lillie Rubin example is one more in a multitude of examples that we have heard talked about on the House floor in the last few weeks, and on this floor, talking about trying to put parameters and common sense into our regulatory framework. The EEOC's treatment of Lillie Rubin is tailor made—if I could use a pun—to show how bureaucratic intrusiveness is sapping the productivity of American business and how it is costing Americans billions of dollars every year.

I hope we can put common sense into the system. I hope this just illustrates how much we need to put common sense into the system. And I hope the EEOC will hear this put in context and retreat from such a ridiculous requirement of a women's dress store to hire male salespeople and allow them into the dressing rooms.

This is something we must stop. I hope the regulatory moratorium bill will be the first step to allow us to say: Enough is enough. This is not the way our American taxpayers expect their taxpayer dollars to be used.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1995

The Senate continued with the consideration of the bill.

AMENDMENT NO. 331

Mr. FAIRCLOTH. Mr. President, I rise in support of the Kassebaum striker replacement amendment. I strongly support the amendment offered by the distinguished Senator from Kansas. The Executive order is one more example of the President's bypassing the legislative process to accomplish his own agenda just as he did with the Mexican bailout which has been the subject of a Banking Committee hearing this morning and it is proving to be a monetary Vietnam.

More importantly, this amendment is essential to overturn an Executive order which would unilaterally resurrect archaic labor policies that undermine our national effort to move our economy successfully into the competitive international markets of the 21st century.

The President's action places at risk the integrity of our entire system of collective bargaining which is based on a delicate balance of the rights of employees to withhold their labor and the right of management to continue business operations during a strike. The President suggests that the ban on permanent replacement workers by businesses engaged in Federal contracts will lead to the more efficient performance of such contracts. This is ridiculous and is totally wrong. I am convinced that by upsetting the balance between labor and management, the entire system of collective bargaining will break down resulting in more strikes, business bankruptcies, and fewer jobs.

While this Executive order is limited to Federal contracts, the intent of the President and the opponents of this amendment is clear. They seek to return this country to labor policies which history has rejected as proven failures over and over. This Executive order embodies a labor policy completely at odds with current realities in the international marketplace.

It is contrary to the interests of working Americans striving for success in a global economy where free trade is the order of the day. It panders to special union interests who seek to protect their own privileged position at the expense of other working people. And it is a cynical attempt to delay congressional consideration of the priorities which voters last November clearly indicated they were most interested in.

The Congress has on many occasions debated the merits of banning permanent replacement workers. The most recent occasion was during the last Congress when the administration's proposal to overturn a 60-year interpretation of the National Labor Relations Act was defeated by a Congress controlled by the President's own party.

Last week, the President actively fought against the balanced budget amendment. This week he issues an Executive order on striker replacement knowing that it will be used by supporters to halt congressional consideration of legislation which the administration opposes.

In November the voters spoke unmistakably about their expectations for the 104th Congress. In my opinion during the first 100 days of this Congress the electorate does not expect us to devote our time and energies to long-settled issues which were recently revisited and reaffirmed.

My colleague from Kansas has offered a reasonable proposal limited to this fiscal year. I believe that at some point during this Congress we should consider legislation which would permanently nullify the President's Executive order. At a later date I will welcome a full debate on striker replacement with those who support the President's action, but not at this time.

I encourage opponents of this amendment to allow the Senate to continue with our consideration of the defense supplemental appropriations and then proceed with other important issues such as the line-item veto, welfare reform, product liability reform, tort reform, and a regulatory moratorium.

These are the issues that last November voters expected us to consider at this time, I think, and it is time we get on with considering them at a rapid rate.

Mr. President, I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I welcome the opportunity this afternoon to address some of the issues in question that have been raised by the Kassebaum amendment and hopefully resolve the questions that have been raised so that we will be able to move beyond the Kassebaum amendment to address the underlying issue which is the appropriations which are necessary for our national defense and national security.

This particular proposal is not really appropriate on this particular measure. But it has been the desire of a number of our Members to continue the debate and discussion on the measure rather than consider the urgency of the underlying proposal.

So I welcome the chance to respond to a number of the questions that have been raised including the questions that have been raised by my friend from North Carolina in his own comments.

The argument we hear over and over is the President is changing the law, that Congress gave employers the rights to use permanent replacements and the President is taking away that right. Let us look a little closer at this argument.

In the first place, Congress never gave employers the right to use permanent replacements. The National Labor Relations Act never uses the term and it was not in the act of 1935, and it is not there today. What Congress did say was very different. Section 13 states very plainly:

> Nothing in this act, except as specifically provided herein, shall be construed so as to either interfere with, or impede, or in any way diminish the right to strike, or to affect the limitations or qualifications on that right.

But nevertheless it is true that employers can use permanent replacements. If they did not get that right from Congress, where did it come from? The answer, of course, is the Supreme Court's decision in the 1938 case of Mackay Radio where the Court interpreted the act to allow the use of permanent replacements despite the statute's proscription against diminishing the right to strike. But even Mackay did not give employers the right to use permanent replacements. It merely said the National Labor Relations Act does not prohibit their use.

The Court said that the powers of the National Labor Relations Board and the act's legal machinery could not be used to stop employers from using permanent replacements. Has President Clinton changed that law or attempted to change it? No, he has not. Any Senator who will take the time to read the Executive order will see that he has not. It is still legal under the National Labor Relations Act to use permanent replacements.

There is no back pay remedy in the Executive order for workers whose jobs

are taken from them. There is no power granted to the National Labor Relations Board to go to the court and get an order blocking the employer's use of permanent replacements. Those are the powers and remedies the Congress debated in the last Congress when we considered S. 55, not the President's power to administer Federal contracts. President Clinton has not given the National Labor Relations Board any of the powers that Congress debated in S. 55 nor has he given the Board any new powers at all.

So to say the Executive order is an end run around the Congress is untrue. The Congress never debated whether the President should exercise his procurement powers to prevent the kind of lengthy and bitter strikes that occur when Federal contractors use permanent replacements. We have never debated whether it makes sense, as I believe it does, for the President to prevent situations from occurring where unusually lengthy strikes led us to long periods where critical products such as fighter jet engines or missile guidance systems are produced entirely by any untrained workers brought in as permanent replacements for 20- or 30-year skilled veterans. I believe it does not make sense for the President to do that. It does make sense for the President to do what he can to protect the Government's procurement process from that sort of situation.

But no one should doubt that he has the power to do so. This power may be inherent in the Executive. But in any case, Congress has given the President this authority through the Federal Property and Administrative Services Act.

(Mr. SMITH assumed the chair.)

Mr. KENNEDY. Now, Senator KASSEBAUM might want to take that power away, but there is no end run here. Congress gave the power, gave the President the authority to oversee contracting by the Federal agencies and Executive Order 12954, is an exercise of that authority.

I hope, Mr. President, that over the period of the weekend our Members will have a chance to review the Department of Justice's legal memoranda supporting that authority.

I ask unanimous consent that that memorandum be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON, DC, *March 9, 1995.*

Memorandum for Janet Reno, Attorney General.

From: Walter Dellinger, Assistant Attorney General.

Re: Executive Order No. 12954, entitled ''Ensuring the Economical and Efficient Administration and Completion of Federal Government Contracts''.

On March 6, 1995, we issued a memorandum approving as to form and legality a proposed executive order entitled, ''Ensuring the Economical and Efficient Administration of Federal Government Contracts.'' On March 8, 1995 the President signed the proposed directive, making it Executive Order No. 12954. This memorandum records the basis for our prior conclusion that the Federal Property and Administrative Services Act vests the President with authority to issue Executive Order No. 12954 in light of his finding that it will promote economy and efficiency in government procurement.

I

Executive Order No. 12954 establishes a mechanism designed to ensure economy and efficiency in government procurement involving contractors that permanently replace lawfully striking workers. After a preamble that makes and discusses various findings and ultimately concludes that Executive Order No. 12954 will promote economy and efficiency in government procurement, the order declares that ''[i]t is the policy of the Executive branch in procuring goods and services that, to ensure the economical and efficient administration and completion of Federal Government contracts, contracting agencies shall not contract with employers that permanently replace lawfully striking employees.'' Exec. Order No. 12954, §1. The order makes the Secretary of Labor (''Secretary'') responsible for its enforcement. *Id.* §6. Specifically, the Secretary is authorized to investigate and hold hearings to determine whether ''an organizational unit of a federal contractor'' has permanently replaced lawfully striking employees either on the Secretary's own initiative or upon receiving ''complaints by employees'' that allege such permanent replacement. *Id.* §2.

If the Secretary determines that a contractor has permanently replaced lawfully striking employees, the Secretary is directed to exercise either or both of two options. First, the Secretary may make a finding that all contracts between the government and that contractor should be terminated for convenience. *Id.* §3. The Secretary's decision whether to issue such a finding is to be exercised to advance the government's economy and efficiency interests as set forth in section 1. *Id.* §1 (''All discretion under this Executive order shall be exercised consistent with this policy.'') The Secretary is then to transmit the finding to the heads of all departments and agencies that have contracts with the contractor.[1] Each such agency head is to terminate any contracts that the Secretary has designated for termination, unless the agency head formally and in writing objects to the Secretary's finding. *Id.* §3. An agency head's discretion to object is also limited to promoting the purpose of economy and efficiency as set forth in the policy articulated in section 1.

The Secretary's second option is debarment. If the Secretary determines that a contractor has permanently replaced lawfully striking employees, the Secretary is to place the contractor on the debarment list until the labor dispute has been resolved, unless the Secretary determines that debarment would impede economy and efficiency in procurement. The effect of this action is that no agency head may enter into a contract with a contractor on the debarment list unless the agency head finds compelling reasons for doing so. *Id.* §4.

Executive Order No. 12954, taken as a whole, sets forth a mechanism that closely ties its operative procedures—termination and debarment—to the pursuit of economy and efficiency. The President has made a finding that, as a general matter, economy and efficiency in procurement are advanced by contracting with employers that do not permanently replace lawfully striking employees. Additionally, the President has provided for a case-by-case determination that his finding is justified on the peculiar facts and circumstances of each specific case before any action to effectuate the President's finding is undertaken.

II

The Supreme Court has instructed that ''[t]he President's power, if any, to issue [an] order must stem either from an act of Congress or from the Constitution itself.'' *Youngstown Sheet & Tube Co. v. Sawyer,* 343 U.S. 579, 585 (1952). The President's authority to issue Executive Order No. 12954 is statutory; specifically, the Federal Property and Administrative Services Act of 1949 (''FPASA''). That statute was enacted ''to provide for the Government an economical and efficient system for . . . procurement and supply.'' 40 U.S.C. §471. The FPASA expressly grants the President authority to effectuate this purpose, ''The President may prescribe such policies and directives, not inconsistent with the provisions of this Act, as he shall deem necessary to effectuate the provisions of said Act, which policies and directives shall govern the Administrator [of General Services] and executive agencies in carrying out their respective functions hereunder.'' *Id.* §486(a). An executive order issued pursuant to this authorization is valid if (a) ''the President acted 'to effectuate the provisions' of the FPASA,'' and (b) the President's ''action was 'not inconsistent with' any specific provision of the Act.'' *American Fed'n of Gov't Employees v. Carmen,* 669 F.2d 815, 820 (D.C. Cir. 1981) (quoting 40 U.S.C. §486(a)). We are not aware of any specific provision of the FPASA that is inconsistent with Executive Order No. 12954. Therefore, we turn to the question whether the President acted to effectuate the purposes of the FPASA.

Every court to consider the question has concluded that §486(a) grants the President a broad scope of authority. In the leading case on the subject, the United States Court of Appeals for the District of Columbia Circuit, sitting en banc, addressed the question of the scope of the President's authority under the FPASA, and §486(a) in particular. *See AFL–CIO v. Kahn,* 618 F.2d 784 (D.C. Cir.) (en banc), *cert. denied,* 443 U.S. 915 (1979). A plausible argument that the FPASA granted the President only narrowly limited authority was advanced and rejected. *See id.* at 799–800 (MacKinnon, J., dissenting). After an extensive review of the legislative history of that provision, the court held that the FPASA, through §486(a), was intended to give the President ''broad-ranging authority'' to issue orders designed to promote ''economy'' and ''efficiency'' in government procurement. *Id.* at 787–89. The court emphasized that '''[e]conomy' and 'efficiency' are not narrow terms; they encompass those factors like price, quality, suitability, and availability of goods or services that are involved in all acquisition decisions.'' *Id.* at 789; *see also* Peter E. Quint, *The Separation of Powers under Carter,* 62 Tex. L. Rev. 786, 792–93 (1984) (although §486(a) ''easily could be read as authorizing the President to do little more than issue relatively modest housekeeping regulations relating to procurement practice * * *. The *Kahn* court found congressional authorization of sweeping presidential power * * *.''); Peter Raven-Hansen, *Making Agencies Follow Orders; Judicial Review of Agency Violations of Executive Order 12,291,* 1983 Duke L.J. 285, 333, n.266; Jody S. Fink, *Notes on Presidential Foreign Policy Powers (Part II),* 11 Hofstra L. Rev. 773, 790–91 n.132 (1983) (characterizing *Kahn* as reading §486(a) to grant President ''virtually unlimited'' authority).

The court then concluded that a presidential directive issued pursuant to §486(a) is authorized as long as there is a ''sufficiently close nexus'' between the order and the criteria of economy and efficiency. *Kahn,* 618

[1] Footnotes at end of article.

F.2d at 792. Although the opinion does not include a definitive statement of what constitutes such a nexus, the best reading is that a sufficiently close nexus exists when the President's order is ''reasonably related'' to the ends of economy and efficiency. *See id.* at 793, n.49; Harold H. Bruff, *Judicial Review and the President's Statutory Powers,* 68 Va. L. Rev. 1, 51 (1982) (''in *AFL–CIO v. Kahn,* the court stated an appropriate standard for reviewing the basis of a presidential action—that it be 'reasonably related' to statutory policies'') (footnote omitted).

As one commentator has asserted, under *Kahn,* the President need not demonstrate that an order ''would infallibly promote efficiency, merely that it [is] plausible to suppose this.'' Alan Hyde, *Beyond Collective Bargaining: The Politicization of Labor Relations under Government Contract,* 1982 Wis. L. Rev. 1, 26. In our view a more exacting standard would invade the ''broad-ranging'' authority that the court held the statute was intended to confer upon the President. *See Kahn,* 618 F.2d at 787–89. In addition, a stricter standard would undermine the great deference that is due presidential factual and policy determinations that Congress has vested in the President. *See, e.g.,* Henry P. Monaghan, *Stare Decisis and Constitutional Adjudication,* 88 Colum. L. Rev. 723, 738 (1988).[2]

We have no doubt, for example, that §486(a) grants the President authority to issue a directive that prohibits executive agencies from entering into contracts with contractors who use a particular machine that the President has deemed less reliable than others that are available. Contractors that use the less reliable machines are less likely to deliver quality goods or to produce their goods in a timely manner. We see no distinction between this hypothetical order in which the President prohibits procurement from contractors that use machines that he deems unreliable and the one the President has actually issued, which would bar procurement with contractors that use labor relations techniques that the President deems to be generally unreliable, especially when the Secretary of Labor and the contracting agency head each confirm the validity of that generalization in each specific case.

The preamble of Executive Order No. 12954 sets forth the President's findings that the state of labor-management relations affects the cost, quality, and timely availability of goods and services. The order also announces his finding that the government's procurement interests in cost, quality, and timely availability are best secured by contracting with those entities that have ''stable relationships with their employees'' and that ''[a]n important aspect of a stable collective bargaining relationship is the balance between allowing businesses to operate during a strike and preserving worker rights.'' The President has concluded that ''[t]his balance is disrupted when permanent replacement employees are hired.'' In establishing the policy ordinarily[3] to contract with contractors that do not hire permanent replacement workers, the President has found that he will advance the government's procurement interests in cost, quality, and timely availability of goods and services by contracting with those contractors that satisfy what he has found to be an important condition for stable labor-management relations.

The order's preamble then proceeds to set forth reasonable relation between the government's procurement interests in economy and efficiency and the order itself. Specifically, the order asserts the President's finding that ''strikes involving permanent replacement workers are longer in duration than other strikes. In addition, the use of permanent replacements can change a limited dispute into a broader, more contentious struggle, thereby exacerbating the problems that initially led to the strike. By permanently replacing its workers, an employer loses the accumulated knowledge, experience, skill, and expertise of its incumbent employees. These circumstances then adversely affect the businesses and entities, such as the Federal Government, which rely on that employer to provide high quality and reliable goods or services.'' We believe that these findings state the necessary reasonable relation between the procedures instituted by the order and achievement of the goal of economy and efficiency.

It may well be that the order will advance other permissible goals in addition to economy and efficiency. Even if the order were intended to achieve goals other than economy and efficiency, however, the order would still be authorized under the FPASA as long as one of the President's goals is the promotion of economy and efficiency in government procurement. ''We cannot agree that an exercise of section 486(a) authority becomes illegitimate if, in design and operation, the President's prescription, in addition to promoting economy and efficiency, serves other, not impermissible, ends as well.'' *Carmen,* 669 F.2d at 821; *see Rainbow Nav. Inc. v. Dep't of the Navy,* 783 F.2d 1072 (D.C. Cir. 1986); Kimberly A. Egerton, Note, *Presidential Power over Federal Contracts under the Federal Property and Administrative Services Act: The Close Nexus Test of* AFL–CIO v. Kahn, 1980 Duke L.J. 205, 218–20.

Since the adoption of the FPASA, Presidents have consistently regarded orders such as the one currently under review as being within their authority under that Act. As the court *explained* in *Kahn,* Presidents have relied on the FPASA as authority to issue a wide range of orders. 618 F.2d at 789–92 (noting the history of such orders since 1941, especially to institute ''buy American'' requirements and to prohibit discrimination in employment by government contractors). Not surprisingly this executive practice has continued since *Kahn.* For instance, President Bush issued Executive Order No. 12800, which required all government contractors to post notices declaring that their employees could not ''be required to join a union or maintain membership in a union in order to regain their jobs.'' 57 Fed. Reg. 12985 (April 13, 1992). The order was supported solely by the statement that it was issued ''in order to * * * promote harmonious relations in the workplace for purposes of ensuring the economic and efficient administration and completion of Government contracts.'' *Id.*[4] This long history of executive practice provides additional support for the President's exercise of authority in this case. *See Kahn,* 618 F.2d at 790.[5] This is especially so where, as here, the President sets forth the close nexus between the order and the statutory goals of economy and efficiency.

It may be that in individual cases, a contractor that maintains a policy of refusing to permanently replace lawfully striking workers may nevertheless have an unstable labor-management relationship while a particular contractor that has permanently replaced lawfully striking workers may have a more stable relationship. As to such situations, however, the Secretary and the contracting agency heads retain the discretion to continue to procure goods and services from contractors that have permanently replaced lawfully striking workers if that procurement will advance the federal government's economy and efficiency interests as articulated in section 1 of Executive Order No. 12954.[6] We recognize that, even with these safeguards, it could happen that a specific decision to terminate a contract for convenience or to debar a contractor pursuant to the order might not promote economy or efficiency. The courts have held that it remains well within the President's authority to determine that such occurrences are more than offset by the economy and efficiency gains associated with compliance with an order generally. *See Kahn,* 618 F.2d at 793.[7]

Similarly, it would be unavailing to contend that Executive Order No. 12954 will secure no immediate or near-term advancement of the federal government's economy and efficiency procurement interests. Section 486(a) authorizes the President to employ ''a strategy of seeking the greatest advantage to the Government, *both short- and long-term,*'' and this is ''entirely consistent with the congressional policies behind the FPASA.'' *Id.* emphasis added); *cf. Contractors Ass'n v. Secretary of Labor,* 442 F.2d 159, 170 (3d Cir.) (deciding on basis of president's constitutional rather than statutory authority), *cert. denied,* 404 U.S. 854 (1971).

The FPASA grants the President a direct and active supervisory role in the administration of that Act and endows him with broad discretion over how best ''to achieve a flexible management system capable of making sophisticated judgment in pursuit of economy and efficiency.'' *Kahn,* 618 F.2d at 788–89. As explained above, the President has set forth a sufficiently close nexus between the program to be established by the proposed order and the goals of economy and efficiency in government procurement.[8]

Finally, we do not understand the action of Congress in relation to legislation on the subject of replacement of lawfully striking workers to bear on the President's authority to issue Executive Order No. 12954. The question is whether the FPASA authorizes the President to issue the order. As set forth above, we believe that it does. Recent Congresses have considered but failed to act on the issue of whether to adopt a national, economy-wide proscription of the practice applying to all employers under the National Labor Relations Act (''NLRA'').[9] This action may not be given the effect of amending or repealing the President's statutory authority, for the enactment of such legislation requires passage by both houses of Congress *and* presentment to the President. *See Metropolitan Washington Airports Authority v. Citizens for the Abatement of Aircraft Noise, Inc.,* 501 U.S. 252 (1991); *INS v. Chadha,* 462 U.S. 919 (1983). To contend that Congress's inaction on legislation to prohibit all employers from hiring replacement workers deprived the President of authority he had possessed is to contend for the validity of the legislative veto.

In *Youngstown Sheet & Tube,* it was considered relevant that Congress had considered and rejected granting the President the specific authority he had exercised. 343 U.S. 586. There, however, the President did not claim to be acting pursuant to any statutory power, but rather to inherent constitutional power. In such a case, the scope of the President's power depends upon congressional action in the field, including an express decision to deny the President any statutory authority. *Id. Youngstown Sheet & Tube* is inapposite here because the President does not rely upon inherent constitutional authority, but rather upon express statutory authority—§486(a) of the FPASA. *See Kahn,* 618 F.2d at 787 & n. 13.

Moreover, we note that Congress's action was far from a repudiation of the specific authority exercised in Executive Order No. 12954. Even if a majority of either house of Congress had voted to reject the blanket proscriptions on hiring permanent replacements for lawfully striking workers, contained in H.R. 5 and S. 55, this would denote no more than a determination that such a broad, inflexible rule applied in every labor dispute subject to the NLRA would not advance the

many interests that Congress may consider when assessing legislation. The order, by contrast, does not apply across the economy, but only in the area of government procurement. Nor does the order establish an inflexible application, rather it provides the Secretary of Labor an opportunity to review each case to determine whether debarring or terminating a contract with a particular contractor will promote economy and efficiency in government procurement and further permits any contracting agency head to override a decision to debar if he or she believes there are compelling circumstances or to reject a recommendation to terminate a contract if, in his or her independent judgment, it will not promote economy and efficiency. In sum, the congressional action alluded to above simply does not implicate the narrow context of government procurement or speak to the efficacy of a flexible case-by-case regime such as the one set forth in the order.[10]

The *Kahn* opinion fully supports this view. There the President promulgated voluntary wage and price guidelines that were applicable to the entire economy. Contractors that failed to certify compliance with the guidelines were debarred from must government contracts. *See* Exec. Order No. 12092, 43 Fed. Reg. 51,375 (1978). The order was issued in 1978 against the following legislative backdrop: In 1971 Congress passed the Economic Stabilization Act, which authorized the President to enforce economy-wide wage and price controls. In 1974, a few months after the Economic Stabilization Act expired, the Council on Wage and Price Stability Act (''COWPSA'') was enacted. COWPSA expressly provided that ''[n]othing in this Act * * * authorizes the continuation, imposition, or reimposition of any mandatory economic controls with respect to prices rents, wages, salaries, corporate dividends, or any similar transfers.'' Pub. L. No. 93–387, §3(b), 88 Stat. 750 (1974).

The court concluded that ''the standards in Executive Order 12092, which cover only wages and prices, are not as extensive as the list in Section 3(b). Consequently, we do not think the procurement compliance program falls within the coverage of Section 3(b), but rather is a halfway measure outside the contemplation of Congress in that enactment.'' *Kahn,* 618 F.2d at 795. Similarly, Executive Order No. 12954 is a measure that operates in a manner (case-by-case determination) and a realm (government procurement exclusively) that was outside the contemplation of Congress in its consideration of a broad and inflexible prohibition on the permanent replacement of lawfully striking workers.

III

Congress, in the FPASA, established that the President is to play the role of managing and directing government procurement. Congress designed this role to include ''broad-ranging authority'' to issue orders intended to achieve an economical and efficient procurement system. Executive Order No. 12954, ''Ensuring the Economical and Efficient Administration and Completion of Federal Government Contracts,'' represents a valid exercise of this authority.

FOOTNOTES

[1] We will refer to this class of officials generically as agency head(s).

[2] We do not mean to indicate a belief that Executive Order No. 12954 could not withstand a stricter level of scrutiny. We simply regard the employment of such a standard to be contrary to the holding of *Kahn,* as well as the view of the purposes of the FPASA and its legislative history upon which that decision expressly rests.

[3] Again, the order does not categorically bar procurement from contractors that have permanently replaced lawfully striking workers. The sanctions that the order would authorize would not go into effect if either the Secretary, with respect to either the termination or the debarment option, or the contracting agency head, with respect to the termination option, finds that the option would impede economy and efficiency in procurement.

[4] This order is also significant insofar as it demonstrates that Executive Order No. 12954 is not the first in which a president has found that more stable workplace relations promote economy and efficiency in government procurement.

[5] Of course, the President's view of his own authority under a statute is not controlling, but when that view has been acted upon over a substantial period of time without eliciting congressional removal, it is 'entitled to great respect.' . . . [t]he 'construction of a statute by those charged with its execution should be followed unless there are compelling indications that it is wrong.'" *Kahn,* 618 F.2d at 790 (quoting *Board of Governors of the Federal Reserve Sys. v. First Lincolnwood Corp.,* 439 U.S. 234 (1978), and *Miller v. Youakim,* 440 U.S. 125, 144 n.25 (1979)).

[6] The authority of an agency head is diminished somewhat, though not eliminated entirely with respect to procuring from a contractor that the Secretary has debarred. An agency head may procure from a debarred contractor only for compelling reasons. *See* Exec. Order No. 12954, §4. Nevertheless, the Secretary has authority to refuse to place a contractor on the debarment list in the first instance if the Secretary believes that debarment would not advance economy and efficiency.

[7] ''[W]e find no basis for rejecting the President's conclusion that any higher costs incurred in those transactions will be more than offset by the advantages gained in negotiated contracts and in those cases where the lowest bidder is in compliance with the voluntary standards and his bid is lower than it would have been in the absence of standards.'' *Kahn,* 618 F.2d at 793.

[8] Moreover, we note that under the Supreme Court's recent decision in *Dalton v. Specter,* 114 S. Ct. 1719 (1994), it is unlikely that the President's judgment may be subject to judicial review. It is clear that §486(a) gives the President the power to issue orders designed to promote economy and efficiency in Government procurement. *See* 40 U.S.C. §486(a); *Carmen,* 669 F.2d at 821; *Kahn,* 618 F.2d at 788–89, 792–93. The Supreme Court has recently ''distinguished between claims of constitutional violations and claims that an official has acted in excess of his statutory authority.'' *Dalton,* 114 S. Ct. at 1726. The Court held that where a claim ''concerns not a want of [presidential] power, but a mere excess or abuse of discretion in exerting a power given, it is clear that it involves considerations which are beyond the reach of judicial power. This must be since, as this court has often pointed out, the judicial may not invade the legislative or executive departments so as to correct alleged mistakes or wrongs arising from asserted abuse of discretion.''

Id. at 1727 (quoting *Dakota Central Telephone Co. v. South Dakota, ex rel, Pevne,* 250 U.S. 163, 184 (1919)); *see also Smith v. Reagan,* 844 F.2d 195, 198 (4th Cir.), *cert. denied,* 488 U.S. 954 (1988); *Colon v. Carter,* 633 F.2d 964, 966 (1st Cir. 1980); *cf. Heckler v. Chaney,* 470 U.S. 821 (1985); *Chicago Southern Air Lines Inc. v. Waterman S.S. Corp.,* 333 U.S. 103 (1948).

Judicial review is unavailable for claims that the President had erred in his judgment that the program established in the order is unlikely to promote economy and efficiency. The FPASA entrusts this determination to the President's discretion and, under *Dalton,* courts may not second-guess his conclusion. The Court made it clear that the President does not violate the Constitution simply by acting ultra vires. *See Dalton,* 114 S. Ct. at 1726–27. Judicial review is available only for contentions that the President's decision not only is outside the scope of the discretion Congress granted the President, but also that the President's action violates some free-standing provision of the Constitution.

[9] In the 102d Congress, The House of Representatives passed a bill to amend the National Labor Relations Act to make it an unfair labor practice for an employer to hire a permanent replacement for a lawfully striking employee. *See* H.R. 5, 102d Cong., 1st Sess. (1991). The House passed this legislation on a vote of 247–182. *See* Cong. Rec. H5589 (daily ed. July 17, 1991). The Senate considered legislation to the same effect. *See* S. 55, 102d Cong., 2d Sess. (1992). The legislation was not brought to the floor for a vote because supporters of the measure were only able to muster 57 votes to invoke cloture. *See* Cong. Rec. S8237–38 (daily ed. June 16, 1992).

Likewise, legislation to categorize the hiring of permanent replacement workers as an unfair labor practice was considered in the 103d Congress. The House of Representatives approved the legislation on a vote of 239–190. *See* Cong. Rec. H3568 (daily ed. June 15, 1993). Again, the Senate did not bring the bill to a vote, because its supporters were unable to attract the supermajority required to invoke cloture. *See* Cong. Rec. S8524 (daily ed. July 12, 1994) (fifty-three senators voting to invoke cloture).

[10] We have found no indication in the legislative history that those opposing the proposed amendments to the NLRA even considered the specialized context of government procurement. *See, e.g.,* S. Rep. No. 110, 103d Cong., 1st Sess. at 33–49 (1993) (stating minority views); H.R. Rep. No. 116, 103d Cong. 2d Sess., pt. 1, at 42–62 (1993) (minority views); H.R. Rep. No. 116, 103d Cong., 2d Sess., pt. 2, at 16–17 (1993) (minority views); H.R. Rep. No. 116, 103d Cong., 2d Sess., pt. 3, at 11–15 (1993) (minority views). Moreover, we note that at least some of the opposition to the legislation was based in part on concerns regarding the breadth of the legislation, *see* H.R. Rep. No. 116, pt. 1, at 45 (minority views) (emphasizing absence of ''a truly pressing societal need'' (emphasis added)), as well as its inflexibility, *see id.* at 62 (views of Rep. Roukema).

Mr. KENNEDY. I will highlight a couple of essential parts of the memorandum.

On March 6, 1995, we issued a memorandum approving as to form and legality a proposed executive order entitled, ''Ensuring the Economical and Efficient Administration of Federal Government Contracts.'' On March 8, 1995 the President signed the proposed directive, making it Executive Order No. 12954. This memorandum records the basis for our prior conclusion that the Federal Property and Administrative Services Act vests the President with authority to issue Executive Order No. 12954 in light of his finding that it will promote economy and efficiency in Government procurement.

I will come back to that issue because I think it is basic to both the rationale for the Executive order and reaches the heart of the whole debate on this issue.

Executive Order No. 12954 establishes a mechanism designed to ensure economy and efficiency in Government procurement involving contractors that permanently replace lawful striking workers.

Executive Order No. 12954, taken as a whole, sets forth a mechanism that closely

ties its operative procedures—termination and debarment—to the pursuit of economy and efficiency. The President has made a finding that, as a general matter, economy and efficiency in procurement are advanced by contracting with employers that do not permanently replace lawfully striking employees. Additionally, the President has provided for a case-by-case determination that his finding is justified on the peculiar facts and circumstances of each specific case before any action to effectuate the President's finding is undertaken.

The rest of the memorandum goes on with citations in support for this President's authority in a very, I find, persuasive and convincing way.

What did the President base his Executive order on? He based it, effectively, on the pursuit of economy and efficiency. Procurements are advanced by contracting with employers that do not permanently replace lawfully striking employees.

So it seems to be appropriate that we give some consideration to what has been happening over the period of recent years with regard to various disputes involving the permanent replacement of striking workers per year.

This chart shows some, I think, very powerful and persuasive evidence justifying the Executive order. What we see in this chart is the rather dramatic increase in the numbers of strikes in which permanent replacements have been used over the period from 1935 all the way to 1991. What you do see, particularly, is that in the last 2 or 3 years the numbers have been going up dramatically.

Since we find out that they have been going up dramatically, we can ask ourselves, what has been the result? This chart reflects the average number of strikes involving permanent replacements per year by decade. So it is the concern of the President in connection with Government purchasing to take notice of the number of strikes that have been taking place in which permanent replacement strikers have been used. This is interesting in reflecting the increased numbers of replacement workers.

We have to ask ourselves, why is that important? Why should we take notice of this dramatic increase in permanent replacement strikes? Well, it is interesting for this reason, Mr. President. With the dramatic increase, we take note that strikes involving permanent replacement workers are substantially longer in duration than other strikes. One study done at the University of Notre Dame indicates that strikes involving permanent replacements last seven times longer than strikes that do not involve permanent replacements.

Other evidence suggests that the mere threat to use permanent replacement workers is associated with the longer strikes. So we have this phenomenon, increasing numbers of strikes, which are utilizing the permanent replacements, increasing powerful evidence that the strikes themselves last dramatically longer than other labor disputes.

Clearly, the President has an important responsibility, primarily in the area of our national defense, to make sure that we are going to be able to have our weapons systems and procurement be done in a way that is going to meet his responsibilities, to make sure that we are going to get good product, good quality, good performance, top-skilled people that are going to be working on the various systems which are so important to our fighting men.

Well, not only are the strikes longer involving permanent strikes, but there is another phenomenon, and that is what has happened to productivity in the areas of where the permanent replacements have taken place. We now know that the number of strikes in which permanent strikers are used has been increasing dramatically, and the strikes themselves last longer. But we can also ask ourselves what has been happening in terms of the productivity in those companies, where they have made the judgment to select permanent replacements.

Mr. President, I will just quote part of the findings from research by Prof. Julius Getman, professor of law at the University of Texas Law School to be included in a forthcoming book,

The data that I have collected in my study of the Paper Workers strike in Jay, Maine from 1987 to 1988 is strongly supportive of the conclusion that hiring permanent replacement workers is harmful to productivity. This is true not only because the replacement workers are almost certain to lack the experience and know-how of the workers they replace, but because permanent replacement is totally inconsistent with the goal of the labor-management cooperation necessary for improving quality and productivity.

* * * In any large enterprise, because of the Laidlaw doctrine, in the period after the strike terminates, significant numbers of former strikers will return.

* * * The anger among the groups will inevitably effect productivity. It will make employees suspicious of cooperation and unwilling to take part in new approaches to productivity.

* * * Managers, who are aware they will be required to rehire a former striker whenever a replacement worker either quits or is fired, will be loath to impose discipline on the replacement workers or crossovers. If they treat the strikers differently, they commit an unfair labor practice. At the Androscoggin mill all sides agree that the lack of discipline was harmful to productivity.

Then it continues in the study of the Androscoggin mill, pointing out the difference in atmosphere, the difference in productivity that existed prior to the time of the striker replacements. And drawing the conclusion that, on the issue of productivity, there had been a very significant diminution in the productivity of those companies that use the striker replacements.

So, Mr. President, I make the point which is the obvious one that the President has noted, that there are an increasing number of strikes, increasing number of permanent replacement workers, that productivity in those areas deteriorates. And, obviously, the President does have the authority and the power to issue such an Executive order as has been summarized in the Attornrey General's memorandum.

Mr. President, we have been asked earlier about the precedents. Is this Executive order unprecedented? I have an interesting memorandum here, Mr. President, that I have developed that reviews the recent Executive orders that have been done under the Republican Presidents and also this one to put it in some proportion. I think in any fair evaluation you would find that there is far more excessive use of executive authority, particularly by President Bush in his Executive order basically on the prehire issue, which is basically in conflict with the law itself prohibiting the prehiring agreements, even though the National Labor Relations Act itself specifically permits the prehiring agreements.

Several Senators from the other side of the aisle took to the Senate floor yesterday to suggest that President Clinton's Executive order prohibiting Federal contractors from permanently replacing lawfully striking workers is completely unprecedented. They stated on this floor, as though it were an undeniable fact, that there has never before been an Executive order that has prohibited Federal contractors from undertaking an otherwise legal act.

Mr. President, these Senators are simply and plainly wrong. And Mr. President, we do not have to go back very far in our history to prove that they are wrong.

In late October 1992 President Bush issued Executive Order No. 12818 prohibiting Federal contractors from entering into pre-hire agreements. The agreements are also sometimes called project agreements. Project agreements are collective-bargaining agreements commonly used in the construction industry. They establish labor standards, the terms and conditions of employment for workers on construction sites before any of the workers are hired. President Bush's Executive order prohibited any Federal contractor working on a construction project from entering into a project agreement with a union.

President Bush justified this Executive order in many ways. He argued that he wanted to open up the bidding process. He wanted to reduce costs. Some of us took note that he made his announcement just a few days before the Presidential election in 1992 and the fact that immediately after he issued the Executive order he was endorsed by the Associated Builders & Contractors, a well-known lobbying group for nonunion and antiunion construction contractors.

Regardless of his reasons, President Bush and his allies in this body never tried to suggest that it was unlawful for construction employers and unions to enter into project agreements.

There is good reason for that, Mr. President. The National Labor Relations Act specifically and expressly permits construction employer and construction unions to enter into project agreements or pre-hire agreements. Permit me to read the relevant section of the National Labor Relations Act, section 8(f).

(f) [Agreements covering employees in the building and construction industry] It shall not be an unfair labor practice under subsections (a) and (b) of this section for an employer engaged primarily in the building and construction industry to make an agreement covering employees engaged (or who, upon their employment, will be engaged) in the building and construction industry with a labor organization of which building and construction employees are members (not established, maintained, or assisted by any action defined in section 8(a) of this Act [subsection (a) of this section] as an unfair labor practice) because (1) the majority status of such labor organization has not been established under the provisions of section 9 of this Act [section 159 of this title] prior to the making of such agreement, or (2) such agreement requires as a condition of employment, membership in such labor organization after the seventh day following the beginning of such employment or the effective date of the agreement, whichever is later, or (3) such agreement requires the employer to notify such labor organization of opportunities for employment with such employer, or gives such labor organization an opportunity to refer qualified applicants for such employment, or (4) such agreement specifies minimum training or experience qualifications for employment or provides for priority in opportunities for employment based upon length of service with such employer in the industry or in the particular geographical area: *Provided,* That nothing in this subsection shall set aside the final proviso to section 8(a)(3) of this Act [subsection (a)(3) of this section]: *Provided further,* That any agreement which would be invalid, but for clause (1) of this subsection, shall not be a bar to a petition filed pursuant to section 9(c) or 9(e) [section 159(c) or 159(e) of this title].

In sum, President Bush's Executive Order No. 12818 not only prohibited an otherwise legal practice. It prohibited a practice specifically and expressly protected by the National Labor Relations Act.

Let us contrast that decision by President Bush with this decision by President Clinton. This Executive order would prohibit Federal contractors from permanently replacing lawfully striking employees. Nowhere in the National Labor Relations Act is there any express language that gives employers a right to permanently replace lawful strikers.

Further, Congress has never spoken on this issue. My distinguished colleague from Texas stated on the floor of this Body yesterday that the Senate had rejected legislation that would have prohibited the use of permanent replacements. Once again, the Senator is simply and plainly wrong.

This body never got the chance to vote on the striker replacement legislation. A majority of Senators were ready to enact a bill that prohibited all employers from using permanent replacements. But a handful of Senators from the other side of the aisle filibustered that legislation. They never permitted it to come to a vote. Mr. President, that happened not once, but twice.

So, Mr. President, the fact is that there is a precedent for this Executive order. The fact is that this Executive order is well within the President's authority—an authority that Congress has specifically delegated to the President in our procurement laws. The fact is that this amendment interferes with the President's ability to serve as our Federal Government's Chief Executive Officer and in that role to assure that the taxpayers get the quality goods and services they deserve in a timely way from reliable Federal contractors.

So here we had an action by a former President trying to effectively override the existing statute with an Executive order and we did not hear really the complaint at that time about the use of the executive powers compared to issuing of the Executive order at the present time which takes into consideration the very substantial and I find overwhelming evidence as to what is happening in contracting in our country with the use of the permanent striker replacements and the real danger that that presents to the administration or to the taxpayers in terms of both the quality and the on-time delivery and the efficiency of the various products.

I think, when you examine that, you will see the justification, the legal justification and I think the commonsense justification, for the issuing of that particular proposal.

Mr. President, we heard during the course of the debate yesterday another point that was made, those points being made about why are we doing this; why are we taking this action? Are we really not looking out after some special interests when the President issues this particular order?

I took the time to review some of the stories where the permanent striker replacements have been actually used and put in place to try and get some context for the issuing of this order and what it really is all about in human terms.

What I have just put in the RECORD is the memorandum from the Justice Department that details the legality of this action, looking at statutes and legal precedents. I have also included memoranda and studies that have been done in analyzing what has happened at a number of companies that have used permanent striker replacements and I have referred to other studies.

But I think it is appropriate, Mr. President, to really take a look at who these people are that are being affected, whose lives are being affected and families are being affected by the permanent striker replacements.

I would like to just take a moment or two to discuss different situations where permanent striker replacements have been used and quote from some letters from some of those individuals so we get some idea as to what we are talking about here this afternoon, who is really being benefited, whose lives will be affected and whose will not by this action.

Mr. President, there has been a bitter strike going on in California that illustrates many of the points that we have been making about the effects of an employer's decision to permanently replace its strikers. The strike at Diamond Walnut pitted a small group of determined women, many working at or near the minimum wage, struggling for dignity against an employer that sought to cut their wages and eliminate their jobs.

When these workers went out on strike, the company permanently replaced them. The workers' lives were ruined in many cases, and their families suffered without money, without health insurance, without the certainty of knowing when they would next have a steady, reliable source of income.

If this Executive order had been in effect, Mr. President, Diamond Walnut would not have been able to make this ruthless decision to discard workers—many of whom had worked for the company for 10 or 20 years—without itself suffering the threat of losing millions of dollars in contracts with the Federal Government.

The Federal Government had contracts with this company in terms of helping and assisting in the export of millions and millions of dollars of its products overseas.

Here we have the American taxpayers' funds being used to help and assist this company that has been exploiting its workers.

