United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, WEDNESDAY, MARCH 15, 1995 No. 48

House of Representatives

The House met at 10 a.m.

PRAYER

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

We remember with great affection and warmth, O gracious God, those people who volunteer their time and abilities in service to others so the blessings of life may be enjoyed by every person. With deep appreciation we offer our word of praise for the dedication and commitment for all those who share their gifts for the benefit of others. As each of us is bound together in Your spirit, O God, so may we reflect that unity with acts of kindness and deeds of compassion in all we do. Bless us this day and every day, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from North Carolina [Mrs. CLAYTON] come forward and lead the House in the Pledge of Allegiance.

Mrs. CLAYTON led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces there will be 20 1-minutes on each side.

REPUBLICAN CONTRACT WITH AMERICA

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

Mr. ENSIGN. Mr. Speaker, our Contract With America states the following: on the first day of Congress, a Republican House will require Congress to live under the same laws as everyone else; cut committee staffs by one-third, and cut the congressional budget. We kept our promise.

It continues that in the first 100 days, we will vote on the following items: A balanced budget amendment—we kept our promise; unfunded mandates legislation—we kept our promise; line-item veto—we kept our promise; a new crime package to stop violent criminals—we kept our promise; national security restoration to protect our freedoms—we kept our promise; Government regulatory reform—we kept our promise; commonsense legal reform to end frivolous lawsuits—we kept our promise; welfare reform to encourage work, not dependence; family reinforcement to crack down on deadbeat dads and protect our children; tax cuts for middle-income families; Senior Citizens' Equity Act to allow our seniors to work without Government penalty; and congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

RETROACTIVE TERM LIMITS WOULD CLEAN OUT THE BARN 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 often hear Republicans say that we need term limits because ''we need to clean out the barn.'' Look, I do not live on a farm, so I never use that phrase.

But, when I hear someone else say, ''We need to clean out the barn,'' it sounds like something important, something that should be done soon. Not a few years down the road. But today. Now.

So, I do not understand when those who have been in Congress for 12, 20, 25 years say they support term limits, but they plan to stick around Washington a little longer, because these are the same folks who said, ''We have got to clean out the barn.''

Fine.

Grab a broom.

Clean out the barn.

But if it turns out that you are the one who is making the mess, you better get out of the barn, too.

I urge Members who talk about term limits to support retroactive term limits, where we count your accumulated service as of today.

That would turn term limits from rhetorical cheapshot into real change.

Retroactivity cleans out the barn, now.

SAVE OUR CHILDREN'S FUTURE—BALANCE THE BUDGET

(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, I remember during the 1992 Presidential campaign when Bill Clinton promised he would balance the budget in 5 years. As the campaign wore on, he said ''We will just cut it in half.'' Now, however, the President has decided to throw in the towel on deficit reduction, saying we should not even balance the budget by 2002.

That is just not another line of long broken promises. It is a betrayal of our children's future. They will pay the

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price if we do not balance the budget. They will pay the price for this fiscal irresponsibility.

Unless we take steps now to balance the budget, our children will look forward to higher taxes, as much as 82 percent of their income; higher interest rates; fewer opportunities; a lower standard of living.

Mr. Speaker, we will have to balance the budget soon. We will do it for our children; we will have to do it for our grandchildren. We will fight to see that they will not be the only generation that has a lower standard of living than their parents.

Mr. Speaker, we should save our children by balancing the budget.

CONGRESS IS JACK THE RIPPER TO AMERICA, BUT PLAYS SANTA CLAUS TO THE WORLD

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

Mr. TRAFICANT. Mr. Speaker, the American people are frustrated, and it is not hard to figure out. Congress cuts housing in America but gives a $50 million gift to Jordan. Congress cuts jobs for American kids but gives $20 billion to Mexico. Congress cuts money for schools in America but gives $12 billion to Russia. Congress cuts health care for America's veterans who fought in our wars, but pays for the defense of Japan and Germany.

The record speaks for itself. When it comes to America, Congress is like Jack the Ripper. When it comes to the rest of the world, Congress is Santa Claus. The truth is, the American taxpayer has the best government that Japan and Germany ever wished for or ever thought they could get.

Beam me up. This is a sad day. How about some more cuts for America?

KEEP THE REPUBLICAN PROMISE: CONTROL BOTH TAXING AND SPENDING

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

Mr. HEFLEY. Mr. Speaker, in the last few weeks, the other side of the aisle has engaged in such heated and hysterical rhetoric that it has reached meltdown levels. Their leadership and their President can no longer be thought of as sober or rational, and their hysterical and pathetic claims reveal a total lack of reasoned analysis of the facts.

They are slaves to a welfare state that insists on high taxes and bigger bureaucracies. They fail to see the disastrous consequences of welfare, and they are blind to the out-of-control spending that may yet put us all in the poor house.

Last November, the American people short-circuited the tax-and-spend Democrats. They said no to deficit spending and yes to accountability and responsibility. Republicans will keep our promise to cut wasteful Federal spending and to let Americans families keep more of what they earn. It is only right that we gain control of our taxing and spending, so that future generations may enjoy a decent way of life. Surely the alternative is budgetary chaos.

SCHOOL LUNCHES

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

Mr. UNDERWOOD. Mr. Speaker, in 1991, 14,355 students participated in the national school lunch program on Guam. In 1994, 18,000 students participated. If the Republican School Lunch Program had been put into effect on Guam in 1991, even with their 4.5-percent increases, by 1994, over 3,500 children would have been without school lunches.

In the same time period, throughout the United States this would have meant 1.1 million students without lunch every day. These are the facts. This is the reality behind the rhetoric. The Government pays 4.5 percent now and the children pay later.

If the majority has their will, they will in fact have increased funds for school lunches for next year, and it is likely that few children will go hungry in 1996, but will the number of children eligible for the School Lunch Program remain the same in 1997 and 1998 and beyond?

This blockhead grant will simply not keep pace with the growing number of kids, nor will it help them wherever they go. What price is the majority willing to pay to block grant school lunches? Mr. Speaker, as far as I am concerned, they are not paying any price. Our children are.

CLINTON ADMINISTRATION IN SHAMBLES AS DEMOCRATS OPPOSE CONTRACT WITH AMERICA

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

Mr. BALLENGER. Mr. Speaker, yesterday Attorney General Janet Reno recommended appointing an independent special counsel to investigate the Secretary of Housing and Urban Development, Henry Cisneros. It seems that Secretary Cisneros may have lied to the FBI during his background check regarding payments he has made over the years to his mistress. Reports suggest that the payments he made to his mistress are much larger than he originally reported to the FBI.

Mr. Speaker, let us review the names of President Clinton's closest advisers that have resigned or are under a cloud of suspicion: Jocelyn Elders, Mike Espy, Les Aspin, Webster Hubbell, Robert Altman, Ron Brown, and now Henry Cisneros.

Mr. Speaker, who is next?

It is no wonder the President and his Democrat colleagues are spending so much time distorting the facts of our Contract With America. They have no ideas of their own, and their own administration is in a shambles.

THE VOTE ON H.R. 1158 AND 1159 DEFINES HOW MANY PRO-LIFE HOUSE MEMBERS HAVE BACKBONE AND HOW MANY ARE SPINELESS

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

Mr. VOLKMER. Mr. Speaker, the Republican Contract on America we all know, through cuts on the school lunch program and other programs, has been hard on the kids. Today we are finding that the leadership of the Republican Party in the House is not only taking it out on kids, they are now going to take it out on the unborn.

Under H.R. 1158 and 1159, there is language in there that will protect the unborn throughout this country. The leadership of this House, the Speaker, has now required the Committee on Rules to issue a rule that, under adoption of that rule, it automatically takes the Istook language out of the bill.

I have talked to the right-to-life forces here, and they are telling me that this vote will be counted. This is the pro-life vote. We are going to find out what Members will kowtow to the leadership in the Republican Party when they put the pressure on, when they tell them there will be retribution if they do not vote for this rule.

We are going to find out how many pro-life people in this House do have backbone, and how many are spineless.