And that is really the issue. It is whether the Federal Government will halt the additional kinds of benefits that it is going to give to various companies that are committed toward the hiring of the permanent striker replacements. If they are not—even the majority of the other companies, they are not going to be affected or impacted—but we have to ask ourselves if they are going to do that, whether we ought to be benefiting them through various kinds of Federal contracts.

Permit me to tell some of the stories of the workers and their families that have been devastated by Diamond Walnut's decision to permanently replace these strikers. These are the people President Clinton promised to stand up for.

Benny Pacheko was with Diamond for 5 years as a mechanic. Since the strike, he has been going financially backward. He is terribly afraid of losing everything, having to sell all of his assets because he cannot afford insurance premiums.

He writes, ''The mental stress is horrendous. I feel I can't maintain what I have. All I have worked and saved for is going down the drain.''

Benny is on disability due to an industrial accident while working for Diamond. He cannot get a job because of the effects of the accident.

''Thanks,'' he writes, ''from the bottom of my heart for being considerate and understanding of the situation.''

And he talks about how difficult it is to face life every single day.

Dorothy Granger was a lift driver for 13 years. This is not a traditional job for women. It is not easy finding work when you are over 30 and the work you do is usually done by men. Companies would rather hire a man for the job. It is what they are used to. Of course, they will not tell you that.

The strike is really affecting me financially. Bills are piling up and there's no money to pay them. I need my job. My husband and I are without medical insurance and I pray that nothing goes wrong.

Here is Gladys White, 47 years old. She started at Diamond in 1973 as a production worker. After 7 years, she begged to be moved to another area. The solvents Diamond used had burned her lungs and had given her headaches constantly. She got her transfer, although she was upbraided for having an active imagination. The chemicals could not possibly have caused her to fall ill, or so her supervisors and company nurses said.

But her health continued to deteriorate and in 1989 she was diagnosed with sarcodosis, fibrosis, and tuberculosis. She went out on disability.

The strike caused her to lose her health benefits. She has to be on medication which costs $100 per month. She has been denied Social Security disability.

My children try to help me, but it is a hardship for them. I am living with them as I cannot afford to live alone.

And she wants to thank those that are interested in her case.

This is another worker named Rachael.

I was a production worker with Diamond Walnut for 13 years. I have always worked hard and am self-supporting. I have tried looking for another job, but my age is holding me back. People don't want to hire those of us over 40.

Being on strike is so stressful. It takes a terrible toll on a person, both mentally and physically. I do not know what will happen from day to day. Without medical insurance I am frightened all the time that I will get sick and have no way to pay for medical treatment and end up losing everything to the State.

Here is another fellow.

Raul, a single father who was with Diamond Walnut for 11 years. He was counting on accrued time to turn into a nice retirement in another 8 to 10 years.

''I'm starting over,'' he says, ''and I'm too old to start over. I'm an electrician and there are lots of openings for electricians out there. But when they come up it is only for one or two positions, and there are hundreds of applications. My age hasn't seemed to be a problem, but then that isn't something they'd tell me to my face.''

Meanwhile, he has cashed in his life insurance and his savings bonds. His son was working but has been laid off. His daughter, still in high school, is working as many hours as possible. Her dreams of going to college are on the shelf now.

That is what hurts the most. I wanted so much to be able to help her through school. Now, even if she goes to State-funded community college, I can't afford to buy her books. But we're doing okay. We take each day as it comes. We have each other.

Ray Barbaza, a lift driver, worked his way up to that position over a period of 12 years. Sole supporter of his family.

The loss of benefits hit us hard. One time this last year we were all sick. I had to apply for MedCal. That was embarrassing enough, but my son requires special medication and I had to go through every department they could find and get their ''seal of approval.'' They made me feel like trash. Now I know how the homeless feel, having to throw dignity away and picking up the food basket. People should be productive and have pride in their ability, and take care of their own, but when you need help you swallow your humiliation and do what you have to do.

The stories go on, Mr. President. This was a plant where these workers took reduction of their pay when the company was facing a difficult circumstance. Profits then went up dramatically. They tried to get some recovery in terms of their wages and were permanently replaced. The Federal Government comes and helps to assist the companies. They are making dramatic profits. What has happened effectively is most of the workers have been replaced, and those that had been working over a lifetime for those companies are now facing a very grim future indeed.

Mr. President, I have some letters here that have been sent to our Secretary of Labor, who has been so involved in this issue, as well as in the minimum wage issues and other issues affecting working men and women in this country. He will go down in history, I think, as one of the really extraordinary Secretaries of Labor.

He has received a number of letters from men and women, because they understand how committed he is to their well-being. Secretary Reich has been kind enough to share three letters that tell the stories of three families that have suffered because a Federal contractor has used the taxpayers' money to permanently replace its striking workers.

This is on the Bridgestone/Firestone issue. Here is a letter to Mr. Reich, from Steve Barber.

I wrote you a letter a few months ago when my URW local 713 went out on strike after negotiations with Bridgestone/Firestone failed. Since then I have been permanently replaced by replacement workers. I have a wife and four children; two children are still at home, we support a daughter in her first year away at college, and our oldest son is serving his country in the U.S. Army.

At age 45, after almost 23 years at Bridgestone/Firestone, everything I've worked for is gone. As I walked picket this cold Superbowl night, I saw many young people leaving the plant. They now have my job. My advice to them: Do not start a family, do not get a 30-year mortgage on a home, do not count on retirement or a long-range future with that company. For someday, possibly sooner than in my case, for one reason or another, you, too, will be used and discarded like a paper plate, your youth spent entirely for nothing.

I was discarded because I believed I had a legal right to strike in this land of the free and the home of the brave. I was discarded because I belong to a labor union and don't believe in giving up my hard won rights, and I won't cross over into what is now a nonunion plant.

The past 7 months I have hoped and prayed this dispute would be fairly resolved. I appreciate the support you, President Clinton and the many other Senators and Congresspeople have given us in trying to find a just solution to this situation. All I ask in closing is that you and President Clinton use any and all the powers at your disposal to end this senseless disruption that has changed and ruined the lives of my family, my fellow workers and my community.

And here is a second letter:

DEAR MR. REICH: I am writing to you regarding the Bridgestone/Firestone strike that has been ongoing for the past 6 months. My father is employed by the company, and he is a good father who has always been there for his children. However, he is a very proud man who would find it difficult to ask for help. I, on the other hand, am more than willing to do so.

The recent development of Bridgestone/Firestone threatening to fire all of the striking employees and permanently replace them has hit our entire family extremely hard. Although I and my brother and sister are grown and on our own, my father is nearing retirement and greatly needs to know that he will be financially secure in his golden years.

We are of the working class and do not have the luxury of worrying about such things as capital gains tax cuts or upper-class frills.

Needless to say how appropriate this letter is to read, today, after what we saw the House Ways and Means Committee do yesterday in terms of proposing the special consideration for capital gains, the benefits for which will go to the wealthiest individuals in this country. It is interesting we are debating this issue here that involves men and women who are workers trying to make a go of it to bring up their children, to pay their taxes, and to work, and here we are on the other side of the building where we meet this afternoon, just 24 hours ago, seeing proposed very substantial, effectively giveaways, to some of the more fortunate wealthiest individuals in our country.

Now, I get back to the letter.

Needless to say, we will not receive tax credits for laptop computers. My mother, my siblings, and myself are all teachers with a strong work ethic.

This is what this whole issue is about. This is about teachers. It is about workers, workers' families, about their children. It is about people that want to be a part of the whole American system.

However, I now fear all that my father has worked for during the largest portion of his life will be ripped away from him.

I know you are aware of this problem as I heard you explain on television that the Government cannot force Bridgestone/Firestone to settle with the union; however, I do feel there is much that can be done. The Government does not have to take a strictly hands off policy as they did not do this with either the Chrysler or savings and loan bailouts. In this case, economic pressures would certainly be a good motivator. Neither our Government nor its citizens should do business with a company who would permanently replace its legally striking work force, nor should they be legally allowed to do so.

There it is, Mr. President. This company wanted to go out and get the permanent striker replacements, so be it. All that the Executive order is saying is that they are not going to get additional business. We are not going to use additional kinds of taxpayers' funds to help assist this company. It has made that judgment. That is what this issue is all about, in order that we will protect the outcomes of the products that are being purchased by the Federal Government, and make sure that they will be top of the line, good products, made by a well-trained and well-disciplined work force.

The letter continues:

I am pleading with you to assist us in our fight which may now seem hopeless in the wake of the November elections. On the other hand, my father always says, ''You can't gain anything worthwhile without a struggle—this country was born in a struggle!'' I urge you to aid us in our struggle until a resolution to this strike is reached and until a law is passed that will protect all striking workers in the future from being replaced. After all, union members should not be persecuted for standing up for what they believe in and going out on a legal strike. Striking is one of the few acts of leverage that union members have to be heard.

That is from Marilana Hurst.

Here is just one other item to the Secretary, a short letter:

The American factory worker desperately needs help.

I need your help.

After 26-plus years, I have been permanently replaced by Bridgestone/Firestone at the Decatur, Illinois facility, for no apparent reason.

I have a factory-related permanent injury but it in no way affected my position as mold change/cleaner setup person.

Since Bridgestone bought our plant we have given scores of concessions, including * * *.

And he mentions some of the health plan givebacks.

Our total efforts as union members at 3 of the Bridgestone/Firestone plants have made them some of Bridgestone's most profitable plants, with Decatur, Illinois, Firestone Tire the most profitable tire plant Bridgestone had in the world in 1993 according to their own books.

These are companies that have had enormous success, incredible profits. This is what we are talking about, the extraordinary phenomenon that has taken place in this country over the period of these last several years where we have had record profits from so many of the companies, for the companies and for individuals. Yet, the people who have not participated in that kind of enhancement of our economy are the men and women who are out there working on the frontline.

They are the ones who, in many instances, have given their lives to companies and plants and factories and then are being discarded. There are two kind of employers, as we all understand. There are those who believe that the workers are an asset, that they should be trained, respected, and be a part of an enterprise with the idea that they are going to commit themselves to that enterprise and that enterprise is going to grow and expand.

This morning at a forum we held on increasing the minimum wage, we heard the extraordinary story of Mr. Curry, who owns three hardware stores on the south shore of Massachusetts, and is able to compete with the biggest operations in the country. He starts his people off at $10 an hour for a minimum wage with decent benefits. He does not have the turnover; he does not have to expend the money to train more people. He has good workers. He does not have absenteeism. He does not have the sick days that other companies have, and he provides a savings incentive also.

A number of those people who have worked there 5 and 6 years now have savings of $3,000, $4,000, $5,000, which they never imagined in the past. They are good workers. He has virtually no turnover, and had a 38-percent increase in sales last year, is able to do a job, and respects every one of the workers. He is not discarding them, throwing them out after a lifetime of dedication and commitment and work.

All we are saying is, if you are going to do that, Mr. Corporation, if you are going to do that, Mr. Executive, if you are going to treat your people like that, we do not want to support that with American taxpayers' money. We do not want to do it, not just because we do not want to, but because what we see when we do is more disruption, poor quality, poor productivity, and poor turnout on many of these items. That is what is unacceptable.

I welcome the fact that the President is looking out after the issues of quality and productivity and output, particularly with regard to the areas of greatest need, and that is in the area of national security and defense.

As I mentioned yesterday, we produce in my own State of Massachusetts at General Electric the engines for the F–15's, F–16's, F–18's, the advance fighter, and many of the best helicopter engines, as well. We want to make sure that the servicemen and women who are flying those planes are going to have the best in terms of the skills of workers who know how to build those engines, not permanent replacements for a few bucks cheaper an hour. I want to make sure that those men and women who are going to be flying in those planes and using weapons to defend their lives are going to have the very best. I am not prepared to take chances on it. That is what this is all about.

The letter I read was from Glen Buckner of Decatur, IL.

Mr. President, I will have other letters as well, but the point, I think, has been made, and that is that what we are basically talking about are the interests of working families. We hear so easily bantered around, ''Well, this is special-interest legislation for special-interest groups.'' You have heard who these people are. They are the men and women who are on Main Street, USA, who are the backbone of this country, and have built this Nation and made it the industrial power that it is. They are the ones committed and dedicated and loyal to their companies and to their corporations and who are trying, after they have tightened their belts and worked with company officials in order that the companies survive, to be able to participate in the expansion of the market—oh, no; oh, no; that is not possible.

That has been the record across this country. That has been the record across this country over the period of the last 12 or 15 years. That is something that has been a new phenomenon, and that is why it is important as well that we have this particular action.

Finally, Mr. President, having addressed both the legality of the President's position and the rationale for the issuance of this Executive order, I reviewed briefly today, along with my colleagues, Senator SIMON, Senator HARKIN yesterday, Senator MOSELEY-BRAUN, and many others who have talked, the citizens who are really affected by it. We now hopefully know who are the ones being impacted, and they are the families across this country, hard-working men and women. These are workers. They are the ones who are prepared to work the 40 hours a week, the 52 weeks of the year. These are the ones who are trying to educate their kids, trying to make sure their parents are going to live in some peace, some respect, and some dignity, and are facing the various pressures from all sides, particularly in these past weeks, I might add, that are threatening their lives or their families' lives.

That is why I think it is really extraordinary, as I mentioned yesterday, why it is that after we in this Congress spent a number of weeks debating the unfunded mandates issue, which we should and we did, and reached a conclusion on that, and then debated for a series of weeks the whole issue on the balanced budget and the changes in the Constitution and we have debated that and we reached some judgment and decisions, extremely important measures that we have been focusing on and addressing. There may be Members who agree and differ, but nonetheless the level and the nature of that debate and discussion was clearly motivated by individuals who were pursuing a national interest.

The next measure—the next measure—that we are debating on the floor of the U.S. Senate is not how we are going to enhance the quality of life of

working families in this country; not what we are going to do about the children in this Nation, the increased numbers living in poverty; not what we are going to do about those young teenagers, not about how we are going to enhance their possibilities in schools and education; not about the children of working families trying to work their way through college; we are not even talking this afternoon about the security in the communities of these working families; we are not talking about the air they breathe; we are not talking about the water they drink; we are not talking about the quality of life of their parents. No, what we are talking about this afternoon is how we are going to diminish their economic power in being able to fight for a decent wage to provide for their families.

That is what we are debating here. We debated it yesterday, and we are debating it today. We are going to be debating it on Monday. We are going to have a cloture vote on that to see how we can jam, how we can squeeze, how we can pressure down the economic rights of working men and women. That is what we are debating here.

As I mentioned the other day, at the end of the debate today, who among us is going to go on back to their house and say, ''Look, I did something in the U.S. Senate today that is going to give a little more hope to children, to a mother in terms of a day-care program. We are not going to be able to do all the things we want, but we are going to do a little something. It is going to be better tomorrow or the next day.'' Or, ''I am going to do something to strengthen the quality of education.'' Who is going to leave here tonight believing that? Or, ''I am going to do something that is going to mean greater economic good for the workers of the country.'' Who is going to do it? No one is going to do it.

What we are going to do, some of us, is go back and say that we tried to work for working men and women against an overwhelming onslaught that somehow believes we are out of skew in terms of the power of the working people.

I am on the Human Resources Committee. What have we been facing over the period of the last week? Repeal of the Davis-Bacon Act. Let us go ahead and repeal that act. Who benefits from the Davis-Bacon Act? The average income for working families is $27,000 a year for some of the toughest work in this country, working in construction—$27,000 a year.

What in the world have we got against working families that are making $27,000 a year? Is that what is ringing across this country, we have to undermine their ability to make that amount of money? Is that what people are crying about? Not in my State of Massachusetts.

We are trying to diminish their ability by the changing of just the prevailing wages. Maybe there are suggestions and ideas of how to make it more efficient. Maybe it has to be adjusted to eliminate paperwork. That is fine. We have had hours of hearings on that.

We have had hours of hearings about what they call the 8(a)(2) provisions of Taft-Hartley. What effectively that means is let us eliminate the real essence of the Taft-Hartley Act so we can eliminate company unions. Why? Because of the power, the power that is out there in the trade union movement?

I have difficulty, in reading my mail, seeing that that is something of a burning, passionate interest to the people of our State. What they want is decent jobs with good benefits and a good future and doing something about violence in the community and strengthening education.

But, oh, no, here we are trying to do something to undermine workers under Davis-Bacon. We are trying to do something about changing Taft-Hartley laws, about the power, the power of workers, trying to represent economic interests of working people.

What are we saying? It is all out there. That is part of the things we have been doing in January and February. And then in the meantime what are we doing about the children of these working families? Well, I will tell you what we are doing. We are cutting back on giving any kind of day care support to families. We are cutting right back on that. The families that are trying to make it, both parents trying to work, needing a little day care, we are cutting back on that program.

And then we have a son or daughter that we would like to be able to help, because we live in a major city, to make sure that kid over the course of the summer, for those parents who are working hard to keep them in school, make sure you try to keep them out of trouble. Oh, no, we are cutting all the summer jobs programs, not only for this summer but the summer beyond that. We cannot wait to do that. Cut that out, too. Cut that out, too.

So now we have done that. And just by the way, if you happen to have a child, because you are out there working, who happens to get into a good community college or State college, you have, as in my State, the highest public college tuition in the country under my Governor. We had an excellent university system. In those budget cuts, we are sticking it in Massachusetts to college students with higher fees and higher tuition. So we are No. 3 in the country in terms of the costs going up.

But we are not satisfied at what has happened up there. We are going to say that anyone who borrows the money is going to have to also pay the interest for that borrowing while they are in school. And in the meantime, you might have the idea you want to work while you are in school in a work-study program. Who qualifies for work-study programs? Middle-income working families. We are going to eliminate that as well. You are going to have to pay more, and we are going to deny you the opportunity to work while you are going to school.

Mr. President, you have to ask yourself what has happened out there, what has happened across our society, that we are declaring war? That is what this is. We will have seen battlegrounds in countries that have been at war that will be not as adversely impacted as what we are doing to working families, to their children, the very small.

I have not even mentioned cutting back on the WIC programs. I have not even mentioned cutting back on the school lunch programs, cutting back in terms of special education for economically disadvantaged, cutting back on their teachers. We have not even talked about that out here.

So not only are we diminishing the power of those who are attempting to work and want to work—two members of that family—we are after their children, the very small, the most vulnerable, those in their early teens who may need that opportunity to begin working when they are 13, 14, and 15 in programs that bring together the public and private sectors in extraordinarily cooperative ways as they have done in Boston, MA, the great, great cooperation in the public and private sector, as they have in education with the Boston compact that basically says to any kid that is able to gain entrance into college, they are prepared to raise the funds to augment and supplement that program so that kid can go on into school and college, the public and private sector working together. We are drawing that right on back. We are unraveling it, pulling the threads on those kinds of agreements and contracts.

On a Friday afternoon, with the American public as concerned as they are about the state of our economy, with more hopeful news today as we have seen unemployment go down across our Nation with some 350,000 new jobs which have been created, we are out here now talking about how we are going to undermine the working families.

Mr. President, I have not even mentioned the suggestions that have been made, as I look over and see my friend and colleague from West Virginia, who has been such an advocate on the health care issue, I have not even mentioned the kind of concern that must be out there for all of our senior citizens when they read the articles in the newspaper by our friend and colleague, the chairman of the Finance Committee, talking about the hundreds of billions of dollars in Medicare cuts that they are going to pursue in the period of this Congress that are going to impact our senior citizens.

And the other side of that, Mr. President, is to do what with them? Give tax advantages to the wealthiest companies and corporations and individuals. Now, that is the view that many working men and women must look at in

terms of where we are in the Congress. It is not a hopeful picture.

Mr. President, I am sure they are asking why, what did they ever do, trying to provide for their families, what did they ever do to deserve that kind of a threat? It is difficult enough, difficult enough, if you are looking at the real incomes of working families, the working poor, the lower—the four-fifths effectively, most dramatically in the three-fifths of our various tax filings, but almost four-fifths that have been constantly going down, constantly falling further behind.

Here we are out on the floor of the Senate with a proposal which says that if the company is going to have permanent strike replacements, we are not going to give them additional kinds of Federal largesse. And we have those who are so antiworker they are prepared to hold up the defense appropriations bill and to have us spending days here, which I welcome the opportunity to do, to speak for the working families. But we take up the time of the Senate to do it.

Mr. President, it just is unwise to attempt to tamper with the justification, legality, or public policy purpose for the President's Executive order. I will look forward to having more to say about it later in the debate.

I yield the floor.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I just listened, as I always do, very closely to my friend, the senior Senator from Massachusetts, and not only identify myself with what he says but the compassion with which he says it, and the persistence. He never quits. There is no Senator in this body or in the recent history of this body who ever fought so hard for so many things so constantly, whatever the hour, the day or the night, than the senior Senator from Massachusetts.

He has been talking a lot because not enough of us have come down to the floor to help him. You can hear the hoarseness in his voice. I have heard cracks in his voice, and they have been when he has spoken at the funerals of, most recently, his mother, and to mourn the death of his two brothers, Robert and John. I heard cracks in his voice then. He did his best to prevent that, and then, at the end, could not quite avoid it. And I think we all sort of wanted that to happen so we could share in his grief.

But if you hear cracks in his voice now it is because he is fighting just for what they would fight for. But he is tired. His voice is tired, but his spirit is not. I respect him.

There is a fellow sitting next to him by the name of Nick Littlefield who ought to be a Senator in this body from somewhere. He is Senator KENNEDY's chief of staff and he is everywhere where he needs to be. His optimism and his fighting spirit is matched, obviously, by the man with whom he works. But there is not any good cause or battle that Nick Littlefield will stay away from. So with the two of them on this floor all by themselves except for the junior Senator from West Virginia, I am proud to be down here this afternoon.

That is not to say I do not have a great deal of respect for the Presiding Officer who, I expect if he wanted to mix it up, would do pretty well, too. Although I suspect we might be on different sides on this particular issue.

Mr. President, everything he said is true, I might say to the senior Senator from Massachusetts. I hope that come next Sunday he will see 1,000 children bused in from all over this country, being fed by Members of the Congress—dinner, lunch—and then joining hands with Members of Congress, literally surrounding the Capitol. Literally hands around the Capitol—little children and children not so young—but all children who are about to have their hot lunches taken away or their breakfasts taken away or something else taken away from them by the zeal that exists around here to cut back on what is necessary for some people in our country to survive and to live while finding ways to increase the wealth of some of us who, frankly, do not need a whole lot more.

It is all very perplexing to me. I grew up in one party, the Republican Party. I became a Democrat at the time that President John F. Kennedy was President because I worked in the Peace Corps. Then I worked for the State Department, then VISTA. But over these past couple of months, this period of time alone has made me understand—not that I had to—why I did what I did and became a Democrat.

Because we are talking about lives at stake in the matter of this Kassebaum amendment. We are talking about situations where I myself have seen families torn apart.

Probably one of the most famous examples of strikers being replaced—at least in the recent years, and maybe not the most famous, but the most famous to me—took place in West Virginia, at a place called Ravenswood Aluminum. It lasted a year and a half. It was terribly bitter. It was terribly dangerous. It was so dangerous that people wanted to stay away from the area.

The Ravenswood story is about people of West Virginia who are not necessarily born with a silver spoon when they are born. They have to work. So when Ravenswood locked out its own workers, and replaced them with something called permanent replacements, we literally saw situations in families with a striker-replacer brother and a striking brother; or brother/sister, in the same household. Husband/wife; brother/sister; uncle/nephew. Those scars still exist, and the anger and what it did to that community have not yet fully healed.

I gave a speech there not long ago. That community has not yet recovered. That is what they still talk about and the crisis was several years ago.

So I associate myself with what my friend from Massachusetts has said. I also want to note the irony, which I think he perhaps raised before but I did not hear it, and that is the irony that the Kassebaum amendment is holding up a package before us to reduce the deficit and supplement the Defense Department.

Let me start by emphasizing that this question posed by Senator Kassebaum's amendment is clearly stalling the passage of a bill which has enormously broad support for very obvious reasons. The Kassebaum amendment has slowed down a bill that would cut the Federal deficit by $1.5 billion as soon as it is signed into law. I do not know how long it takes to print up a bill and send it over to the White House, but I expect it could be by Monday or Tuesday. The President would sign it and the deficit would go down $1.5 billion as a result.

We have been here for the last several weeks and month or more debating deficit reduction. How to do it, by an amendment to the U.S. Constitution? Or by human endeavor?

The Kassebaum amendment has slowed down a bill that will make our military forces more capable of dealing with national security emergencies or dangers, which is something not only folks on this side of the aisle talk about, but almost to a person the folks on that side talk about constantly. This will not happen for as long as this amendment prevents it from happening.

So let us be very sure that the American people understand what is in fact going on, on this floor. A week and 1 day ago, 28 Senators put together this bill, to both replenish critical parts of the budget for the Defense Department and cut Government spending in order to reduce the deficit. We could have passed that bill yesterday. Everybody was here. It is hard to do that today because very few people are here. We could have appointed Senate negotiators to work out the final details with the House. They could have met over the weekend. I expect they would have met over the weekend. They would have been meeting today. They probably could have reached an agreement today—and seen the Federal deficit come down as a result, after the President's pen struck the bill and signed his name.

But instead we have an effort to strengthen our military forces and to cut Government spending being held up by this amendment that has absolutely nothing to do with either of these critical objectives.

I find that ironic, I have to say. I just find that ironic. It is incredible to me to see this impasse over a deficit reduction bill after every single Senator on the other side of the aisle, except for one lone voice, who some want to drive from his party, spent more than a

month demanding the passage of a constitutional amendment because they felt so clearly that there could be no other way to reduce the deficit.

The fervor on the other side of the aisle over the balanced budget debate was remarkable. There was an awesome display of unity and singlemindedness. Once again, we are seeing proof that the balanced budget amendment is a very different matter than actually cutting Government waste. It is one thing to talk about it. It is another thing to do it—it's another thing to actually take tangible, real steps to cut that budget deficit. We are ready to do it. So if my colleagues on the other side of the aisle are so determined to really deal with the deficit, then why are they throwing up roadblocks to this amendment, which is an Executive order of substantial simplicity, which I will get into in a moment?

The Senate, although I suspect we could convince very few Americans of it, particularly when we do things like this, is not a political convention. It is supposed to be the place where we use our powers, our brains, our judgment, our convictions to get important work done.

I thought we had agreed on the need for this bill before us. In fact, 28 Senators last week, by a unanimous vote in the Appropriations Committee, did agree on that. That is where I understand 28 Senators to be—Republicans and Democrats—unanimous in their support for this bill. All the Senators who voted for this bill agreed that military readiness and deficit reduction should take priority over everything else that could take place during the course of this week. Nothing transcended that in importance, a proper judgment by both political parties.

But I guess that is not the case with some of our colleagues. I guess I am wrong. Instead, we have to burn up time talking about an amendment that tries to stop the President from doing something that is quite simple, that deserves support from both business and working families.

The President's Executive order, which this amendment attacks and seeks to defeat, is an effort to impose a basic condition on Federal contracts that by definition are financed by American taxpayers. We are not even talking about totally private arrangements. The condition in the Executive order says that businesses that want Federal contracts—and there is no law saying that a business has to seek Federal contracts—should not be ones that deal with valid, legal labor disputes by hiring workers to permanently replace their own employees.

The President's Executive order does not take away a business' ability to hire temporary replacements when dealing with a dispute. I repeat: If there is a labor dispute or a strike, a business can hire temporary workers for the duration of the dispute or the strike. And, therefore, this order does not expect a business to stop production. This order does not expect to close one iota of anybody's operations down or do anything to lose one dime of business. It simply upholds the principle that when the law—that is, the Federal law—gives workers a right to collectively bargain, or the right to protest conditions or practices, then employers do not have the right to punish those workers by eliminating their jobs for good.

That is not very complicated. I do not think that is particularly difficult to swallow. In fact, it was something that was fairly broadly accepted in the business community until all of a sudden it suddenly became an issue because some people wanted to make it one, and it has been one ever since.

So we have these votes more or less on an annual basis. We have a Federal law that gives workers the right to collectively bargain. That is established fact in this country. Some people like that. Some people do not like that. But that is the law. And it is available to anyone who collectively bargains.

They have the right to protest conditions. Well, I work in a State, and so do the rest of us, where conditions are not what they ought to be in a few places. Since all of us here in the collective body politic tend to get around our States a great deal, visiting plants and facilities, we see situations like this unless we close our eyes. We see situations like this. It is not very often, but we do see them and we do know that in our hearts. We know that.

So if workers lawfully and legitimately protest unsafe conditions or practices, then employers do not have the right to punish those workers by permanently eliminating their jobs. Replace the workers while the dispute is going on, that is permissible. Operations do not cease. Profits do not cease.

If you come to West Virginia and you have 100 job offers—at a Rite-Aid Drugstore or somewhere else—you will get 1,000 to 1,500 applicants, Mr. President. I suspect in some parts of the State of the Presiding Officer, that is true, too. It is uplifting in one way. It is just incredibly sad in another. People are so hungry to work that 1,500 people turn out for 50 jobs, jobs that often do not offer any health benefits. But they are jobs and they are better than not having jobs, and people want to work in both the State of Pennsylvania and the State of West Virginia. So people turn up.

This Executive order does not and cannot prohibit permanent replacements in all labor disputes. It simply says to businesses that, if you want to benefit from Federal contracts paid for by the taxpayers, you need to uphold certain standards, standards long established, long followed, long not disputed, accepted until all of a sudden they became an issue. The American people are constantly telling us they want Congress to get their money's worth when taxes are spent on Government programs and contracts and benefits.

Mr. President, I would argue that the Executive order is designed to do exactly that. Look at the research. It is a fact. Strikes involving permanent replacements last seven times longer than strikes that do not involve permanent replacements. So that is seven times more grief and economic and personal and family and community agony that need not be. Those are the facts.

If there are permanent replacements, the strikes, the worker disputes, the worker-management disputes will go on seven times longer. Strikes involving permanent replacement workers tend to be much more hostile, much more painful for both sides, and often turn what could be a fairly brief period of disagreement and negotiation into a much longer and often, I am sorry to say, violent impasse: gunshots, attacks on the roads, baseball bats, intimidation from both sides.

Permanently replacing striking employees can mean trading in experienced, skilled workers for inexperienced men and women. It does not have to mean that. It does not always mean that. But it can mean that. That is not to the advantage of anyone either, particularly if the business wants to continue to make a profit, to do well, and to compete on an international basis.

Mr. President, asking businesses that want Federal contracts to resist dealing with labor-management disputes in ways that are more costly, in ways that are more contentious and contrary to the principle of collective bargaining and cooperation, is not something that should be holding up a deficit reduction and military readiness bill, in this Senator's opinion.

I suggest to all of my colleagues that it is not in anybody's interest to struggle over the issue of replacement workers with so much blustering conflict amongst ourselves. Congress should be encouraging cooperation and doing everything we can. That is what all of the study groups on competitiveness tell us to do. We should encourage cooperation between both management and labor and between business and workers. We should treat the idea of collective bargaining as a friendly and, frankly, a very American concept.

There is nothing wrong, Mr. President, with collective bargaining. It is the way that people improve their conditions. It has a stark pattern. I remember going to South Korea 10 years ago. They did not really have any labor unions in South Korea 10 years ago. As of about 2 or 3 years ago, they had over 3,000. What has happened? Yes, there have been some incidents, some strikes, and that is natural as a labor union and a company try to come to terms with each other. Wages have started to increase, conditions have started to improve. The national wealth of South Korea is now growing enormously. Japan went through this. I spent 3 years as a university student in Japan, at a time when labor was not

strong, and then it became strong and now Japan has a higher industrial wage than the United States. The average worker makes more money there than they do here. And Japan is not particularly known as a country that is hard to do business with, if you get along with the Japanese. If you are an American company it could be harder, but amongst themselves, they do well.

So we should not treat the idea of collective bargaining as some kind of bizarre concept. It is inherent to the roots of this country and, quite frankly, I do not know where we would be without it. If half of this body really wants to encourage employers to resist problem solving and dispute resolution by hiring permanent replacements, then that is encouraging more conflict in the workplace and in our communities. Again, strikes are seven times longer where permanent replacements become the issue.

As I indicated before, I have great, painful knowledge about what happens in these situations. If you go to the community of Ravenswood, WV, a beautiful community in Jackson County, right by the Ohio river, employers were deciding whether to lock out their own workers, 1,700 of them—that is an enormous work force in that part of West Virginia—with permanent replacements. They made that decision. Everybody in West Virginia, including this Senator, watched the hurt that this labor dispute caused; it was genuine hurt—this is not a political speech. It was a genuine hurt within families. Families were just torn apart because, on the one hand, the need to work, and on the other hand, the need to play fair. This tore families asunder, and it was real. Families still do not speak to each other because of this issue. We watched this for over a year and a half in West Virginia, a State that can ill afford to have 1,700 people not working because an employer had the ability to punish its workers this way, and this employer tried very hard to punish his workers that way. It was violent and it was scary, and it hurt the image of West Virginia badly. We will never know how many families might have been saved from financial ruin, if the employer would have simply dealt with the labor dispute and gotten it resolved quickly.

Mr. President, I truly do not believe Republicans in the Senate need to take up the cause of businesses that want the power to punish workers with something called permanent replacements. We are talking about a relatively few number of businesses—the relatively few who, in a strike, will decide to punish in this extreme manner. Sometimes an employer will take this action during the course of the dispute and sometimes that will be the purpose of the dispute from the very beginning—to break the union, or something else. But it is the few. It is not many. But when it happens, it is awful. So we are not talking about a typical situation; we are talking about a very untypical situation. That excessive power simply is not necessary. The Executive order under attack by the Kassebaum amendment would still retain any business' lawful ability to bring in temporary workers, while a labor dispute or strike is getting resolved. But the point is that we should encourage cooperation, we should encourage resolutions to conflicts.

The Presiding Officer and I both come from States where there is a lot of coal mining. I can remember the days when, in my State, there were constant things called ''temporary restraining orders'' going before judges. Every time there was a dispute at the face of a mine between a worker and management over some little issue, or some big issue, the first thing they did—and the parallel is in the tort reform bill, where I expect the Presiding Officer and I will be on the same side—the first thing they did was call a lawyer and go to court. Then, of course, everybody got hostile and anxious, and the dispute went on forever, and no coal got mined and people did not make money and people could not put food on the table. The temporary restraining order—whatever happened in court—would be appealed.

Finally, management and workers decided in the coal industry in our State to simply say this is ridiculous, we are both losing. They sat down and worked out a way of working out their disagreements, which was to say that when a dispute occurred over a working condition or some rule or something at the face of a mine, which is underground where the wall of coal is, that the worker and the foreman at that area simply talked and worked it out right there. They agreed, workers and management, that this would be the system. I may have to fault my memory on this, but I think for 8 or 10 years, we had no temporary restraining orders whatsoever. Mining employers and workers simply decided that they were going to improve labor-management relations and they wanted it to work better. They wanted to be able to export coal which meant Japan, South Korea, and Canada had to depend upon the coal coming. Therefore, there had to be dependability and consistency that was in the interest of both workers and management. So they settled their disputes. I am talking about nothing different here.

But even if there is a situation where there is a labor dispute, still a company can bring in replacement workers until the dispute is resolved. The point is, we should encourage the cooperation and resolutions to conflicts. We should try to prevent painful, costly, divisive situations that break out—in Ravenswood and the other communities that have been discussed on the floor over the past day or so.

Again, I cannot understand why the President of the United States should not be allowed to condition Federal contracts on practices that would make us more sure that taxpayers' money would be spent efficiently. The logic of that, again, is where you do not have permanent replacements you have much shorter labor disputes by a factor of 7 and, therefore, money is saved for the taxpayers.

There is a lot of talk on this floor about playing by the rules. This Senator does some of it and a lot of Senators do some of it. Should not the President of the United States be able to suggest that businesses that want Federal contracts play by the rules as well? I mean, is that not reasonable? It is very obvious from statistics that workers and their families do not want to resort to strikes. When has there been a strike that has not been destructive of workers' interests, and especially in the short term?

People, generally, in this country want to work hard and make a good income and support their families. People have no choice but to work hard. But when the rare dispute breaks out, they should not have to fear the elimination of their jobs just because of a disagreement over wages or health benefits or safety standards. And I believe that deeply.

The Kassebaum amendment should be defeated on many grounds. It is a disruption to the first time this year that this body has finally been able to do something real about the Federal deficit and Government spending. The amendment is an effort to take the President's ability away to set some practical standards on how Federal contracts are given out. And this amendment will only encourage more labor-management conflict and strife, and everybody here knows that. If this amendment prevails there will be more of it which is not in anyone's interest.

I urge my colleagues to put aside the divisive tactics over issues that have to do with workplace and with relations between business and workers. Ask the families in Ravenswood, WV, what happened when an employer is allowed to respond to a labor dispute with permanent replacements. The answer is pain. The answer is suffering. And it is all totally unnecessary.

Everyone in the Senate should take a fresh, objective look at this issue, which is very hard for people to do. The lines are so set on it. Too many people here stopped actually thinking about this issue long ago and took positions. And in this case, I think that those who oppose this would do well to take a fresh look and not think about who is on the side of business and who is on the side of organized labor and what kind of points can we build up. That is irrelevant. All 100 of us should be on the side of cooperation. All 100 of us should be working to uphold the law that grants workers the right to collectively bargain. All 100 of us should insist that we get on with the job that the bill before us is about, which is called reducing the Federal deficit and increasing our national security.

I feel a special sense of obligation, I say to the Presiding Officer, because I

voted against the balanced budget amendment. I feel a special sense of obligation to get about the business of deficit reduction. I mean, there will be some areas where I will disagree with the majority, but there will be many areas where I will agree. I feel an obligation. Reducing the deficit helps the people of my State, too, in terms of future generations. Just as I think it was wise not to include, hopefully not to include, Social Security in any budget balancing effort, because people have a right to retire with dignity and confidence.

So I hope this amendment will be defeated. I think that is important. This issue comes up every year and I know it is treated sort of automatically by both sides. But it is not an automatic issue. It is an extremely real and personal one. It has to do with the fundamental rights of people. It is not something which happens that often. We create more havoc in taking up this fight every year than if we let the President simply go out and do what Presidents ought to be able to do in the interest of business and working people.

I thank the Presiding Officer and yield the floor.

Mr. HATCH. Mr. President, I rise today in strong support of the Kassebaum amendment.

I must admit, Mr. President, that in listening to some of the debate today, I have felt like I am in a time warp. Congress has had this debate last year, the year before last. We have been here before. And, in earlier debates on legislation that would have prevented employers from using permanent replacements during an economic strike, that legislation did not pass.

Notwithstanding Congress' failure to pass this legislation, it's back. The President has gone ahead on his own and by Executive order unilaterally imposed a major overhaul of labor law on Federal contractors.

I know there has been discussion on the floor on Executive orders issued by Republican administrations, but there cannot be any doubt that the current effort is unprecedented: This Executive order does not uphold existing law—it voids it.

I would urge my colleagues on both sides of labor issues to think twice about the type of precedent that this creates. This Executive order relies on the fact that use of replacements purportedly lengthens labor disputes. Does that mean that our next President can come along and by Executive order outlaw the right to strike by employees of Federal contractors?

The Executive order issued this week does not uphold rights guaranteed under law; it abrogates them. And the President's striker replacement policy is not merely an exercise of procurement prerogative, it regulates private labor relations and restricts private rights guaranteed under law.

I urge all of my colleagues to support Senator KASSEBAUM's amendment to withhold funds for this Executive order's implementation and enforcement.

Mr. DASCHLE. The practice of permanently replacing workers who are exercising their right to strike, as guaranteed by longstanding Federal labor law, is wrong. It is wrong to punish striking workers for exercising their rights, and it is wrong to use replacement workers to disrupt the collective bargaining process.

Since 1935, the National Labor Relations Act has expressly protected the right of workers to strike over economic conditions. Moreover, the act promises workers that they cannot be discharged by their employer for exercising this right.

Under current interpretations of the law, employers are not violating the National Labor Relations Act when they hire replacement workers during a strike and promise to make those positions permanent. Rather, these employers are taking advantage of a true anomaly in Federal labor law, one which sets out a dubious distinction between firing a striking worker and permanently replacing that worker.

To the worker, however, it is of little comfort to know that he or she has been permanently replaced rather than fired. The result in both cases is the same, and the right to strike becomes a right to lose your job.

I believe strongly that the Congress must pass legislation to get rid of this anomaly in Federal labor law. Unfortunately, a minority of the Senate was able to block passage of such a bill last year.

Having said that, however, I must emphasize that the President is not attempting to do by Executive order what Congress was prevented from doing last year.

There can be no disagreement that our Founding Fathers entrusted Congress with the power to adopt the laws of the land. To the executive branch, they assigned the duty of implementing those laws.

If the Executive order issued by President Clinton upset this balance of power, I would strongly oppose it. But it does not.

Rather than usurping the policymaking role of the Congress, this Executive order sets out the terms under which the executive branch will fulfill its own constitutional role.

Implementing the laws passed by Congress involves the procurement of goods and services by the Federal Government. To do this, the Federal Government enters into contracts with suppliers, as any business would do.

In these dealings, the Government wants the same things that businesses want: a quality product, a reasonable price, dependable service. And like any business, the Federal Government selects the suppliers it believes are best able to meet these objectives.

Indeed, with precious taxpayer dollars at stake, I'm sure most Americans want the Government to do business with only the most stable and reliable companies.

Are companies that replace their workers during a lawful labor dispute the most stable and reliable suppliers for the executive branch? The President—the CEO of the executive branch—has determined that they are not.

The use or threatened use of permanent replacement workers makes strained labor-management relations even more contentious. In fact, disputes involving replacement workers last seven times longer than disputes that do not.

A company that replaces its workers during an ongoing dispute is trading in its experienced employees for inexperienced ones. This necessarily raises questions about the timeliness of delivery and quality of product these replacement workers will produce.

Should the Federal Government take a gamble on products that might not be up to snuff? The President has determined that it should not.

let's not forget that NASA and the Defense Department spend a large percentage of the Federal Government's total procurement dollars. When it comes to space and defense programs, it is critical that these dollars go to contractors of the highest caliber.

On the other hand, it must be noted that this Executive order will not prevent the Defense Department or any other Federal agency from contracting with the supplier that best fits its needs.

In fact, the order specifically guarantees the flexibility of an agency to enter into contracts with companies that have been debarred by the Secretary of Labor if a compelling reason can be shown.

My Republican colleagues are suggesting that President Clinton has taken an extraordinary step by issuing this Executive order. On the contrary, Executive orders have been used throughout the years by Democratic and Republican Presidents alike to set forth important policies of the Federal Government.

And addressing the issue of labor-management relations in an Executive order is not new, either. President Reagan did it in 1981 when he permanently banned the striking PATCO members from returning to their jobs as air traffic controllers.

And President Bush did it twice in 1992 when he issued Executive orders to prohibit the use of prehire agreements on Federal construction contracts and to require Federal contractors to post notices with regard to union membership.

What it comes down to, then, is this: President Clinton has revised the executive branch's procurement policy—nothing more. And he has done it in a way that will help ensure that the Federal Government obtains the best goods and services it possibly can from its suppliers.

If the chairwoman of the Senate Labor Committee disagrees with this policy, she should introduce legislation to overturn it.

That bill should be the subject of hearings by her committee and considered through the normal legislative process, not tacked on to a supplemental appropriations bill.

The chairwoman is attempting her own end run around the legislative process. I urge my colleagues to reject this effort and to get down to business with what is a very important measure to our national defense.

IMPACT OF RESCISSION ON DOE CLEANUP PROGRAM

Mr. GLENN. Mr. President, I rise today to express my strong concerns about the impact this rescission will have on DOE's nuclear weapons cleanup effort. The bill we have on the floor today reduces current year money for the cleanup program by $100 million. Other amendments being discussed may add to this cut. And we see where the House energy and water appropriations bill will reduce this year's funds for the program by an additional $45 million.

Quite simply, if this trend continues one outcome can be guaranteed. The cost to the taxpayer to complete the DOE cleanup—over the life of the program—will increase dramatically. By dragging our heels and refusing to adequately fund this program, we stretch out the time it will take and will increase the overall cost—not to mention the increased risks to workers and the public who may be exposed to radiation as a result of these delays.

Mr. President, I think it is important to discuss up front what the DOE cleanup budget is and is not. The majority of DOE's cleanup budget is dedicated to simply maintaining millions of tons of radioactive waste and scrap and thousands of contaminated facilities in a temporarily safe and secure condition while we try to figure out what to do with this material over the long haul.

Let me repeat that. The majority of the DOE cleanup budget doesn't actually pay for anything to be cleaned up. The majority of DOE's cleanup budget pays for things like waste management and nuclear materials and facilities stabilization. While there are most certainly ways to reduce these so-called landlord costs—and DOE, under Secretary O'Leary and Assistant Secretary Grumbly are actively seeking ways to do just that—these costs simply cannot be wished away, nor reduced entirely. Only about one-quarter of the cleanup budget pays for environmental restoration, or actual cleanup.

Mr. President, some of my colleagues may be interested in learning what the fastest growing part of DOE's environmental budget actually is. I can tell them what it is not. It is not environmental restoration. In fact the fastest growing portion of DOE's cleanup budget is the category of nuclear materials and facilities stabilization. This category represents costs to maintain closed nuclear weapons production facilities in a stable mode until their final decontamination. These costs are often referred to as landlord costs. They represent administrative costs, utility costs, and unique safety related costs that are absolutely necessary to maintain whether the facility is operating or shutdown. These costs only go off the books when the facility is finally decommissioned.

Over the last several years, as policy decisions have been made to shut down these production facilities, these landlord costs have been transferred to the Environmental Management Program from the Defense Program within DOE. DOE's fiscal year 1996 budget request illustrates this process issue vividly. The fiscal year 1996 budget request for the Environmental Management program includes $843 million to manage former defense facilities at Savannah River, Mound, and Pinellas which no longer have a production mission. Prior to this year's budget, these costs were born by DOE's Defense programs office. Budget cutters should keep this fact in mind when examining the Environmental Management budget. The scope of work—the number of facilities, people, and inventory which must be managed—within the EM program has expanded dramatically over the past several years.

Mr. President, as many of my colleague may know, my legislative and oversight work in environment, safety and health issues grew out of my concern about the condition of our country's nuclear weapon production complex. Ohio happens to be the location of 3 of the 17 major facilities in the United States which, over the past 45 years, produced the U.S. nuclear weapons arsenal. These 17 facilities are the ones we usually hear about when we talk about the DOE cleanup program—places like Fernald, Hanford, Savannah River, Rocky Flats, Los Alamos. However, many of my colleagues will be interested to find out that there are literally scores of sites around the country that fall under DOE's cleanup program. Most of these are associated in some way with the nuclear weapons program; however, some are associated with the nuclear navy program and others with energy research activities.

Mr. President, I ask unanimous consent that a list of the Department of Energy's cleanup sites—some 137 sites located in 34 states—be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

DOE EM SITES

ST #	Location	Installation/Site	*
AK–1	Amchitka Island	Amchitka Island Test Site	
AK–2	Cape Thompson	Project Chariot	C
AZ–1	Tuba City	Tuba City	U/C
AZ–2	Monument Valley	Monument Valley	U
CA–1	Berkeley	Lawrence Berkeley Laboratory	
CA–2	Berkeley	University of California	F/C
CA–3	Livermore	Lawrence Livermore National Laboratory	
CA–3	Livermore	Sandia National Laboratories—Livermore	
CA–5	Vallecitos	G E Vallecitos Nuclear Center	
CA–6	Canoga Park (L.A.)	Atomics International	
CA–7	San Diego	General Atomics	
CA–8	Palo Alto	Stanford Linear Accelerator Center	
CA–9	Oxnard	Oxnard	
CA–9	Santa Susana	Santa Susana Field Laboratory	
CA–9	Santa Susana	Energy Technology Engineering Center	
CA–10	Davis	Laboratory for Energy-Related Health Research at U.C. Davis	
CA–11	Imperial County	Salton Sea Test Base	
CO–1	Grand Valley	Project Rulison Site	
CO–1	Rifle	Old Rifle	U
CO–1	Rifle	New Rifle	U
CO–1	Rifle	Project Rio Blanco Site	
CO–2	Gunnison	Gunnison	U
CO–3	Jefferson County	Rocky Flats	
CO–4	Durango	Durango	U/C
CO–5	Grand Junction	Grand Junction Projects Office Site	
CO–5	Grand Junction	Climax Mill Site	U/C
CO–6	Maybell	Maybell	U
CO–7	Naturita	Naturita	U
CO–8	Slick Rock	Union Carbide	U
CO–8	Slick Rock	Old North Continent	U
CT–1	Seymour	Seymour Specialty Wire	F/C
CT–2	Windsor	Combustion Engineering Site	F
FL–1	St. Petersburg	Pinellas Plant	
FL–1	St. Petersburg	4.5 Acre Site	
FL–1	Largo	Peak Oil Petroleum Refining Plant	
HI–1	Kauai	Kauai Test Facility	
IA–1	Ames	Ames Laboratory	
ID–1	Lowman	Lowman	U/C

DOE EM SITES—Continued

ST #	Location	Installation/Site	*
ID–2	Idaho Falls	Idaho National Engineering Laboratory	
ID–2	Idaho Falls	Argonne National Laboratory—West	
IL–1	Chicago	University of Chicago	F/C
IL–1	Chicago	National Guard Armory	F/C
IL–2	Cook County	Site A/Plot M, Palos Forest Preserve	
IL–2	Batavia	Fermi National Accelerator Laboratory	
IL–2	Lemont	Argonne National Laboratory—East	
IL–3	Granite City	Granite City Steel	F/C
IL–4	Madison	Madison	F
KY–1	Hillsboro	Maxey Flats Disposal Site	
KY–2	Paducah	Paducah Gaseous Diffusion Plant	
MA–1	Norton	Shpack Landfill	F
MA–2	Beverly	Ventron	F
MA–3	Indian Orchard	Chapman Valve	F
MD–1	Curtis Bay	W.R. Grace & Co.	F
MI–1	Adrian	General Motors	F
MO–1	Kansas City	Kansas City Plant	
MO–2	Hazelwood	Latty Avenue Properties	F
MO–2	St. Charles County	Weldon Spring Site	
MO–2	St. Louis County	St. Louis Airport Vicinity Properties	F
MO–2	St. Louis County	St. Louis Airport Storage Site	F
MO–2	St. Louis	St. Louis Downtown Site	F
MS–1	Hattiesburg	Salmon Test Site	
MT–1	Butte	Western Environmental Technology Office (WETO)	
ND–1	Bowman	Bowman	U
ND–2	Belfield	Belfield	U
NE–1	Lincoln	Hallam Nuclear Power Facility	C
NJ–1	Jersey City	Kellex/Pierpont	F/C
NJ–2	Maywood	Maywood Chemical Works	F
NJ–3	Princeton	Princeton Plasma Physics Laboratory	
NJ–4	Middlesex	Middlesex Municipal Landfill	F/C
NJ–5	Middlesex	Middlesex Sampling Plant	F
NJ–5	New Brunswick	New Brunswick Laboratory	F
NJ–6	Wayne	Wayne	F
NJ–7	Deepwater	Du Pont & Company	F
NM–1	Albuquerque	South Valley Site	
NM–1	Albuquerque	Sandia National Laboratories—Albuquerque	
NM–1	Albuquerque	Inhalation Toxicology Research Institute	
NM–1	Albuquerque	Holloman Air Force Base	
NM–1	Los Lunas	Pagano Salvage Yard	
NM–2	White Sands MR	Chupadera Mesa	F/C
NM–3	Carlsbad	Project Gnome-Coach Site	
NM–3	Carlsbad	Waste Isolation Pilot Plant	
NM–4	Ambrosia Lake	Ambrosia Lake	U
NM–5	Farmington	Project Gasbuggy Site	
NM–6	Shiprock	Shiprock	U/C
NM–7	Los Alamos	Los Alamos National Laboratory	
NM–8	Los Alamos	Bayo Canyon	F/C
NM–8	Los Alamos	Acid/Pueblo Canyon	F/C
NV–1	Fallon	Project Shoal Site	
NV–2	Tonopah	Central Nevada Test Area	
NV–2	Nellis AFB	Tonopah Test Range	
NV–2	Mercury	Nevada Test Site	
NY–1	Buffalo	B&L Steel	F
NY–2	West Valley	West Valley Demonstration Project	
NY–3	Tonawanda	Seaway Industrial Park	F
NY–3	Tonawanda	Ashland Oil #1	F
NY–3	Tonawanda	Ashland Oil #2	F
NY–3	Tonawanda	Linde Air Products	F
NY–4	Lewiston	Niagara Falls Storage Site Vicinity Property	F/C
NY–5	Niagara Falls	Niagara Falls Storage Site	F/C
NY–6	Colonie	Colonie	F
NY–6	Schenectady	Knolls Atomic Power Laboratory	
NY–7	Manhattan	Baker & Williams Warehouse	F/C
NY–8	Upton, LI	Brookhaven National Laboratory	
OH–1	Columbus	Battelle Columbus Laboratories	
OH–1	Columbus	B&T Metals	F
OH–2	Fernald	Fernald Environmental Management Project	
OH–3	Ashtabula	Reactive Metals Inc./Fields Brook Site	
OH–4	Oxford	Alba Craft	F
OH–4	Fairfield	Associated Aircraft Tool & Manufacturing	F
OH–4	Hamilton	HHM Safe Site	F
OH–5	Painesville	Painesville	F
OH–6	Piqua	Piqua Nuclear Power Facility	C
OH–7	Miamisburg	Mound Plant	
OH–8	Portsmouth	Portsmouth Gaseous Diffusion Plant	
OH–9	Luckey	Luckey	F
OH–9	Toledo	Baker Brothers	F
OR–1	Lakeview	Lakeview	U/C
OR–2	Albany	Albany Metallurgical Research Center	F/C
PA–1	Aliquippa	Aliquippa Forge	F/C
PA–2	Canonsburg	Canonsburg	U/C
PA–3	Shippingport	Shippingport Atomic Power Station	C
PA–4	Springdale	C.H. Schnoor	F/C
PA–4	West Mifflin	Bettis Atomic Power Laboratory	
PR–1	Mayaguez	Center for Energy & Environmental Research	
SC–1	Aiken	Savannah River Site	
SD–1	Edgemont	Edgemont Vicinity Properties	C
TN–1	Oak Ridge	Elza Gate	F/C
TN–2	Oak Ridge	Y–12 Plant	
TN–2	Oak Ridge	Oak Ridge K–25 Site	
TN–2	Oak Ridge	Oak Ridge National Laboratory	
TX–1	Falls City	Falls City	U/C
TX–2	Amarillo	Pantex Plant	
UT–1	Green River	Green River	U/C
UT–2	Salt Lake City	Salt Lake City	U/C
UT–3	Mexican Hat	Mexican Hat	U
UT–3	Monticello	Monticello Millsite and Vicinity Properties	
WA–1	Richland	Hanford Site	
WY–1	Spook	Spook	U/C
WY–2	Riverton	Riverton	U/C

* U=UMTRA; F = FUSRAP; C = COMPLETED

Mr. GLENN. Mr. President, in the early 1980's I chaired hearings which revealed serious worker safety and health problems at DOE's uranium Enrichment facility in Portsmouth, OH, as well at the Fernald uranium foundry outside of Cincinnati. These hearings were among the first public examinations of the nuclear weapon complex. Due in part to decades of secrecy and

the cold war urgency to produce nuclear weapons at any cost, little attention was historically given to worker safety or the environment. After becoming chair of the Governmental Affairs Committee in 1986, I significantly increased the number of oversight hearings of this heretofore neglected program.

As problems were uncovered at Ohio's facilities, I began asking whether similar problems existed at DOE's other sites around the country, including Savannah River, Hanford, Rocky Flats, and our national labs. Often utilizing the auditors and investigators of the General Accounting Office, the answer which all-too-often came back was, ''Yes, in spades.'' One example shows how massive the nuclear weapons cleanup has become. In 1985, I asked GAO to estimate the cost of cleaning up DOE's facilities. Their answer was $8–12 billion, a significant sum. By 1988, that figure had risen to $100 billion. Now, in 1995 GAO's best guess is over $300 billion, with the caveat that much of the technology does not yet exist to do the job. Over the past several years, the fastest growing program within DOE has been the cleanup program. We are currently spending over $6 billion every year to address the very real environmental problems at these sites.

However like any other government program which grows exponentially in a short time, the growth of DOE's cleanup program has resulted in waste and inefficiency. My investigations into the DOE weapon complex have focused on exposing the serious environment safety and health problems which exist there, but also on the Department's ability to address and manage these problems efficiently. One particular problem has been DOE's contract management practices, which were all-too-often inadequate and failed to properly account for or track literally billions of dollars of taxpayer funds. Governmental Affairs Committee investigations into DOE's contracting practices have resulted in taxpayer savings in a variety of ways, from reducing the cost of drilling wells at Hanford, to controlling affiliate contracting relationships at Savannah River to implementing improved planning and management tools for estimating and tracking program costs at all sites.

I am pleased to say that the Department, under Secretary O'Leary's leadership has made a number of very real efforts to get waste and mismanagement problems under control. First and foremost Secretary O'Leary has agreed to reduce the DOE budget by $10.6 billion over the next 5 years. Within this reduction, the cleanup program has agreed to reduce its spending by $4.4 billion over the same timeframe. The DOE contract reform initiative and reorganization efforts also will strengthen the Department's ability to do more with less.

As the magnitude of the nuclear weapon cleanup becomes clearer, many people are beginning to suggest that we back away from our obligation to remediate these sites, saying that it is simply too expensive. ''After all,'' these critics say, ''these sites are remote and few people live there. Aren't there more cost-effective ways we can spend taxpayer dollars?'' I simply do not agree with the premise that we can back off of this cleanup effort. While it is true that many of the most contaminated sites—like Hanford and Savannah River—are remote, they are unfortunately situated near major drinking water supplies. If little is done now, it is likely that our children or grandchildren—even those living far from these sites—will have to contend with severely contaminated water. And for every site that is remotely located, the Department has sites like Rocky Flats, outside of Denver, or Fernald, outside of Cincinnati, which are located near major population centers.

I am convinced that the answer to cleaning up these facilities will not be found by putting off to future generations the responsibility of dealing with these problems. I intend to continue to exercise broad and vigorous oversight in this area during the 104th Congress.

Mr. President, I will have more to say about this program as we proceed through this year's budgeting process. I would close by encouraging my colleagues to review information which describes the Department's fiscal year 1996 cleanup budget in greater detail. I ask unanimous consent that this material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHAT HAVE WE DONE?—ENVIRONMENTAL MANAGEMENT ACCOMPLISHMENTS, 1989–1994

Cleanup of 16 former nuclear weapons and industrial sites (FUSRAP).

Cleanup of 14 Uranium Mills Tailings Remedial Action (UMTRA) sites.

Remediation of 5,000 public and private properties contaminated with uranium tailings.

Completed 119 Remedial Actions.

100 Facilities have been decommissioned.

9 Site-Specific Advisory Boards have been established.

30.4 million square meters of soil and uranium tailings removed.

16 million pounds of scrap metal recycled.

2.4 billion gallons of ground water and 1.8 billion gallons of surface water treated.

500 tanks removed or replaced.

55,000 pounds of shrapnel and ordnance removed.

2,200 acres of land stabilized.

488,000 drum equivalent of stored waste shipped offsite.

Disposed of 50,000 m^3 of low-level waste.

ENVIRONMENTAL MANAGEMENT PROGRAM

[Fiscal year 1996 Congressional Budget Request]

	Fiscal year—		Change
	1995	1996	
Waste Management	2,916.1	2,707.7	−208.4
Environmental Restorations	1,768.5	1,993.7	+225.2
Nuclear Mat. & Facilities Stabilization	838.9	1,679.7	+840.8
Technology Development	417.4	390.5	−26.9
Uranium Enrichment D&D	301.3	288.8	−12.5
Analysis, Education & Risk Mgt	84.9	157.0	+72.1
Corrective Activities	27.2	8.8	−18.4
Transportation Management	20.7	16.2	−4.5
Compliance & Program Coord	0.0	81.3	+81.3
Subtotls	6,374.0	7,323.7	+948.7
Use of Prior Year Balances	(257.5)	(300.0)	(+42.5)
SR Pension Funds	(0.0)	(37.0)	(+37.0)
D&D Fund Deposit Offsets	(133.7)	(350.0)	(+216.3)
D&D Fund Foreign Fee	(0.0)	(45.0)	(+45.0)
Totals	5,983.8	6,591.7	+608

Over 2,400 facilities will be transferred to EM from other DOE programs in 1995, adding an additional $843 million in site management responsibilities to the FY 1996 EM budget.

In December 1995 the Savannah River Site will begin removing High-Level Waste from storage tanks and ''vitrifying'' it into a safer glass form at the Defense Waste Processing Facility.

A minimum of 24 new or improved technologies will be made available for transfer to private industry for implementation and 50 technologies will be pilot-, bench-, or full-scale demonstrated in FY 1996.

Remedial action has been completed on 17 of 45 Formerly Utilized Sites Remedial Action Project (FUSRAP) and on 13 of 24 Uranium Mills Tailing Remedial Action sites.

16 Remedial Actions, 78 Assessments and 12 Decontamination and Decommissioning projects will be completed in FY 1995.

FISCAL YEAR 1996 CONGRESSIONAL BUDGET—OUTYEAR PROFILES

[Dollars in millions]

	1996	1997	1998	1999	2000	Total
	Budget authority					
Base	$6,592	$6,973	7,042	$7,115	$7,181	$34,903
Savings	.....	(700)	(1,510)	(1,597)	(1,665)	(5,472)
Budget authority	6,592	6,273	5,532	5,518	5,516	29,431
	Outlays					
Base	$6,144	$6,686	$6,966	$7,070	$7,145	$34,011
Savings	.....	(350)	(1,000)	(1,432)	(1,618)	(4,400)
Outlays	6,144	6,336	5,966	5,638	5,527	29,611

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH. I thank the Chair.

(The remarks of Mr. SMITH and Mr. CHAFEE pertaining to the introduction of S. 534 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we had a good debate and discussion on the Kassebaum amendment earlier with a number of our colleagues. I would just like to make some concluding comments about where I think we are in this debate and discussion.

Earlier in the course of the afternoon, I talked in some detail about the legitimacy of the Executive order. I included in the RECORD the legal justification for the order and then summarized the policy considerations for the Executive order and responded to some of the questions that have been raised over the period of the last couple of days about whether the President exceeded his authority and responsibility in terms of issuing it.

Hopefully, for those Members who are interested, they will at least have an opportunity to read through the Attorney General's memorandum and some of the other material which I think spell out very clearly the responsibility that the President had for undertaking the Executive order, the legal justification for that order.

Just a few moments ago, I tried to put this proposal in the context of the discussions that we are having in the Senate of the United States and in the House of Representatives under the general rubric of the Contract With America. I think, quite frankly, Mr. President, it is appropriate to make these comments at this time because the amendment of the Senator from Kansas, in trying to undermine the President's authority and power, particularly the policy reasons for it, I think really helps put into sharper relief exactly what some of the public policy matters are that have been raised during the period of these past weeks and what I think the American people, particularly working families, should be very much aware of and I should think very much concerned about. I would like to take a few moments of the Senate's time this afternoon to address that broader issue.

The pending Republican amendment on permanent striker replacements is a skirmish in a much larger battle that is now unfolding in Congress in full view of the American people. Each day's developments under the new Republican majority in the Senate and House of Representatives raises increasing concern. The Republican's so-called Contract With America is being unmasked for what it is. It is not a Contract With America at all but a declaration of war on working families throughout America.

There is a fundamental hypocrisy behind many Republican positions in the current national debate. They do not mind Government stepping in with a generous helping hand for business; they think tax cuts for the rich and corporate welfare in the form of lavish Government subsidies for businesses are fine, but our Republican friends get upset when Government steps in to offer a helping hand to working families, to the elderly, to children and to those in need.

Democrats are proud to be the defenders of Social Security and Medicare for senior citizens, a fair minimum wage for workers, aid for college education, hot lunches for children in their schools. Democrats are proud to be on the side of all these individuals and families across America struggling to make ends meet, and we are proud to oppose any Contract With America that endangers all of these worthwhile programs.

President Clinton had it right when he said the Nation wants Government to be lean not mean. But wherever we turn in Congress today, we see mean-spirited assaults on programs that help people, and I would like to discuss a few of these basic priorities today issue by issue.

We know that education is a key building block of the American dream. While college costs rise to over $8,000 a year at many State universities and over $20,000 a year at many private colleges, a college education is too often an impossible dream for working families. We know that students and their families are struggling hard to find the finances needed to pursue the education and the training they need.

Yet, Republicans are proposing the largest cuts in student aid in the Nation's history. The proposals in the Contract With America would slash $20 billion from student aid over the next 5 years; an additional $20 billion that students and working families would have to come up with from their own pockets.

The contract proposes to eliminate the interest on student loans the Government now pays while students are in school. Under current law, interest does not build up on student loans until students graduate and can start paying back their loans. Slashing this interest subsidy will save the Federal Government $12 billion over 5 years, but at what price? By deeper indebtedness for students, as much as 20 to 50 percent deeper.

For a student who borrows the maximum amount to pay for 4 years in college, the Republicans' cut would add $3,000 in extra interest payments. Instead of $17,000 in loans to pay off college, the student would owe $20,000. And that is not all. Republicans are also calling for the elimination of the campus-based grant and loan programs that help students pay their way through college. That is another $7 billion in cuts that will hurt the Nation's students.

Republicans extol the virtue of work, yet they propose to eliminate the highly successful work-study program that enables students to work at jobs on campus and in their communities to earn part of their financial aid. And the only ones that are eligible for those are, again, working families, the sons and daughters of working families. There is a sliding scale and it gets up to maybe $62,000, $64,000 for three members of a family in school.

You are talking about a program that is targeted, again, to provide working families' students to be able to gain additional resources as a result of working at jobs on campuses and in the communities as part of a financial aid package.

It is not as if the States will pick up the slack. In Massachusetts, State financial aid for students has been cut by almost a third since 1988. Tuitions and fees charged to students at the State university have doubled. If the Republican cuts go through, Massachusetts students will lose $70 million in Federal student aid a year, more than the total amount the State spends on student aid.

Republicans claim they want to balance the budget so as not to bury the next generation in debt, but they are more than willing to bury the Nation's students in debt. In fact, Republicans are proposing at the same time to add to the deficit in order to protect the banks at the expense of students. And I want the attention of the Members on this particular issue affecting students in their own States.

Last Friday, Senator KASSEBAUM introduced a bill to cap the new Federal direct lending program for college students. That program began in 1993 under the leadership of President Clinton and Democrats in Congress but also with the support of Senator Durenberger, Senator JEFFORDS, and other Republicans. That particular program has cut college student loan fees in half and lowered interest rates on their loans. It has eliminated the huge and confusing bureaucracy that makes it difficult for students to receive their loans on time and even harder for them to pay back their loans.

Under the direct lending and current law, students will save $2.2 billion over 5 years and taxpayers will save $4.3 billion. But banks do not like the new program because it reduces the profits they were making at students' expense. The Republicans want to stop the direct lending in its tracks, even though stopping it will add to the deficit in the long run.

The Republican priorities are clear. The Democrats put students and education first; Republicans put the banks first, even ahead of reducing the deficit.

The economy, the Treasury and the families across America will suffer if the next generation of students have to start their working lives under a

mountain of debt and cannot afford the education and training they need to be productive workers. Slamming the door of college in the face of the Nation's students is not a Contract With America, it is an insult to America.

The next issue is health care. Few things are more important to the security of working families than affordable quality health care. Few things are more important to senior citizens than Medicare. But for the new Republican majority, the tax cuts for the wealthy and the protection of corporate profits are more important than the health care of American workers and their families and Medicare for our senior citizens.

Today, no working family is guaranteed affordable health care. Thirty million members of working families have no health insurance at all. The breadwinners in these families work hard—40 hours a week, 52 weeks a year. But all their hard work does not free them from concern about their health security. They cannot afford to buy health insurance on their own and their employers will not contribute to the cost.

Even families that have health insurance are not secure. No family can be sure that the insurance that protects them today will be there for them tomorrow when serious illness strikes. Lose your job and you can lose your coverage. Change jobs and you can lose your coverage. Your employer can decide your coverage is too expensive and drop it altogether. And your insurance company can decide you are a bad risk and cancel your current policy. More than 2 million Americans lose their health insurance every month.

The skyrocketing cost of health care is depriving workers of the wage increases they deserve. It is keeping real income stagnant, even as the economy grows and strengthens.

Last year, the Republicans drew a line in the sand against the simple and sensible idea that every employer should be expected to contribute to the costs of health insurance for their employees, even though most employers do so voluntarily today.

Last year, as their alternative the Republicans proposed reforms in the insurance market, to try to make health insurance more available. They offered subsidies to workers whose employers did not provide health insurance. But this year, this year the Republicans have backed away from even this minimalist approach. Health care is not even in the Republican contract. It is not in the agenda for the first 100 days. And the two Republican bills introduced to date provide not a single dollar to help working families afford health insurance.

The problem has not gone away. Despite the economic recovery, the number of uninsured rose by more than a million last year. Workers who still have their insurance are less secure than they were a year ago. Health care costs continue to rise at twice the rate of general inflation. But for the Republicans, now that there is no threat of new responsibilities on business, they feel no responsibility to address the needs of workers.

Families need a reliable system of health security for their retirement years as well. Older Americans are the most vulnerable to costly illnesses. The cost of health care in retirement threatens not only the security of retired workers but the security of their children and grandchildren as well, who will contribute everything they have to keep their parents from destitution.

For three decades, Medicare has provided health security for senior citizens. But today, the security of Medicare is in danger, and the Republican program threatens to destroy it. The Republican Speaker of the House of Representatives has said that Medicare should be rethought from top to bottom and that every decision on it must be made in the light of a balanced budget. The Republican chairman of the Finance Committee has projected $300 billion in Medicare cuts over the next 7 years. Independent estimates of the cost of the Republican contract project cuts in Medicare of an almost unthinkable 31 percent of projected program costs.

Because of current program gaps and out-of-control health care costs, the protection that Medicare provides is already inadequate. Last year, senior citizens spent an average of $2,800 out of their pockets for health care—four times what nonelderly Americans spent.

Just 8 years ago, in 1987, senior citizens spent 15 percent of their income for medical care—and that was too much. Today, that number has soared to 23 percent—almost $1 in every $4 taken from limited incomes that are already stretched to pay for food, housing, heat, clothing, and other essential expenses of daily living. If the medical costs of senior citizens in nursing homes and other institutions are included, the percentages would be even higher. I say senior citizens should be paying less for medical care, not more.

The damage done by reductions of scale contemplated in the Republican contract go beyond the increase of out-of-pocket costs. They would turn senior citizens into second-class citizens in health care. They would significantly boost the already excessive insurance premiums paid by working families. They would damage key health care institutions. They would be achieved by forcing senior citizens into managed care programs and denying them the opportunity to go to the doctor and the hospital they choose.

President Clinton has taken a strong stance on this issue—no Medicare cuts unless they are part of overall health care reform that protects senior citizens, working families, and health care institutions.

Democrats support these principles, but our Republican friends take a different view. Billions of dollars in tax cuts for the wealthy, paid for by billions of dollars in Medicare cuts for senior citizens.

Other important aspects of health security are protection from unsafe and ineffective prescription drugs, reasonable access to the physicians and other health professionals, especially for those who live in rural and underserved urban areas, and safe workplaces and a safe environment.

What is the Republican program? Hamstring the FDA so that drug companies can have higher profits, even though the American people will have worse protection. Cut the National Health Service Corps, so that people who live in rural communities and inner cities will have to go without care when they need to see a doctor. Roll back the rules that require businesses to provide a safe workplace for employees. Undermine the environmental protections that bring clean air and clean water.

In each of these areas, the Republican prescription for health care is a healthier bottom line for special interests and the wealthy, and greater risk of illness for American families. That is the kind of cost-benefit analysis we are getting these days. It is the wrong analysis, because it looks at the wrong costs and the wrong benefits.

Yesterday, the Republican chairman of the House Ways and Means Committee outlined a 5-year tax cut proposal as part of the Republican contract. It is a lavish tax break for the rich, that will inevitably be paid for out of the pockets of working families. It is an antifamily, antiwork, antichildren tax cut, and it does not deserve to pass.

It will cost the Treasury $700 billion over the next decade. It will drive up the deficit to levels unheard of even during the Reagan and Bush administrations.

Is it just coincidence that the total amount of the nutrition cuts recently proposed by the House Republicans—in WIC, school breakfasts, school lunches—will provide just enough to pay for the capital gains tax cut for families earning over $100,000? This is an affront to working American families, because it takes the most from those who have the least.

The current capital gains tax cut will be cut in half; 75 percent of the tax benefit from this cut will go to those making more than $100,000 a year—the top 9 percent of income; 50 percent of the benefit will go to the wealthiest 1 percent of the population.

The tax cut proposal also calls for accelerated depreciation deductions for business. A similar tax break was included in the Reagan tax cut in 1981. It was rightfully curtailed in the 1986 Tax Reform Act and it should not be expanded now.

The poor and the middle class have no resources for these types of investments. They would get no benefit from this provision. But it would provide $90 billion in tax breaks for the wealthiest corporations in America.

The Republican tax cut would also repeal the alternative minimum tax which now keeps major corporations from avoiding taxes altogether. If it is repealed, it will put $60 billion into the pockets of wealthy corporations and let many of them go entirely tax free.

In the unkindest cut of all, the Republican proposal would deny any tax relief to the lowest income families.

The original Contract With America made the $500 tax credit for children refundable, which means the tax relief would have been available to all families including those at the lowest income levels who need help the most. By deleting the refundable features of this tax cut the Republican plan will deny $13 billion in tax relief for these families.

Millionaires will get their tax cut in full, but to save money our Republican friends now offer no relief at all to the millions of families at the other end of the income scale. The plan makes a mockery of any sense of tax fairness and tax justice, and it must not be permitted to stand.

I can cite many other ways in which the so-called Contract With America declares war on working families and average citizens across the country. In the weeks to come we will have an opportunity in the Senate to debate all of these issues in full and I am confident that when we do, a fairer contract will be written. The real casualties of this war will be the worst provisions of the contract, not the people of America.

The PRESIDING OFFICER (Mr. JEFFORDS). The Senator from Utah.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. HATCH. Mr. President, I do not intend to be long but I would like to say a few words about the balanced budget amendment.

Mr. President, the international financial markets and the Chairman of the Federal Reserve Board have passed judgment on America's future economic power in the wake of the Senate's failure to adopt a balanced budget amendment. Their reaction paints a bleak picture of the future of our country, and does not suggest we will leave a legacy to our children we can be proud of. I ask those colleagues who once supported this amendment and who changed their votes this year to rethink their position again in light of this judgment.

Mr. President, the balanced budget amendment vote suggested to the world that the success of President Clinton and the Senate Democratic leadership in blocking the amendment signaled the triumph of business-as-usual and a continuation of the big-spending practices of the past. The markets reacted swiftly and strongly, and, I think, justly. The dollar dropped precipitously to record low exchange rate levels against the Japanese yen and the German mark.

Fed Chairman Greenspan, in testimony before the House Budget Committee on Wednesday, attributed the precipitous fall of the dollar in large part to the failure of this body to adopt the balanced budget amendment. The Wall Street Journal, the New York Times, and the Washington Times all reported that Chairman Greenspan agreed with those who pointed to the Senate's rejection of the balanced budget amendment—and its implication of continued fiscal irresponsibility—as the cause of the dollar's drop.

Chairman Greenspan reportedly opined that ''in futures markets—an important indicator that doesn't reflect current ups and downs in the economy—the dollar didn't begin to fall significantly until the Senate rejected the balanced budget amendment. * * *'' (Wall Street Journal, Mar. 9, 1995) He was quoted as saying, ''[t]here was apparent concern in the international financial markets that something significant was happening to our resolve with respect to coming to grips with the balanced-budget issue.'' (Id.)

He further noted that to continue on the path of $200 billion deficits—and I would add that that is precisely the path President Clinton has laid out for this country in his proposed budget—''would be unwise and probably impossible. * * * Indeed, given the weakness in the foreign exchange value of the dollar, world capital markets may be sending us just that message.'' (Washington Times, Mar. 9, 1995, p. 1)

In his testimony, Chairman Greenspan also pointed out the benefits of a balanced budget, which would be obtained through passage of a balanced budget amendment: a stronger dollar, lower interest rates, and a stronger economy.

Mr. President, I think the message is clear. The victory of President Clinton and a few of the Democrats who want to keep this country on a path of increasing debt and the business-as-usual spend and borrow policies was a defeat for the American economy and for the American people.

As we have said throughout the balanced budget amendment debate, the benefits of passing the amendment begin immediately and keep improving as Congress returns to a more rational fiscal regime. Failure to adopt the amendment means not just a continuation of the weakness of the past, but a worsening picture.

This Nation's fiscal freedom is at risk if we continue on President Clinton's path of irresponsible spending. If we wish to remain the power that we have been, we need to rekindle the values of thrift and responsibility in this Congress. And we should lock those values in place with a constitutional amendment to require a balanced budget.

The Senate should learn from its mistake—a mistake heralded as a serious economic mistake by world financial markets—and adopt the balanced budget amendment, and get on with balancing the budget. If we do this we can have the benefits Alan Greenspan pointed to: a stronger dollar, lower interest rates, and a stronger economy. And I would add to those benefits a more responsive and more responsible Government. All these things can be the legacy we leave our children. The alternative legacy is not one I would be proud to leave. We must pass the balanced budget amendment.

I believe that the time is this year. So I hope our colleagues will reconsider. I hope we can pass it.

I ask unanimous consent a number of articles from the various newspapers be printed in the RECORD.

There being no objection the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 9, 1995]

FED CHAIRMAN BLAMES DEFICIT FOR DOLLAR'S FALL

GREENSPAN ALSO CITES DEFEAT OF BUDGET AMENDMENT, BACKING GOP CHARGES

(By Lucinda Harper and David Wessel)

WASHINGTON.—Federal Reserve Chairman Alan Greenspan blamed the weak dollar on a persistent U.S. government fiscal deficit and failure of Congress to pass a constitutional amendment to force a balanced budget.

Calling the dollar's fall ''overdone . . . unwelcome and troublesome,'' Mr. Greenspan told the House Budget Committee that it ''adds to potential inflation pressures in our economy.''

The dollar rebounded yesterday for the first time in days. The rise, which began before Mr. Greenspan's testimony, took the dollar to 91.35 yen from 90.05 yen the day before and to 1.3940 marks from 1.3688 marks. Several European nations yesterday raised interest rates to try to boost their currencies against the German mark.

Mr. Greenspan said nothing yesterday to suggest he contemplates raising U.S. interest rates to help the dollar. Indeed, he repeatedly said the best way to help it is to reduce the budget deficit. But in his testimony, he avoided the word ''ease''; his use of that word in earlier testimony, when referring to U.S. interest rates, has been cited by some analysts as one factor contributing to the weak dollar.

In his most detailed commentary since the dollar began plunging, Mr. Greenspan said the U.S. currency began to get weaker ''as the economy started to give evidence of slowing down'' and interest rates on one- and two-year maturities fell. Lower U.S. interest rates make the dollar less attractive to global investors.

But in futures markets—an important indicator that doesn't reflect current ups and downs of the economy—the dollar didn't begin to fall significantly until the Senate rejected the balanced-budget amendment, Mr. Greenspan said. The Fed chairman opposed the amendment, but said that with its rejection. ''There was apparent concern in the international financial markets that something significant was happening to our resolve with respect to coming to grips with the balanced-budget issue.''

Mr. Greenspan's analysis lent support to Republican charges that defeat of the amendment caused the dollar's collapse. ''The dollar has been sliding against the yen and the mark ever since the amendment went down,'' House Speaker Newt Gingrich said yesterday.

Although Clinton administration officials remained publicly silent on the dollar, the

German Bundesbank—normally pleased when the mark is strong—said in a statement that the dollar's fall was exaggerated and wasn't justified by ''economic fundamental factors.''

The German central bank praised Treasury Secretary Robert Rubin's one public utterance on the dollar so far: that a stronger dollar is in the U.S. national interest. In a speech scheduled for this morning, Mr. Rubin is expected to elaborate on this theme, particularly on his view that U.S. support for Mexico isn't any reason for the dollar to be weak.

During some past episodes of dollar weakness in recent years, other Clinton administration officials have occasionally suggested the benefits of a weak dollar, but they now are avoiding saying anything that suggests they favor its decline.

Fed Governor Lawrence Lindsey, who has in the past made statements that hurt the dollar, wouldn't discuss it yesterday. ''I don't have a yen to make a mark,'' he told wire-service reporters.

On the state of the economy, Mr. Greenspan reiterated that he sees ''some indications that the expansion may be slowing from its torrid and unsustainable pace of 1994. . . . while there are signs that spending is slowing, the jury remains out on whether that will be sufficient to contain inflation pressure.'' He noted slowing of the housing sector and consumer spending, but said there are ''few indications of that degree of slowing'' in orders for nondefense capital goods or investment in commercial buildings.

[From the Washington Times, Mar. 9, 1995]

FED CHIEF HELPS DOLLAR SOAR

GREENSPAN CITES SENATE BUDGET VOTE AS TRIGGER FOR ALL, URGES DEFICIT ACTION

(By Patrice Hill)

Federal Reserve Chairman Alan Greenspan touched off a powerful dollar rally yesterday by signaling the Fed's concern about the beleaguered currency and calling on Congress to move quickly to cut the budget deficit.

Mr. Greenspan agreed with observers who think the failure of the balanced-budget amendment last week triggered the dollar's fall to record lows against the German mark and Japanese yen because it raised questions about Washington's willingness to control spending. He stressed that it is within Congress' power to reverse the currency's decline.

''A key element in dealing with the dollar's weakness is to address our underlying fiscal imbalance convincingly,'' he told the House Budget Committee, which is preparing a plan to balance the budget by 2002, as the constitutional amendment would have required.

To forever rely on foreign money to finance a $200 billion budget deficit and a $150 billion trade deficit ''would certainly be unwise and probably impossible,'' he said. ''Indeed, given the recent weakness in the foreign exchange value of the dollar, world capital markets may be sending us just that message.''

Mr. Greenspan said an all-out effort by Congress to eliminate the deficit not only would bolster the dollar, but also substantially lower interest rates and stimulate the economy.

''The productive potential of the U.S. economy will be shaped significantly by the actions of this Congress,'' he said, predicting a ''startling'' pickup in growth, more stability on financial markets and an increasing standard of living if Congress acts decisively to cut the deficit.

Mr. Greenspan's statement, combined with his assurances that the Fed is prepared to do what is necessary to deal with the ''troublesome'' fall of the dollar, dramatically lifted the U.S. currency against the mark and yen.

In New York trading, the dollar leaped to 1.3935 marks after hitting an all-time low of 1.3440 marks earlier yesterday in European trading. It had closed at 1.3702 marks Tuesday in New York.

The dollar sprang to 91.33 yen from the record low of 88.70 reached in European trading overnight. Its Tuesday close in New York was 90.05 yen. Stocks and bonds rallied modestly with the dollar.

While Mr. Greenspan's talk was a salve for the dollar, some traders questioned whether the gains will last unless Congress acts or the Fed boosts interest rates. Raising interest rates would bolster the dollar by making U.S. bonds more attractive to investors. Mr. Greenspan appeared to leave that possibility open yesterday.

''Greenspan is telling all these congressmen that what's happening to the dollar now is a symptom of the problem,'' said Dan Seto, an economist at Nikko Securities in New York. He said the Senate's balanced-budget vote was a negative for investors who thought the amendment would keep the federal government from living beyond its means.

''It's loud and clear,'' he said of Mr. Greenspan's message, ''but, unfortunately, a lot of congressmen have their own Walkmans on, and they're hearing other music.''

Several congressmen at the Budget Committee hearing accused the Fed and the Treasury of causing the currency crisis by getting involved in Mexico's financial problems and depleting the central bank's foreign exchange reserves by committing $20 billion to prop up the Mexican peso.

Sen. Byron L. Dorgan of North Dakota, one of six Democratic senators who switched votes to block the balanced-budget amendment, brought up the peso when told about the Fed chairman's comments.

''The dollar was dropping rapidly before the Senate vote, and Greenspan knows that. He linked the dollar to the ailing peso,'' said Mr. Dorgan, a persistent Fed critic. ''The marriage of the dollar and the peso has caused the trouble for the dollar.''

Despite falling against other major currencies, the dollar has been hitting new highs against the peso. Yesterday it took 7.02 pesos to buy a dollar, near 50 percent more than it did Dec. 20, when Mexico devalued its currency.