THE IMPORTANCE OF BIODIVERSITY

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

Mr. GILCHREST. Mr. Speaker, as we take up the debate over the reauthorization of the Environmental Protection Act, we hear claims there is no need to preserve less well-known, often unglamorous species. It is easy to call for preservation of charismatic species like the bald eagle, the grizzly bear, and the sea turtle.

Some of today's most important medicines, as well as the keys to future medical crises, come from a wide range of animals, plants, molds, invertebrates, and other obscure wild species. In fact, more than 40 percent of the prescriptions sold in the United States today are derived from these organisms.

For instance, one of our most effective treatments for heart and circulatory disease was derived originally from chemicals produced by the purple foxglove. In 1991, more than 923,000 Americans died of heart disease or stroke. That statistic would be higher if it were not for the purple foxglove, the plant which produces digitalis, a drug that is taken by 3 million Americans annually to combat high blood pressure. Digitalis is frequently used to improve circulation in patients with congestive heart failure.

Only 5 percent of known plant species have been screened for their medical purposes. Let us continue to look for more.

THE REAL REASON FOR CUTTING PROGRAMS FOR THE NEEDY: TO GIVE MONEY TO THOSE WHO DO NOT NEED IT

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

Mr. MEEHAN. Mr. Speaker before we start on a rampage of spending cuts, I thought we might like to consider the following multiple choice question: If you were trying to pay for over $1 billion in tax cuts for the wealthy, would you, A, cut funding from nutrition programs for pregnant women and infants; B, eliminate funding for low-income fuel assistance for older Americans and working families; C, take money away from low-income students trying to work to pay for a decent education; or D, all of the above?

If you answered D, you should have no problem with the Republican leadership's rescission bill. But before we even start debating the specifics, let us get the facts straight. There are plenty of other places to cut welfare spending.

Just take a good look at some of the special subsidies we give to animal damage control programs, tobacco giants, and corporate welfare. Do not be fooled by the Republican leadership's cosmetic attempt to use the balanced budget as an excuse to cut these programs.

It is a sham, because it has nothing to do with deficit reduction. it is all about taking money away from people who need it and giving it to people who do not.

SALVAGE IS NOT A ZERO-SUM GAME

(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, last night I and my colleagues, Mrs. CHENOWETH of Idaho and Mr. TAYLOR of North Carolina, presented a special order on timber salvage and its benefits to our environment and economy.

What should be abundantly clear from the statistics and facts that were presented last night is that salvaging timber is not a zero-sum effort.

The environment does not suffer at the expense of the economy when we allow dead timber to be harvested.

We can encourage a mutually beneficial relationship between the economy and environment, and, in fact, we have a responsibility to do so.

Today we will begin debate on a bill that will allow over 6 billion board feet in timber salvage. This means jobs, revenue, and forest health.

Join me and rise above the environmental hysteria surrounding timber salvage, and pass this rescission bill. Do what is right for the environment and the economy.

□ 1015

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, this last Saturday morning in my congressional district, some 500 people gathered together. They gathered at the J.H. Rose High School in Greenville. Some who gathered were men and some who gathered were women. Some who gathered were older and some who gathered were younger. Some who gathered were black and some who gathered were white. Not all were poor. In fact, the majority of them were not poor. But they all gathered with one purpose in mind. They all gathered to demonstrate their presence that hunger in America is unacceptable and cannot be tolerated.

Those who gathered and gave up their Saturday morning said they wanted to send a message. They asked me to deliver that message to you, Mr. Speaker. The message is very simple, it is plain and it is reflected in their signatures on the silhouette which I brought back to Washington for your observance.

The message, Mr. Speaker, is that Government should make sure that people who are hungry do not go unfed.

This Nation is a strong nation, Mr. Speaker, not because of its technology and its defense. It is because of its compassion. We must not let the folks go hungry.

TIME FOR TAX RELIEF

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

Mr. CHABOT. Mr. Speaker, the American people are tired of burning in tax hell. For a generation now, American families and businesses have become virtual money trees for liberal Democrats. In order to finance their loony leftwing redistribution programs, Democrats have left no area of American life untouched. Virtually every facet of life is now taxed.