''The dollar's problems began to mount when Mexico devalued the peso,'' Mr. Seto said, primarily because people wonder if the Mexican bailout leaves the Fed with enough reserves to influence movements in the dollar market, where $1 trillion changes hands each day.

Comparing the meager reserves of most central banks to a ''bowling trophy on the mantle,'' he said such reserves can't prop up a currency experiencing a fall like the dollar's.

Mr. Greenspan insisted yesterday that the Fed's reserves are sufficient to defend the dollar.

Another Democrat who opposed the balanced-budget measure, Sen. Dale Bumpers of Arkansas, said, ''The slide of the dollar obviously shows the financial markets are deeply concerned about the deficit.''

But he and other Democrats said a constitutional amendment is not the solution.

They said they are willing to work with Republicans right away on a plan to balance the budget with the usual budget-writing procedures.

''We're dead serious,'' said Sen. Wendell H. Ford, Kentucky Democrat and another of the vote-switchers on the amendment.

''There's a difference between posing and lifting,'' Mr. Dorgan said. Pointing to his vote for President Clinton's $500 billion deficit-reduction plan in 1993, he said, ''I'm perfectly willing to cast that kind of vote again.''

Sen. Paul Simon, Illinois Democrat and author of the proposed constitutional amendment, called on other Democrats to reconsider their votes and halt the slide of the dollar.

''When the balanced-budget amendment went down,'' House Speaker Newt Gingrich said, ''that was a signal to the world money markets that the United States is not going to be serious about balancing its budget.''

While ''the decay of the dollar as a reserve currency for the world is not a new thing,'' the Georgia Republican said, borrowing at the rate of $200 billion a year ''implies a level of inflation and a level of decay of the currency that is almost Mexican in proportions.''

The PRESIDING OFFICER. The Senator from Washington is recognized.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1995

The Senate continued with the consideration of the bill.

AMENDMENT NO. 331

Mrs. MURRAY. Mr. President, I rise today in strong opposition to the amendment proposed by my colleague from Kansas.

I am most concerned with those that question the administration's authority to issue this Executive order. As the Federal Government's chief executive officer, the President has the responsibility by law to assure that taxpayers receive the goods and services they require from Federal contractors. These contractors must maintain stable and productive labor-management relationships if they are going to produce the products our Nation must depend upon.

The Executive order advances cooperative and stable labor-management relations, a central component of this administration's workplace agenda. The use of—or the threat to use—permanent replacement workers destroys the cooperative environment that this relationship must maintain.

The Executive order represents a lawful exercise of Presidential authority. The Federal Procurement Act, enacted by Congress in 1949, expressly authorizes the President to prescribe such policies and directives, not inconsistent with the provisions of this act, as he shall deem necessary to effectuate the provisions of said act.

Presidents since Franklin Roosevelt have issued Executive orders addressing the conduct of firms with which the Federal Government does business. Those orders to be challenged have been upheld.

In 1941, President Roosevelt issued an Executive order requiring defense contractors to refrain from racial discrimination. In 1951, after enactment of the Procurement Act, President Truman issued an Executive order extending the requirement to all Federal contractors. When both orders were issued, such discrimination was not unlawful

and, indeed, Congress had declined to enact an antidiscrimination law proposed by President Truman.

In 1964, President Johnson issued an Executive order prohibiting Federal contractors from discriminating on the basis of age. At the time, Federal law permitted such age discrimination. The Civil Rights Act of 1964 merely directed the President to study the issue.

In 1969, the Nixon administration expanded the antidiscrimination Executive order to encompass a requirement that all Federal contractors adopt affirmative action programs. This Executive order was upheld by the United States Court of Appeals for the Third Circuit.

In 1978, President Carter issued an Executive order requiring all federal contractors to comply with certain guidelines limiting the amount of wage increases. The D.C. Circuit Court upheld President Carter's Executive order.

Finally, in 1992 President Bush issued an Executive order requiring unionized Federal contractors to notify their unionized employees of their right to refuse to pay union dues. The National Labor Relations Act contains no such requirement and legislation proposing this in the 101st Congress was not passed.

The economical and efficient administration and completion of Federal Government contracts requires a stable and productive labor-management environment. Strikes involving permanent replacements last seven times longer than strikes that do not involve permanent replacements.

Mr. President, my personal interest in this amendment is its impact on the most vulnerable and fastest growing segment of our work force—American women.

Over the last decade, women have assumed ever greater economic and family caretaking responsibilities. Everyone in this country should be unsettled by the fact that women and children are most likely to fall deeper into poverty and homelessness. One of three families headed by a women lives to or below the poverty line: Nearly 70 percent of all working women earned less than $20,000 a year, and 40 percent earned less than $10,000 annually. These workers need the ability to raise their standard of living in order to break the cycle of poverty and welfare dependence which many of them endure.

These women understand that they cannot bargain effectively unless they are assured that they do not risk losing their jobs permanently. They understand the serious implications of a strike. They understand, as I do, the fear of being one paycheck away from economic disaster.

Most of us have home mortgages, car payments, educational and medical needs for ourselves and our families. America's workers know striking is the option of last resort. This action is never taken lightly.

I urge my colleagues to maintain the delicate balance of collective bargaining. This Executive order shows that this great society values the individual, that it cares about women, and it recognizes those that built this Nation. Let us defeat this amendment and prove to America that Government does respect the needs of ordinary working people.

I thank the President. I yield the floor.

APPOINTMENTS BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority 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. CHAFEE], the Senator from Virginia [Mr. WARNER], the Senator from Mississippi [Mr. COCHRAN], the Senator from Oklahoma [Mr. NICKLES], the Senator from New Hampshire [Mr. SMITH], the Senator from Maine [Ms. SNOWE], and the Senator from Arizona [Mr. KYL].

Mrs. MURRAY. 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. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CLOTURE MOTION

Mr. GREGG. Mr. President, I send a motion to invoke cloture to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators in accordance with the provisions of Rule XXII of the Standing Rules of the Senate do hereby move to bring to a close debate on the Kassebaum amendment No. 331 to the committee amendment to H.R. 889, the supplemental appropriations bill.

Trent Lott, Pete V. Domenici, Bob Packwood, Mark Hatfield, Bob Smith, Slade Gorton, Connie Mack, Judd Gregg, Bob Dole, Thad Cochran, Ted Stevens, Frank H. Murkowski, Don Nickles, John McCain, Phil Gramm, Nancy Landon Kassebaum.

MORNING BUSINESS

THE BALANCED BUDGET AMENDMENT—AN ISSUE OF PRINCIPLE

Mr. DORGAN. Mr. President, during the past several weeks I have been contacted on the subject of the constitutional amendment to balance the budget by nearly 10,000 Americans—most, but not all of them, North Dakotans. I know people felt strongly on all sides of this issue. I respect these different viewpoints, and I appreciate the opportunity to give my colleagues some information and background about why I voted as I did.

And I want to start by saying simply this: I have an unwavering commitment to balancing this Nation's budget, and that commitment is a longstanding one—dating back to the first vote I cast in favor of a constitutional amendment a dozen years ago, in 1982.

That was during my first term in Congress. Since that time I have voted for balanced budget amendments again and again. I voted ''yes'' in 1990 and in 1992, after the huge deficits created during the 1980's and early 1990's caused the Federal debt to explode to $4 trillion.

Last year I voted for it yet again. But I cast that vote with the firm assurance from the leading proponents of the amendment that Social Security trust funds would not be used to balance the budget.

This year in the Senate we cast two votes on constitutional amendments. I voted for the earlier of the two, Senator FEINSTEIN's substitute constitutional amendment to balance the budget. It was identical in every respect to the main constitutional amendment proposal offered by Senators HATCH and SIMON except for one important difference. It included a provision prohibiting use of the Social Security trust fund to balance the Federal budget. That proposal failed.

During the 2 days following that vote, I was involved in negotiations to try to get the sponsors of the Hatch-Simon amendment to modify their proposal so it would not result in raiding Social Security trust funds to balance the budget. Our negotiations were ultimately unsuccessful, and I therefore cast a ''no'' vote on that amendment.

The issue for me is one of principle—not politics. I felt it was important to stand up and fight for that principle, and that is what I did. I know the popular thing to do would have been to vote for this constitutional amendment. But if we are going to change the Constitution then we need to do that the right way. And in my mind, protecting the Social Security trust fund is the right way.

We collect Social Security taxes to fund the Social Security system with a dedicated tax out of the paychecks of workers. It is supposed to go into a trust fund. Those who would use that trust fund to balance the Federal budget, in my judgment, are involved in dishonest budgeting. And yet, that's exactly what the constitutional amendment would have done.

I know proponents protested publicly they had no intention of doing that, but in our private negotiations they admitted they could not balance the budget without Social Security trust funds. In fact, in private they said they wanted to use those funds for the next

13 years and would stop after that point. That is not honest budgeting.

I know the Federal deficit is a crippling problem for this country. So I still hope we will be able to reach an agreement on the Social Security issue, and if we do I will vote for a constitutional amendment to balance the budget at some point in the coming months.

But we should understand that changing the Constitution does not change the budget deficit. That has to be done and it can be done during the regular budget and appropriations process. And I pledge to work as hard as I can—to fight in every way I can—to reduce this deficit.

This week I proposed a budget process that would require a balanced budget by the year 2000 without raiding the Social Security trust fund. I intend to work hard to cut spending to accomplish that.

I want this country to have a balanced budget and I will work hard toward that goal.

BILLY'S RESTAURANT CELEBRATES ITS 125TH ANNIVERSARY

Mr. MOYNIHAN. Mr. President, 125 years ago this March 13, the incomparable Billy's restaurant in New York City opened its doors for the first time. Billy's is known as ''New York's oldest family-owned restaurant,'' but it is much more than that. It is an institution in New York, a regal old establishment that has catered to coal-yard workers, lawyers, politicians, actors and actresses, even a princess on occasion.

Billy's is a special place to my wife Elizabeth and me; we dined there often during our courtship, back when Billy's occupied a corner near 56th Street and First Avenue. Billy's has moved a few blocks south since then, but still has its original mahogany bar, gaslight fixtures, and those red-check tablecloths.

A fine article in the March 9, 1995, edition of ''Our Town'' details the history of Billy's restaurant, Mr. President, a history that mirrors a great deal of the history of New York. Billy's 125th anniversary celebration begins on Monday, and I simply wish to congratulate Joan Condron Borkowski, the third generation proprietor of this venerable old establishment.

Mr. President, I ask unanimous consent that the article from the March 9, 1995 edition of ''Our Town'' be printed in the RECORD, and I commend it to the attention of the Senate.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Our Town, Mar. 9, 1995]

FAMILY RECIPE

(By Nelson Williams Jr.)

It's seven o'clock on a Monday night and Billy's is bustling. The bartenders are mixing martinis for businessmen flanked by briefcases at the bar, and waiters in red jackets and bow ties maneuver through tables toting plates of thick steaks and chops. There's no music, just the convivial rumble of conversation coming from patrons in the dining rooms dotted with red checked tablecloths.

It could be 1895 or 1995—it just so happens it's the latter. Yet if restaurant founder Michael ''Mickey'' Condron walked through the swinging double doors up front this evening, he'd immediately recognize the place.

Believe it or not, Billy's hasn't changed much in more than a century. The gaslight saloon has moved twice—once, in 1880, from its initial location at First Avenue near 56th Street to the southeast corner of the same block; and 29 years ago, when its Sutton Place building came down. Now at 948 First Avenue, between 52nd and 53rd streets, Billy's is less than five blocks from its first location and still boasts its original, hand carved mahogany bar, gaslight fixtures, six-handled ale pump, and walk-in cooler.

This week, New York's oldest family owned restaurant turns 125 years old. Stop by from March 12–18, or anytime for that matter, and third-generation owner Joan Condron Borkowski will give you a hug and lead you past old photos of New York dating to 1860 on the way to a table. While seating you, she'll likely tell a tale or two about Billy's the East Side watering hole her great-grandfather founded in 1870.

Mickey and Bridget Condron were just over from Cork, Ireland, then and catered to the thirsts of coal-yard workers and drivers from the local breweries. They wouldn't serve women or mix drinks, but all the food you could put away was free as long as you kept emptying your glass. As was the custom at such Old World pubs, the floor was covered in sawdust to soak up the spilled suds, and buggies rolled right to the front door of the Upper East Side saloon.

''Fifty-sixth Street was the end of civilization'' in those days, says Borkowski, 50, who recalls ''dancing on the bar'' when she was three years old.

In the beginning, before the turn of the century, the saloon had no name, but everyone called it ''Mickey's,'' after the round-faced man behind the bar. After they'd been open a decade, Mickey got it in his head that a restaurant should be on a corner and talked the grocer at the end of the block into swapping shops. He brought his son, William, aboard in 1902.

With William came his wife, Clara, a squat mountain of a woman who stood just four-foot two yet strained the scales at 450 pounds. Routinely stationed at a tale in the center of the main dining room she was referred to simply as ''Mrs. Billy.''

During the First World War, the story goes, a general was waiting at the bar for a seat when Mrs. Billy sidled up to him and barked, ''Hey, sergeant, your table's ready!'' Perhaps because of her considerable girth—or because the military man knew he was outranked—the general didn't say a word while being relocated, ''She didn't know what all the stripes meant,'' chuckles Borkowski.

William Jr. and his wife, Mildred, had joined the business by this time and when Prohibition was repealed in 1933, State liquor laws required that each drinking establishment be registered under a formal name.

Thus Billy's was born—and began to thrive, building upon its neighborhood, working-man core to include among its clientele some of New York's most notable businessmen, politicians, writers and celebrities. Even today, regulars include Henry Kissinger, Bill Blass and William F. Buckley Jr. Regardless of clout, Billy Jr. served everyone conversation and drinks from behind the bar while ''playing the piano''—a euphemism he used for running the register.

After discouraging his college educated daughter from working at the restaurant—saying it was ''no place for a woman''—he hired her as a waitress. ''He didn't like juggling the tables and say I could do it,'' Borkowski says.

She learned grace under fire the day in the late '60s when a First Avenue ticker-tape parade for astronaut John Glenn resulted in an overflowing house—she was the sole waitress on duty. Glenn himself didn't dine in Billy's that day, but Borkowski remembers when Grace Kelly did after returning to the States for her father's funeral. ''Everybody felt you should bow to her,'' recalls Borkowski, who took over full time for her late father in 1988.

When Princess Grace asked for a hamburger with grilled onions, her brother's jaw dropped in amazement. The former film star shrugged off his objection, insisting that ''the Prince won't let me have one at Monaco, so I'll have it here!''

During regular visits to Billy's, Marilyn Monroe had a special table in the back. Once, when her mink stole fell to the floor, busboys and waiters jockeyed to replace it around her shoulders. ''Don't worry about it,'' Borkowski recalls the actress giggling, ''I've got seven more like this one at home.''

Billy's itself made a cameo appearance in the blockbuster Robert Redford-Barbra Streisand movie. ''The Way We Were,'' providing the setting for a lengthy scene that appeared in Alan Laurents' novel of the same name. ''Most of it ended up on the editing-room floor,'' says Borkowski sadly, ''All you see is a red checked tablecloth.

In a ''Philadelphia Inquirer'' article, actress Helen Hayes once called Billy's her favorite restaurant in the world, according to the owner. Still, it's the everyday folks who have made Billy's an East Side Institution.

''It's a time capsule,'' says regular Leo Yockin, who dines out six nights a week—at least one of those evenings at Billy's. ''The only thing I've seen change in the last 10 years is that [the maitre d'] doesn't wear a red jacket anymore.''

If the attire's slightly altered, the faces are the same. ''The staff hasn't changed since I've been coming here,'' says one customer, ''and I first ate here 20 years ago.''

Hostess Hermy O'Sullivan has been greeting and seating people at Billy's for 39 years. Waiters Joe Donadie and Gus Smolich have been scribbling orders for 32 and 27 years, respectively. ''The customers have kept me here,'' says Donadie, ''It's almost like a private club.''

The head broiler man, Ramon ''R.C.'' Diaz, started as a dishwasher two decades ago before graduating to the kitchen's top spot. Night bartender Sal D'Ambrosio has been pouring drinks for 15 years.

''They're still calling me the new guy,'' says waiter Ivan Sladen, ''and I've been here eight years.''

The king of all Billy's career employees, though, has been Alex Dombrowski, who the current Mrs. Billy says was ''like a brother to my father.'' After the war, during which Dombrowski was shot in the head and leg, Billy Jr. made good on a promise of providing his buddy with a job. Before his death in the 1980s, Dombrowski put in 44 years at the eatery, working his way up from hoisting the basement dumbwaiter to serving as manager.

''If I hire anybody as a waiter or waitress, they're not just technicians,'' says Borkowski, who lives with her mother, Mildred, and orders meals for them nightly from Billy's. ''I look for heart along with technique. They have to really care about whether diners are having a good time.''

That, by all accounts, is the key to Billy's longevity. ''There are cheaper places in towns,'' explains longtime customer Alvin

Levine, ''but no one pays attention to quality and service like Billy's.''

Borkowski, who say she learned about taking care of customers from her parents, reveals the family's secret recipe for success: ''Good quality food, good atmosphere, good service, and a reasonable price—if you don't have those four ingredients,'' says Borkowski, ''you won't succeed. You could serve the best meal in town, but if you throw it at the customer, they won't be back.''

Customers—and their children and grandchildren—have been coming to Billy's for steaks and seafood for more years than any other family-owned restaurant in the city (Barbetta was founded in 1906, and Grotta Azzurra Inn came two years later.) Bridging generations, Billy's has endured four wars, two stockmarket crashes, Prohibition (during which they continued to sell beer), 26 presidents and 15,625 days, as one customer recently calculated between courses.

''It's not an easy life—you have to want it,'' says Borkowski. ''You're married to it. But the customers keep you going. We share in their celebrations and their sorrows.''

From Sunday to next Saturday, Billy's invited old and new customers alike to share in its 125th anniversary celebration. Borkowski and her 24-year old daughter, Susan, who recently received a communications degree yet often puts in an appearance as the restaurant's fourth-generation heir, encourage diners to dress in late 19th Century costumes and eat to the sounds of Victorian music.

''We can't do what we originally did—give away all the food you could eat with drinks,'' says Borkowski. ''But with any entree, you get a free cocktail.''

Also, at the bar, your first beverage will be regular price and the second will go for its long ago rate—five cents for beer and 95 cents for liquor.

Maybe they'll even throw sawdust on the floor.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Agriculture, Nutrition, and Forestry.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At noon, a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1058. An act to reform Federal securities litigation, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1058. An act to reform Federal securities litigation, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES READ THE FIRST TIME

The following bill, previously received from the House of Representatives for concurrence, was read the first time:

H.R. 988. An act to reform the Federal civil justice system.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–493. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–8 adopted by the Council on February 7, 1995; to the Committee on Governmental Affairs.

EC–494. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–9 adopted by the Council on February 7, 1995; to the Committee on Governmental Affairs.

EC–495. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–10 adopted by the Council on February 7, 1995; to the Committee on Governmental Affairs.

EC–496. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–11 adopted by the Council on February 7, 1995; to the Committee on Governmental Affairs.

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. GRAHAM (for himself, Mr. MACK, Mr. LOTT, Mr. BRADLEY, Ms. MOSELEY-BRAUN, Mr. HATCH, and Mr. GRASSLEY):

S. 529. A bill to provide, temporarily, tariff and quota treatment equivalent to that accorded to members of the North American Free Trade Agreement (NAFTA) to Caribbean Basin beneficiary countries; to the Committee on Finance.

By Mr. GREGG:

S. 530. A bill to amend the Fair Labor Standards Act of 1938 to permit State and local government workers to perform volunteer services for their employer without requiring the employer to pay overtime compensation, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HATCH:

S. 531. A bill to authorize a circuit judge who has taken part in an in banc hearing of a case to continue to participate in that case after taking senior status, and for other purposes; to the Committee on the Judiciary.

S. 532. A bill to clarify the rules governing venue, and for other purposes; to the Committee on the Judiciary.

S. 533. A bill to clarify the rules governing removal of cases to Federal court, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH (for himself and Mr. CHAFEE):

S. 534. A bill to amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 535. A bill to authorize the Secretary of Transportation to issue certificates of documentation with appropriate endorsement for employment in coastwise trade for each of 2 vessels named GALLANT LADY, subject to certain conditions, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 536. A bill to authorize the Secretary of the Interior to consolidate the surface and subsurface estates of certain lands within 3 conservation system units on the Alaska Peninsula, and for other purposes; to the Committee on Energy and Natural Resources.

S. 537. A bill to amend the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATFIELD:

S. 538. A bill to reinstate the permit for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COCHRAN:

S. 539. A bill to amend the Internal Revenue Code of 1986 to provide a tax exemption for health risk pools; to the Committee on Finance.

By Mr. GLENN (for himself, Mr. DEWINE, and Mr. LEVIN):

S. 540. A bill to amend the Federal Water Pollution Control Act to require the Administrator of the Environmental Protection Agency to conduct at least 3 demonstration projects involving promising technologies and practices to remedy contaminated sediments in the Great Lakes System and to authorize the Administrator to provide technical information and assistance on technologies and practices for remediation of contaminated sediments, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GLENN (for himself, Mr. DEWINE, Mr. LEVIN, and Mr. FEINGOLD):

S. 541. A bill to amend the Federal Water Pollution Control Act to coordinate and promote Great Lakes activities, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE:

S. Res. 87. A resolution authorizing the taking of a photograph in the Chamber of the United States Senate; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM (for himself, Mr. MACK, Mr. LOTT, Mr. BRADLEY, Ms. MOSELEY-BRAUN, Mr. HATCH, and Mr. GRASSLEY):

S. 529. A bill to provide, temporarily, tariff and quota treatment equivalent to that accorded to members of the North American Free-Trade Agreement [NAFTA] to Caribbean Basin beneficiary countries; to the Committee on Finance.

THE CARIBBEAN BASIN TRADE SECURITY ACT

Mr. GRAHAM. Mr. President, today with my colleagues Senators MACK, LOTT, BRADLEY, MOSELEY-BRAUN, HATCH, and GRASSLEY, I am introducing the Caribbean Basin Trade Security Act, a bill which will improve the economic and political security of the nations of the Caribbean Basin and the United States of America.

In the last decade, the United States has supported and encouraged the extension of democracy in the Caribbean and Central America through enhanced trade and investment. Today, democracy rules in all of the nations of the Caribbean Basin, with the notable exception of Cuba. This year alone, eight nations in the region are holding free elections.

For many nations political stability is by no means guaranteed. As we saw in the painful lesson of Haiti, economic and political instability in the Caribbean region can have tragic consequences for the people and enormous costs to the United States.

It is of vital interest to America to see the Caribbean Basin grow economically. Continued economic expansion will help maintain political stability in the region. By improving economic conditions, we can deter illegal immigration, which taxes our resources and hurts those nations which lose some of their youngest and brightest citizens. Economic stability in the Caribbean Basin strengthens our defense against the trafficking of illegal drugs. An economically stable Caribbean Basin is a rich expanding market for United States goods.

Yet at a time when economic growth is increasingly critical to the region, members of the Caribbean Basin Initiative [CBI] have faced a challenging climatic change in the area of trade. Since the implementation of the North American Free-Trade Agreement [NAFTA], lowered tariffs on Mexican imports have left the Caribbean Basin at a competitive disadvantage to Mexico. As an example, apparel assembly has been the most rapidly expanding job generator in the CBI region. Over 77 percent of Central American and Caribbean textile and apparel exports to the United States are assembled, in whole or in part, from U.S. components. For an apparel item produced in a CBI country with materials from the United States, a 20-percent duty is charged on the value added by the off-shore assembly. Under NAFTA, this same item can be imported from Mexico duty-free.

As a result of this disparity, the growth in apparel imports from Caribbean Basin nations has slowed markedly. There has been a virtual halt in new investment in the apparel sector in the CBI countries and the closing of over 100 plants during the last year alone, at an estimated loss of 15,000 jobs. Before NAFTA, the growth rates for apparel imports from Mexico and CBI nations were roughly equivalent at 25 percent. But by 1994, the CBI growth rate dropped to 14.6 percent, while Mexico's surged to 48.8 percent.

All signs indicate that this inequality will continue to expand if parity is not granted to the CBI nations. With the recent devaluation of the Mexican peso, labor and production costs in Mexico have decreased, and as a result, apparel companies have an added incentive to close shop in CBI nations and relocate to Mexico.

As past Caribbean trade agreements have shown, the United States stands to be a the chief beneficiary of lowering trade barriers between the Caribbean Basin and the United States. The United States' trade balance with Caribbean Basin countries shifted dramatically following the implementation of the 1983 Caribbean Basin Initiative, from a deficit of $700 million in 1985. This has grown to a surplus of $2 billion in 1993. From a $700 million deficit to a $2 billion surplus on a per capita basis, our surplus with the Caribbean has consistently outpaced our surplus with any other region of the world.

This bill covers those manufactured products for which Mexico was granted preferential tariff levels, such as textiles and apparel. Currently, a large portion of U.S. textile and apparel imports are produced in the Far East, where few U.S. materials are used in the production process. U.S. manufacturers and workers stand to benefit from increased production of these items in the Caribbean Basin; new facilities will be more likely to utilize American materials, components, and machinery than does production in the Pacific rim. The American Apparel Manufacturers Association estimates that 15 jobs are created in the United States for every 100 apparel jobs created in CBI production facilities which use U.S. materials.

Mr. President, at the Summit of the Americas in Miami this past December, Vice President GORE reiterated the administration's commitment to the realization of hemisphericwide free trade. The administration supports the goal of bringing CBI nations into NAFTA-type free-trade agreements. The Caribbean Trade Security Act which we introduce today paves the way for the gradual association of the CBI nations into a closer bilateral or multilateral trade agreement with the United States. This legislation calls for a 6-year program after which the CBI nations will be allowed the opportunity to negotiate accession to NAFTA or to enter into independent free-trade agreements with the United States. The U.S. Trade Representative's office would make an assessment of the reforms made in each of the beneficiary countries and of the ability of each country to fulfill the obligations of the NAFTA. This checklist would include, among many criteria, the extent to which a country's markets are accessible, progress on macroeconomic reforms, and the protection of intellectual property rights.

Mr. President, there is no region in the world with which the United States has a stronger and more mutually beneficial relationship than with our Caribbean and Central American neighbors. This bill will enhance our trading relationship with our neighbors and will strongly benefit the United States. I urge my colleagues in the Senate to consider and support this legislation as a demonstration of our commitment to encouraging economic stability and the principles of free markets and free enterprise. From those, the principles of democratic government and personal freedom will continue to strengthen.

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. 529

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 ''Caribbean Basin Trade Security Act''.

SEC. 2. FINDINGS AND POLICY.

(a) FINDINGS.—The Congress finds that—

(1) the Caribbean Basin Economic Recovery Act represents a permanent commitment by the United States to encourage the development of strong democratic governments and revitalized economies in neighboring countries in the Caribbean Basin;

(2) the economic security of the countries in the Caribbean Basin is potentially threatened by the diversion of investment to Mexico as a result of the North American Free Trade Agreement;

(3) to preserve the United States commitment to Caribbean Basin beneficiary countries and to help further their economic development, it is necessary to offer temporary benefits equivalent to the trade treatment accorded to products of NAFTA members;

(4) offering NAFTA equivalent benefits to Caribbean Basin beneficiary countries, pending their eventual accession to the NAFTA, will promote the growth of free enterprise and economic opportunity in the region, and thereby enhance the national security interests of the United States; and

(5) increased trade and economic activity between the United States and Caribbean Basin beneficiary countries will create expanding export opportunities for United States businesses and workers.

(b) POLICY.—It is therefore the policy of the United States to offer to the products of Caribbean Basin beneficiary countries tariff and quota treatment equivalent to that accorded to products of NAFTA countries, and to seek the accession of these beneficiary countries to the NAFTA at the earliest possible date, with the goal of achieving full

participation in the NAFTA by all beneficiary countries by not later than January 1, 2005.

SEC. 3. DEFINITIONS.

As used in this title:

(1) BENEFICIARY COUNTRY.—The term ''beneficiary country'' means a beneficiary country as defined in section 212(a)(1)(A) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(a)(1)(A)).

(2) NAFTA.—The term ''NAFTA'' means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

(3) TRADE REPRESENTATIVE.—The term ''Trade Representative'' means the United States Trade Representative.

(4) WTO AND WTO MEMBER.—The terms ''WTO'' and ''WTO member'' have the meanings given such terms in section 2 of the Uruguay Round Agreements Act.

TITLE I—RELATIONSHIP OF NAFTA IMPLEMENTATION TO THE OPERATION OF THE CARIBBEAN BASIN INITIATIVE

SEC. 101. TEMPORARY PROVISIONS TO PROVIDE NAFTA PARITY TO BENEFICIARY COUNTRY ECONOMIES.

(a) TEMPORARY PROVISIONS.—Section 213(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)) is amended to read as follows:

''(b) IMPORT-SENSITIVE ARTICLES.—

''(1) IN GENERAL.—Subject to paragraphs (2) through (5), the duty-free treatment provided under this title does not apply to—

''(A) textile and apparel articles which are subject to textile agreements;

''(B) footwear not designated at the time of the effective date of this title as eligible articles for the purpose of the generalized system of preferences under title V of the Trade Act of 1974;

''(C) tuna, prepared or preserved in any manner, in airtight containers;

''(D) petroleum, or any product derived from petroleum, provided for in headings 2709 and 2710 of the HTS;

''(E) watches and watch parts (including cases, bracelets and straps), of whatever type including, but not limited to, mechanical, quartz digital or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which HTS column 2 rates of duty apply; or

''(F) articles to which reduced rates of duty apply under subsection (h).

''(2) NAFTA TRANSITION PERIOD TREATMENT OF CERTAIN TEXTILE AND APPAREL ARTICLES.—

''(A) EQUIVALENT TARIFF AND QUOTA TREATMENT.—During the transition period—

''(i) the tariff treatment accorded at any time to any textile or apparel article that originates in the territory of a beneficiary country shall be identical to the tariff treatment that is accorded during such time under section 2 of the Annex to a like article that originates in the territory of Mexico and is imported into the United States;

''(ii) duty-free treatment under this title shall apply to any textile or apparel article of a beneficiary country that is imported into the United States and that—

''(I) meets the same requirements (other than assembly in Mexico) as those specified in Appendix 2.4 of the Annex (relating to goods assembled from fabric wholly formed and cut in the United States) for the duty free entry of a like article assembled in Mexico, or

''(II) is identified under subparagraph (C) as a handloomed, handmade, or folklore article of such country and is certified as such by the competent authority of such country; and

''(iii) no quantitative restriction or consultation level may be applied to the importation into the United States of any textile or apparel article that—

''(I) originates in the territory of a beneficiary country,

''(II) meets the same requirements (other than assembly in Mexico) as those specified in Appendix 3.1.B.10 of the Annex (relating to goods assembled from fabric wholly formed and cut in the United States) for the exemption of a like article assembled in Mexico from United States quantitative restrictions and consultation levels, or

''(III) qualifies for duty-free treatment under clause (ii)(II).

''(B) NAFTA TRANSITION PERIOD TREATMENT OF NONORIGINATING TEXTILE AND APPAREL ARTICLES.—

''(i) PREFERENTIAL TARIFF TREATMENT.—Subject to clause (ii), the United States Trade Representative may place in effect at any time during the transition period with respect to any textile or apparel article that—

''(I) is a product of a beneficiary country, but

''(II) does not qualify as a good that originates in the territory of that country,

tariff treatment that is identical to the preferential tariff treatment that is accorded during such time under Appendix 6.B of the Annex to a like article that is a product of Mexico and imported into the United States.

''(ii) PRIOR CONSULTATION.—The United States Trade Representative may implement the preferential tariff treatment described in clause (i) only after consultation with representatives of the United States textile and apparel industry and other interested parties regarding—

''(I) the specific articles to which such treatment will be extended,

''(II) the annual quantity levels to be applied under such treatment and any adjustment to such levels,

''(III) the allocation of such annual quantities among the beneficiary countries that export the articles concerned to the United States, and

''(IV) any other applicable provision.

''(iii) ADJUSTMENT OF CERTAIN BILATERAL TEXTILE AGREEMENTS.—The United States Trade Representative shall undertake negotiations for purposes of seeking appropriate reductions in the quantities of textile and apparel articles that are permitted to be imported into the United States under bilateral agreements with beneficiary countries in order to reflect the quantities of textile and apparel articles of each respective country that are exempt from quota treatment by reason of paragraph (2)(A)(iii).

''(C) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—For purposes of subparagraph (A), the United States Trade Representative shall consult with representatives of the beneficiary country for the purpose of identifying particular textile and apparel goods that are mutually agreed upon as being handloomed, handmade, or folklore goods of a kind described in section 2.3 (a), (b), or (c) or Appendix 3.1.B.11 of the Annex.

''(D) BILATERAL EMERGENCY ACTIONS.—The President may take—

''(i) bilateral emergency tariff actions of a kind described in section 4 of the Annex with respect to any textile or apparel article imported from a beneficiary country if the application of tariff treatment under subparagraph (A) to such article results in conditions that would be cause for the taking of such actions under such section 4 with respect to a like article that is a product of Mexico; or

''(ii) bilateral emergency quantitative restriction actions of a kind described in section 5 of the Annex with respect to imports of any textile or apparel article described in subparagraph (B)(i) (I) and (II) if the importation of such article into the United States results in conditions that would be cause for the taking of such actions under such section 5 with respect to a like article that is a product of Mexico.

''(3) NAFTA TRANSITION PERIOD TREATMENT OF CERTAIN OTHER ARTICLES ORIGINATING IN BENEFICIARY COUNTRIES.—

''(A) EQUIVALENT TARIFF TREATMENT.—

''(i) IN GENERAL.—Subject to clause (ii), the tariff treatment accorded at any time during the transition period to any article referred to in any of subparagraphs (B) through (F) of paragraph (1) that originates in the territory of a beneficiary country shall be identical to the tariff treatment that is accorded during such time under Annex 302.2 of the NAFTA to a like article that originates in the territory of Mexico and is imported into the United States. Such articles shall be subject to the provisions for emergency action under chapter 8 of part two of the NAFTA to the same extent as if such articles were imported from Mexico.

''(ii) EXCEPTION.—Clause (i) does not apply to any article accorded duty-free treatment under U.S. Note 2(b) to subchapter II of chapter 98 of the HTS.

''(B) RELATIONSHIP TO SUBSECTION (h) DUTY REDUCTIONS.—If at any time during he transition period the rate of duty that would (but for action taken under subparagraph (A)(i) in regard to such period) apply with respect to any article under subsection (h) is a rate of duty that is lower than the rate of duty resulting from such action, then such lower rate of duty shall be applied for the purposes of implementing such action.

''(4) CUSTOMS PROCEDURES.—The provisions of chapter 5 of part two of the NAFTA regarding customs procedures apply to importations of articles from beneficiary countries under paragraphs (2) and (3).

''(5) DEFINITIONS.—For purposes of this subsection—

''(A) The term 'the Annex' means Annex 300–B of the NAFTA.

''(B) The term 'NAFTA' means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

''(C) The term 'textile or apparel article' means any article referred to in paragraph (1)(A) that is a good listed in Appendix 1.1 of the Annex.

''(D) The term 'transition period' means, with respect to a beneficiary country, the period that begins on the date of the enactment of the Caribbean Basin Trade Security Act and ends on the earlier of—

''(i) the date that is the 6th anniversary of such date of enactment; or

''(ii) the date on which—

''(I) the beneficiary country accedes to the NAFTA, or

''(II) there enters into force with respect to the United States and the beneficiary country a free trade agreement comparable to the NAFTA that makes substantial progress in achieving the negotiating objectives set forth in section 108(b)(5) of the North American Free Trade Agreement Implementation Act.

''(E) An article shall be treated as having originated in the territory of a beneficiary country if the article meets the rules of origin for a good set forth in chapter 4 of part two of the NAFTA or in Appendix 6.A of the Annex. In applying such chapter 4 or Appendix 6.A with respect to a beneficiary country for purposes of this subsection, no countries other than the United States and beneficiary countries may be treated as being Parties to the NAFTA.''.

(b) CONFORMING AMENDMENTS.—The Caribbean Basin Economic Recovery Act is amended—

(1) by amending section 212(e)(1)(B) to read as follows:

''(B) withdraw, suspend, or limit the application of the duty-free treatment under this subtitle, and the tariff and preferential tariff treatment under section 213(b) (2) and (3), to any article of any country,''; and

(2) by inserting ''and except as provided in section 213(b) (2) and (3),'' after ''Tax Reform Act of 1986,'' in section 213(a)(1).

SEC. 102. EFFECT OF NAFTA ON SUGAR IMPORTS FROM BENEFICIARY COUNTRIES.

The President shall monitor the effects, if any, that the implementation of the NAFTA has on the access of beneficiary countries under the Caribbean Basin Economic Recovery Act to the United States market for sugars, syrups, and molasses. If the President considers that the implementation of the NAFTA is affecting, or will likely affect, in an adverse manner the access of such countries to the United States market, the President shall promptly—

(1) take such actions, after consulting with interested parties and with the appropriate committees of the House of Representatives and the Senate, or

(2) propose to the Congress such legislative actions,

as may be necessary or appropriate to ameliorate such adverse effect.

SEC. 103. DUTY-FREE TREATMENT FOR CERTAIN BEVERAGES MADE WITH CARIBBEAN RUM.

Section 213(a) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(a)) is amended—

(1) in paragraph (5), by striking ''chapter'' and inserting ''title''; and

(2) by adding at the end the following new paragraph:

''(6) Notwithstanding paragraph (1), the duty-free treatment provided under this title shall apply to liqueurs and spirituous beverages produced in the territory of Canada from rum if—

''(A) such rum is the growth, product, or manufacture of a beneficiary country or of the Virgin Islands of the United States;

''(B) such rum is imported directly from a beneficiary country or the Virgin Islands of the United States into the territory of Canada, and such liqueurs and spirituous beverages are imported directly from the territory of Canada into the customs territory of the United States;

''(C) when imported into the customs territory of the Untied States, such liqueurs and spirituous beverages are classified in subheading 2208.90 or 2208.40 of the HTS; and

''(D) such rum accounts for at least 90 percent by volume of the alcoholic content of such liqueurs and spirituous beverages.''.

TITLE II—RELATED PROVISIONS

SEC. 201. MEETINGS OF TRADE MINISTERS AND USTR.

(a) SCHEDULE OF MEETINGS.—The President shall take the necessary steps to convene a meeting with the trade ministers of the beneficiary countries in order to establish a schedule of regular meetings, to commence as soon as is practicable, of the trade ministers and the Trade Representative, for the purpose set forth in subsection (b).

(b) PURPOSE.—The purpose of the meetings scheduled under subsection (a) is to reach agreement between the United States and beneficiary countries on the likely timing and procedures for initiating negotiations for beneficiary countries to accede to the NAFTA, or to enter into mutually advantageous free trade agreements with the United States that contain provisions comparable to those in the NAFTA and would make substantial progress in achieving the negotiating objectives set forth in section 108(b)(5) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3317(b)(5)).

SEC. 202. REPORT ON ECONOMIC DEVELOPMENTS AND MARKET ORIENTED REFORMS IN THE CARIBBEAN.

(a) IN GENERAL.—The Trade Representative shall make an assessment of the economic development efforts and market oriented reforms in each beneficiary country and the ability of each such country, on the basis of such efforts and reforms, to undertake the obligations of the NAFTA. The Trade Representative shall, not later than July 1, 1996, submit to the President and to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on that assessment.

(b) ACCESSION TO NAFTA.—

(1) ABILITY OF COUNTRIES TO IMPLEMENT NAFTA.—The Trade Representative shall include in the report under subsection (a) a discussion of possible timetables and procedures pursuant to which beneficiary countries can complete the economic reforms necessary to enable them to negotiate accession to the NAFTA. The Trade Representative shall also include an assessment of the potential phase-in periods that may be necessary for those beneficiary countries with less developed economies to implement the obligations of the NAFTA.

(2) FACTORS IN ASSESSING ABILITY TO IMPLEMENT NAFTA.—In assessment the ability of each beneficiary country to undertake the obligations of the NAFTA, the Trade Representative should consider, among other factors—

(A) whether the country has joined the WTO;

(B) the extent to which the country provides equitable access to the markets of that country;

(C) the degree to which the country uses export subsidies or imposes export performance requirements or local content requirements;

(D) macroeconomic reforms in the country such as the abolition of price controls on traded goods and fiscal discipline;

(E) progress the country has made in the protection of intellectual property rights;

(F) progress the country has made in the elimination of barriers to trade in services;

(G) whether the country provides national treatment to foreign direct investment;

(H) the level of tariffs bound by the country under the WTO (if the country is a WTO member);

(I) the extent to which the country has taken other trade liberalization measures; and

(J) the extent which the country works to accommodate market access objectives of the United States.

(c) PARITY REVIEW IN THE EVENT A NEW COUNTRY ACCEDES TO NAFTA.—If—

(1) a country or group of countries accedes to the NAFTA, or

(2) the United States negotiates a comparable free trade agreement with another country or group of countries.

the Trade Representative shall provide to the committees referred to in subsection (a) a separate report on the economic impact of the new trade relationship on beneficiary countries. The report shall include any measures the Trade Representative proposes to minimize the potential for the diversion of investment from beneficiary countries to the new NAFTA member or free trade agreement partner.

By Mr. GREGG:

S. 530. A bill to amend the Fair Labor Standards Act of 1938 to permit State and local government workers to perform volunteer services for their employer without requiring the employer to pay overtime compensation, and for other purposes; to the Committee on Labor and Human Resources.

THE STATE AND LOCAL VOLUNTEER PRESERVATION ACT OF 1995

● Mr. GREGG. Mr. President, it is my belief that the U.S. Government needs to foster voluntarism and philanthropy whenever it can. This is not how the system is currently working. On the contrary, overzealous regulation and oppressive Government agencies, such as the Department of Labor , stifle the efforts of citizens who want to volunteer some of their spare time to their community.

For example: In a small town in New Hampshire a police officer was using his free time at night to train women in self-defense. He volunteered to teach this course and did so gladly. The Labor Department came onto the scene, however, and told the police department that they must either pay the officer for overtime or cancel the program. The program was canceled for lack of funds. The women in this small town no longer have the option of free classes in order to learn to protect themselves.

This is a familiar story, not only to police departments across the country, but also to many other types of State and local agencies whose employees want to serve their community but are forbidden to by the Department of Labor. These incidents occurred because of the manner in which the Labor Department has decided to apply the Fair Labor Standards Act to those who willingly and gladly volunteer some of their spare time to public service. Such regulatory overreaching typifies what has gone wrong with the Federal Government, when public spirit and common sense lose out to narrow and misguided bureaucratic objectives.

It is for these reasons that I am introducing the State and Local Volunteer Preservation Act of 1995, which amends the Fair Labor Standards Act to allow State and local public servants to volunteer their time to their employers if they choose to do so. This bill will extend to town clerks who want to help count ballots on election night; firefighters who want to help put out fires in their districts even if they are not on duty; police officers who want to work with police dogs or train women in self-defense; and many other public employees who want to volunteer their free time to their communities. We must act now to stop this encroachment on local voluntarism and allow our civic-minded citizens to volunteer their time to their community, no matter what their occupation.

I am pleased to announce that the International Association of Chiefs of Police [IACP] have endorsed this legislation. It is from police officers in New Hampshire that I first heard of this

problem, and it is from IACP that I learned that these regulations were causing difficulties not only in New Hampshire, but around the country.

I hope my colleagues will join me in supporting this important measure. Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 530

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 ''State and Local Volunteer Preservation Act''.

SEC. 2. WAIVER OF OVERTIME COMPENSATION.

Section 7(o) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(o)) is amended—

(1) by redesigning paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5), the following new paragraph:

''(5) A public agency which is a State, political subdivision of a State, or an interstate governmental organization shall not be required to pay an employee overtime compensation or provide compensatory time under this section for any period during which the employee—

''(A) volunteered to perform services for the public agency; and

''(B) signed a legally binding waiver of such compensation or compensatory time.''.

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE,
Alexandria, VA, March 8, 1995.

Hon. JUDD GREGG,
U.S. Senate,
Washington, DC.

DEAR SENATOR GREGG: The International Association of Chiefs of Police (IACP) has long been in support of amendments to the Fair Labor Standards Act. Applying laws and regulations initially designed for the private sector, to public sector employers and employees has created difficulties that can only be curbed by federal legislation. While IACP believes that other additional amendments would be helpful, we certainly support and endorse your proposed bill that would clarify the compensation status of reserve officers who wish to volunteer for public safety activities.

If we can be of further assistance, please do not hesitate to call.

Sincerely,

JOHN T. WHETSEL,
President. ●

By Mr. HATCH:

S. 531. A bill to authorize a circuit judge who has taken part in an in banc hearing of a case to continue to participate in that case after taking senior status, and for other purposes; to the Committee on the Judiciary.

S. 532. A bill to clarify the rules governing venue, and for other purposes; to the Committee on the Judiciary.

S. 533. A bill to clarify the rules governing removal of cases to Federal court, and for other purposes; to the Committee on the Judiciary.

TITLE 28 CORRECTION LEGISLATION

Mr. HATCH. Mr. President, I am today introducing three bills, each of which would correct an inadvertent glitch in title 28 of the United States Code. I believe that all my colleagues will find these bills to be uncontroversial and nonpartisan. But they are nonetheless important, for they clean up problems that have surfaced in existing provisions.

Let me briefly describe the three bills.

My first bill would modify section 46(c) of title 28 to authorize a circuit judge who has taken part in an en banc hearing of a case to continue to participate in that case after taking senior status. Section 46(c) currently sets forth a general rule with one exception: it provides that only circuit judges in regular active service may sit on the en banc court, except that a senior circuit judge who was a member of the panel whose decision is being reviewed en banc may also be eligible to sit on the en banc court. This general rule makes good sense, for it ensures that it is the judges in regular active service who determine the law of the circuit. The exception also makes good sense, since it enables the court to avoid wasting the already-expended efforts of a judge.

The current language of section 46(c), however, inadvertently creates a problem, for it appears to require a circuit judge in regular active service who has heard argument in an en banc case to cease participating in that case when that judge takes senior status. Courts of appeals have regarded themselves as bound to so construe the statute. See, e.g., *United States* v. *Hudspeth*, No. 93–1352—7th Cir. Oct. 28, 1994. This result is problematic, for it means that at the time of argument in an en banc case, it may be unclear who will be eligible to vote on the final disposition. Worse, there is the possibility that a judge might delay—or might be perceived as delaying—the release of an opinion until a member of the court takes senior status, in order to affect the outcome. As the seventh circuit's discussion in Hudspeth makes clear, there is every reason to believe that this consequence was inadvertently produced by Congress. The Judicial Council of the seventh circuit has written to me recommending that this provision be reconsidered. Other courts have also faced difficulties with this provision. My bill would correct this problem.

My second bill adopts a proposal by the Judicial Conference of the United States to correct a flaw in a venue provision, section 1391(a) of title 28. Section 1391(a) governs venue in diversity cases. Like section 1391(b), which governs venue in Federal question cases, section 1391(a) has a fallback provision—subsection (3)—that comes into play if neither of the other subsections confers venue in a particular case. See C. Wright, Law of Federal Courts 262—5th ed. 1994—Specifically, subsection (3) provides that venue lies in ''a judicial district in which the defendants are subject to personal jurisdiction at the time the action is commenced, if there is no district in which the action may otherwise be brought.''

The defect in this fallback provision is that it may be read to mean that all defendants must be subject to personal jurisdiction in a district in order for venue to be lie. Under this reading, there would be cases in which there would be no proper venue. In short, the fallback provision would not always work. Such a result is undesirable and appears to be the inadvertent product of a rather tortuous drafting history. See C. Wright, supra, at 262 n. 35.

My bill would eliminate the ambiguity in subsection (3) by specifying that venue would be proper under this fallback provision in a district in which any defendant is subject to personal jurisdiction. This language would track the language in the parallel fallback provision in section 1391(b). Again, I note that the Judicial Conference has endorsed this change.

My third bill would remedy a problem that has arisen in the procedures governing remand to State court of cases that have been removed to Federal court. Section 1447(c) of title 28 provides that a motion to remand a case on the basis of any defect in removal procedure must be made within 30 days of the filing of the notice of removal. It appears clearly to have been the intent of Congress that the phrase ''any defect in removal procedure'' would encompass any defect other than lack of subject matter jurisdiction. Section 1447(c) specifies that no time limit applies to motions to remand based on lack of subject matter jurisdiction. But a few courts have taken a more narrow reading, and a circuit split exists. See C. Wright, supra, at 249–250 and nn. 3–6. My bill would make clear that a 30-day limit applies to all motions to remand except those based on lack of subject matter jurisdiction.

By Mr. SMITH (for himself and Mr. CHAFEE):

S. 534. A bill to amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

INTERSTATE WASTE AND FLOW CONTROL LEGISLATION

Mr. SMITH. Mr. President, I am today introducing legislation that I believe will solve the longstanding problem of the interstate disposal of solid waste, as well as address the more recent issue involving the use of flow control measures to control the disposal of these materials.

For those of my colleagues who are not familiar with the issue, the controversy surrounding the interstate transportation of solid waste is one that the Senate has been considering since before 1990. Today, 47 States export approximately 14 to 15 million tons of solid waste per year for disposal in other States. While short distance waste exports have been occurring for

some time, the development of a longhaul waste transport market has been a more recent development. With tipping fees of $140 per ton in some large cities, compared with a national average of between $30 and $50, there is an incentive for municipalities to transport these wastes by truck and rail to distant States for permanent disposal.

Those States that have recently been the recipients of large amounts of long-haul wastes have raised a concern that their limited capacity for solid waste disposal is being filled, and that they have become the dumping ground for someone else's waste problems. Over the last few years, 37 States have passed laws to prohibit, limit, or severely tax waste that enters their jurisdiction. However, almost all of these laws have been stuck down for violating the commerce clause of the Constitution. While there has been some recent easing of disposal capacity nationwide, there are still significant concerns about the future consequences of the long-haul system.

To address these concerns Congress, as well as the Environment and Public Works Committee, in particular, have been attempting to strike a balance between importing and exporting States. Last year, the Committee on Environment and Public Works, of which I am a member, unanimously reported S. 2345 to address this problem. A number of Members, both on and off the committee, including Senators COATS, SPECTER, LAUTENBERG, MOYNIHAN, and others, took a very active role in attempting to develop a compromise that importing and exporting States could live with. While the Senate easily passed this compromise by voice vote on September 30, 1994, time ran out before this issue could be finally resolved.

Today I am offering legislation that is cosponsored by Senator CHAFEE, the chairman of the Environment and Public Works Committee, that will address both interstate waste and flow control. Title I of our bill, which pertains to interstate waste, is essentially the same package that the Senate overwhelmingly supported last year. There was no opposition that I was aware of. It is our hope that we will have similar support for this legislation so that we can quickly lay this issue to rest.

The issue of flow control is another trashrelated concern that has been brought before Congress as a result of Supreme Court action. In essence, flow control is a mechanism that has been utilized by a variety of towns and cities to mandate that solid waste be disposed of at facilities designated by that entity. In May 1994, the Supreme Court, in the decision of Carbone versus Clarkstown, struck down a New York flow control ordinance as a violation of the commerce clause. For better or worse—depending on your point of view—the Carbone decision essentially halted efforts nationwide to enact flow control measures. Cities and towns that utilized flow control authority prior to Carbone assert that it allowed them to create integrated waste control systems, including activities such as recycling, composting, and hazardous waste collection—that would not have been possible without this authority.

Since 1980, over $20 billion in municipal bonds have been issued to pay for the construction of solid waste facilities utilizing flow control. In the wake of Carbone, there has been a strong concern raised that without prompt action by the Congress to authorize some flow control, many cities and towns that let these bonds are in danger of having these investments downgraded—some say even turned into junk bonds. This concern was underscored by a recent decision of Moody's Investors Service to downgrade the waste bond rating of five New Jersey counties to below investment grade status. In addition to bond-related concerns, the proponents also assert that the failure of Congress to provide flow control authority will leave State and local governments defenseless in their efforts to control the export of interstate waste.

It must be noted, however, that flow control does not have universal support. It does not really have this Senator's support. A number of mayors and local officials, such as Bret Schundler, the mayor of Jersey City, NJ, have gone on record in strong opposition to the use of flow control. They argue essentially that flow control limits the ability of local government to find low-cost, environmentally sound disposal alternatives, and results in exorbitant and unnecessarily high tipping fees.

In addition to these arguments, a recently released EPA report entitled ''Flow Controls and Municipal Solid Waste,'' concludes that not only is there ''no empirical data showing that flow control provides more or less protection'' to human health and environment. The report then goes on to say that there is no evidence that ''flow controls are essential either for the development of new solid waste capacity or for the long-term achievement of State and local goals for source reduction, reuse, and recycling.''

So, last week, the Environmental and Public Works Subcommittee on Superfund, Waste Control and Risk Assessment, which I chair, of course, held an extensive hearing that focused on two issues: Both flow control and interstate waste. During that hearing, we heard testimony from New Jersey Governor Christine Todd Whitman and others, including Congressman CHRIS SMITH of New Jersey, who called for the enactment of very broad flow control authority for municipalities in States well into the future. Others, including the Natural Resources Defense Council and Competitive Enterprise Institute requested that the Senate enact no flow control whatever.

My subcommittee also heard from the Public Securities Association which outlined the domino effect that might occur if Congress were to fail to authorize any flow control for those municipalities that have already let bonds under the presumption that they had the authority to flow control. They assert that not only would a failure to enact this authority affect the value of the existing flow control bonds, but it would also have a detrimental effect on the ability of the municipalities to let any bonds in the future.

So, the language that Senator CHAFEE and I are today introducing will protect those municipalities that impose flow control pursuant to a law, ordinance, regulation, or any other legally binding provision prior to May 15, 1994, prior to the Carbone decision, and which implemented flow control by designating a flow control facility prior to that date. In addition, this bill will protect those municipalities that imposed flow control prior to May 15, 1994, but which were in the midst of constructing such a flow control facility. Thus, in other words, if the municipality had its permits to construct and had signed contracts to build the facilities, had let revenue bonds, or had received its operating permit prior to May 15, 1994, it would also be able to take advantage of the grandfather provision and the protection that we are providing in our bill.

Our bill also provides sufficient flexibility so that the facilities that need to retrofit or modify their equipment to meet environmental or safety requirements, or if the facility needs to expand on the land that they own and that it is covered by their permit, they will be allowed to do so.

But it does not stop there Mr. President. Our bill is intended to provide a sense of finality to this issue. Precisely 30 years after this legislation is adopted, no further flow control measures will be allowed. Zero, none.

I want to be clear: I am opposed to flow control. I think the interstate commerce clause is exactly correct and the court's ruling was correct. I am not convinced that communities need to have broad flow control authority in order to ensure the proper disposal of their solid wastes. Nonetheless, I am aware of and I am sympathetic to and understand the position of those cities and towns that need this grandfathering so they can pay off the bonds that were let, based on the presumption that they had this authority. They thought they had the authority, they let the bonds, and they are kind of in the middle in a whipsaw, what to do. And nothing has been done since May 15, 1994, except the bonds have been going down in value.

So, under our bill, those municipalities that took action on this presumption will be protected. It is a grandfather protection. It ends in 30 years. Why 30 years? Because that is as long as any bonds that we know of are out there. It is a compromise.

Frankly, it is not my philosophical view. I do not believe that there ought to be flow control, but I do understand that things happen. Sometimes people believe they are doing the right thing, think they have the authority to do the right thing, and they get caught in the middle.

I believe this legislation strikes a fair balance in accommodating those who are strong proponents of States' rights and those who are strong proponents of the free market system.

Now, there are some who will probably try to amend this legislation, perhaps here on the floor or in committee, who will take the position that the States should have the total right to enact flow control any way they want to do that. But that is not the free market system. I am surprised, somewhat, by some of my colleagues who take that position who claim to be free marketeers.

So, in essence, what I tried to do in order to help those people who immediately need the help, is to craft this compromise, to grandfather the situations where there is an urgency here, where there has been some money expended, through the processes that I indicated, letting the bonds, or permitting, or construction work, or contracts, allow that to be grandfathered, and then at the end of that period of time, we go back to no flow control, we go back to interstate commerce.

Now, I am not convinced that the free market could not fully address this issue of disposing of our Nation's solid waste, but I am willing to make this accommodation.

Now, again, let me repeat, so that there is no misunderstanding, I do not support systemwide flow control, and I am strongly opposed to any prospective flow control. I feel that our bill has struck the balance, and I do not feel we need to go any further. Grandfathering is there. It ends in 30 years from the date of the enactment of the legislation.

Those municipalities that are in danger of having their bonds downgraded have requested that we move quickly to resolve this issue. That is exactly what I have been doing. It is the first piece of legislation that we worked on and marked up. There are many other pieces of legislation out there that are very critical, that are very high priority to me and to the Senate, including Superfund. We put this first in order to accommodate these communities, these municipalities, who have this problem.

I would hope that those people who might have a stronger view that we ought to have total flow control would understand that I have done this in an effort to help those communities and not get this thing into an extended debate, an extended controversy, to try to go all the way over to systemwide flow control and allow what I believe to be a reasonable compromise to pass.

I hope that my colleagues will support this legislation. It is very carefully thought out. Senator CHAFEE was immensely helpful and supportive. Senator COATS did a lot of work on interstate transfer of waste. He was very helpful, of course, and others. I hope that we will get support for this legislation, that it will pass quickly, as we do have kind of an emergency situation out there with these municipalities.

But I would just say to my colleagues, if we wind up in a huge floor fight, either out here on the floor or perhaps a fight in committee which delays this, then I think we are making a serious mistake in not helping those communities who really need the help.

Again, this is a big step for me because I believe that there should not be flow control, as I indicated. And had this situation not developed where we had these municipalities who had let these bonds, we would be out here with legislation that basically says there would be no flow control.

So I am doing this as a compromise to help those communities and municipalities in need. Hopefully, people will understand that and this legislation will be promptly passed by the Senate, sent to the House and signed by the President and become law.

Mr. CHAFEE. Mr. President, today I join the Senator from New Hampshire [Mr. SMITH] in introducing legislation dealing with interstate waste and flow control authority. I want to acknowledge the Senator's effort. As the chairman of the Environment Committee's Superfund, Waste Control, and Risk Assessment Subcommittee, the Senator from New Hampshire has taken the lead in drafting this legislation, targeting issues that went unresolved last year.

As you may recall, at the close of the last session of Congress, a so-called compromise on interstate waste and flow control was approved by the House and sent to the Senate on the last day of the session. I had real concerns with the bill. We could have approved that bill if there had been time for debate and an opportunity to consider amendments. But that was not the case. It was a take-it-or-leave-it proposition, and for a number of reasons, I could not take it.

The legislation was broad in scope, both on interstate and flow control. In my view, unlike the Senate-passed bill on interstate waste—which was a fair accommodation of importing and exporting States' interests—the House-passed bill tilted the scales out of balance in favor of importing States. Rhode Island, I might add, is a waste exporter. On flow control—which was not addressed in the Senate bill—the House bill favored local governments to the detriment of consumers and small business.

My major concerns with the House-passed bill revolved around three key issues, one on interstate and two on flow control.

On interstate, the primary problem was the inclusion of language creating a statutory presumption against the lawful shipment of waste across the State lines. On flow control, the House-passed bill granted authority not only to existing facilities with outstanding bond debt—the Public Securities Association's primary concern—but also to facilities with little or no financial exposure. In addition, the language would have resurrected Rhode Island's flow control authority—even though a Federal district court blocked that law in 1992, and the State has no need for the authority.

Now, to the legislation. For the record, Senator SMITH chaired a Waste Control Subcommittee hearing on March 1, 1995, to solicit testimony on interstate waste and flow control from the various interest groups, including the National Association of Counties, the National Federation of Independent Business, the Natural Resources Defense Council, and waste haulers. In addition, Senators COATS and COHEN as well as Representative CHRIS SMITH and Gov. Christine Todd Whitman testified before the committee. There is great interest in moving this legislation early in the session, and we intend to do so.

The legislation is straightforward. Title I deals exclusively with the interstate transport of waste. Title II focuses on the issue of flow control.

Let me turn to title I. On interstate shipments, this bill we are introducing is similar to S. 2345, legislation that was approved unanimously by the Senate last year. I want to make it clear that the bill before us deals exclusively with the transport, across State borders, of municipal solid waste—commonly known as garbage or trash. It purposely avoids imposing restrictions on the interstate transport of hazardous waste, industrial waste, or even construction and demolition debris, which create a different set of problems, and would require markedly different approaches.

The interstate conflict is a symptom of a larger solid waste problem. Our society is generating more and more waste. We are a throw-away society. As a result, our landfills have become precious resources. What's more, communities all across the country are finding it exceedingly difficult to site new capacity, even for waste generated within their borders.

Listen to these statistics. In the United States, we generate about 180 million tons of municipal waste each year. Forty-three States ship some 15 million tons out of State each year. Forty-two States also import some waste. Nearly every State relies on at least one other State to handle some portion of their waste. The vast majority of these shipments are noncontroversial, so-called border waste which has been traveling short distances over State lines for years. We do not want to upset these arrangements unnecessarily.

The real problem arises when some States, such as Pennsylvania, Indiana, and Ohio are forced to accept far more

waste than they want. We need a three-part strategy to solve this problem. First, we must reduce the amount of waste we produce. Second, we need to recycle more of the waste that is produced. And third, States and localities must be given some additional authority to control the disposal of waste in a safe and environmentally sound manner.

Toward this end, the bill we are considering would give States limited authority to impose restrictions on municipal wastes that are imported from other States. Subject to certain exceptions, this legislation allows a Governor to prohibit shipments of out-of-State waste if the affected local government submits a request to the Governor. In addition, a Governor could unilaterally freeze out-of-State waste at 1993 levels at certain landfills and incinerators.

The legislation, I must admit, is complicated because it attempts to accommodate the interests of many Members and because it recognizes that interstate waste is not an issue in just one or two States. In developing this bill, the chairman has struggled to provide States some control over imported garbage without unduly limiting interstate commerce.

In addressing the problem, the chairman has tried to find a solution that will reduce unwanted imports, and yet give exporting States some time to reduce the amount of waste generated, to increase recycling, and to site new, in-State capacity. I believe the legislation we are considering, while far from perfect, is equitable, and will provide a responsible solution to the problem.

To be sure, our work on this issue, as well as on flow control, has just begun. Senator SMITH and I are ready to work with the committee and other interested Members of the Senate to craft a bill that can be approved by both Senate and House.

Now to title II on flow control. Flow control is the method used to route a community's solid waste to designated, often publicly financed, disposal facilities, with little or no competition from the private sector. Flow control laws, because of their potential interference in interstate commerce, have been overturned in several Federal courts, most recently last May at the Supreme Court in Carbone versus Clarkstown. The issue is controversial both for the private waste market and the many communities that have financed waste facilities in reliance upon flow control.

The implications of congressional action on flow control have the potential to resonate throughout the economy. Flow control laws have been widely used in recent years, often as a tool to guarantee that projected amounts of waste and revenues will be received at waste management facilities funded by revenue bonds. In fact, since 1980, over $24 billion in municipal bonds have been issued to pay for the construction of solid waste facilities.

In the overwhelming majority of cases, investors were assured that the projected amounts of waste would be delivered to the facility because flow control laws were in place. In some cases, the local government agreed to bear the risk that flow control laws would be found to be unconstitutional. They have enforceable put-or-pay contracts. Now, unless a solution is developed, affected governments' bond ratings may be at risk, and local residents will have to pay for services they are not receiving.

In developing a solution, however, we must take into consideration not only the interests of local taxpayers and bondholders but also consumers and small business who may get a better deal in the absence of flow control laws. Furthermore, I have great concern generally with the anticompetitive nature of flow control.

The bill we are introducing today strikes a balance, protecting past community investments based on flow control without perpetuating an anticompetitive market going forward. Under our bill, each State and each political subdivision may exercise flow control authority if that authority is imposed pursuant to law or other legally binding provision and has been implemented by designating facilities that were constructed after the effective date of the provision and prior to May 15, 1994. In addition, the bill provides a grandfather provision, for communities that have made a substantial commitment toward the designation of a waste management facility, although not yet constructed, prior to May 15, 1994. Finally, the bill includes a flow control authority sunset provision effective 30 years after date of enactment.

Mr. President, I believe this legislation represents a good faith effort to bring the various parties together on the issues of interstate waste and flow control. It provides additional authority to waste importers without overriding the needs of waste exporting States—it protects past community financial investments and yet provides opportunities for the private sector. So, I commend the Senator from New Hampshire and look forward to working with him and the other members of the committee to report this legislation in an expeditious fashion.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 537. A bill to amend the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

THE ALASKA NATIVE CLAIMS SETTLEMENT ACT AMENDMENTS ACT OF 1995

● Mr. MURKOWSKI. Mr. President, I am pleased to introduce a bill to amend the Alaska Native Claims Settlement Act of 1971. This legislation is noncontroversial and fully supported by the Alaska Federation of Natives. The bill was passed by the House of Representatives last Congress. The Senate Energy Committee held hearings and approved a similar bill. Unfortunately, it did not pass the full Senate last year because of an issue unrelated to this legislation.

The enactment of the Alaska Native Claim Settlement Act [ANCSA] was a landmark event in Alaska's history. The land grants and compensation provided to Alaska Natives under ANCSA was unprecedented and has proven to be a successful alternative to the reservation system in the lower 48 States. ANCSA created business corporations based on existing Alaska Native communities and the corporations are responsible for investing and managing assets provided under ANCSA for the benefit of the all-Native shareholders. ANCSA created a system that allows Alaska Natives to become self-sufficient.

While I am happy to say that the system created under ANCSA is working, there are some changes that are sometimes necessary to make sure the intent of ANCSA is carried out. This bill corrects existing technical problems with ANCSA and the Alaska National Interest Lands Conservation Act [ANILCA]. An identical bill was introduced in the House by my colleague from Alaska.

The legislation is designed to resolve specific problems, for example one section of the bill will make it possible for the Caswell and Montana Creek Native groups to receive lands approved by a February 1976 agreement and finally fulfill their land entitlement under ANCSA. Another provision would allow Chugach Native Corp. to select a specific tract of land at the edge of their own current boundaries. Included in this bill there are eight technical amendments to resolve specific issues. Another section would make certain veterans from the Vietnam era eligible for land allotments under ANCSA.

Mr. President, it is my hope that the committee which last year agreed that all of these items were noncontroversial will retain their spirit of cooperation so that this legislation will be able to move early in this session.●

By Mr. HATFIELD:

S. 538. A bill to reinstate the permit for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

TALENT IRRIGATION DISTRICT LICENSE EXTENSION

● Mr. HATFIELD. Mr. President, today I am introducing legislation which allows the Federal Energy Regulatory Commission to grant Talent Irrigation District, in Jackson County, OR, an extension of its hydro project construction commencement deadline.

The project is a 2.4-megawatt powerhouse, planned as an attachment to the existing Emigrant Dam, on the Emigrant River in southern Oregon. Low water conditions in the Emigrant

River, resulting from 8 years of continuous drought in Oregon, have caused the irrigation district to reevaluate the operating plan of the project. I believe granting an extension in this case will enable local officials to better configure this project to maximize power production and fish enhancement in light of the reduced water flows in the Emigrant River.

Construction of the existing Emigrant Dam was completed in 1959. It has a structural height of 176 feet and impounds 39,000 acre feet of water, which is delivered to about 8,000 users, irrigating approximately 30,000 acres.

On May 24, 1989, FERC issued a construction license to the Talent Irrigation District for the hydro project extension at Emigrant Dam. The license required construction to commence within 2 years—by May 24, 1991. In January 1991, the district requested and received a 2-year extension of the construction commencement deadline, until May 24, 1993, citing the need to consult further with the Bureau of Reclamation and continue negotiating a power sales agreement.

All negotiations were completed by April 1992, but the low flow conditions in the Emigrant River caused the Talent Irrigation District to postpone the commencement of construction and reevaluate the hydro project's proposed operating plan. When the 2-year extension expired on May 24, 1993, FERC canceled the license.

In order to commence with this project, the district needs its license reinstated and additional time to carefully evaluate the operating plan for the Emigrant hydro project and adjust it to perform better under low water conditions, both for power production and fish enhancement. The Federal Power Act, however, only allows FERC to grant one 2-year extension to the district, which it granted in 1991. Therefore, legislation is required to authorize FERC to extend the deadline further.

The legislation I am introducing today reinstates the Talent Irrigation District license and grants the district up to 4 years to begin construction.

I look forward to working with members of the Senate Energy and Natural Resources Committee to ensure that this proposal receives prompt and thorough attention.

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. 538

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REINSTATEMENT OF PERMIT EXTENSION DEADLINE.

Notwithstanding the expiration of the permit and notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 7829, the Commission shall, at the request of the licensee for the project, reinstate the permit effective May 23, 1993, and extend the time period during which the licensee is required to commence the construction of the project to the date that is 4 years after the date of enactment of this Act.●

By Mr. COCHRAN:

S. 539. A bill to amend the Internal Revenue Code of 1986 to provide a tax exemption for health risk pools; to the Committee on Finance.

THE HEALTH RISK POOLS ACT OF 1995

● Mr. COCHRAN. Mr. President, today I am introducing legislation to grant Federal tax exemption to State health risk pools. The purpose of a health risk pool is to provide health and accident insurance coverage to individuals who, because of health conditions, would otherwise not be able to secure health insurance coverage.

Since 1976, 28 States have enacted legislation establishing a health insurance pool aimed at protecting uninsurable and high-risk individuals. Most of the pools were established in the last 4 years.

For example, the Comprehensive Health Insurance Risk Pool Association Act was enacted by the Mississippi State Legislature during the 1991 legislative session and became effective April 15, 1991. At that time Mississippi became the 25th State to enact such legislation.

The Comprehensive Health Insurance Risk Pool Association was created to implement such a health insurance program. Members of the association include insurance companies and nonprofit health care organizations which are authorized to write direct health insurance policies and contracts supplemental to health insurance policies in Mississippi. The association also includes third party administrators who are paying and processing health insurance claims for Mississippi residents.

Over the past 3 years, the association has issued medical insurance policies to approximately 900 Mississippians. The association is funded by premiums paid by policyholders and quarterly assessments against members of the association. There is no public funding—State or Federal—involved.

Currently, about 120,000 individuals nationwide are a member of a State pool. Nationally, there are an additional 1 to 3 million people who are uninsured and uninsurable, and who could be eligible for inclusion in a State pool.

Unfortunately, several State health risk pools have applied for, and have been denied, exemption from Federal taxation under International Revenue Code sections 501(c)(4) and/or 501(c)(6). Generally, the Internal Revenue Service's [IRS] rationale for such denial has been that the sole activity of the health risk pools is the provision of health insurance for individual policyholders. The IRS perceives, incorrectly in my view, health risk pools as a regular business ordinarily carried on for profit, which primarily provide commercial type insurance. Moreover, the IRS takes the position that health risk pools are primarily serving the private interests of its members and not the common interest of the community as a whole.

In its decision to deny the State of Mississippi's Comprehensive Health Insurance Risk Pool Association exemption from Federal income tax, the Internal Revenue Service in a letter dated August 16, 1993, states:

> For purposes of section 501(c)(6) of the Internal Revenue Code, an organization providing insurance for its members or other individuals, except in very limited instances, either is considered to be engaged in an activity that is an economy or convenience in the conduct of members' businesses because it relieves the members of obtaining insurance on an individual basis, or is a regular business of a kind ordinarily carried on for profit. In either case, the activity of providing insurance is not considered to be an exempt activity under section 501(c)(6) and, if it is the primary activity of the organizations, exemption under section 501(c)(6) is precluded pursuant to section 1.501(c)(6)–1 of the regulations.

However, health risk pools have been created by statute in several States to serve a public function of relieving the hardship of those who, for health reasons, are unable to obtain health insurance coverage. These pools do not carry on an activity ordinarily carried on by insurance companies and are not designed to make a profit. Further, they are established by State statute and none of the net earnings benefits any private shareholder, member, or individual.

The Federal Government should serve as an impetus for, not an impediment to, State health care reform. We should do all we can to increase the ability of States to help the uninsured. The Senate Finance Committee recognized the value of health risk pools and included a version of this bill in their health care reform legislation last year.

In order to allow States real flexibility in designing effective health care plans, State health risk pools should be exempt from taxation. By passing this legislation, we will promote State-based health care reform by expressly granting Federal tax exemption to State health risk pools, notwithstanding the IRS's current position. While future national health care reform may eliminate the need for State health risk pools, until such reform is implemented, these entities will remain the only source of medical insurance for many of our citizens.

I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 539

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That (a) subsection (c) of section 501 of the Internal Revenue Code

of 1986 (relating to list of exempt organizations) is amended by adding at the end thereof the following new paragraph:

''(26) Any corporation, association, or similar legal entity which is created by any State or political subdivision thereof to establish a risk pool to provide health insurance coverage to any person unable to obtain health insurance coverage in the private insurance market because of health conditions and no part of the net earnings of which inures to the benefit of any private shareholder, member, or individual.''

(b) The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1989.●

By Mr. GLENN (for himself, Mr. DEWINE, and Mr. LEVIN):

S. 540. A bill to amend the Federal Water Pollution Control Act to require the Administrator of the Environmental Protection Agency to conduct at least three demonstration projects involving promising technologies and practices to remedy contaminated sediments in the Great Lakes system and to authorize the Administrator to provide technical information and assistance on technologies and practices for remediation of contaminated sediments, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GLENN (for himself, Mr. DEWINE, Mr. LEVIN, and Mr. FEINGOLD):

S. 541. A bill to amend the Federal Water Pollution Control Act to coordinate and promote Great Lakes activities, and for other purposes; to the Committee on Environment and Public Works.

GREAT LAKES RESOURCES LEGISLATION

Mr. GLENN. Mr. President, it is my pleasure to rise today on behalf of myself and my distinguished colleagues, Senator DEWINE and Senator LEVIN to introduce the Assessment and Remediation of Contaminated Sediments [ARCS] Reauthorization Act and on behalf of Senator DEWINE, Senator LEVIN, and Senator FEINGOLD to introduce the Great Lakes Federal Effectiveness Act.

I am honored to be joined by a new Great Lakes Senator, Senator DEWINE. I am pleased that the Senator from my home State, Ohio, has shown such significant leadership on Great Lakes issues so early on in the 104th Congress. Both Senator LEVIN and Senator FEINGOLD's consistent leadership on issues of critical importance to the Great Lakes is exemplary. Furthermore, I am honored that another Ohio colleague, Congressman LATOURETTE, and Congressman QUINN are introducing a House companion bill for the Great Lakes Federal Effectiveness Act with Congressman OBERSTAR joining them on the ARCS Reauthorization Act.

These two bills address the unique water resources in the Great Lakes region, the impact of contaminated sediments on our freshwater resources and the need for coordinated research efforts to efficiently apply science to our efforts to protect and restore the Great Lakes. I am proud to join my colleagues from the Great Lakes region in the introduction of the ARCS Reauthorization Act and the Great Lakes Federal Effectiveness Act.

Sedimentation has created a need to dredge Great Lakes harbors for decades. Industrialization of our region and the nation increased the amount of erosion and storm water runoff which in turn escalates the amount of sediment being deposited on our lake and river bottoms and coastal shores. Unfortunately, recent times have seen dredging become increasingly costly largely due to the contaminants which accompany the silt. Contaminated dredge spoils require special handling for proper disposal which adds to the cost of the dredging.

Contrary to what one might think, the bottom of a water body is not a safe depository for toxics. Resuspension of these toxics may result from both human and natural activity in the water thus acting as a continual discharge of contamination into the water. The contaminants become available to enter the food chain or come in contact with recreational users. Contaminated sediments can result in shellfish contamination, fish advisories and threats to human health by those who consume tainted fish.

The ARCS Program is a demonstration program for innovative technology to address the problem of contaminated sediments. The 5-year ARCS program was originally authorized in the 1987 Clean Water Act. The ARCS Program authorized the implementation of pilot-scale tests of promising sediment remediation technologies to address the water pollution problems in the Great Lakes. Reauthorization of the ARCS Program takes us to the next level: full-scale demonstrations of contaminated sediment remediation. The ARCS Program, coordinated by the Administrator of the EPA, acting through the Great Lakes National Program Office, would implement three sediment remediation demonstration projects and at least one full-scale demonstration of a remediation technology.

The second bill, the Great Lakes Federal Effectiveness Act [GLFEA] is consistent with the current efforts to streamline Government and reduce redundant or outdated programs. The GLFEA will prevent unnecessary duplication of efforts among Federal agencies which undertake Great Lakes research. The act establishes a Great Lakes Council, composed of offices from the Environmental Protection Research Agency, Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, and other Federal agencies conducting research in the Great Lakes basin. The Council will assess the current status of scientific research capabilities, identify research priorities for the region, make recommendations for integrated data collection and management of Great Lakes resources, and finally develop and disseminate its findings through a biennial report.

The Great Lakes Federal Effectiveness Act does not require any new funding, rather it actually aims to help agencies better manage their research budgets and potentially cut costs through cooperative efforts to set research priorities and avoid unnecessary or duplicative projects. The Great Lakes Council will essentially serve as a clearinghouse for Great Lakes information and research findings and develop a uniform, multimedia, data collection protocol for use across the Great Lakes basin.

The multimedia approach of this legislation allows our experts to share scientific knowledge and address air, water, soil, and wildlife factors in our efforts toward responsible stewardship of the Great Lakes ecosystem. This ecosystem perspective on the natural environment, if incorporated into our Federal environmental policy, promises to fundamentally improve the effectiveness and efficiency of environmental management.

The Great Lakes Federal Effectiveness Act will provide Federal, State, academic and private sector officials with a vehicle through which information can be compiled and ultimately shared among the region's research community. The act will stretch our research dollars and help us to better tap scientific resources within the private sector, the academic community, and Federal agencies. I urge my colleagues of the Senate to endorse this legislation and move toward its timely enactment.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. DOLE, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 22, a bill to require Federal agencies to prepare private property taking impact analyses.

S. 111

At the request of Mr. DASCHLE, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 111, a bill to amend the Internal Revenue Code of 1986 to make permanent, and to increase to 100 percent, the deduction of self-employed individuals for health insurance costs.

S. 154

At the request of Mr. BUMPERS, the name of the Senator from Illinois [Mr. SIMON] was withdrawn as a cosponsor of S. 154, a bill to prohibit the expenditure of appropriated funds on the Advanced Neutron Source.

S. 240

At the request of Mr. DOMENICI, the names of the Senator from Oklahoma [Mr. NICKLES], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 240, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure

that the interests of investors are well protected under the implied private action provisions of the act.

S. 254

At the request of Mr. LOTT, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 254, a bill to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the U.S. merchant marine during World War II.

S. 275

At the request of Mr. GRASSLEY, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 275, a bill to establish a temporary moratorium on the Interagency Memorandum of Agreement Concerning Wetlands Determinations until enactment of a law that is the successor to the Food, Agriculture, Conservation, and Trade Act of 1990, and for other purposes.

S. 304

At the request of Mr. SANTORUM, the names of the Senator from Missouri [Mr. BOND], the Senator from Texas [Mrs. HUTCHISON], and the Senator from Colorado [Mr. BROWN] were added as cosponsors of S. 304, a bill to amend the Internal Revenue Code of 1986 to repeal the transportation fuels tax applicable to commercial aviation.

S. 394

At the request of Mr. D'AMATO, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 394, a bill to clarify the liability of banking and lending agencies, lenders, and fiduciaries, and for other purposes.

S. 457

At the request of Mr. SIMON, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 457, a bill to amend the Immigration and Nationality Act to update references in the classification of children for purposes of U.S. immigration laws.

S. 495

At the request of Mrs. KASSEBAUM, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 495, a bill to amend the Higher Education Act of 1965 to stabilize the student loan programs, improve congressional oversight, and for other purposes.

S. 508

At the request of Mr. MURKOWSKI, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 508, a bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

S. 518

At the request of Mr. THOMAS, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 518, a bill to limit the acquisition by the United States of land located in a State in which 25 percent or more of the land in that State is owned by the United States, and for other purposes.

SENATE RESOLUTION 87—AUTHORIZING THE TAKING OF A PHOTOGRAPH IN THE CHAMBER OF THE U.S. SENATE

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 87

Resolved, That paragraph 1 of Rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting the National Geographic Society to photograph the United States Senate in actual session on a date and time to be announced by the Majority Leader, after consultation with the Minority Leader.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefor, which arrangements shall provide for a minimum of disruption of Senate proceedings.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Friday, March 20, 1995, at 10 a.m., to conduct a hearing on the Mexican peso.

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

COMMITTEE ON FINANCE

Mr. GORTON. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet Friday, March 19, 1995, beginning at 10:30 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing on welfare reform.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet for a classified briefing during the session of the Senate on Friday, March 10, 1995, at 11 a.m.

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

SUBCOMMITTEE ON SUPERFUND, WASTE CONTROL, AND RISK ASSESSMENT

Mr. GORTON. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Waste Control, and Risk Assessment be granted permission to meet Friday, March 10, 1995, at 9:30 a.m. to conduct an oversight hearing regarding the Comprehensive Environmental Response, Compensation, and Liability Act [CERCLA].

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

ADDITIONAL STATEMENTS

SOCIAL SECURITY AND THE BALANCED BUDGET

• Mr. SIMON. Mr. President, for the benefit of my colleagues, I wrote a newspaper column intended to end much of the confusion surrounding Social Security and its role in the recent debate on the balanced budget constitutional amendment.

I ask that the text be printed in the RECORD.

The column follows:

A REALITY CHECK ON SOCIAL SECURITY AND THE BALANCED BUDGET AMENDMENT

There is some confusion about the role of Social Security and the Balanced Budget Amendment. Let me answer a few of the questions that people are asking:

Would the Balanced Budget Amendment treat Social Security any differently than it is being treated now?

No. And if you are confused on this point, don't feel badly. One of the senators who participated in the debate didn't understand this either.

Does the Balanced Budget Amendment voted on recently treat Social Security differently than the amendment voted on in 1994?

The wording is identical on anything related to Social Security.

Would the Social Security system be better off with or without a Balanced Budget Amendment?

Much better off with a Balanced Budget Amendment. The great threat to Social Security is the growing federal debt. If it continues as projected, the United States government will eventually ''solve'' its problem like all nations with huge debts have historically done, by printing more and more money, making the dollar worth less and less. When you debase the value of the dollar, you also debase the value of the United States bonds that are the security for Social Security. If the dollar becomes worth ten cents, the bonds held by Social Security also drop 90 percent in value. That devastates Social Security. Those of us fighting for a Balanced Budget Amendment are trying to prevent this economic catastrophe from happening, but that is where we are now headed.

As a strong defender of Social Security, why didn't you vote to exempt Social Security in the Balanced Budget Amendment?

For two reasons.

First, I believe everything should be in the budget. As soon as you start making exceptions, where do you stop? I also believe it is important to include Social Security because in less than 30 years, Social Security will spend more than it takes in. We should have an obligation to protect Social Security well into the future, and not use the excuse that it isn't our responsibility.

Second, to make an exception of Social Security would permit a huge loophole in the amendment. Future Congresses could put welfare under Social Security, senior citizen housing, and virtually anything else. Since the word ''security'' is used, a creative Congress could even put the defense budget under Social Security.

Will there be changes in Social Security programs?

Apart from balancing the budget, there will have to be, for the long-term future of Social Security. My guess is that those on Social Security retirement now will experience no change in their retirement, but to prepare for a less rosy future, for example,

there may have to be a one-half of one percent increase in the tax for Social Security on employers and employees, and some type of gradual increase in retirement age, worked out with the senior groups. If we were to raise the retirement age by one month a year for twelve years, over that period the retirement age would be raised by one year, and save billions of dollars for the retirement fund.

Also, Medicare will face serious shortfalls in only a few years. Here I favor changes now. For example, why shouldn't everyone with an income of over $100,000 a year pay for his or her own physician's fees? Hospital coverage and other features could remain the same. That one change would save billions of dollars.

Do Senators like Kent Conrad and Byron Dorgan of North Dakota have no valid point of concern?

They do. Since 1969 the federal government has included Social Security surpluses in our budgets so that the deficits would not look so bad. I have joined Sen. Fritz Hollings of South Carolina in trying to stop that practice, but administrations of both parties like to make their budgets look better.