Americans today face Federal, State, and local income taxes and they have to pay tolls, fees, FICA, social security, capital gains, sales taxes, and on and on. On top of all this, Americans get very little in return, except a request for more, and a warning from Democrats that they are insensitive to the plight of others.

No wonder Americans are fed up with Government. Most Americans now pay 25 cents to 40 cents out of every dollar that they earn and if we do not do something about this soon, they will be paying 84 cents out of every dollar in taxes.

Mr. Speaker, the American people voted for the Republican majority to reduce taxes and cut spending and we are going to do it.

THE SPEAKER AND ETHICS

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

Ms. DELAURO. Mr. Speaker, we learned this week that Speaker GINGRICH failed to disclose GOPAC's involvement in his college course when he asked for Ethics Committee approval.

Mr. GINGRICH'S spokesman said that GOPAC's involvement was irrelevant. But that is not what Mr. GINGRICH'S colleagues at Kennesaw State College were saying.

In a letter to Kennesaw president Betty Siegel, Robert W. Hill, the chair of the English department, put it best:

> Because of Mr. Gingrich's congressional incumbency and because of his direct statements against inviting opposing viewpoints into his course and now with the evidence of GOPAC's direct and improper involvement, I do firmly object to its bearing academic credit.

Mr. Speaker, GOPAC's involvement in Mr. GINGRICH'S college course appears to be in violation of the ethics rules and tax laws and underscores the need for an outside counsel to investigate this mess.

RELIEF IS ON THE WAY

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

Mr. RIGGS. Mr. Speaker, today is the birthday of Andrew Jackson, our seventh President. One of his most memorable accomplishments is that he was the only President to actually pay off the national debt.

Where have you gone, Andrew Jackson? Our President today on the other hand thinks that $200 billion deficits as far as the eye can see is just OK.

Well, I just wish the President and House Democrats cared enough about our children to actually balance the budget. This week we begin to change the way Washington works by sending Washington home, back to the people. We will start by passing a bill to reduce the onerous tax burden that has

stifled economic growth in our country. For the overtaxed American family, relief is on the way. For overtaxed small businesses, relief is on the way. For senior citizens hit by the Clinton tax hike on Social Security benefits, relief is on the way. And we will cover every dime of these tax reductions by cutting the fat from the Federal Government. It is time to fundamentally change the relationship between Washington and the American people. It is time to listen to the American people.

MORE ON THE SPEAKER AND ETHICS

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

Mr. BONIOR. Mr. Speaker, every single week seems to bring a new ethics problem for NEWT GINGRICH.

This week, the Associated Press reveals that when Mr. GINGRICH was seeking approval from the Ethics Committee to teach his college class, he failed to tell them that his political action committee would be involved.

Keep in mind: This class was sold as a nonpartisan class.

If it turned out that GOPAC was involved, the course may be in violation of both Federal tax laws and House rules.

But on Monday, the AP reported that not only was GOPAC involved, it raised funds for the class, it sent mass mailings, and it even wrote course-related memos attacking President Clinton.

And Mr. GINGRICH failed to disclose any of this to the Ethics Committee.

Just as he failed to disclose past contributors to GOPAC.

And just as he has failed to disclose GOPAC's expenses.

Mr. Speaker, I say it is time for NEWT GINGRICH to stop playing hide and seek with the American people.

It is time for him to disclose his correspondence with the Ethics Committee.

Disclose the past GOPAC donors.

Disclose the past GOPAC expenses.

And let an outside counsel come in and get to the bottom of this mess.

PARLIAMENTARY INQUIRIES

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

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

Mr. LINDER. Mr. Speaker, is it within the rules of the House to continue to refer to matters that are currently pending before the Ethics Committee?

The SPEAKER pro tempore. Members should not refer to investigations pending before the Ethics Committee.

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

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

Mr. VOLKMER. Mr. Speaker, is there presently an investigation of Speaker GINGRICH before the Ethics Committee?

The SPEAKER pro tempore. The Chair does not need to respond to that as the Members know the answer to it.

WELFARE

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

Mrs. WALDHOLTZ. Mr. Speaker, ''Unless we work to strengthen the family, to create conditions under which most parents will stay together, all the rest—schools, playgrounds, public assistance and private concern—will never be enough.''