During the evening negotiations on the Balanced Budget Amendment on the night the vote was first scheduled, Sen. Conrad was able to get an agreement to gradually move away from this practice, but he finally rejected the offer. One of my colleagues in the Senate told me, ''Sen. Conrad was on the verge of a great victory for the Social Security cause and for sensible budgeting, but he blew it.'' I believe that judgment is premature. It is still possible that something can be worked out.

For the sake of Social Security recipients, and for the sake of the future of our country, I hope something will be.●

THE UNITED STATES-NORTH KOREA AGREED FRAMEWORK

● Mr. THOMAS. Mr. President, as the chairman of the Senate Subcommittee on East Asian and Pacific Affairs I come to the floor of the Senate this afternoon to briefly respond to certain statements made yesterday by representatives of the Government of the Democratic People's Republic of Korea regarding the agreed framework between our two countries governing the Democratic People's Republic of Korea's nuclear program.

North Korea has, for the second time in a month, again threatened to scuttle the agreement by making ludicrous take-it-or-leave-it demands. This time, it refuses to accept delivery from the Republic of Korea of two light-water reactors called for under the framework. The Democratic People's Republic of Korea's Foreign Ministry issued a statement in Switzerland stating that if the United States does not agree to another country furnishing the reactors, ''because of the United States' attitude in insisting on supplying the South Korea type, we will be forced to take an appropriate position.'' The statement continued, ''Even if that brings about the breakdown of the framework agreement * * * we will have nothing to lose but fear.''

Mr. President, I—and, I am sure, my colleagues—grow weary of the continual 11th hour posturing and brinkmanship which seems to be the mainstay of the North's negotiating strategy. In a speech in the Senate on February 13, 1995, I made clear my position:

> I will not support the provision by the United States of one scintilla more than is called for in the Agreed Framework without substantial concessions from the DPRK; nor will I accept any diminution of the central role that has been set out for the ROK. South Korea is making a huge contribution to implementing the agreement, and it is their national interest that is most at stake. To accede to any demands by the DPRK in this regard is to assist it in its ongoing attempts to undermine US–ROK relationship.

This apparently bears repeating to drive it home to the North. If the Democratic People's Republic of Korea thinks that we will capitulate on the reactor issue, it is seriously mistaken. To put it into words that the Government in Pyongyang cannot mistake, its wish for reactors manufactured elsewhere is like a hungry man looking at ''keurim eui teok i da,'' rice cakes in a picture. The North Koreans need to know, clearly and unequivocally, that on this point the Congress and administration are in complete and unwavering agreement; there is no acceptable alternative. We will stand by our position, stand by our principles, and most importantly stand by our important ally South Korea. If Pyongyang chooses to abandon the agreement, then so be it, we will quickly find ourselves back at the U.N. Security Council where the Democratic People's Republic of Korea will find itself the subject of tough economic sanctions.

Mr. President, next week at my behest the members of the Foreign Relations Committee will meet with Ambassador Galucci. I look forward to that meeting both as an opportunity to hear first hand about these latest developments, and as a chance to reiterate my position for the administration.●

STUDENT LOAN CONFLICTS OF INTEREST

● Mr. SIMON. Mr. President, my colleagues from Massachusetts, Senator KENNEDY, yesterday recited a long list of items where the new Congress has declared war on working Americans.

One item that he mentioned is the attack on student financial aid: 75 percent of all college student aid comes from the Federal Government, much of that in the form of loans. The only significant Federal student aid subsidy that reaches middle-class families is the Federal payment of interest while students are in school. Now, it seems that this benefit is in danger in the House of Representatives.

Mr. President, I have argued that as far as student aid is concerned, we should not be balancing the budget on the backs of students while banks and middlemen continue to receive excessive subsidies in the Student Loan Program.

Two weeks ago, a letter I wrote to the Washington Post made the point that the Guaranteed Student Loan Program is not the private sector system that its proponents would have us believe it is, and that it is riddled with dangerous conflicts of interest.

In a response that appeared in yesterday's Washington Post, Roy Nicholson, the chairman of USA Group, charges me with vilifying and ''attempt[ing] to silence'' him, while ignoring ''the substance of the debate'' on student loans.

Ironically, Nicholson does not respond to the substance of the inspector general's concern, raised in my letter, that ''billions of dollars of the Nation's [student loan] portfolio are at risk because many guaranty agencies * * * have a clear conflict of interest.''

Mr. President, I ask that the two letters and the inspector general report be printed in the RECORD at the conclusion of my remarks.

Guaranty agencies like USA Group are supposed to act as bank regulators on behalf of the U.S. Government. Since banks have little financial incentive to put serious effort into collecting payments on Government-backed student loans, it is the guarantors' responsibility to ensure that—before taxpayers reimburse banks for a default—the bank actually did try to collect.

But what if, as in the case of USA Group, the guarantor works not just for the Government, but for the banks, too? Clearly, this is a case of the shepherd moonlighting for the wolf. The inspector general provides a number of examples of how these arrangements put taxpayer dollars at great risk.

Last year, a specific incident involving USA Group made this conflict painfully clear. In an effort to address the default problem, Congress 2 years ago directed the Education Department to oversee the loan collectors. But last June, when the Department tried to implement the new rules—something that guarantors, as protectors of the taxpayers, should support—USA Group sued to stop the rules, arguing that it was not fair to them as contractors for the banks.

The student loan industry has decided that the only way to keep their entitlements in the face of President Clinton's money-saving reforms to the Student Loan Program is to portray the reforms as big Government, in contrast to the current private sector system.

Don't be fooled. It is not a private sector system when the Government takes virtually all the risk of default through entities it backs with the full faith and credit of the United States.

Mr. President, taking a closer look at what is really going on in the Guaranteed Student Loan Program is not ''the politics of vilification'' or an ''attempt to silence.'' It is what the substance of the debate should be. It should come as no surprise to my colleagues that people do try to take advantage of Federal programs. I do not consider it out-of-bounds to describe the structures and perverse incentives that lead to abuse.

President Clinton has proposed that the costly and risky Guarantee Program be phased out and replaced by the Direct Student Loan Program, which is working remarkably well at the first 104 colleges involved this year. He is also proposing that guaranty agencies return $1.1 billion in excess Federal reserves over the next 5 years.

These money-saving proposals should be seriously considered by Congress. Yet committee chairmen in both Houses are talking only about ways to put brakes on the Direct Loan Program.

Mr. President, we cannot afford to ignore the enormous abuses in the Guarantee Program. I urge my colleagues to take a closer look at both the Guaranteed and Direct Student Loan Programs, and to focus our efforts on providing assistance to students and taxpayers.

The material follows:

[From the Washington Post, March 2, 1995]

CONFLICT OF INTEREST IN THE STUDENT LOAN PROGRAM

In opposing President Clinton's money-saving reforms of the student loan program [''Clinton, GOP Split Over Student Loans,'' front page, Feb. 14], USA Group argues that it supports the ''competition'' in the current ''private-public partnership.''

Ironically, the only things ''private sector'' about USA Group are its salaries.

As a guarantor responsible for helping to oversee banks' roles in the student loan program, USAG has no private investors or contributors. Every penny of the $141,087,845 that USAG had in the bank in 1993 came from federal entitlements set by lobbying Congress, not through private-sector competition.

Furthermore, USAG has taken those taxpayer funds and used them to start other businesses, including becoming lenders—putting USAG in the position of regulating its own banking activity. The Education Department's inspector general has called this a ''clear conflict of interest,'' putting ''billions of dollars of the nation's [student loan] portfolio as risk.''

USAG paid its chairman $527,833 plus benefits in 1992, even though it is a ''charitable'' organization and its employees are essentially public servants.

Taxpayers and students can do without ''partners'' like these.

PAUL SIMON

[From the Washington Post, March 9, 1995]

THE DEBATE ABOUT STUDENT LOANS

Sen. Paul Simon's March 2 letter—which responds to The Post's Feb. 14 front-page story about the issue of direct government loans for college students—ignores the substance of the debate and instead levels an attack on USA Group Inc., the nation's leading guarantor-administrator of student loans.

Sen. Simon's letter continues an unfortunate pattern in which the proponents of government lending try to discredit those who disagree with them, and he recklessly disregards the facts about USA Group.

USA Group is proud of its public service to millions of American students, but that work doesn't make us public employees. The company was established as a nonprofit corporation in 1960, five years before enactment of the Higher Education Act, which created the guaranteed student loan program. From its inception, a major portion of revenues has derived from non-guarantor activities serving higher education.

USA Group affiliates annually open their books for numerous independent audits, including those undertaken by federal agencies. Contrary to Sen. Simon's unsubstantiated assertion, USA Group has never taken taxpayer funds to start other businesses, and these audits clearly demonstrate our compliance with the highest fiduciary standards.

USA Group's voice of experience, which Sen. Simon attempts to silence, is warning the nation's thoughtful policymakers—and there are many on both sides of the aisle—about the pitfalls they risk by accelerating government lending before we know whether the government can effectively operate a $25 billion to $30 billion a year consumer loan program.

The politics of vilification has no place in the debate. Let's hope that reason and fact prevail in determining whether government lending is in the best long-term interests of students, schools and taxpayers.

ROY A. NICHOLSON,
Chairman and Chief Executive Officer, USA Group.

U.S. DEPARTMENT OF EDUCATION,
San Francisco, CA, March 15, 1993.

Re Management Improvement Report No. 93–02.

To: Maureen McLaughlin, Acting Assistant Secretary for Postsecondary Education.

From: Regional Inspector General for Audit, region IX.

Subject: ED Should Prohibit Conflicts of Interest Between Guaranty Agencies and Affiliated Organizations.

The purpose of this Management Improvement Report is to advise you of an opportunity to improve the administration of the Federal Family Education Loan Program (FFELP) by prohibiting conflicts of interest between guaranty agencies and affiliated organizations that the guaranty agencies are required to monitor.

Affiliations with a FFELP loan servicer, secondary market, or other FFELP service provider compromise a guaranty agency's impartiality in administering the loan insurance program, and ensuring that lenders exercise due diligence in collecting insured loans. Currently, billions of dollars of the nation's FFELP portfolio are at risk because many guaranty agencies are affiliated with FFELP loan servicers, secondary markets, and other FFELP service providers, and thus have a clear conflict of interest.

BILLIONS OF DOLLARS OF THE FFELP PORTFOLIO ARE AT RISK

We obtained data from 12 guaranty agencies that represent about $59 billion in total loan guarantees (approximately $42 billion in loans in repayment, and $17 billion in loans in deferment). In fiscal year 1991, the 12 guarantors we contacted accounted for approximately 68 percent of the new FFELP loan volume. Nine of the 12 guaranty agencies, with approximately $40 billion in loan guarantees, are affiliated with organizations that they are required to monitor. Of the $40 billion in loan guarantees, we have identified approximately $11 billion that are at risk due to the potential conflicts of interest. The schedule in Attachment A of this report illustrates the potential dollars at risk. The matrix in Attachment B of this report illustrates the various affiliations that may result in a conflict of interest. The notes to Attachment B explain the criteria we used to determine whether an affiliation exists. Where specific guaranty agencies are named in the body of this report, their designations correspond to those listed in the attachments to this report.

THE AFFILIATIONS CAUSE A NUMBER OF PROBLEMS

The affiliations take many forms. For example, Guaranty Agency B was so closely affiliated with a profit-making FFELP service provider that its CPA firm issued consolidated financial statements. Often, the guaranty agency acts as a parent corporation, with nonprofit and profit subsidiaries providing it with various services. In fact, Guaranty Agency G and a FFELP loan servicer functioned as divisions within a larger corporation. In other cases, the firms are legally separate, but are controlled by common management. In almost every affiliation, the firms share board members, corporate officers, management and employees. The firms also share assets, such as buildings, office space, computer equipment, and furniture.

The affiliations between guaranty agencies, FFELP loan servicers, secondary markets, and other FFELP service provides create many conflicts of interest. We interviewed ED and General Accounting Office (GAO) officials and reviewed ED OIG audit reports and guaranty agency program reviews performed by both Regional and Headquarters staff of the Office of Student Financial Assistance (OSFA). Each official we interviewed expressed concern that the conflicts could seriously impair the effectiveness of the FFELP. Similar concerns were expressed in the audit reports and program reviews. The concerns relate primarily to the guaranty agencies' loss of independence, the integrity of FFELP electronic data, the preferential treatment of affiliates, and the weakened financial condition of guaranty agencies. These concerns are discussed in the following paragraphs.

AFFILIATIONS CAUSE A LOSS OF INDEPENDENCE

Guaranty agencies play a critical oversight role in the FFELP. When a guaranty agency is affiliated with an organization that it is required to monitor, it may lack the independence necessary to objectively administer the program. Conflicting internal priorities may place undue pressure on the guaranty agency to make decisions that are not in the best interest of the taxpayer.

In one state, for example, the secondary market was instrumental in founding Guaranty Agency I. Later, the guarantor and the secondary market joined forces to create a new management company. As a result of this reorganization, the guaranty agency and the secondary market came under common management. Additionally, the secondary market has provided the guaranty agency with $3.5 million in loans and is committed to provide an additional $10 million line of credit.

In such cases, the guaranty agency may be unable to deal impartially with a corporation that is actively involved in its management and is a major source of its funding. If the guaranty agency disallows claims submitted by the secondary market, it hurts the finances of one of the guaranty agency's major funding sources.

The area of lender due diligence further demonstrates how important it is for the guaranty agency to remain independent of an organization it is required to monitor. Basically, lender due diligence regulations stipulate that the guaranty agency must ensure that the lender has taken all the required steps to collect the loan before it pays a default claim. In this case the lender can be the original lender, a secondary market, or a loan service acting on behalf of a lender. Therefore, the guaranty agency must review the collection activity of the lender or its agent to determine compliance with Federal due diligence requirements.

There is an obvious conflict of interest when a guaranty agency reviews the due diligence practices of its affiliated secondary market or loan servicer. In such cases, the guaranty agency's findings affect its own financial position. The close relationships between the FFELP service providers pose a significant risk that due diligence irregularities. could occur and go unreported.

A Guaranty Agency Failed To Remain Independent. In one state, a guaranty agency that was not one of the twelve included in our review, contractually delegated all of its duties and functions to its affiliated secondary market. In February 1989, OSFA conducted a review of the guaranty agency and requested the refund of over $1 million because the agency failed to follow due diligence requirements. The guaranty agency appealed OSFA's findings and requested that the Secretary waive the right to repayment because the financial cost would ruin its affiliated secondary market. ED denied the appeal and stated that the guarantor's regulatory violations were a matter between the guaranty agency and ED, regardless of the relationship between the guarantor and the secondary market.

The guaranty agency's appeal was clearly designed to protect the financial condition of its affiliated secondary market. It also demonstrates how the financial health of an affiliate may influence the decision-making of the guaranty agency.

The conflict was even more apparent in June 1990, when the same guaranty agency completed a lender review of its affiliated secondary market and reported numerous areas of noncompliance, including due diligence violations. However, the guaranty agency neither required the appropriate repayments resulting from the violations nor took action to ensure future corrective action. The guaranty agency's actions were even more egregious because it had contracted with the secondary market to review the secondary market's own claims and determine whether the guaranty agency should pay them.

About eight months later, in February 1991, OSFA conducted a review of the same secondary market. OFSA found that the guaranty agency's prior review had not been appropriately resolved, and compelled the secondary market to formally address the findings. Only after OSFA's intervention did the guaranty agency assess a liability of over $1.1 million against its affiliate. In our opinion, the guaranty agency's reluctance to enforce the Federal regulations clearly demonstrates that the interests of the taxpayers and those of its affiliate where in direct conflict.

AFFILIATIONS COMPROMISE THE INTEGRITY OF THE FFELP ELECTRONIC DATA

The administration of the FFELP requires a great amount of electronic data to pass between the lenders, the FFELP service providers, the guaranty agencies, and ED. This electronic data provides the basis for computing virtually all of the costs associated with the FFELP. It also provides ED with its primary means of monitoring the effectiveness of the program as a whole. Therefore, the integrity of the electronic data is essential to achieving the program's overall goals.

An important mission of the guaranty agency is to conduct lender and servicer reviews to ensure that there are adequate internal controls over computer generated data, and that the data is accurately transferred between entities. The guaranty agencies also review the accuracy and reasonableness of the fees and expenses computed by the automated systems.

ED and GAO have reported numerous problems with the accuracy and the completeness of the FFELP database. We believe that the conflicts of interest have contributed to the lack of integrity of the database because the guaranty agencies often have disincentives to identify and resolve systemic problems with the automated systems.

First, identifying the causes of the problems can be costly and often involves reviewing a system that the agency itself designed for its affiliate. Second, implementing the changes needed to improve the integrity of the data may place a financial burden on its affiliate. Consequently, the guaranty agency may conduct only cursory reviews of its affiliates in order to satisfy the Federal requirements, and ignore the underlying causes of the problems. In such cases, the guaranty agency may continue to accept and forward data of questionable accuracy in order to avoid the costly expenditures needed to ensure accurate and complete electronic data.

For example, ED OIG auditors conducted an assist audit of Guaranty Agency B for GAO. ED OIG auditors concluded that the guaranty agency's computer system was less accurate than the agency claimed it to be. When the auditors requested the guaranty agency to provide the dollar amount of loans in repayment, it initially computed the amount to be $2.4 billion. Later, it revised the amount to $2.2 billion, and finally to $2.3 billion. The auditors concluded that the guaranty agency's revisions will impact future trigger figures. At the time, approximately 40 percent of the loans in question were serviced by the guaranty agency's affiliated loan servicer.

AFFILIATIONS MAY RESULT IN PREFERENTIAL TREATMENT

FFELP service providers contract with guaranty agencies and lenders to provide a myriad of services such as loan origination, loan servicing, collections, litigation, and other administrative functions. Often the service providers are for-profit corporations that are subsidiaries or affiliates of the guaranty agencies. The potential for abuse exists in such arrangements.

Guaranty Agencies May Give Their Affiliates Unfair Advantages. The guaranty agency is in the position to spin-off specialized companies and then provide the new company with a level of sales that increases its odds for success. For instance, a guaranty agency could exert undue pressure on its affiliated secondary market to use the services of its new for-profit loan servicer.

Approximately 42 percent of Guaranty Agency C's $7.9 billion portfolio is handled by its servicing arm. Similarly, about 32 percent of Guaranty Agency A's $9.1 billion portfolio is serviced by one of its affiliates. About 45 percent of Guaranty Agency G's $4.1 billion portfolio is serviced by its affiliated loan servicer.

In another example, the Treasurer of Guaranty Agency B informed ED OIG auditors that it was successful in starting a new for-profit subsidiary without the infusion of capital. The guaranty agency was able to provide its new subsidiary with immediate cash flows from rent resulting from a building management agreement and from loan origination fees. According to the treasurer, the guaranty agency also permanently transferred some of its employees to the subsidiary.

Later, the same guaranty agency's CPA firm asserted in its working papers that the volume of transactions between the agency and its newly formed subsidiary was ''excessive.'' The working papers also noted that the IRS may view the condition as undue favoritism towards a for-profit subsidiary. Such a relationship makes it more difficult for unaffiliated FFELP service providers to enter the market and compete.

Officers and Employees May Use Their Positions For Personal Gain. The guaranty agency's officers and senior management have direct control over how the guaranty agency delegates certain functions to outside companies. They also must determine the reasonableness of the fees charged by outside contractors for their services. In the same way a guaranty agency may exert pressure on an affiliate to use the services of another affiliate, officers may use their positions to exert pressure on the guaranty agency to use the services of certain companies that benefit the officers' financial positions.

For example, Guaranty Agency I joined forces with a secondary market to establish a management company. The guaranty agency and secondary market transferred all of their employees to the management company, and entered into a management services agreement with the new company. The Chairman of the Board for the management company that oversees the guaranty agency is also the President of the secondary market. This same officer is also 100% owner of a for-profit company that provided services to the guaranty agency and the secondary market. The President's personal corporation was paid over $150,000 by the guaranty agency and over $750,000 by the secondary market during the fiscal year ended September 30, 1991.

Although the President's corporation claims that it provides its services to the guaranty agency and secondary market at cost, it receives free rent in the building owned by the guaranty agency's management company and is allowed to bill unproductive time to the management company. With these benefits, the President's company has been able to successfully market its services in three other states.

Guaranty Agencies May Misuse Federal Funds. As long as guaranty agencies are allowed to start and operate FFELP service companies, there is a risk that Federal funds may be used for purposes for which they were not intended. For example, a guaranty agency that was not one of the twelve included in our review improperly used $3.1 million of its reserve fund to start and operate an affiliated, for-profit loan servicing operation. An ED OIG audit report concluded that the guaranty agency had misused the reserve fund and recommended that it refund the $3.1 million to the reserve fund.

Guaranty Agencies May Absorb the Costs of For-Profit Affiliates. Guaranty agencies can also support affiliates by paying some of their expenses. As previously noted, guaranty agencies and their affiliates often share buildings, office space, computer equipment, furniture, and even employees. This allows the affiliates to incur owner expenses and to increase profits.

For example, from 1989 to 1991, Guaranty Agency B paid approximately $768,000 in software development cost incurred by an affiliate that provided a specific service for the guaranty agency. Its agreement with that affiliate states the guaranty agency will continue to absorb the cost for the computer hardware, software, maintenance and enhancements incurred by its affiliate while performing this service. The affiliate is a for-profit corporation which earned approximately $1.4 million by providing this and other services to the guaranty agency.

AFFILIATIONS MAY WEAKEN GUARANTY AGENCIES FINANCIALLY

As guaranty agencies subcontract more activities to affiliates, they could become shell corporations with fewer financial assets.

Such an occurrence has many negative implications for guaranty agency reserves. Furthermore, ED may find it more difficult to recover misspent funds from the guaranty agencies if their revenue flows have been diverted to affiliates. Fees and income designated for the guaranty agencies assist them in continuing to carry out their mission and increasing their reserves. When these income streams are diverted to affiliates through subcontracting, the guaranty agencies' reserves may be reduced and the agencies' overall financial condition may be weakened.

For example, Guaranty Agency B delegated escrow account services to an affiliate. Federal regulations (34 CFR 682.408) allow the guaranty agency to act as an escrow agent for receiving FFELP proceeds and transmitting them to the borrower. In return, the guaranty agency may invest the proceeds of the loans and retain the interest that it earns on the float. This interest assists the guaranty agency to build up its reserves. The guaranty agency delegated the escrow function to a for-profit affiliate and allowed the affiliate to retain the interest on the float. The guaranty agency paid over $400,000 of the costs incurred by its affiliate for operating the escrow system, but allowed its affiliate to retain over $1 million in interest earned on the float.

CONFLICT OF INTEREST RULES ARE COMMON

Every organization needs to be confident that its employees are acting in the organization's best interest. To achieve this, many entities restrict their employees' activities in order to prevent those employees from having a conflict of interest.

In the Federal government, for example, Executive Order 11222 requires agencies to issue regulations governing standards of conduct for their employees. ED has issued its regulations under 34 CFR Part 73. Section 73.11(a)(1) states that an employee may not:

''Have a direct or indirect financial interest that conflicts, or appears to conflict, substantially with the employee's official duties and responsibilities * * *.''

Further, Section 73.20 prohibits an employee from accepting gifts or favors from any person who conducts business or financial operations that are regulated by the Department or whose business or financial interests may be substantially affected by the employee's official duties.

State and local governments have similar prohibitions. For example, under California law:

''No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.''

Professional organizations such as the American Bar Association, and the American Institute of Certified Public Accountants (AICPA) have adopted rules prohibiting their members from becoming entangled in business relationships that result in, or give the appearance of, a conflict of interest. Such rules are needed because much of their work involves issues of public trust.

An example of these conflict of interest rules is found in the AICPA's Code of Professional Conduct. That code requires accountants to maintain personal and professional business relationships that do not compromise their integrity and objectivity (Rule of Conduct 102). The AICPA has concluded that any member that holds a material financial interest in the client that is being reviewed has violated the principle of independence (Rule of Conduct 101).

The Securities and Exchange Commission (SEC), which relies on the accountant's independence when reviewing certain financial statements, has adopted related regulations that state:

''* * * an accountant will be considered not independent with respect to any person or any of its parents, its subsidiaries, or other affiliates (1) in which, during the period of his professional engagement to examine the financial statements, * * * his firm, or a member of his firm had, or was committed to acquire, any direct financial interest or any material indirect financial interest * * *.'' (17 CFR 210.2–01(b))

The AICPA and the SEC have concluded that both the accountant and the accounting firm lose the independence necessary to render an objective opinion when the accountant has a material financial interest, or actively participates in the management of the client being reviewed.

Organizations that prohibit conflicts of interest do not assume that their employees or members are dishonest. Rather, they recognize that persons who are responsible for interests of more than one party are often placed in untenable situations. First, they have no clear guideline as to which of the conflicting interests should have priority. Second, even the appearance of a conflict of interest reduces public confidence in their actions. In the case of governmental employees or representatives, public confidence is essential.

ED relies on guaranty agencies to review the compliance practices of other organizations that do business with ED. The results of the guaranty agency reviews may significantly impact taxpayer funds. If ED prohibits its employees from having financial interests that create conflicts of interest, or even the appearance of a conflict of interest, it should place similar prohibitions on agencies that have responsibility for ensuring appropriate actions in regard to billions of dollars of Federally insured student loans.

1992 AMENDMENTS ALLOW ED TO REQUIRE REPORTING OF INDIVIDUAL CONFLICTS OF INTEREST

ED is aware of the problems caused by the conflicts of interest between guaranty agencies and their affiliates. In fact, ED's recommendations for the Higher Education Amendments of 1992 (HEA) included language that would prohibit the officers and employees of guaranty agencies from having a financial interest in organizations that the agency is required to monitor. However, ED's recommendations did not prevail. Instead, the final version of the HEA only included a new reporting requirement. The provision requires certain paid officials of guaranty agencies, eligible lenders, and loan servicing agencies to report to the Secretary, if the Secretary should so require, any financial interest held in other institutions that participate in the FFELP.

The new provision indicates Congress's interest in identifying conflicts of interest, but it needs to be strengthened.

First, the new reporting requirement significantly increases the oversight responsibilities of the Department by requiring it to monitor the financial holdings of hundreds of officers and employees. ED officials informed us that the Office of Postsecondary Education is not in a position to handle the increased workload that the new provision requires without increasing staffing levels. Consequently, the new reporting requirement may not be implemented in the near future.

Second, the new provision stops short of prohibiting financial holdings that cause conflicts of interest.

Third, the new reporting requirement deals with only the financial holdings of individual officers and employees. The provision does not address the conflicts that arise when guaranty agencies have a financial interest in the institutions that they are required to monitor.

We believe that conflicts of interest could adversely impact the administration of the FFELP, regardless of whether the conflicts occur with individual officers and employees, or with affiliated agencies. In our opinion, prohibiting all affiliations, as described in the Recommendations section of this report, provides the best method of eliminating the potential conflicts of interest in the FFELP. It would also reduce the oversight burden of the new reporting requirement.

SUMMARY

The nation's guaranty agencies provide a critical oversight function on behalf of the Federal government. They must administer the FFELP objectively and efficiently. By affiliating with FFELP loan servicers, secondary markets, and other FFELP service providers, guaranty agencies often place themselves in the position of choosing between the interests of the taxpayers or their affiliates. The resulting conflicts of interest place billions of dollars of the FFELP portfolio at risk of mismanagement, waste, and abuse.

For many years professional organizations, Federal, state, and local governments have utilized conflict of interest rules to guard the public trust. ED prohibits its employees from having financial interests that create conflicts of interest, or even the appearance of a conflict of interest. We believe that ED should place similar prohibitions on guaranty agencies that are responsible for ensuring appropriate actions in regard to billions of dollars of Federally insured student loans.

RECOMMENDATIONS

We recommend that the Department amend its regulations, or, if necessary, seek legislative change to:

1. Prohibit guaranty agencies or their officers and employees from having any affiliation with an entity that is a participant or a service provider in the FFELP. Participants in the FFELP include the guaranty agencies, lenders, secondary markets, and eligible postsecondary institutions. FFELP service providers include entities that provide services that support the originating, servicing, and collecting of Federally insured loans.

2. Develop timetables for the guaranty agencies and their officers and employees to divest themselves of their current holdings or to legally separate the guaranty agency from its affiliates.

OTHER MATTERS

This memorandum was prepared in accordance with those GAO standards which the Inspector General has determined to be applicable to Management Improvement Reports. The work conducted on this issue does not constitute an audit.

We would appreciate your views and comments concerning our recommendations within 30 days of the date of this report. If you have any questions, or would like to discuss the report, please call me.

SEFTON BOYARS.

ATTACHMENT B

CRITERIA FOR AN AFFILIATION

We contacted twelve guaranty agencies and requested that they provide us with information about their relationships with loan servicers, secondary markets, and other FFELP service providers. Additionally, we contacted officials from ED and GAO, and reviewed numerous reports prepared by ED and independent CPA firms. Of the 12 agencies that we selected for review, 9 were affiliated with FFELP firms that they are required to

monitor, and thus, have a potential conflict of interest. For the purposes of this review, we defined an affiliation as:

An organizational setting where, regardless of each firm's legal structure, a loan servicer, secondary market, other FFELP service provider, or any combination thereof, reported to the same senior management staff or board of directors (or its equivalent) as the guaranty agency.

An organizational setting where, regardless of each firm's legal structure, a loan servicer, secondary market, other FFELP service provider, or any combination thereof, shared at least one of its senior management staff or board of directors (or its equivalent) with the guaranty agency.

An instance where the guaranty agency, its parent, or management company held an ownership interest in, or was a member of (in the case of a nonprofit corporation), a loan servicer, secondary market, or any other organization that provided services to the FFELP.

An instance where an official of the guaranty agency, its parent, or management company held an ownership interest in any organization that provided services to the FFELP.

We recognize that some organizations that have a potential conflict of interest manage to prevent the conflict from harming the FFELP. However, our discussions with program officials revealed that those organizations that successfully manage the potential conflicts generally do so because of the efforts of key managers and employees. Consequently, replacing these key individuals with less conscientious managers and employees may significantly increase the risk of abuse.

SPECIFIC AFFILIATIONS THAT WE OBSERVED

The following paragraphs briefly discuss the organizational environment that exists at each guaranty agency we reviewed. Since the organizational structures are often very complicated, we have limited our discussion to a general overview. The guaranty agencies discussed in the following paragraphs correspond to those listed in the schedule found in Attachment A and the matrix shown above.

GUARANTY AGENCY A

This guaranty agency has a parent corporation that operates the guaranty agency, a loan servicer, and a secondary market as separate corporations under its umbrella. Each of the four corporations has a separate board of directors. However, at least one individual serves on all four boards, and several individuals serve on three of the four boards. Additionally, at least two individuals serve as officers in all four corporations, and several individuals serve as officers in three of the four corporations.

Until November, 1992, the secondary market activity was a departmental function of the guaranty agency. In November 1992, the secondary market was incorporated as one of the above mentioned companies. The guaranty agency plans to transfer some of its employees to its newly formed secondary market.

Approximately 84 percent of the secondary market's portfolio, and 79 percent of the loan servicer's portfolio are guaranteed by their affiliated guarantor.

GUARANTY AGENCY B

This guaranty agency underwent sweeping organizational changes in 1992. At the time of our review the changes were not completely finalized. Generally, the end result will be a management company which operates 1) a guaranty agency, 2) a nonprofit FFELP service provider that provides supporting services such as account management, litigation services, and loan disbursement services to the guarantor, and 3) a for-profit FFELP service provider that provides some of the same supporting services to the guarantor as its nonprofit counterpart. The new management company owns all of the stock of the for-profit FFELP service provider, and the two corporations share at least one board member.

The above corporations work very closely with three other organizations that were previously founded by the guaranty agency. These three firms are 1) a loan servicer, 2) a secondary market, and 3) an educational resource firm. Although the secondary market and the educational resource firm were legally separated from the guaranty agency, they continue to share common board members with the new management company mentioned above. The management company holds 25 percent of the stock of the loan servicer, and the two corporations share board members.

Approximately 55 percent of the secondary market's portfolio, and 69 percent of the loan servicer's portfolio are guaranteed by their affiliated guarantor.

GUARANTY AGENCY C

This guarantor, along with a loan servicer and secondary market, is operated as a division of a larger agency. There is no separate legal structure for the guarantor, loan servicer, or secondary market. All three divisions report to the same senior management and board of directors. Approximately 71 percent of the secondary market's portfolio, and 60 percent of the loan servicer's portfolio are guaranteed by their affiliated guarantor.

GUARANTY AGENCY D

This guaranty agency is operated by a state commission that is appointed by the Governor. The State Commission, along with its Executive Director, is responsible for operating the guaranty agency and the secondary market. The State Commission has only one board of commissioners to oversee the guaranty agency and the secondary market.

Approximately 99 percent of the secondary market's portfolio is guaranteed by its affiliated guarantor.

GUARANTY AGENCY E

This guaranty agency is a component of a state authority that manages all the Federal and state student loan programs. A separate state authority operates the secondary market. However, the management and board of the two authorities are the same.

Approximately 100 percent of the secondary market's portfolio is guaranteed by its affiliated guarantor.

GUARANTY AGENCY F

This guaranty agency is housed together with a loan servicer at the same state agency. There is only one board of commissioners for the guaranty agency and the loan servicer, and both are served by the same senior management staff.

Approximately 100 percent of the loan servicer's portfolio is guaranteed by its affiliated guarantor.

GUARANTY AGENCY G

This guaranty agency is a division of a larger corporation. The corporation has a guaranty agency division and a FFELP servicing division. The guarantor and servicer are managed by separate corporate vice presidents. The president of the corporation also holds the offices of Chairman of the Board of Directors, Chief Executive Officer, and Treasurer.

Approximately 100 percent of the loan servicer's portfolio is guaranteed by its affiliated guarantor.

GUARANTY AGENCY H

This guaranty agency provides FFELP servicing to participating lenders and secondary markets. The loan servicer is part of a division of the guaranty agency that reported to the Senior Vice President of Operations. The guaranty agency claims that it began phasing-out its loan servicing activities in the spring of 1989. However, it still retains a significant servicing portfolio.

Approximately 95 percent of the loan servicer's portfolio is guaranteed by its affiliated guarantor.

GUARANTY AGENCY I

This guaranty agency has a parent company that is the sole member (or shareholder) of both the guaranty agency and the secondary market. In this case, all three organizations are separate nonprofit corporations. The parent company is the employer with respect to virtually all of the staff of the guaranty agency and the secondary market, and provides the staff to its subsidiaries under a management contract.

The three companies have separate boards. However, the two presidents of the guaranty agency and the secondary market also serve on the board of the parent company. In fact, the Chairman of the Board of the parent company is also the president of the secondary market. This same person is the 100% owner of a for-profit company that was paid approximately $900,000 in 1991 to provide services to the guaranty agency and the secondary market.

Approximately 52 percent of the secondary market's portfolio is guaranteed by its affiliated guarantor.

GUARANTY AGENCIES J, K, & L

Our inquiries did not lead us to conclude that the above guarantors were affiliated with a loan servicer, secondary market, or other FFELP service provider.●

AUTHORIZING THE TAKING OF A PHOTOGRAPH IN THE CHAMBER OF THE U.S. SENATE

Mr. GREGG. Mr. President, I ask unanimous consent that the Senate proceed to Senate Resolution 87, submitted earlier today by Senator DOLE, and that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

So the resolution (S. Res. 87) was agreed to, as follows:

Resolved, That paragraph 1 of Rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting the National Geographic Society to photograph the United States Senate in actual session on a date and time to be announced by the Majority Leader, after consultation with the Minority Leader.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefor, which arrangements shall provide for a minimum of disruption to Senate proceedings.

MEASURE READ FOR THE FIRST TIME—H.R. 988

Mr. GREGG. Mr. President, I inquire of the Chair if H.R. 988 has arrived from the House of Representatives.

The PRESIDING OFFICER. It has arrived.

Mr. GREGG. Therefore, I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 988) to reform the Federal civil justice system.

Mr. GREGG. I now ask for the second reading, and I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GREGG. The bill will remain at the desk to be read a second time following the next adjournment of the Senate.

ORDERS FOR MONDAY, MARCH 13, 1995

Mr. GREGG. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 12:30 p.m. on Monday, March 13, 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, and there be a period for transaction of morning business not to extend beyond the hour of 1:30 p.m., with Senators permitted to speak for up to 10 minutes each.

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

Mr. GREGG. Mr. President, I further ask unanimous consent that, at the hour of 1:30 p.m., the Senate resume consideration of H.R. 889, the supplemental appropriations bill; further, that at the hour of 4:30, the Senate begin 60 minutes of debate, equally divided between Senator KASSEBAUM and Senator KENNEDY; and that the vote occur on the motion to invoke cloture at 5:30 p.m. and the mandatory live quorum be waived.

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

PROGRAM

Mr. GREGG. Mr. President, for the information of my colleagues, under the previous order, there will be a cloture vote on the pending KASSEBAUM amendment at 5:30 on Monday. Senators should also be aware that further rollcall votes are expected during Monday's session of the Senate.

OFFICIAL PHOTOGRAPH OF THE U.S. SENATE

Mr. GREGG. Mr. President, the official photograph of the U.S. Senate in session will be taken by the National Geographic Society on Tuesday, April 4, 1995, at 2:15 p.m. All Senators are now on notice to be on the floor at 2:15 on April 4 for the picture.

ORDER OF PROCEDURE

Mr. GREGG. Mr. President, I ask unanimous consent that, following the remarks of Senator EXON, the Senate stand in recess under the previous order.

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

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. 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. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

STRIKER REPLACEMENT

Mr. EXON. Mr. President, next week I will be introducing a bill with regard to striker replacement. This is the same bill that I have introduced previously in this body.

I discussed this possible compromise that would maybe put an end, hopefully, to the ongoing battle we have had now for many years in the U.S. Senate. I discussed this with the chairman of the committee of jurisdiction, Senator KASSEBAUM, earlier today. I understand we will be having a cloture vote on this matter on Monday.

I would simply say to my colleagues on both sides of the aisle and on both sides of this issue that I think it is not good form, it is not good business, and it upsets the routine schedule of the Senate when matters of this nature, however important they are, and however timely they might be, should never, ever have been placed on the supplemental appropriations bill with regard to national defense that is before the body.

For the life of me, I do not understand why the managers of the bill or those in opposition did not simply make a point of order that it was legislation on an appropriations bill, which it clearly is. Had that point of order been made, I would hope that the matter would have fallen.

Let me say, Mr. President, that I have voted for and will continue to vote for some type of a striker replacement bill. What we have, of course, is the traditional battle: The old bulls of business on one side of the pasture, and the old bulls of organized labor on the other, glaring and pawing at the turf and snarling at each other across the pasture.

All too often we do not take into consideration, I think, what is in the interest of the United States of America as we go into the international arena, the international pasture today, and certainly into the new century that is almost here. We see the quarrelsome gestures and the rhetoric about how fair or unfair this is to different groups of Americans, depending how they are postured on this particular matter.

Senator DOMENICI was on the floor earlier this week, and I spoke after he spoke with regard to the fall of the dollar and what caused that and how serious it is. I agreed with all of that.

I simply state once again that I think the matter of the fair treatment of laboring people who are organized in the United States of America is something that we should continue to address and not just simply continue with actions on the floor of the U.S. Senate that I believe, for all meaningful purposes, are designed to end the rights of organized labor and the rights of collective bargaining.

Some will say that is an overly harsh statement, but I think that is the reality of the situation. And I suppose that businesses today feel that with the advent of the Republican majority in the U.S. Senate and the House of Representatives that they could sit back, take a sigh of relief and say it shall not pass with the revolution that took place last November.

That might well be. They may have their facts straight. Is not what I think should be a different and reasoned approach. Likewise, the organized labor should realize and recognize that the United States of America is now very much tied up, more so than they have ever been before, with the economies of the whole world. The new century that is about to come upon us, I suggest should best be recognized that we should be looking over the horizon, if we will, aside from the facts that we always have on measures of this nature.

The economy of the United States of America is tied more tightly to the international community—the whole globe—than it ever has been before. Many people, including this Senator, had thought that would probably be good for the United States of America. Maybe in the end it still might be.

Suffice it to say that when we are tied to the international community with trade agreements, trade treaties, NAFTAs, and GATT's, and all of these things, it is a small wonder that the dollar is not reacting well.

It is no small wonder, Mr. President, that there is nervousness in the international economic and fiscal community today, with the problems of the border with our neighbor to the south, just across the border in Mexico, and certainly the Mexico bailout proposition—call it what you will. Whether it is necessary or whether it is not, whether it is good or whether it is bad simply proves the point that I am making, that the United States of America is tied into the economic structure of the world more so than it ever has been before.

When we are doing these kinds of things, we should not be, therefore, particularly surprised when we see different things happening in different parts of the world and investors in different countries of the world moving

money about, the super moneychangers of the world today for safety reasons and to get the best return on their investment.

So I think we are going to be involved in a rather uncertain period and it might all work out well.

That is why I think it was not wise for the President of the United States to take the action that he took by Executive order the other day with regard to penalizing certain companies or corporations that do business with the Federal Government with regard to replacement of workers. I thought that was an untimely move by the President. I am not a lawyer, but I suspect, in the end, the courts might decide he did not have that authority.

But whether the President did or did not certainly has brought up the firestorm that has taken over the Senate for the last few hours. The President did not consult with me before he took that action, nor is he required to do so, except to say I think we have enough to quarrel and worry about on the floor of the U.S. Senate today without getting a labor matter involved in a supplemental appropriations bill. It should never have come up on this measure. I wish that I had an opportunity to make a point of order against this, and probably that, hopefully, would resolve it. In any event, it has brought the matter of striker replacement up to this Senator once again, and I hope that is not going to be dealt with on an appropriations bill, especially the one before us now which needs to be moved.

Therefore, in the effort and sounding for compromise, once again, I am going to briefly talk about a bill that I will be introducing next week that I have introduced before, which I think if big management and big labor would take a look at and if both sides—both quarreling sides—in the U.S. Senate would take a look at it, they would see that the compromise offered by the Senator from Nebraska, if enacted, might put to rest this contentious matter that keeps bubbling to the surface of the floor of the Senate and the floor of the House with regard to striker replacements.