Who do you think said that? NEWT GINGRICH? Ronald Reagan? Actually, it was Lyndon Baines Johnson, in 1965. He understood the dangers of a welfare system that is antifamily, antiwork and antiopportunity.

Republicans agree with President Johnson. We have proposed a plan that is designed expressly to strengthen the family and to give those in need a hand up, not just a hand out. Our proposal will require work for reward, limit time on welfare rolls, track down deadbeat parents, and provide those in need with the skills to build better lives for themselves and their families.

The family is the cornerstone of our country. Strengthening the family through reforming our welfare system benefits us all. President Johnson was right—if we do not help build strong families all the debate, all the money, and all the benefits in the world, will never be enough.

TODAY'S MESSAGE OF NEW EXTREMIST REPUBLICAN MAJORITY

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

Mr. SCHUMER. Mr. Speaker, if there was ever a time that illustrated what the new extremist Republican majority is all about, it is today. Here is what they are trying to do. The Republicans in the appropriations bill are eliminating meat and potatoes programs like summer jobs and slashing desperately needed efforts like housing for the elderly while leaving billions of dollars of pork in their spending bill. At the same time the Republicans in the Committee on Ways and Means reported a bill that benefits the wealthy disproportionately.

One of the fairest and finest things done in the 1980's, the idea that the richest and largest corporations would have to pay some taxes no matter what loopholes they used, the Republicans seek to repeal even that.

The old days where huge companies like AT&T and General Dynamics and Mobil paid no taxes while the average working stiff had to ante up each year are coming back, thanks to the Republican majority. Eliminate summer jobs, cut housing for the elderly so the biggest corporations can pay no taxes? That is today's message of the new extremist Republican majority.

DUELING PHILOSOPHIES

(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, in last year's budget, the President estimated that unless things changed, future generations would have to pay an 82-percent tax rate. So when I got this year's budget, I looked furiously to see just how much the situation had improved. Funny thing is, though, the President failed to include that number this time around. That is because instead of going down, the tax rate future generations would have to pay because of the President's fiscal folly has gone up. It has gone up to 84 percent.

The liberal Democrats in this Congress and in the White House have declared war on the next generation of Americans. Unless we act now to take control of this bloated and inefficient bureaucracy, our children can look forward to a future of higher interest rates, higher taxes, less opportunity, and ultimately a lower standard of living.

Well, we will not let the liberal Democrats make the first generation the first to have a lower standard of living than their parents. We will fight for the future of America. We will not let future generations foot the bill for the liberals' irresponsibility and mismanagement.

REPUBLICAN CONTRACT ON CLEAN AIR

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

Mr. SKAGGS. Mr. Speaker, anyone needing evidence that the Republican Contract on America is a public health accident waiting to happen need only look at a recent study on the effects of air pollution. The news in the study, the most comprehensive ever, is that people who live in the most polluted areas are significantly more likely to die early from respiratory ailments and heart disease. Even here in the Washington area where the air is not that bad, air pollution is likely to steal a year of life from each person.

With this information, in a rational world, one would expect the Government to be doing more to be dealing with the air pollution problem. But not under Republican rules.

Why do I say that? Well, one of the provisions tucked in the bill that we are going to be debating today would prohibit the EPA from ensuring the inspection of cars in the areas with the most dangerous air pollution.

Republicans want to throw out one of the most effective tools we have had in keeping cars from pumping poison into the air.

For those who are not already gagging on the Republicans' so-called Contract With America, hold your breath.

PUTTING GOVERNMENT ON A DIET

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

Mrs. SEASTRAND. The facts are in, Mr. Speaker. The Clinton economic plan has not paid off for middle America.

According to a Labor Department report, the median weekly earnings of full-time workers—in real, inflation-adjusted terms—actually declined about 2 percent last year. In other words, Americans are working harder and getting less for it.

What makes this so startling is that it occurred during a time when the economy was growing.

This is just one reason why we need to move forward on our plan to cut taxes and balance the budget.

American families need tax relief.