I would like to say, Mr. President, that it is very clear to me after looking at the situation in my great State of Nebraska today, we have an extremely low unemployment rate, one of the lowest in the Nation. I think the last unemployment rate in Nebraska was 2.3 percent. That does not mean that the people of Nebraska are being overpaid.

The facts of the matter are, we have a great number of college graduates today who are not able to find work in their desired type of employment, not able to find work that complements the degrees and studies that they receive from our various high-quality institutions of higher learning. That is another way to say that I think probably the main problem in Nebraska today, with our economy that otherwise is reasonably healthy, is that we have a great number of underemployed people in the State of Nebraska, many of them doing things that they are not trained for or ever sought to do in their early lives and during their educational experience.

Part of this has to do with the fact that there is great instability today of employment. The record is replete with big businesses, for whatever reason and probably some of them are justified, laying people off when they get to be 50 or 55 years of age, just about the time that they were set for life.

And at 50 and 55 years of age, they are not particularly attractive to many businesses for the jobs that at least pay something akin to the salary that they have been used to in their adult lives up to this period of time.

So I happen to feel that if we are going to be competitive in the world internationally in the next century, we had best set about some procedures that can solve the problems that we have in America today, the problems that labor sees, the problems that management sees and try to get these two sides together.

The bill that I am introducing is a compromise that I have alluded to. It is not a complicated piece of legislation at all. It simply says that under the Federal law, if it were adopted—and it would have to be a compromise; and this compromise is not accepted by big labor, they do not like it; it certainly is not accepted by big business, they do not like it—but it simply says as a compromise in trying to put an end to this, that for the first 60 days of a strike in an organized plant, the management of that company would not be allowed to hire permanent replacements. They could hire temporary people, but for the first 60 days of any legal strike that was called by an organized client under our collective bargaining laws today, management could not rush in and send the clear signal that if the people who had the right to strike do not show up, their job is going to be taken on a permanent basis by the first person that walks in the door or makes an application.

For the life of me, I have never been able to understand those who say they believe in collective bargaining and then turn right around and say, ''but if the unionized plant goes on strike, management has the option at their discretion to say, 'OK, we'll hire somebody else to take your place.' ''

Any reasonable person that believes in collective bargaining would have to agree that if organized labor does not have the right to strike, and organized labor does not use that promiscuously, but if they do not have the ultimate right to strike, the collective bargaining that they go through from time to time is heavily stacked against them because all of the chips for bargaining are on management's side of the table.

Now, on the other hand, let me take the devil's advocate position, if I might, for a moment with regard to unions and union membership and union leadership. I also feel that union labor and union leaders must also recognize that we are in a new era. I do not believe that we should simply pass legislation that permanently prevents management from ever hiring a replacement worker under any circumstances.

If you accept that point of view fully that organized labor pushes, which I do not agree with, that will simply mean that if organized labor never will agree to a contract, somewhat along the lines we are seeing in the baseball impasse today, then organized labor would be able to close down and eliminate a factory forever. I do not think they should have that power either.

Mr. President, the compromise that I am offering, that I emphasize is detested by management and it is detested by the leadership of organized labor, would simply reach a compromise by saying for the first 60 days of an organized strike management would be prevented from hiring permanent replacement workers. Again, I emphasize they could hire temporary workers but not permanent replacement workers. The first 60 days they could not do that. At the end of 60 days, the compromise would kick in, and for the first 30-days after 60 days management would be allowed to hire 10 percent of their work force as permanent replacements.

It goes up from there to 20 percent in 90 days, 30 percent in 120 days, and it goes on up to the end of 1 year, 360 days. If no settlement has been reached, then in that event and that event only would management be permitted to have total replacement of all the workers that went on strike.

Putting it another way, this is simply a phased program to try to satisfy what supposedly is the beliefs of both big labor and big management without taking a look at what is good for the overall economy of the United States of America and the competition that I suggest we are likely to have from around the globe with the turn of the century, as exhibited by the difficulties that we are having right now with regard to fiscal and monetary policy and the fall of the dollar and all the problems that could and probably will cause in the United States by further increasing interest rates. And some have alluded to the fact that, indeed, that could push us into a recession that no one had previously contemplated.

So I am saying, Mr. President, the votes I will be casting on this whole matter of striker replacement are in an effort to get myself into a position to hopefully bring along the Senate to stop shouting at each other, to quit listening to the dictates of big labor only and big management only and do what I think is right for America. And I have to think the Exon proposal should satisfy well meaning and well-intentioned individuals on both sides of this very contentious problem and maybe get on to lay this matter to rest and have

labor peace and management peace in the years immediately ahead when I think the United States of America is very likely to set its course as to whether or not we are going to be as successful in the new century as we were in the last.

Mr. President, I am simply appealing for reason. I am only making these comments so I can explain to my colleagues the position that this Senator has on this matter, and I will be introducing the bill that I have briefly described next week so that all can look at it. I was very pleased to hear Senator KASSEBAUM, the chairman of the committee of jurisdiction, since she did not know about this piece of legislation. I do not think anybody else does either, because nobody will pay any attention to a compromise, although I have introduced this piece of legislation before and talked to some Senators about it—maybe, just maybe, Mr. President, something like this might be the bounds to stop the inflammatory rhetoric that is going on now, that is holding up the passage of the defense supplemental, which needs to be enacted into law. And we all agree on that. Yet we get off on what I think are these nonsensical maneuvers and rules to force some people's will on what should be done at a very inappropriate time.

I thank the Chair and I yield the floor.

RECESS UNTIL 12:30 P.M. MONDAY, MARCH 13, 1995

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 12:30 p.m. Monday, March 13, 1995.

Thereupon, the Senate, at 5:05 p.m., recessed until Monday, March 13, 1995, at 12:30 p.m.

NOMINATIONS

Executive nominations received by the Senate March 10, 1995:

DEPARTMENT OF AGRICULTURE

DANIEL ROBERT GLICKMAN, OF KANSAS, TO BE SECRETARY OF AGRICULTURE, VICE MIKE ESPY, RESIGNED.

EXTENSIONS OF REMARKS

AMANDA SAPIR'S VISION FOR AMERICA

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 1995

Mr. STUDDS. Mr. Speaker, I rise today to honor an outstanding young woman from my congressional district, Amanda Sapir of Kingston, MA. This week she won the national Voice of Democracy Award from the Veterans of Foreign Wars for an essay she wrote and recorded on her vision for America.

Amanda, an 18-year-old senior at Silver Lake Regional High School, is the first Massachusetts student to win the award in the 48-year history of the Voice of Democracy Program. She prevailed over 125,000 other students from across the country to win the $20,000 T.C. Selman Memorial Scholarship Award, sponsored by the VFW and its ladies auxiliary. I was informed of the award by proud local veterans who visited with me this week.

But more important than Amanda's winning a contest, or even the scholarship, is the vision she conveyed: that diversity is America's greatest strength and that our Nation's long journey toward justice and equality for all citizens is not complete.

Amanda's words are so eloquent, her message so timely, that I wanted to include them in the RECORD as a reminder of how far we've come and how far we have to go.

MY VISION FOR AMERICA

(By Amanda Sapir)

The air was thick and sweet smelling. Traffic was bumper-to-bumper as usual. It seemed like there were people everywhere; people walking up and down the sidewalks, shoppers peering hopefully into store windows, tourists searching aimlessly for the nearest landmark, and the homeless sitting in the warmth of a typical hustle and bustle summer in Washington, D.C. It was just another day when I was among the eternally lost sightseers and Helen among the homeless.

''Where's Wisconsin Ave.?'' I asked a gentleman who responded, ''Isn't that near O street?'' ''Hmm, where's O Street?'' ''Beats me. Do you know where Pennsylvania Ave. is?'' By the end of the conversation we were both, if you can believe it, even more confused than when we started. This is when I spotted another homeless looking woman sitting on the sidewalk clasping her most precious belongings. On one of her bags was a sticker that read, ''Helen.'' I figured she would know her way around this maze they call Washington.

''Excuse me, ma'am, do you know where Wisconsin Avenue is?'' She was looking straight ahead with an empty gaze, not acknowledging me for quite a few seconds. After waiting patiently, I was startled when she jerked her head towards me and staring with intensely fierce brown eyes asked, ''What do you see?'' as she pointed to a perfectly maintained photograph. Surprised, yet curious by her question, I answered, ''Well, there's an average looking older Asian woman, a middle-aged rather dirty looking white man, and a young well-dressed black woman all standing side by side.'' Apparently displeased by my answer, she yelled, ''No, no, no!'' Wondering where I went wrong, I asked, ''Why what do you see?'' She looked at me with those eyes and without hesitation said, ''Three people. Keep walking up this street and you'll find Wisconsin Avenue.''

I was stunned by her response, but learned that in Helen's answer was a translucently clear message that now typifies my vision for America, a nation where its citizens continue to make great strides toward demolishing discrimination by understanding that it is our differences which makes us similar. Although we may wear different clothes, earn different amounts of money, walk or talk differently, we are all just people with fears and hopes, struggles and joys. I feel that with this ideal in mind we as a nation can knock on the door to the next century with confidence, knowing that we will handle all changes and all challenges that will arise. However, this confidence is only achievable if all Americans feel included and worthy, without fearing discrimination.

As I continued on my walk, I learned how this could actually happen. Looking at museums, the White House, the Supreme Court and the Mall, I saw why the United States is the only global Superpower remaining. We rely on creative solutions, which are the result of educating and acting. My vision for a unified America necessitates effort. In order for compassion to prevail over discrimination, the nation must first call on our educators to teach about different places and different cultures. We need our nation's youth to further understand that we are all different, but that diversity is our greatest strength not only in problem solving but in fighting ignorance. Knowledge has a funny way of operating minds, and in the future, bright open minds will be quintessential in fighting prejudice. This knowledge is only useful if put into practice. My vision relies on Americans to act with the same moral impetus it took for civil rights to speak up and for American soldiers to leave their families to fight for our nation, we must also speak up and fight for equal treatment for everyone. As a country, we have already made leaping bounds in the name of equality, but there is more struggling to do, whether we are employees helping a co-worker cope with discrimination or an employer concentrating on having qualified diverse employees. We must act until minorities, disabled and abled are all viewed as people.

America is only as strong as its weakest link, and those links are tested by the way in which we treat people, be they friends or strangers. As this country enters a new millennia, progress will present many opportunities as well as obstacles. My vision is that on December 31, when the clock ticks the past century away, Americans, no matter what ethnicity or sociopolitical or economic status, together will unlock this potential of the 21st century with optimism and a renewed sincere commitment to educating and acting against discrimination and for open-mindedness and unity, so that when any American is asked, ''What do you see?'' the answer will be without hesitation, ''People.''

NATIONAL SERVICE CORPORATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 1995

Mr. ANDREWS. Mr. Speaker, a controversy has arisen recently over a protest staged by ACORN, a membership and advocacy group for low- and moderate-income families. The Washington Times, in a March 7 editorial, asserted that AmeriCorps members—whose stipends are subsidized by the Federal Government—may have worked for ACORN and therefore participated in the protest. Unfortunately, the newspaper got its facts wrong.

No AmeriCorps members work for ACORN, and none took part in the protest. Rather, 42 AmeriCorps members are serving with ACORN Housing Corporation, an entirely different organization that helps working families find homes.

Eli Segal, the CEO of the National Service Corporation, clarified the facts in his March 7 letter to the Washington Times. I have submitted his letter to set the record straight. I would like to express my disappointment that members of the press and of this body would spread misinformation to discredit a program as innovative, productive, and important as AmeriCorps.

AMERICORPS NATIONAL SERVICE,
Washington, DC, March 7, 1995.

TOD LINDBERG,
Editor of the Editorial Page,
Washington Times.

DEAR MR. LINDBERG: In your editorial today (Federally funded Newt-bashing), you asked whether AmeriCorps Members participated in the disruption of Monday's NACO luncheon, which prevented Speaker Gingrich from addressing the gathering. There is a simple answer: Absolutely not.

AmeriCorps doesn't support advocacy. Our statute and Regulations clearly prohibit it. Advocacy aims to make change through politics, and is therefore inherently a process of winners and losers. National service brings about positive change by helping local communities solve common problems through collective effort—where everyone ends up benefiting.

This is much more than rhetoric. Advocacy organizations were furious when our Regulations came out, but we didn't budge. We have also made it clear to all of our grantees that this is a matter of principle, not technicality. We will cut off funding to programs that do not comply. I have reminded all of our programs of these matters, today, in writing.

AmeriCorps aims to re-kit community. That can't happen when basic freedoms of speech are trampled. In the wake of yesterday's disruption, we immediately investigated. Here's what we learned: No AmeriCorps Members participated in the incident (written conformation attached). In fact, the protesting organization is an entirely separate organization from our grantee—legally, and in Board, budget, staff and mission.

AmeriCorps Members serve not with ACORN, but with ACORN Housing Corporation. The latter is not an advocacy organization, but an entirely separate non-profit helping working families find housing—especially buying their own homes. In the three months our AmeriCorps program has been operating, AmeriCorps Members have already assisted hundreds of families interested in home ownership—and 84 families now have secured mortgages for their first homes.

This is the AmeriCorps mission: getting things done. And this is the American Dream: helping working families afford a home.

We agree with the Washington Times that federal funds must not be abused, and that service must be distinct from advocacy. AmeriCorps is proud of its record—and unshakable in its adherence to these principles.

Sincerely,

ELI J. SEGAL,
Chief Executive Officer.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE GREATER WASHINGTON SOAP BOX DERBY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 1995

Mr. HOYER. Mr. Speaker, today I am introducing a resolution which authorizes the use of Constitution Avenue, NE., between Delaware and Third, for the Greater Washington Soap Box Derby. The resolution also authorizes the Architect of the Capitol and the Sergeant at Arms, to negotiate the necessary arrangements for carrying out this event in complete compliance with rules and regulations governing the use of Capitol Grounds. The Soap Box Derby has run on the Capitol Grounds for the last 4 years.

This year marks the 54th running of the Greater Washington Area Soap Box Derby, and the race is slated for July 15, 1995. Participants ranging from ages 9 to 16 are expected to compete in the early summer race. They hail from Washington, DC and the surrounding communities of northern Virginia and Maryland. The winners of this local event will represent the Washington, DC area in the national race which will be held in Arkon, OH later this year.

The Soap Box Derby provides our young people with an opportunity to gain valuable skills such as engineering and aerodynamics. Furthermore, the derby promotes team work, a strong sense of accomplishment, sportsmanship, leadership, and responsibility. As we all know, these are all positive attributes which these young people can carry into adulthood.

Again, I strongly urge my colleagues to support this resolution.

TRIBUTE TO WILLIAM K. VAN PELT

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 1995

Mr. PETRI. Mr. Speaker, I rise in tribute to former U.S. Representative William K. Van Pelt of Fond du Lac, WI, on the occasion of his 90th birthday today.

A popular Member of Congress who was known for his quiet common sense and integrity, Bill served Wisconsin's Sixth District from 1951 through 1964, winning seven consecutive terms with little serious opposition.

Respected by colleagues on both sides of the aisle, Bill was proud of his record of service to his constituents and of his committee work. When he left office, Bill was the second ranking Republican member of the Merchant Marine and Fisheries Committee, which handled all conservation issues coming before the House. He was also a senior member of the Committee on Science and Astronautics, whose jurisdiction included policymaking and oversight of various facets of America's evolving space program.

Bill's first term in Congress came after he won an upset victory in a four-way Republican primary in 1950 in his first bid for public office. Before that time, Bill was in business for himself as owner and operator of City Fuel Co. of Fond du Lac and was an active participant in Republican Party politics on the local level, serving as chairman of the Fond du Lac County Republican Party from 1944 to 1950.

Throughout his tenure of office, Bill remained true to his roots as a businessman and advocate of Republican Party principles. He was a strong believer in the free enterprise system and in the need for a limited Federal Government dedicated to fiscal responsibility and a balanced Federal budget. He was not afraid to take unpopular stands, and was called on the carpet by his political opponents for daring to question the expenditure of Federal conservation dollars on a Wisconsin project he and many others deemed to be of dubious value.

In 1964, Bill Van Pelt was quoted as saying, ''The Federal Government does not have to be a partner in a program to ensure its ultimate success.'' Thirty years later, I think Bill would have felt right at home in the current congressional climate, working to advance the tenets of the Contract With America.

Bill would probably be less comfortable, however, with the prevailing practices of political campaigning. A gentleman known for his unpretentious manner and low-key sense of humor, Bill prided himself on conducting campaigns free of personal attacks and disparagement. ''I might say that I don't indulge in personalities,'' he said. ''Never in eight campaigns have I felt it necessary to go to name-calling.''

On this his 90th birthday, I want to congratulate Bill Van Pelt and to wish him continued health and happiness. In addition, on behalf of the people of the Sixth Congressional District, I want to thank him for his 14 years of service in the House of Representatives and for his legacy of integrity and commonsense leadership.

ON THE INTRODUCTION OF A BILL AMENDING THE RAILWAY LABOR ACT TO CLARIFY ITS APPLICABILITY TO WORK PERFORMED BY FLIGHT CREW MEMBERS OF U.S. CARRIERS ENGAGED IN FOREIGN FLYING

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 1995

Mr. RAHALL. Mr. Speaker, today, along with my distinguished colleagues, Representative JAMES OBERSTAR of Minnesota and Representative DON YOUNG of Alaska, I have reintroduced legislation to protect the public interest in uninterrupted international air service, and the stability of collective bargaining relationships between U.S. air carriers and their flight crew employees—flight deck crew members and flight cabin crew members. It does so by confirming and clarifying that the Railway Labor Act applies to the U.S. air carriers and their flight crew employees while operating to, from, or between points outside the United States.

Historically, air carriers and labor organizations have understood title II of the Railway Labor Act [RLA] to apply to U.S. air carriers and their flight crews when engaged in operations between the United States and foreign nations, and the terms of the act appear to cover these operations.

Such carriers are increasingly engaged in providing service to additional points outside the United States by engaging in beyond operations from one foreign destination to another. For this and other reasons, the status of negotiated contractual work rules applicable to the overseas flight operations of U.S. air carriers, and the statutory scheme applicable to labor relations during such operations, need to be clarified.

Recent court decisions are troubling because they have decided questions about the reach of the RLA by relying upon a presumption against extra-territoriality as well as the uncertain terms of the statute itself. But this approach does not effectively guide the courts or the parties in dealing with overseas flight operations of a U.S. carrier, which are essentially extensions of the carrier's domestic operations and are conducted by flight crews who operate interchangeably throughout the system. As a result, neither the public nor the parties can be certain that the industrial stability fostered by the RLA will protect the public while traveling in the foreign operations of U.S. carriers.

It is the reluctance to fully apply title II of the RLA as it should be applied and as we have understood its application for many years, that has brought us to where we stand today in introducing this legislation. We hope to amend the act so as to effectively guide the parties concerned in dealing with overseas flight operations of U.S. carriers.

Identical legislation (H.R. 4957) was introduced last year, and hearings were held in October, 1994 by the House Aviation Subcommittee, then chaired by the able Representative JAMES OBERSTAR, who joins me as an original cosponsor of today's bill.

This bill, as introduced, preserves the RLA's preference for systemwide collective bargaining agreements and permits such agreements

to be enforced in the statutory adjustment board in accordance with the parties' intent.

It is well to note that U.S. airlines and their labor unions have, to date, proceeded as if the RLA and the labor contracts negotiated under it follow the aircraft of U.S. flag airlines and their flight crews in both domestic and international operations regardless of their point of operation at any particular moment in time. This is similar, if not identical, to the rules and procedures followed under maritime law involving U.S. flagships.

Here is what the bill does:

It prevents either a carrier or one of its flight crew labor organizations from evading its obligations under the RLA by simply relying on geographical location of a particular operation.

It prevents flight crew labor groups from conducting unpredictable work stoppages against the U.S. air carrier's foreign operations.

It prevents an air carrier from firing or disciplining flight crew employees for engaging in union activities protected under the RLA merely because such employees are assigned in whole or in part to the carrier's operations outside the United States.

It assures that the provisions in the bill apply only to flight crew employees—pilots and flight attendants—who are the employees engaged in the actual operation and service aboard the aircraft as they traverse international boundaries.

It requires, where appropriate, fair collective bargaining to establish wages and terms and conditions of employment for flight crews throughout an air carrier's systems.

Here is what the bill does not do:

It does not impose our labor laws on foreign countries.

It does not affect our aviation agreements with foreign countries.

It does not cover employees providing ground and related services for U.S. carriers exclusively in foreign countries.

It does not preclude negotiation of wages and terms and conditions of employment tailored to flight crew members that perform overseas operations.

I hope that my colleagues will join me in cosponsoring and supporting enactment of this bill. If you have any questions, or wish to cosponsor the bill, please call me or Mrs. Kyle on my staff.

IN REMEMBRANCE OF THE REVEREND RALPH DAVID ABERNATHY, JR.

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 1995

Mr. LEWIS of Georgia. Mr. Speaker, just a few days ago, many of us in the House came together on the House floor to celebrate the 30th anniversary of the Voting Rights Campaign of 1965. Last week, I traveled to Selma, AL, along with several of my colleagues from the Congressional Black Caucus and thousands of others, in commemoration of the historic march from Selma to Montgomery, a turning point in the campaign for voting rights.

Today, I would like to take a moment to pay special tribute to one of the soldiers and leaders of the civil rights movement, someone who was with us on the 54-mile march from Selma to Montgomery, the Reverend Ralph David Abernathy, Jr. As many of us who participated in the movement join together to celebrate the achievements of the past and to remember those who marched alongside us many years ago, I believe this is a very fitting time to recognize the Reverend Abernathy. It is also Dr. Abernathy's birthday tomorrow. Dr. Abernathy was born in Marengo County, AL on March 11, 1926. He passed away, too young, 5 years ago. Tomorrow, he would have been 69.

The Reverend Ralph David Abernathy, Jr. had a lifelong commitment to securing and protecting basic civil rights for all Americans. He was a leader in the civil rights movement, a close friend of the Reverend Martin Luther King, Jr. I marched with him many times. After the assassination of Dr. King in 1968, Dr. Abernathy assumed leadership of the Southern Christian Leadership Conference, and worked with dedication and perseverance to carry on Dr. King's dream. After Dr. King's death, Dr. Abernathy continued to organize and lead marches and other events, including the Poor People's Campaign, a massive demonstration to protest unemployment, held in Washington, DC.

I believe we should take a moment to remember the people who brought us here today, to remember some of the sacrifices and the contributions of the many people who participated in the civil rights movement. Thousands of people participated. Some had small roles, others large roles. The Reverend Ralph David Abernathy had many roles, often at the same time. He was a teacher, a leader, an organizer, a soldier, and a friend. Today, we remember his spirit, his good humor and his guidance. One day before the date of his birth, I ask my colleagues to join me in celebrating his legacy and his life.

PAKISTAN-BASED GROUPS TRAINS HOLY WARRIORS

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 1995

Mr. BROWN of Ohio. Mr. Speaker, two American diplomats lie dead and another seriously wounded after Wednesday's brutal attack in Karachi, Pakistan. These Americans were gunned down when their vehicle stopped at a traffic light on Karachi's busiest road while the employees were en route to work in the service of the United States.

Mr. Speaker, Karachi is a city out of control, and Pakistan's continuing support of international terrorism has come home to roost. The Cleveland Plain Dealer has run just today an article that first appeared in the Washington Post in which Karachi is described as a ''city of violence,'' where Islamic militancy is the rule and not the exception.

Mr. Speaker, this tragedy illustrates our need to stop terrorism no matter where it occurs. If American citizens in Pakistan are not safe when they are representing their country, then we must demand protection. If the Government of Pakistan cannot ensure their protection, we must take action to protect them ourselves.

[From the Cleveland Plain Dealer, Mar. 10, 1995]

PAKISTAN-BASED GROUP TRAINS HOLY WARRIORS

(By John Ward Anderson and Kamran Khan)

KARACHI, PAKISTAN.—On the third Thursday of every month, a bus with about two dozen young men pulls away from a secret rendezvous point in this port city and travels 600 miles north to a base in Afghanistan, where the men spend 40 days in basic training for a worldwide holy war.

The camp, just north of the Pakistani border town of Miram Shah, is operated by Harkatul Ansar (Movement of Friends), a radical group headquartered in the Pakistani capital, Islamabad, that is sworn to fight for the global supremacy of Islam. Since 1987, more than 4,000 militants—including Pakistanis, Indians, Arabs from several countries and a small number of Americans—have been trained by the group in making bombs, throwing hand grenades and shooting assault weapons, members of the group said.

''Ours is a truly international network of genuine Muslim holy warriors,'' said Khalid Awan, who joined Harkat, as the group is popularly known, after receiving his master's degree in economics from Pakistan's Punjab University. ''We believe frontiers could never divide Muslims. They are one nation, and they will remain a single entity.''

Harkat is one of the largest and most militant Islamic groups operating in Pakistan, which critics complain has done little to keep radical Muslims from using its soil to launch terrorist attacks.

Pakistant's reluctance to crack down was spotlighted last month when Ramzi Ahmed Yousef, suspected mastermind of the 1993 World Trade Center bombing in New York, fled here as a world-wide dragnet tightened around him. Yousef was arrested Feb. 7 in Islamabad when U.S. officials led Pakistani police to the guest house where he was staying.

Pakistan has been a haven for armed Islamic militants since the early 1990s, when dozens of fundamentalist groups and thousands of soldiers who had fought a jihad, or holy war, to drive the Soviet Union out of Afghanistan began searching for new theaters in which to wage battle.

The groups have continued to thrive here and in Afghanistan because of the easy availability of cheap and sophisticated weapons—many can be traced to more than $1 billion per year the United States gave to Afghan militias based in Pakistan during the war against the Soviets—and because large tribal areas along the Pakistani-Afghan frontier are unpatrolled and lawless.

Politicians in Pakistan have been reluctant to launch a committed effort to shut down the groups because they have the support of the country's powerful Muslim clergy. The groups openly raise funds and recruit members.

''The government at the highest levels is sufficiently frightened of these people, but its ability to crack down on them is very limited,'' said a Western diplomat in Islamabad. ''No, they are not doing enough but it's not a lack of will—it's that the government here is not terribly efficient.''

Observers say Pakistan has put itself in the difficult position of allowing the groups to operate in the country to fight against Indian troops in the disputed region of Kashmir, and at the same time trying to prevent the groups from using Pakistan as a base for operations against other countries.

The Pakistani government did not respond to requests to provide a spokesman to answer detailed questions.

In a brief telephone interview, Foreign Secretary Najamuddin A. Sheikh said the

underlying problem is religious extremism, fueled by sectarian clashes between Pakistan's majority Sunni and minority Shiite Muslims. Often, he said, the extremism is encouraged in religious schools, which receive millions of dollars a year in state funding and are prime feeders for militant Islamic organizations.

Sheikh, the Foreign Ministry's highest-ranking civil servant, said Prime Minister Benazir Bhutto has proposed registering the schools as one way to moderate them.

India has long charged that Pakistan is involved in ''state terrorism'' by arming, training and funding Muslim insurgents waging a brutal civil war in Kashmir.

In 1993, the United States warned Pakistan that unless it stopped supporting Kashmir insurgents, the country would be put on the U.S. list of terrorist states. Since then, say U.S. officials, Pakistan has significantly reduced its role in the conflict.

Last month, during a state visit by Bhutto to the Philippines, President Fidel Ramos protested that Pakistanis were fighting alongside Muslim extremists battling for autonomy against his government. Russia has charged Pakistanis are aiding the separatist battle in Chechnya.

Following complaints by moderate Arab governments in Egypt, Algeria and Jordan that Pakistanis were involved in extremist movements in their countries, Pakistan asked Afghan aid groups—many were really fronts for militant organizations—to leave. That forced some groups underground and pushed others into Afghanistan.

''They have a right to protest, but we have our duties to perform as Muslims,'' said Tariq Cheema, 26, a member of the radical Markaz Dawatul Arshad organization, which aims to establish ''the rule of God'' throughout the world. While conducting street-corner recruiting in Karachi, Cheema passed out a list of names and addresses of 56 Markaz members killed last year during fighting against government troops in Tajikistan, the Philippines, Bosnia and Kashmir.

Since the end of the Afghan war in 1989, Pakistani officials estimate at least 10,000 Islamic militants have been trained by various groups in the Pakistan-Afghanistan border areas.

''Arabs run exclusive training camps for the recruits of Middle Eastern origin,'' a leading member of Harkat claimed, adding the instructors are Sudanese, Egyptian and Libyan veterans of the Afghan war. ''We only go to those camps for advanced military training that involves operating antiaircraft guns and tanks'' and laying land mines, he said.

Funding often comes from Muslims who think moderate Arab governments are becoming too Westernized.

''Funding for our organization largely comes from Saudi Arabia, where several philanthropists are not happy with the way the country is governed by the ruling family,'' said a Markaz activist. A Harkat official said his organization's largest donor is a group of Muslim merchants from India who now live in England.

THE REVOLUTION AND ITS CHILDREN

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 1995

Mr. DIAZ–BALART. Mr. Speaker, I ask that the following article by Ivan Arellanes be included in the RECORD. I believe that ''The Revolution and Its Children'' provides a worthwhile insight into problems that unfortunately many have chosen to ignore.

THE REVOLUTION AND ITS CHILDREN

(By Ivan Arellanes)

One of the most disquieting aspects of my recent trip to Cuba was learning about how young people my age live. Despite living in a country where most information concerning the West, and particularly the U.S., is censored, they are aware and even have some contact with the ''materialist, capitalist, imperialist'' culture, as Fidel Castro might categorize it. I wanted to meet those young people who, although they were children of the Cuban Revolution and had been indoctrinated from childhood, had many of the same concerns, interests and ideas that I or any other young person might have.

I arrived in Cuba with this in mind, and my first impression was disappointing: children and young adults were asking for money, food, candy, pencils or any item we tourists might want to give them, as we got off the bus that had brought us from the airport to the hotel. I wasn't surprised to see beggars, since this is not an occurrence unique to Cuba, but rather by the fact that there were so many everywhere.

Next I encountered the much-reported phenomenon of prostitution. Without going into too much detail, let me just say that I saw a sea of men, women and children selling themselves to the highest bidder. The only way I can describe what I saw is to call Havana an enormous brothel.

My first night in Havana, I was lucky enough to meet a group of five young people between twenty-four and twenty-eight years old. I spoke at length with two of them, Ronie and Ernesto. One of the main topics of conversation was entertainment. What did they do for fun? (I met them sitting next to the hotel.) They answered, ''This is what we do, sit here and watch people go by.'' They also like to bring some rum to a friend's house and dance to salsa music all night. But since the start of the daily blackouts, twelve hours long in some cases, It is no longer possible to have such parties. There is also nowhere to buy the very expensive alcoholic beverages unless you have dollars.

Both, Ronie and Ernesto are professionals; one is a biologist at a hospital. Though head of his shift at the time, he was just ''hanging out'' because there was no light and no supplies to help the sick.

Both laughed when I asked them where there might be a restaurant, not for tourists, but where one could find only Cubans. One asked, ''Why do you want to eat with Cubans? Why don't you eat in this nice hotel that has everything, where we aren't allowed to enter?'' They were surprised that I hadn't come, like other tourists, for sex.

They told me openly of their resentment, disillusionment and hatred of the revolution, which according to them lied about its supposed achievements. Later on I realized that in order to enjoy a better life than most Cubans (they earn the equivalent of $6 a month) they hooked up with tourists who would take them to discos, dinner, hotels, and who would buy them clothing in exchange for certain favors.

On my second day in Havana, I talked at length with a couple who were thirty-three and twenty-nine, respectively. They have a daughter who suffers from acute anemia owing to the lack of food. The husband works at the University of Havana and earns the equivalent of $5 a month, while his wife stays at home. They excused themselves for not offering me anything to eat or drink, because the only thing in their refrigerator was water and some old rice. She told me that sometimes days, even weeks go by when they eat only sugar water, so that they could give their daughter what little food they had.

We talked politics. Checking often to make sure the neighbors couldn't hear, they told me openly of their opinions on the Castro regime and the desperate living conditions in Cuba. I asked them to consider the extreme poverty, injustice and corruption in other countries, such as Haiti, and then asked them whether they would rather live in Cuba or Haiti. In a few words they summed up their disillusionment with the Castro regime: ''Let me put it to you this way. We would rather live in the worst country on earth, anywhere but Cuba.'' During our conversation we listened to music by their favorite artists: Willy Chirino, Gloria Estefan and Jon Secada.

I would also talk to another person who practically broke my heart. His name is Yojiro, a thirteen-year-old boy who came up to me on the street and began to walk with me. He told me that his classmates were doing agricultural work, and that he hadn't been able to go because he had injured his foot. He also told me his favorite music was rap and Michael Jackson. When I asked him if he had ever seen Fidel Castro, he told me that Castro never got close to the ''common'' people and could only be seen from a distance. As with all the young people I had met previously, his major interest was in knowing what the United States was like, what we did for fun, what we thought of Cuba. Nevertheless, what most endeared him to me was that he would not accept any gifts from me. He just wanted to talk, to be treated like an equal and not a beggar, to go into a restaurant with me and sit at a table without having the waiters bother him, in short, to feel like a human being.

When I returned from my trip to Cuba, friends and relatives asked me if I had liked it, if I had enjoyed myself. I answered that it had been the worst vacation I had ever had, that I hated Cuba—not the country and certainly not the people—but the injustice forced upon them by the dictatorship they live under.

TRIBUTE TO ANDREW T. HOSPODOR

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 1995

Mr. PALLONE. Mr. Speaker, I wish to pay tribute today to a very special man, my father-in-law, Andrew T. Hospodor, who passed away on March 7. He was 58 years of age. He had been suffering from a brain tumor for the past 6 months. For me and Sarah, my wife and his loving daughter, the loss of Mr. Hospodor will leave a terrible void—one which we will try to fill with our many fond memories.

Mr. Speaker, my father-in-law was a lifelong Republican and ideologically a rather conservative Republican. He loved to talk politics, looked forward to the Republican takeover in Congress, and hoped that the GOP's Contract With America would be quickly implemented. Needless to say, we often disagreed. However, he shared with me an abiding optimism in the American democratic process. No one was more convinced than Andy Hospodor that America works, that equal opportunity was best achieved in the United States, and that our country would ultimately overcome racial, ethnic, and religious differences to achieve a truly classless society.

Mr. Speaker, for his family and friends, Mr. Hospodor will be remembered most as a husband, a father and a grandfather, a good neighbor who took an active interest in his community. For his professional colleagues, Mr. Hospodor will be remembered as a leading businessman with an uncommon grasp of cutting-edge technological development.

Since 1987, Mr. Hospodor had been the chairman of the board and chief executive officer of ARINC Inc., Annapolis, MD, and its wholly owned subsidiaries, Aeronautical Radio, Inc., and ARINC Research Corp. Aeronautical Radio provides voice and data communications systems and services for the air transport industry, the Federal Aviation Administration. ARINC Research Corp. provides systems engineering development and integration services to defense, Government and commercial customers in avionics, command and control, aircraft, transportation and communications systems. Prior to joining ARINC, Mr. Hospodor served as President and CEO of RCA American Communications, Inc. [AMERICOM]. His career with RCA extended over 20 years in a variety of technical, marketing, and senior management positions.

Born in Endicott, NY, Mr. Hospodor received his bachelor's degree in Mechanical Engineering in 1960 from Cornell University, a master of science in Mechanical Engineering from Lehigh University in 1963, and a master's degree in Business Administration from Lehigh in 1967. In 1976, he completed the Harvard University Program in Management Development. He appeared regularly in such publications as the ''Who's Who Registry of Global Business Leaders,'' ''Who's Who in America'' and ''Who's Who in Science and Engineering.'' He was an officer and former chairman of the Radio Technical Commission for Aeronautics.

Funeral services for Mr. Hospodor will be held tomorrow in Annapolis. The Hospodor family encourages those seeking more information on brain tumors to contact the American Brain Tumor Association, 2720 River Road, Des Plaines, IL, 60018, 708–827–9910.

TRIBUTE TO CARL MARION FRIERSON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 1995

Mr. RANGEL. Mr. Speaker, I would like to pay tribute to Mr. Carl Marion Frierson, a dedicated member of my district until his death. Mr. Frierson was the third born and second oldest son of the late Elon and Nora Frierson. Born on May 18, 1925 in Philadelphia, PA, Carl served in the U.S. Navy from August 24, 1943 to June 2, 1946. He was honorably discharged with the rank of machinist mate 3C SV–6.

After serving his country, Carl moved to Harlem where he resided for over 45 years. Mr. Frierson was employed with the State labor department as a supervisor of safety and health for 20 years before his retirement. Carl Frierson was also a Mason who held the exalted position of Worshipful Master. Mr. Frierson's unyielding dedication to the youth of the community included being a Boy Scout leader at the Explorer level, watching the children of young parents so that they could work, spending time at local schools, and at times helping out young parents by providing rent assistance.

Mr. Frierson's relentless devotion to his family and the Harlem community gives me great pride to have been his Representative.

TRIBUTE TO MARGARET A. MACCINI

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 1995

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to commend Mrs. Margaret A. Maccini on her 21 years of dedicated service to Somerset County, NJ. On December 31 of last year, Mrs. Maccini retired as the clerk of the Board of Chosen Freeholders for Somerset County.

Mrs. Maccini began her career in 1973 as the administrative assistant to the county administrator. She soon became the executive secretary to the Board of Freeholders, and in 2 years became deputy clerk of the board. In 1976 she was appointed clerk of the Board of Chosen Freeholders, where she had remained until her retirement. In 1982, she earned her clerk's certificate through the International Institute of Municipal Clerks, and has offered her talents to Rutgers University as an assistant instructor in the Bureau of Government Services.

During her career as clerk of the board, Margaret served as liaison between the Freeholders and the public, the media, county officials, and staff members. In her 21 years of service, she has worked with 18 different Freeholders' offices.

In addition to her service to Somerset County, Margaret has had an avid interest in historical preservation. She is a member of the Somerset County Cultural and Heritage Commission, and president of the Meadows Foundation in Franklin Township.

The people of Somerset County owe Margaret a debt of gratitude for her dedicated service. As a Member of Congress for Somerset County, I congratulate Margaret on her retirement, and thank her for her hard work to improve Somerset County. Her dedication to public service is a fine example for young people everywhere.

PEACE AND STABILITY IN THE SOUTH CHINA SEA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 1995

Mr. GILMAN. Mr. Speaker, I rise today to introduce House Resolution —. This resolution is designed to focus attention on peace and stability in the South China Sea which is a matter of strategic national security interest to the United States, its friends, and allies.

Twenty-five percent of the world's ocean freight and 70 percent of Japan's vital energy supplies transit the South China Sea, an area larger than Western Europe. The South China Sea serves as the vital conduit for U.S. Navy ships passing from the Pacific to the Indian Ocean and the Persian Gulf. It is of crucial importance to the defense needs of the United States. Without question, if our Navy ships should be denied free passage during a time of emergency, particularly a flare up in the Middle East, our ability to expeditiously come to the aid of our allies, including Israel, would be in doubt.

For hundreds of years the countries around the South China Sea's rim have allowed free passage for all nations who wanted to ship their goods through it. Now, however, the scramble for marine resources and oil has led to the assertion of rival claims to parts or all of the islands and reefs compromising the area. In 1992 the countries of the Association of South East Asian Nations [ASEAN] as well as Communist China and Vietnam pledged in Manila to renounce the use of force to settle boundary disputes. Indonesia has sponsored a series of workshops on claims in the South China Sea but there has been little progress, primarily because of Beijing's intransigence.

In 1992 the People's Republic of China [PRC] rubber stamp legislature passed a statute asserting its claim to all of the South China Sea and declaring it to be territorial waters. Particularly ominous, the same statute declares that ''Foreign ships [transiting the area] for military purposes shall be subject to approval.'' Given the PRC's longstanding military relations with terrorist countries of the Middle East, its approval for a United States Navy carrier group to come to aid of our friends in the Persian gulf or Israel is subject to doubt. Yes, it is possible for our Navy to go the long way around Pearl Harbor to the Persian Gulf, but time becomes critical in moments of crisis.

Little by little the leaders in Beijing have been turning the South China Sea into their own lake. Some scholars, most notably Ambassador James Lilly, have been pointing out that it is not in our national security interest to allow a nondemocratic power to deny us freedom of passage. However, the Clinton administration appears to be absent without leave on the strategic issue of the South China Sea.

My resolution contains three principal provisions: First, it declares the right of free passage to be in the national security interests of the United States. Second, it declares any attempt by a nondemocratic power to assert its territorial claims by force or intimidation to be of grave concern to us. Finally, it calls on the President to review the defense needs of democratic claimants.

Permit me to address this last point a little more in depth. We are engaged with this issue, at this time, principally because last month Chinese military forces kidnapped Filipino citizens and planted the PRC flag on territory claimed by the Philippines.

The Philippines' claim is fully in accord with the Law of the Sea Convention. Clearly Beijing chose the Philippines because they thought that since our relations with that nation are at a low point and so they could get away with it. The Philippines' five aging F–5 aircraft are no match for China's Russian warplanes and their new blue-water navy. In order to avoid a future confrontation that we might lose, we had better shore up the defenses of our democratic friends and allies in the region. Otherwise, China will continue to use force and intimidation to gain exclusive control of the South China Sea.

Accordingly, I ask that the full text of House Resolution — be printed in the RECORD at this point and I invite my colleagues to cosponsor it.

H.R. —

Expressing the sense of the House of Representatives that the United States should support peace and stability in the South China Sea.

Whereas the South China Sea is a critically important waterway through which 25 percent of the world's ocean freight and 70 percent of Japan's energy supplies transit;

Whereas the South China Sea serves as a crucial sea lane for United States Navy ships moving between the Pacific and Indian Oceans, particularly in time of emergency;

Whereas there are a number of competing claims to territory in the South China Sea;

Whereas the 1992 Manila Declaration adhered to by the Association of South East Asian Nations, the Socialist Republic of Vietnam, and the People's Republic of China calls for all claimants to territory in the South China Sea to resolve questions of boundaries through peaceful negotiations;

Whereas the legislature of the People's Republic of China has declared the entire South China Sea to be Chinese territorial waters;

Whereas the armed forces of the People's Republic of China have asserted China's claim to the South China Sea through the kidnapping of citizens of the Republic of the Philippines and the construction of military bases on territory claimed by the Philippines; and

Whereas the acts of aggression committed by the armed forces of the People's Republic of China against citizens of the Philippines are contrary to both international law and to peace and stability in East Asia: Now, therefore, be it

Resolved, That the House of Representatives—

(1) declares the right of free passage through the South China Sea to be in the national security interests of the United States, its friends, and allies;

(2) declares that any attempt by a nondemocratic power to assert, through the use of force of intimidation, its claims to territory in the South China Sea to be a matter of grave concern to the United States;

(3) calls upon the Government of the People's Republic of China to adhere faithfully to its commitment under the Manila Declaration of 1992; and

(4) calls upon the President of the United States to review the defense needs of democratic countries with claims to territory in the South China Sea.