American savers and investors need incentives.

American workers need more job opportunities.

Our plan will deliver all that. And it will be paid for by real reductions in government spending.

Mr. Speaker, the Clinton administration has put the American family, the American saver, the American worker on a diet. We Republicans will put the Government on a diet.

MORE ON THE ETHICS PROBLEMS OF THE HOUSE

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

Mr. PETERSON of Florida. Mr. Speaker, it is a great honor to serve in the people's House. Here, every Member is equal and directly responsible to his or her constituents to represent them at the national level.

To ensure that we each focus on constituent representation rather than our own or special interests, numerous ethics rules have been established to govern our conduct in carrying out our duties.

For instance: We cannot accept any outside earned income nor can we accept honoraria; we are prohibited from seeking special favors for ourselves from governmental agencies; and nor can we accept any funding from a corporation or person for representing their specific interest before a governmental agency.

Well, Mr. Speaker, given all of these very precise rules—it bothers me deeply that virtually every day a new allegation is reported in the news related to your multiple relationships with so-called think tanks, persons, and corporations that suggest a violation of the House ethics rules.

These allegations have the potential to discredit every Member of this House. Let us clear the air. I ask you to call for an outside counsel to investigate these allegations to clear your name and to lift the cloud over this House and to ensure no harm is done to the good reputations of all of the Members of this institution.

□ 1030

RESCISSION BILL IS ON THE RIGHT TRACK

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

Mr. LINDER. Mr. Speaker, several years ago the American people were rightfully outraged when U.S. Congressmen wrote checks on empty bank accounts. The House Bank scandal was a disgrace to this body and an example of the lack of fiscal accountability common in Washington.

However, there seems to be less anger from the American people and less shame in this Congress today, as the Federal Government continues to write checks on an empty account.

The debt has reached crisis proportions, but President Clinton and the liberals have renounced any responsibility to this disaster—despite the fact that Bill Clinton himself noted in his 1994 budget that if left unattended the debt would force future generations to pay an 82-percent tax rate.

We have a moral obligation to clean up this mess. The rescissions package is a good start. The Republicans aim to rescind $17.2 billion.

Lobbyists are up in arms. If that many special interest groups hate the rescissions bill, I know we are on the right track.

DO NOT KILL BIG BIRD

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

Mr. ENGEL. Mr. Speaker, I am here to deliver one short concise, simple message to my colleagues: Do not kill Big Bird. Do not kill Big Bird by voting for mean-spirited Republican budget cuts on Public Broadcasting. Do not kill Big Bird in order to help finance tax breaks for the very wealthy in this country. Do not kill Big Bird in order to help finance a star wars program that this country neither wants or needs.

Do not kill Big Bird because millions of American children, including my own three children, have grown up on Big Bird and ''Sesame Street'' and Mr. Rogers and Public Broadcasting. Do not kill Big Bird because Public Broadcasting works. Public Broadcasting is good for the American taxpayer and good for the American people.

Do not kill Big Bird because the public-private partnership of Public Broadcasting is what has really proven to be successful in this country.

In short, Mr. Speaker, do not kill Big Bird.

ETHICALLY CHALLENGED ADMINISTRATION

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

Mr. HOKE. Mr. Speaker, we would not possibly kill Big Bird if we wanted to kill Big Bird. Nobody wants to kill Big Bird. The fact is that Big Bird generates hundreds and hundreds of millions of dollars of revenue every single year to the great benefit of the people that created it, and any suggestion that Big Bird is going anywhere is crazy.

We cannot go 1 week, 1 day without another new ethical allegation that is made against a member of the Cabinet. Today it is Henry Cisneros and his problem with Housing and Urban Development. Over the weekend there was a problem with Ron Brown and apparently Federico Peña had hired Mr. Brown using FAA funds to lobby on behalf of Denver back in the late 1980's or early 1990's.

There is a pall, a cloud of ethical problems that hangs over this administration. It is certainly no secret that it is, let us call it in the politically correct language of the day, the most ethically challenged administration of the 20th century, perhaps of both centuries.