THE NATIONAL FAMILY ENTERPRISE PRESERVATION ACT OF 1995

HON. LINDA SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 1995

Mrs. SMITH of Washington. Mr. Speaker, today I am introducing a bill to help encourage the preservation and growth of family farms and businesses. Our current Tax Code severely discourages owners of family farms and businesses from passing their enterprise on to the next generation. This situation stems from a Tax Code that forces heirs of family businesses to sell their assets in order to pay off hefty Federal estate taxes.

Estate taxes are hurting the very family businesses of America that have played a significant role in the foundation of our economy. I believe these businesses deserve some measure of estate tax relief in order to survive when they move from one generation to the next.

The bill I am introducing, the National Family Enterprise Preservation Act of 1995, will provide estate tax relief to more than 95 percent of our Nation's family-owned farms and businesses. It will do so by increasing the current unified estate and gift tax credit of $192,800 to $314,600 for family enterprise property. This provision will effectively increase the current $600,000 estate tax exemption to $1,000,000 for family enterprises. To ensure that the family farm and business remains in the hands of qualified family members, the heir must continue in the active management of the farm or business for 10 years following the decedent's death, otherwise appropriate recapture provisions would apply.

Two other provisions in the bill are also designed to provide tax relief to family businesses. The first would increase the current annual gift tax exclusion of $10,000 to $20,000 in the case of gifts to qualify family members of family enterprise property. The second would increase the maximum reduction allowable for special use valuation from the current level of $750,000 to $1 million for family enterprises.

This legislation is greatly needed to help ensure the perpetuation of our country's family businesses. I urge my colleagues to show their support for family businesses by supporting this important measure.

COMMON SENSE LEGAL STANDARDS REFORM ACT OF 1995

SPEECH OF

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill H.R. 956, to establish legal standards and procedures for product liability litigation, and for other purposes.

Mr. PACKARD. Mr. Chairman, the House is moving forward with common sense legal reforms. We restored attorney accountability and curbed nuisance securities lawsuits. Now we must work to restore fairness to the legal system by ensuring that real victims are rewarded.

Polls show that 72 percent of American workers and consumers favor legislation that places tighter limits and restrictions on an individual's ability to sue another person or company. Americans are tired of paying the tab for lawsuit abuse and litigation greed. They want a civil justice system that protects their rights and restores fairness, not one that promotes unfair behavior.

Lawsuit abuse has taken on a life of its own. It clogs our courts, dampens job growth, promotes slick lawyer tactics, produces higher prices, inflates insurance premiums and keeps Americans out of the competitive world market. We must stop this trend. American consumers, workers, and producers work too hard to suffer the economic consequences promoted by a greed driven legal system.

Our Republican Common Sense Product Liability and Legal Reform Act, H.R. 956, restores fairness and deters frivolous lawsuits by placing caps on punitive damage awards and reforming product liability laws. H.R. 956 represents a legitimate effort to stem the tide of costly and trivial lawsuits. Reforming our product liability laws will strengthen the economy and the free market by encouraging and promoting manufacturer innovation, in turn creating new jobs and more consumer products.

Mr. Chairman, I strongly support passage of the Common Sense Product Liability and Legal Reform Act. It is time to end out of control lawsuit abuse. Americans want a legal system that works for them—a system where legitimate grievances will be addressed and not overshadowed by baseless, costly litigation.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 1995

Mr. ANDREWS. Mr. Speaker, due to circumstances beyond my control I was called away from the floor of the House on February 8 and 10, 1995 and missed several votes. Had I been here, I would have voted as follows:

Rollcall No. 109—yes.
Rollcall No. 108—yes.
Rollcall No. 107—no.
Rollcall No. 106—yes.
Rollcall No. 105—no.
Rollcall No. 112—no.

TRIBUTE TO OTTO AND JULIE BAYRAM

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 1995

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to an extraordinary couple, Otto and Julie Bayram, who today celebrate 50 years of marriage.

The Bayrams were married during World War II during which Otto Bayram served with distinction in the Armed Forces as a pilot, returning to his community of New Britain, CT, to operate, along with his father and brother, the Arch Street Bakery and Delicatessen and later, the renowned EPICURE of Farmington, CT.

Julie and Otto Bayram have raised four wonderful children—Armen, Deborah, Steven, and Paul and are the very proud grandparents of three.

In every aspect of the life of the community, the Bayrams lead the parade. Whether it is a role in the betterment of their community, a role in support of their church as individuals of great faith, or opportunities to support their cultural heritage, the Bayrams have time and again exhibited their civic pride, their faith-based beliefs, and their unswerving commitment to who and what they come from.

Their home has been shared with thousands and their hospitality and generosity are known from coast to coast. They are an incomparable team, leading a life together

based in the finest values. Julie and Otto Bayram have loved their faith, their family, their community, and their country. There are but a few individuals that actually help to shape each one of us. I have been blessed to have had Julie and Otto influencing and loving me throughout my life.

Mr. Speaker, I ask my colleagues to join me in congratulating the Bayrams on their 50th wedding anniversary and thank them for all they have done together and continue to do.

TIBETAN UPRISING DAY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 1995

Mr. PORTER. Mr. Speaker, as co-chairman of the Congressional Human Rights Caucus, I have long followed the plight of the Tibetan people and the peaceful activities of His Holiness the Dalai Lama, for which he was awarded the Nobel Peace Prize in 1989. Forty six years ago in 1949, Communist China invaded Tibet. By 1959, the Chinese Army had a strong military presence in the Tibetan capital, Lhasa, and it was rumored that the Chinese had a plan to take the Dalai Lama to Beijing to act as a Chinese puppet. On March 10, 1959, in response to indications by the Chinese garrison in Lhasa, Tibetans staged massive demonstrations. Thousands of Tibetans surrounded the Dalai Lama's Palace to prevent him from being taken by the Chinese or voluntarily surrendering to avoid conflict and protect the Tibetan people. The Chinese made their intentions clear and began shelling the palace, causing further Tibetan demonstrations that ultimately resulted in the deaths of tens of thousands of Tibetans, many of them monks and nuns. The Dalai Lama narrowly escaped the slaughter by disguising himself and fleeing over the Himalayas to India. In the past 40 years, His Holiness has worked tirelessly to appeal for international help to save his people.

Congress officially recognizes that Tibet is an illegally occupied country whose true representatives are the Tibetan government in exile and His Holiness the Dalai Lama. Currently, the most critical issue for the Tibetan people is the transfer of Chinese population into Tibet, which is reducing the Tibetans to a minority in their own country and undermining the Tibetan culture. We cannot ignore the plight of the Tibetans and their ongoing loss of community and identity. Because today, March 10, marks an important day for Tibetans, I ask my colleagues to join me in remembering and paying tribute to the 1.2 million Tibetans who have died under Chinese rule since 1949 and to work with me through the Congressional Human Rights Caucus to continue to focus congressional attention on this issue. I also commend to my colleagues the following A.M. Rosenthal editorial ''Criminals for Freedom'' regarding this deplorable situation.

[From the New York Times, Dec. 27, 1994]

CRIMINALS FOR FREEDOM

(By A.M. Rosenthal)

From concentration camps come few dispatches, not even when a whole nation is imprisoned. Silence is as real as barbed wire. For the captors, it is at least as effective.

So, when occasionally I write about the captivity of Tibet, readers sometimes ask why I care so much.

They ask why they should involve themselves. Isn't so much else more important to American interest?

And since the invasion and occupation by the Chinese Communists have gone on so long, almost a half century now, with Beijing's grip growing ever tighter, forcing more and more Tibetans out of the country, and the world not even taking note, are not Tibetans and foreigners perpetuating an impossible dream when they insist that Tibet lives?

As the years pass, the questions become ever more important to answer—else the silence will become eternal, and the concentration camp one more national grave.

But before they can be answered, another question must be put: Why is it that Tibet, a nation with a history almost as old as man's memory, a nation with a culture unique in the world, with a religion that not only binds together its own people but embraces men and women all over the world, why is this nation, almost alone among nations, denied the most elemental rights of nationhood and personal freedom?

When I was a young reporter, The Times assigned me to the bureau it had just set up at the brand new United Nations. The total membership then was 56 and new countries were asking to be admitted. One day a British delegate warned that if the U.N. kept growing, the membership would be as high as 70, maybe 80.

Today the membership stands at 184. Among them are countries that are minute in population and size. Their most important industry is the bureaucracy created to run them.

And there are other members whose boundaries and identities were craved out of the map by the colonial powers of Europe for their own administrative and imperial conveniences.

And yet there they all are, flags waving on First Avenue, their ambassadors treated as they should be, with dignity and attention.

But Tibet—Tibet is not only barred from U.N. membership but its representatives are usually not even allowed in its halls and meeting rooms or in the state departments of the world.

Why? The nations know what has been happening—the massacres, tortures, pillage, the deportation of millions of Tibetans and their replacement by Chinese, the stone-by-stone, temple-by-temple destruction of a great culture.

The truth is that almost all the nations of the world made a deliberate decision to abandon Tibet to its captors. Among these nations were many U.N. members ruled by dictators. At least they had some rationale—the brotherhood of tyranny.

But for the others, including the United States and Europe, the reason was money. Beijing constantly warns that trade with China will be cut off for any nation daring to do all that the Tibetans really ask—speak up for their elemental human and political rights.

Once President Clinton did that. But that was long ago—a year or so. Now Washington talks about sending his wife or the Vice President to visit Beijing, the heart and head office of the Chinese and Tibetan concentration camps.

So, after all, what do we have in common with Tibetans? I can think of only this: shared criminality.

The same political crimes that bound us to the victims in the Nazi camps, to the dissidents in the Soviet Gulag, to the people in the Khmer Rouge death pits and in the torture chambers of the Middle East bind us to the Tibetans.

Every day we commit the crimes for which Tibetans have been made captive, tortured and murdered and for which their nation has been sundered and occupied. We talk, we write, we act, we think, we pray.

Tibet has no ethnic or national constituency in the U.S. But in America, as around the world, are thousands of people who do what they can for Tibet—write, talk, act, pray, help the International Campaign for Tibet (202) 785–1515. Among them are intellectuals, business people, members of Congress, working people, Democrats and Republicans.

This constituency is staunch and slowly growing. That is the best reason I can give for hoping for the future of the imprisoned nation in the Himalayas—the international conspiracy of the criminals for freedom.

FBI CALLED TO SOLVE UNITED STATES MURDER IN PAKISTAN

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 1995

Mr. NEY. Mr. Speaker, I call to the attention of my colleagues an article appearing in yesterday's Washington Times regarding the brutal murder of two American Foreign Service officers in Karachi, Pakistan, on Wednesday, March 8, 1995. The article, entitled ''FBI Unit To Probe Pakistan Shooting'' discusses how the U.S. Government has been forced to send an antiterrorist unit that specializes in forensics to Pakistan in an attempt to identify those responsible for this brutal slaying.

Mr. Speaker, according to press reports, the Karachi police refused a request by American diplomatic employees to pursue the gunmen immediately after the attack. The police allegedly said they feared for their lives. This story, if true, further underscores the pathetic state of affairs in Pakistan, where terrorist violence and religious fundamentalism have become the norm.

Mr. Speaker, I strongly urge my colleagues to read the Washington Times article. The murder of the United States diplomatic employees traveling in a consular van in downtown Karachi clearly shows that drastic measures must be taken to protect our Foreign Service officers and to reign in the terrorism and violence which is making Pakistan a danger to the region and ultimately to the world.

Friday, March 10, 1995

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S3761–S3821

Measures Introduced: Thirteen bills and one resolution were introduced, as follows: S. 529–541, and S. Res. 87. **Page S3803**

Measures Passed: 0

Authorizing Senate Chamber Photo: Senate agreed to S. Res. 87, authorizing the taking of a photograph in the Chamber of the United States Senate. **Page S3818**

(The official picture of the Senate in session will be taken by the National Geographic Society on Tuesday, April 4, 1995, at 2:15 p.m.)

Emergency Supplemental Appropriations/Defense: Senate continued consideration of 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, with certain excepted committee amendments, and the following amendments proposed thereto: **Pages S3774–76, S3781–S3801**

Pending:

Bumpers Amendment No. 330, to restrict the obligation or expenditure of funds on the NASA/Russian Cooperative MIR Program. **Page S3774**

Kassebaum Amendment No. 331 (to committee amendment beginning on page 1, line 3), to limit funding of an Executive order that would prohibit Federal contractors from hiring permanent replacements for striking workers.

Pages S3774–76, S3781–94, S3800–01

A second motion was entered to close further debate on Kassebaum Amendment No. 331, listed above and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Tuesday, March 14, 1995. **Page S3801**

A unanimous-consent agreement was reached providing for further consideration of the bill on Monday, March 13, 1995, with a vote on the pending cloture motion to occur at 5:30 p.m. **Page S3819**

Appointments:

Senate Arms Control Observers Group: The Chair, on behalf of the Majority 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 Senators as members of the Senate Arms Control Observers Group: Senators Chafee, Warner, Cochran, Nickles, Smith, Snowe, and Kyl. **Page S3801**

Nominations Received: Senate received the following nomination:

Daniel Robert Glickman, of Kansas, to be Secretary of Agriculture. **Page S3821**

Messages From the House: **Page S3803**

Measures Referred: **Page S3803**

Measures Read First Time: **Page S3803**

Communications: **Page S3803**

Statements on Introduced Bills: **Pages S3804–12**

Additional Cosponsors: **Pages S3812–13**

Authority for Committees: **Page S3813**

Additional Statements: **Pages S3813–18**

Recess: Senate convened at 10 a.m., and recessed at 5:05 p.m., until 12:30 p.m., on Monday, March 13, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's RECORD on page S3819.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—OSTP/NSF

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 John Gibbons, Director, Office of Science and Technology Policy; Neal Lane, Director, National Science Foundation; and Mary Ann Fox, Vice Chairman, National Science Board.

Subcommittee will meet again on Thursday, March 16.

MEXICAN ECONOMY

Committee on Banking, Housing, and Urban Affairs: Committee continued hearings to examine the economic situation in Mexico and United States efforts to stabilize the peso, receiving testimony from Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System; Robert E. Rubin, Secretary, and Lawrence H. Summers, Under Secretary for International Affairs, both of the Department of the Treasury; Peter Tarnoff, Under Secretary of State for Political Affairs; Jack Kemp, Empower America, Washington, D.C.; and Paul A. Volcker, Princeton University, Princeton, New Jersey.

Hearings were recessed subject to call.

SUPERFUND REFORM

Committee on Environment and Public Works: Subcommittee on Superfund, Waste Control and Risk Assessment held oversight hearings on the implementation of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Superfund), receiving testimony from Carol M. Browner, Administrator, Environmental Protection Agency; J. Winston Porter, Waste Policy Center, Sterling, Virginia; Edwin H. Clark II, Clean Sites, Inc., Alexandria, Virginia; Michael Steinberg, Morgan, Lewis & Bockius, on behalf of the Hazardous Waste Cleanup Project, John C. Shanahan, Heritage Foundation, Don R. Clay, Don Clay Associates, Inc., and Katherine N. Probst, Resources for the Future, all of Washington, D.C.; and Lloyd S. Dixon, RAND Corp., Santa Monica, California.

Hearings were recessed subject to call.

WELFARE REFORM

Committee on Finance: Committee continued hearings on proposals to reform the national welfare system, receiving testimony from Donna E. Shalala, Secretary of Health and Human Services.

Hearings continue on Tuesday, March 14.

House of Representatives

Chamber Action

Bills Introduced: Thirteen public bills, H.R. 12011213; and four resolutions, H.J. Res. 78, H. Con. Res. 38; and H. Res. 113114, were introduced. **Pages H3048–49**

Reports Filed: Reports were filed as followed:

H. Res. 107, providing for the expenses of certain committees of the House of Representatives in the One Hundred Fourth Congress, amended (H. Rept. 10474); and

H.R. 999, to establish a single, consolidated source of Federal child care funding; to establish a program to provide block grants to States to provide nutrition assistance to economically disadvantaged individuals and families and to establish a program to provide block grants to States to provide school-based food services to students; and to restrict alien eligibility for certain education, training, and other programs, amended (H. Rept. 10475, Part 1). **Page H3048**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Bonilla to act as Speaker pro tempore for today. **Page H2991**

Paperwork Reduction: House passed S. 244, to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public. **Pages H2994–H3015**

Agreed to the Clinger motion to strike out all after the enacting clause and insert the text of H.R. 830, a similar House-passed bill. House then insisted on its amendment to S. 244, and asked a conference. Appointed as conferees: Representatives Clinger, Meyers of Kansas, McHugh, McIntosh, Fox of Pennsylvania, Collins of Illinois, Peterson of Minnesota, and Wise. **Pages H3009–15, H3027**

Product Liability: By a recorded vote of 265 ayes to 161 noes, Roll No. 229, the House passed H.R. 956, to establish legal standards and procedures for product liability litigation. **Pages H3015–27**

Rejected the Gordon motion to recommit the bill to the Committee on the Judiciary with instructions to report it back forthwith containing an amendment that sought to restore provisions to require foreign manufacturers to appoint an agent to receive service of process in the United States; and change the limit on punitive damages to three times the amount of damages awarded to the claimant for economic loss on which the claimant's action is based, or $1 million, whichever is less (rejected by a recorded vote of 195 ayes to 231 noes, Roll No. 228). **Pages H3025–27**

Agreed to the amendment in the nature of a substitute made in order under the rule. **Page H3025**

Rejected: The Schumer amendment that sought to provide for a 5-year sunset on provisions, unless the Commerce Department certifies to Congress not later

than 90 days prior to the sunset date that insurance rates for liabilities affected by provisions have declined by not less than 10 percent after adjustment for changes in the CPI, or they have not declined by such a percentage because of extraordinary circumstances that must be detailed (rejected by a recorded vote of 175 ayes to 249 noes, Roll No. 227). **Pages H3019–22**

The Gekas amendment was offered, but subsequently withdrawn, that would have permitted the defendant in any State or Federal civil liability action to introduce evidence concerning the claimant's receipt of benefits from a collateral source as reimbursement for the harm suffered. **Pages H3015–19**

The Clerk was authorized to make such technical and conforming changes as may be necessary in the engrossment of the bill. **Page H3027**

Legislative Program: The Majority Leader announced the legislative program for the week of March 13. Agreed to adjourn from Friday to Monday. **Pages H3028–30**

Meeting Hour: Agreed to meet at 2:00 p.m. on Monday, March 13, and at 12:30 p.m. on Tuesday, March 14. **Page H3030**

Calendar Wednesday: Agreed to dispense with Calendar Wednesday business on March 15. **Page H3030**

Transfer of Employee Positions: House agreed to H. Res. 113, providing for the transfer of certain employee positions. **Pages H3030–31**

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on pages H3049–50.

Quorum Calls—Votes: Three recorded votes developed during the procedures of the House today and appear on pages H3022, H3026–27, and H3027. There were no quorum calls.

Adjournment: Met at 10 a.m. and adjourned at 2:35 p.m.

Committee Meetings

AGRICULTURE, RURAL DEVELOPMENT, FDA AND RELATED AGENCIES

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on Office of the General Counsel and National Appeals Division. Testimony was heard from the following officials of the USDA: James S. Gilliland, General Counsel; and Frederick Young, Acting Director, National Appeals Division.

COMMERCE, JUSTICE, STATE AND JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, and State and the Judiciary, and Related Agencies held a hearing on the Maritime Administration and the Federal Maritime Commission. Testimony was heard from Albert J. Herberger, Administrator, Maritime Administration, Department of Transportation; and William D. Hathaway, Chairman, Federal Maritime Commission.

DISTRICT OF COLUMBIA APPROPRIATIONS

Committee on Appropriations: Subcommittee on District of Columbia held a hearing on D.C.'s Financial Condition. Testimony was heard from public witnesses.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior and Related Agencies held a hearing on the Smithsonian Institution. Testimony was heard from I. Michael Hayman, Secretary, Smithsonian Institution.

LABOR, HHS AND EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education and Related Agencies held a hearing on Substance Abuse and Mental Health Services Administration. Testimony was heard from Nelba Schabez, Administrator, Substance Abuse and Mental Health Services Administration, Department of Health and Human Services.

ERISA TARGETED HEALTH INSURANCE REFORM ACT

Committee on Economic and Educational Opportunities: Subcommittee on Employer-Employee Relations held a hearing on H.R. 995, ERISA Targeted Health Insurance Reform Act of 1995. Testimony was heard from Charles C. Masten, Inspector General, Department of Labor; and public witnesses.

FEDERAL RETIREMENT SYSTEM

Committee on Government Reform and Oversight: Subcommittee on Civil Service concluded hearings on the Federal Retirement System (H.R. 804, H.R. 165, H. Con. Res. 2, and H.R. 575). Testimony was heard from Representatives Coble, Goodlatte, Miller of Florida, Davis, English of Pennsylvania, Salmon, Shays, Stockman, Chrysler and Murtha; Nancy Kingsbury, Director, Federal Human Resource Management Issues, GAO; and a public witness.

OVERSIGHT—BORDER SECURITY

Committee on the Judiciary: Subcommittee on Immigration and Claims held an oversight hearing on border security. Testimony was heard from Representatives Condit, Hunter, Bilbray, and Coleman;

Mary Ryan, Assistant Secretary, Consular Affairs, Department of State; Doris Meissner, Commissioner, Immigration and Naturalization Service, Department of Justice; Laurie Ekstrand, Associate Director, Administration of Justice Issues, General Government Division, GAO; and Brig. Gen. Edmund Zysk, Deputy Commander, National Guard, State of California.

COMMITTEE BUSINESS

Committee on Standards of Official Conduct: Met in executive session to consider pending business.

IMPROVE THE NATIONAL HIGHWAY SYSTEM AND ANCILLARY ISSUES RELATING TO HIGHWAY AND TRANSIT PROGRAMS

Committee on Transportation and Infrastructure: Subcommittee on Surface Transportation concluded hearings on legislation to Improve the National Highway System and Ancillary Issues Relating to Highway and Transit Programs, with emphasis on H.R. 842, Truth in Budgeting Act. Testimony was heard from Representatives Bryant of Texas, Sam Johnson of Texas, Frost, and Geren; Neal McCaleb, Secretary of Transportation, State of Oklahoma; and public witnesses.

Joint Meetings

EMPLOYMENT SITUATION

Joint Economic Committee: Committee held hearings to examine the employment-unemployment situation for February, receiving testimony from Katharine G. Abraham, Commissioner, Bureau of Labor Statistics, Department of Labor.

Committee recessed subject to call.

CONGRESSIONAL PROGRAM AHEAD

Week of March 13 through 18, 1995

Senate Chamber

On *Monday* Senate will continue consideration of H.R. 889, Emergency Supplemental Appropriations/Defense, with a cloture vote on Kassebaum Amendment No. 331, relating to replacement of striker workers, to occur thereon.

During the *balance of the week,* Senate expects to complete consideration of H.R. 889, Emergency Supplemental Appropriations/Defense, and consider the conference report on S. 1, Unfunded Mandates, S. 4/S. 14, Legislative Line Item Veto, and any cleared executive and legislative business.

(Senate will recess on Tuesday, March 14, 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 Agriculture, Nutrition, and Forestry: March 14, to resume hearings on proposed legislation to strengthen and improve United States agricultural programs, focusing on wetlands and farm policy, 9:30 a.m., SR–332.

March 16, Full Committee, to resume hearings on proposed legislation to strengthen and improve United States agricultural programs, focusing on taxpayers' stake in Federal farm policy, 9:30 a.m., SR–332.

Committee on Appropriations: March 14 and 15, Subcommittee on Energy and Water Development, to hold hearings on proposed budget estimates for fiscal year 1996, Tuesday, for the Department of Energy Office of Energy Research, 9:30 a.m.; Wednesday, for the Bonneville Power Administration, 2 p.m.; SD–192.

March 14, Subcommittee on Defense, to hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Defense, 9:30 a.m., SD–106.

March 14, Subcommittee on Foreign Operations, to hold hearings on proposed budget estimates for fiscal year 1996 for foreign assistance programs, focusing on trade, democracy, and narcotics matters, 10 a.m., SD–116.

March 15, Subcommittee on Interior, to hold hearings on proposed budget estimates for fiscal year 1996 for the Smithsonian Institution, 9:30 a.m., SD–116.

March 15, Subcommittee on Agriculture, Rural Development, and Related Agencies, to hold hearings on proposed budget estimates for fiscal year 1996 for farm and foreign agriculture services of the Department of Agriculture, 10 a.m., SD–138.

March 15 and 16, Subcommittee on Commerce, Justice, State, and Judiciary, to hold hearings on proposed budget estimates for fiscal year 1996, Wednesday, for the Department of Justice, 10 a.m.; Thursday, for the Federal Bureau of Investigation and Drug Enforcement Agency, both of the Department of Justice, 10 a.m.; S–146, Capitol.

March 16, Subcommittee on VA, HUD, and Independent Agencies, to hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Emergency Management Agency (FEMA), 9:30 a.m., SD–138.

March 16, Subcommittee on Transportation, to hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Highway Administration, Department of Transportation, 10 a.m., SD–192.

March 16, Subcommittee on Labor, Health and Human Services, and Education, to hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Education, 2 p.m., SD–192.

Committee on Armed Services: March 14, Subcommittee on Acquisition and Technology, to hold hearings on the technology base programs in the Department of Defense, 2:30 p.m., SR–222.

March 15, Subcommittee on Airland Forces, to hold hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on Army force modernization, 9:30 a.m., SR–222.

March 16, Subcommittee on Personnel, to hold hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on manpower, personnel, and compensation programs, 2 p.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: March 14, Housing Opportunity and Community Development and HUD Oversight and Structure, to hold joint hearings to examine proposals to reorganize the Department of Housing and Urban Development, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: March 15, Subcommittee on Oceans and Fisheries, to hold hearings on proposed legislation authorizing funds for fiscal year 1996 for the United States Coast Guard, Department of Transportation, 3 p.m., S–211, Capitol.

Committee on Energy and Natural Resources: March 15, business meeting, to consider pending calendar business, 9:30 a.m., SD–366.

Committee on Environment and Public Works: March 14, Subcommittee on Drinking Water, Fisheries, and Wildlife, business meeting, to consider S. 503, to amend the Endangered Species Act of 1973 to impose a moratorium on the listing of species as endangered or threatened and the designation of critical habitat, 10 a.m., SD–406.

March 17, Full Committee, to hold hearings on the Department of the Interior and the Department of Defense consultations concerning conservation of endangered species at Ft. Bragg, North Carolina, 9:30 a.m., SD–406.

Committee on Finance: March 13, to hold hearings to examine the status of the consumer price index, 9:30 a.m., SD–215.

March 14, Full Committee, to resume hearings to examine welfare reform proposals, focusing on teen parents receiving welfare, 9:30 a.m., SD–215.

March 15, Full Committee, business meeting, to mark up H.R. 831, to permanently extend the 25% deduction for the health insurance costs of self-employed individuals, 9:30 a.m., SD–215.

Committee on Foreign Relations: March 14, to hold hearings on the nominations of Jacquelyn L. Williams-Bridgers, of Maryland, to be Inspector General; Philip C. Wilcox, Jr., of Maryland, for the rank of Ambassador during his tenure of service as Coordinator for Counter Terrorism; and Ray L. Caldwell, of Virginia, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary for Burdensharing, all of the Department of State, 10 a.m., SD–419.

March 16, Subcommittee on East Asian and Pacific Affairs, closed briefing to discuss recent developments on the implementation of the Agreed Framework with North Korea, 2 p.m., S–407, Capitol.

Committee on Governmental Affairs: March 14, to hold hearings to examine nuclear non-proliferation issues, 10 a.m., SD–342.

Committee on the Judiciary: March 14, to hold hearings to examine proposals to reduce illegal immigration and to control financial costs to taxpayers, 9 a.m., SD–226.

March 14, Subcommittee on Administrative Oversight and the Courts, business meeting, to consider pending calendar business, 2 p.m., SD–138.

March 17, Full Committee, to hold hearings on proposed legislation to reform the Federal regulatory process, 10 a.m., SD–226.

Committee on Labor and Human Resources: March 14 and 15, to hold hearings to examine health care reform issues in a changing marketplace, Tuesday at 10 a.m. and Wednesday at 9:30 a.m., SD–430.

Committee on Rules and Administration: March 16, to hold hearings to examine Architect of the Capitol funding authority for new projects, 9:30 a.m., SR–301.

Committee on Indian Affairs: March 15, to hold hearings on S. 349, to authorize funds for the Navajo-Hopi Relocation Housing Program, 2:30 p.m., SR–485.

Select Committee on Intelligence: March 15, to hold closed hearings on intelligence matters, 2 p.m., SH–219.

House Chamber

Monday, No legislative business is scheduled.

Tuesday, Consideration of the following eight suspensions:

1. H.R. 402, the Alaska Native Claims Settlement Act Amendments;
2. H.R. 421, the Cook Inlet Region Purchase of Common Stock Act;
3. H.R. 415, the Sea of Okhosk Fisheries Enforcement Act of 1995;
4. H.R. 531, the Great Western Scenic Trail Designation Act;
5. H.R. 694, the Minor Boundary Adjustments and Miscellaneous Park Amendments Act;
6. H.R. 562, the Walnut Canyon National Monument Modification Act of 1995;
7. H.R. 536, the Delaware Water Gap Recreation Area Vehicle Operation Fees Act; and
8. H.R. 517, the Chacoan Outliners Protection Act of 1995.

Wednesday, Consideration of H. Res. 107, Committee Funding Resolution; and

Consideration of H.R. 1158 and H.R. 1159, the Fiscal Year 1995 Emergency Supplemental Appropriations and Rescissions (subject to a rule being granted).

Thursday, Complete consideration H.R. 1158 and H.R. 1159, Fiscal Year 1995 Emergency Supplemental Appropriations and Rescissions.

Friday, House is not in session.

NOTE: Conference reports many be brought up at any time. Any further program will be announced later.

House Committees

Committee on Agriculture, March 16, Subcommittee on Resource Conservation, Research, and Forestry, oversight hearing to review information gathering techniques of the Consolidated Farm Service Agency, 9:30 a.m., 1302 Longworth.

March 16, Subcommittee on Risk Management and Specialty Crops, hearing to review the Perishable Agricultural Commodities Act, 9:30 a.m., 1300 Longworth.

Committee on Appropriations, March 13, Subcommittee on Interior and Related Agencies, on Public Witnesses (Indian Programs), 10 a.m. and 1 p.m., B–308 Rayburn.

March 13, Subcommittee on Transportation, and Related Agencies, on GAO: Coast Guard and Aviation Programs, 1 p.m., 2358 Rayburn.

March 14, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Consolidated Farm Service Agency, 1 p.m., 2362A Rayburn.

March 14, Subcommittee on Commerce, Justice, and State and the Judiciary, and Related Agencies, on International Information, Cultural and Exchange Activities, 10 a.m., and on International Broadcasting Activities, 2 p.m., H–144 Capitol.

March 14, Subcommittee on Energy and Water Development, on Solar and Renewables, 10 a.m., and on Nuclear Fission, Uranium Supply and Enrichment Activities, 2 p.m., 2362B Rayburn.

March 14, Subcommittee on Interior and Related Agencies, on Secretary of Energy, 10 a.m. and 1:30 p.m., B–308 Rayburn.

March 14, Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on Director, NIH, 10 a.m., and on National Institute of Allergy and Infectious Diseases and National Institute of Environmental Health Sciences, 2 p.m., 2358 Rayburn.

March 14, Subcommittee on Subcommittee on National Security, executive, on Intelligence, 10 a.m., and on National Guard/Reserve Forces, 4:30 p.m., H–140 Capitol.

March 14 and 15, Subcommittee on Transportation, and Related Agencies, on FAA, 10 a.m., 2358 Rayburn.

March 14, Subcommittee on Treasury, Postal Service, and General Government, on White House Office, 10 a.m., and on Executive Residence and National Security Council, 2 p.m., B–307 Rayburn.

March 14 and 15, Subcommittee on Veterans' Affairs and Housing and Urban Development, and Independent Agencies, on NSF, 10 a.m., and 1:30 p.m., H–143 Capitol.

March 15 Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on FDA, 1 p.m., and on Congressional and Public Witnesses, 4:30 p.m., 2362A Rayburn.

March 15, Subcommittee on Commerce, Justice, and State and the Judiciary, and Related Agencies, on Commerce Department Technology Programs, 10 a.m., H–309 Capitol.

March 15, Subcommittee on Energy and Water Development, executive, on Atomic Energy Defense Activities, 10 a.m. and 2 p.m., 2362B Rayburn.

March 15, Subcommittee on Foreign Operations, Export Financing, and Related Agencies, on United Nations/Madeleine Albright, 10 a.m., H–144 Capitol.

March 15, Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on National Heart, Lung, and Blood Institute, and National Institute of Dental Research, 10 a.m., and on National Institute of Diabetes, Digestive and Kidney Diseases, and on National Institute of Neurological Disorders and Stroke, 2 p.m., 2358 Rayburn.

March 15, Subcommittee on Subcommittee on National Security, on Fiscal Year 1996/1997 Army Budget Overview, 10 a.m., and on Army Acquisition Programs, 1:30 p.m., H–140 Capitol.

March 16, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Rural Economic and Community Development, 1 p.m., 2362A Rayburn.

March 16, Subcommittee on Commerce, Justice, and State and the Judiciary, and Related Agencies, on Commerce Department Statistical Programs, 10 a.m., H–309 Capitol.

March 16, Subcommittee on District of Columbia, on D.C.'s Financial Condition, 10 a.m., 2360 Rayburn.

March 16, Subcommittee on Energy and Water Development, on Nuclear Waste Disposal Fund, and Nuclear Waste Technical Review Board, 10 a.m., and on Power Marketing Administration, 2 p.m., 2362B Rayburn.

March 16, Subcommittee on Foreign Operations, Export Financing, and Related Agencies, on Security Assistance/State and DOD, 10 a.m., H–144 Capitol.

March 16, Subcommittee on Interior and Related Agencies, on Territorial and International Affairs, 10 a.m., and 1:30 p.m., B–308 Rayburn.

March 16, Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on National Cancer Institute, and National Center for Research Resources, 10 a.m., and on National Institute of Child Health and Human Development and National Eye Institute, 2 p.m., 2358 Rayburn.

March 16, Subcommittee on National Security, on Army Aviation Programs, 10 a.m., H–140 Capitol.

March 16, Subcommittee on Transportation, and Related Agencies, on Air Traffic Control Privatization, 10 a.m., 2358 Rayburn.

March 16, Subcommittee on Treasury, Postal Service, and General Government, on OMB, 10 a.m., B–307 Rayburn.

March 16, Subcommittee on Veterans' Affairs and Housing and Urban Development, and Independent Agencies, on Office of Science and Technology Policy, 1:30 p.m., H–143 Capitol.

Committee on Banking and Financial Services, March 15, to continue hearings on the following: H.R. 1062, Financial Services Competitiveness Act of 1995; Glass-Steagall Reform; and related issues, 10 a.m., 2128 Rayburn.

March 16, Subcommittee on Capital Markets, Securities and Government-Sponsored Enterprises, to continue hearings on the Current Status and Future of the Financial Services Markets, 10 a.m., 2128 Rayburn.

Committee on the Budget, March 14, oversight hearing on the Department of Education, 9:30 a.m., and 2:30 p.m., 210 Cannon.

Committee on Commerce, March 14, Subcommittee on Health and the Environment, hearing on Medicare Extenders in the Administration's Fiscal Year 1996 budget, 3 p.m., 2322 Rayburn.

March 16, Subcommittee on Commerce, Trade and Hazardous Materials, hearing on the reauthorization of the Superfund Program, 9:30 a.m., 2123 Rayburn.

March 16, Subcommittee on Oversight and Investigations, to continue hearings on implementation and enforcement of the Clean Air Act Amendments of 1990, 10 a.m., 2322 Rayburn.

Committee on Economic and Educational Opportunities, March 15, to mark up H.R. 849, Age Discrimination in Employment Amendments of 1995, 9:30 a.m., 2175 Rayburn.

March 16, Subcommittee on Postsecondary Education and Training, to continue hearings on training issues, 9 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, March 13, Subcommittee on Human Resources and Intergovernmental Relations, oversight hearing on proposals for cost reductions, improved efficiency and reforms at the Department of Education, 10 a.m., and oversight hearing on Opportunities for Cost Savings for the Department of Veterans Affairs, 1 p.m., 2247 Rayburn.

March 14, Subcommittee on Government Management, Information and Technology, hearing on the Federal role in privatization process, 2 p.m., 2154 Rayburn.

March 15, full Committee, to markup Federal Retirement Systems, 10 a.m., 2154 Rayburn.

March 16, Subcommittee on Government Management, Information and Technology, hearing on H.R. 11, Family Reinforcement Act, 10 a.m., 2154 Rayburn.

March 17, Subcommittee on the District of Columbia, hearing on H.R. 461 Lorton Correctional Complex Closure Act, 1 p.m., 2154 Rayburn.

Committee on House Oversight, March 15, Task Force on Contested Election, hearing on Second Congressional District of New Hampshire contested election, 11 a.m., 1310 Longworth.

Committee on International Relations, March 14, Subcommittee on International Economic Policy and Trade, hearing on Global Information Infrastructure: The Next Steps, U.S. Industry Perspective, 2 p.m., 2172 Rayburn.

March 15, full Committee, hearing on Northern Ireland, 9:30 a.m., 2172 Rayburn.

March 16, Subcommittee on Asia and the Pacific and the Subcommittee on International Operations and Human Rights, joint hearing on Human Rights and Democratization in Asia, 2 p.m., 2172 Rayburn.

March 16, Subcommittee on Western Hemisphere Affairs, hearing on ''The Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1955,'' and the Economic Embargo of Cuba, 10 a.m., 2200 Rayburn.

Committee on National Security, March 14, Subcommittee on Military Installations and Facilities, hearing on fiscal year 1996 national defense authorization request, 10 a.m., and 2 p.m., 2212 Rayburn.

March 14 and 16, Subcommittee on Military Personnel, to continue hearings on fiscal year 1996 national defense authorization request, 2 p.m., 2118 Rayburn on March 14, and 2212 Rayburn on March 16.

March 15, Subcommittee on Military Procurement and the Subcommittee on Research and Development, to continue joint hearings on fiscal year 1996 national defense authorization request, 9:30 a.m., 2118 Rayburn.

March 16, Subcommittee on Military Procurement, to continue hearings on fiscal year 1996 national defense authorization request, 2 p.m., 2118 Rayburn.

March 16, Subcommittee on Readiness, to continue hearings on fiscal year 1996 national defense authorization request, 10 a.m., 2212 Rayburn.

Committee on Resources, March 15, Subcommittee on Water and Power Resources, hearing on H.R. 1122, Alaska Power Administration Privatization Act, 11 a.m., 1324 Longworth.

March 16, Subcommittee on Fisheries, Wildlife and Oceans, hearing on the following bills: H.R. 1141, to amend the act popularly known as the ''Sikes Act'' to enhance fish and wildlife conservation and natural resources management programs; and H.R. 1139, to amend the Atlantic Striped Bass Conservation Act, 10 a.m., 1334 Longworth.

March 16, Subcommittee on National Parks, Forests and Land, oversight hearing on RS 2477 Regulations, 10 a.m., 1324 Longworth.

Committee on Rules, March 14, to consider the following: H.R. 1158, making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995; and H.R. 1159, making supplemental appropriations and rescissions for the fiscal year ending September 30, 1995, 10:30 a.m., H–313 Capitol.

Committee on Science, March 16, Subcommittee on Basic Research, hearing on U.S. Fire Administration Fiscal Year 1996 Authorization, 1 p.m. 2325 Rayburn.

March 16, Subcommittee on Space and Aeronautics, hearing on NASA: The Outside Opinion, 8 a.m., 2318 Rayburn.

Committee on Small Business, March 14, hearing to review the SBA Microloan Program, 3 p.m., 2359 Rayburn.

March 16, hearing to review the SBA Business Development Programs, 10 a.m., 2359 Rayburn.

Committee on Transportation and Infrastructure, March 14, Subcommittee on Surface Transportation, hearing on the reauthorization of the Natural Gas and Hazardous Liquid Pipeline Safety Acts, 1 p.m., 2167 Rayburn.

March 15, Subcommittee on Railroad, hearing on the ICC Sunset legislation, 10 a.m., 2167 Rayburn.

March 16, Subcommittee on Coast Guard and Maritime Transportation, to markup the Coast Guard Budget Authorization for Fiscal Year 1996, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, March 16, hearing to approve Budget recommendations to the Committee on the Budget Committee, 9:30 a.m., 334 Cannon.

Committee on Ways and Means, March 14, 15 and 16, to markup Contract with America Tax Relief Act of 1995, 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, March 14, executive, hearing on Support to Military Operations, 2 p.m., H–405 Capitol.

March 15, executive, hearing on Mexico, 10 a.m., H–405 Capitol.

March 16, executive, hearing on Counter Intelligence, 10 a.m., H–405 Capitol.

Joint Meetings

Commission on Security and Cooperation in Europe: March 15, briefing on the International Foundation Election System, 11 a.m., 2200 Rayburn Building.

Commission on Security and Cooperation in Europe: March 15, to hold hearings to examine free trade unions with regard to the New Independent States of the former Soviet Union, 2 p.m., 2105 Rayburn Building.

Next Meeting of the SENATE

12:30 p.m., Monday, March 13

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 1:30 p.m.), Senate will continue consideration of H.R. 889, Emergency Supplemental Appropriations/Defense, with a cloture vote on Kassebaum Amendment No. 331, to limit funding of an Executive order that would prohibit Federal contractors from hiring permanent replacements for striking workers, to occur at 5:30 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Monday, March 13

House Chamber

Program for Monday: No legislative business is scheduled.

Extensions of Remarks, as inserted in this issue

HOUSE

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