RECENT ACTIONS BY THE FRENCH GOVERNMENT

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

Mr. TORRICELLI. Mr. Speaker, several weeks ago the French Government was complaining about the activities of American Government officials. This came as an enormous surprise. The Japanese, the Germans, and Americans did not know there was any technology in France that anybody needed.

Yesterday the French President hosts Fidel Castro.

Mr. Speaker, we are entitled to doubt whether if there were an island in the Mediterranean with a 30-year dictatorship, with no human rights for any of its people that the French Government would be so understanding.

In the coming years France will have its difficulties in North Africa. Europe has not seen its last internal political problems. I trust that all of the people of the Americas will be similarly understanding and give the same difference to the French Government when it faces its own next crisis.

TAYLOR-DICKS EMERGENCY TIMBER SALVAGE AMENDMENT

(Mr. HERGER asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, severe storms and floods have recently ravaged my home State of California, destroying entire communities and claiming over a dozen lives.

If flood prevention measures had been available to avoid this catastrophe at no cost to our taxpayers, every Member of Congress would have endorsed them. Mr. Speaker, next summer our Nation will face forest fires as destructive as our recent floods. If unchecked, these fire storms will incinerate public resources, homes, and people. Fortunately, the Taylor-Dicks emergency timber salvage amendment to the supplemental appropriations bill before the House today provides national wildfire protection through the removal of deadly natural fuels from our forests—at no cost to our taxpayers.

This is a deal that Americans and Congress simply cannot pass up. I strongly urge my colleagues to support this timely and tax-free legislation.

ETHICS

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

Ms. MCKINNEY. Mr. Speaker, it appears my colleagues from the Sixth District of Georgia has a problem recognizing the truth and making up facts to support his medieval ideology. Examples of this include the wasteful Federal shelter that does not even exist, the heart pump that the FDA allegedly refused to approve regardless of the fact that they have not seen it, and his claim that D.C. schools are the most expensive in the country when they are not.

Now it appears that information was withheld from the Ethics Committee about his controversial college course. The ultimate purpose of this tax-exempt course, according to Jeffrey Eisenach, is to, ''train by April 1996, 200,000-plus citizens into a model for replacing the welfare state * * *.'' Sounds like the brown-shirts to me, Mr. Speaker, it is time for an outside counsel.

CONGRESS MUST MAKE BUDGET CUTS

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

Mr. SOLOMON. Mr. Speaker, we hear a lot from Members saying that we cannot cut this, we cannot cut that. But you know something, we have a budget which is shaped like a pie. A slice of that pie is the debt service, which is the interest we have to pay on a $4.5 trillion debt which, incidentally, is owned by countries like the Netherlands and Great Britain. They actually own this debt, the Treasury bonds.

It takes $250 billion just today, this year, to pay the service on the national debt. If we allow spending to increase at the same level that it has increased over the last 5 years, we will add $1 trillion to the national debt. That means that the slice of the pie will no longer be $250 billion, it will be $360 billion. And as this slice of the pie to pay off the interest on that debt without even lowering the debt grows, it means less money to help those people who truly need help, like the aged, blind, and disabled.

Keep that in mind when Members say do not cut this or do not cut that. We have to cut them all equally.

THE GINGRICH HEALTH CARE PLAN

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

Mr. LEWIS of Georgia. Mr. Speaker, there is a new health care plan available to some members of the public, it is called Newtcare. Under this plan, you work for a Member of Congress for 1 month each year for just $100, in return you are entitled to the Government's generous health care benefits. Under Newtcare, you will likely save hundreds, perhaps thousands, of dollars on your health care costs.

But wait, this is not a dream or a fantasy, at least for a select few. Last week the Capitol Hill newspaper, Roll Call, reported that a fundraiser for Speaker GINGRICH, Nancy Bocskor, has been put on the Government payroll for 1 month in 1991, 1992, and 1993, enabling her to participate in the Government employee health care plan.

Mr. Speaker, this practice may or may not violate the rules of the House. But it is wrong, just plain wrong. More importantly, this is but the latest example of the Speaker of this House pushing the rules to the limit and, perhaps, crossing the line.

There are many charges, serious charges, swirling around the Speaker of the House. Only an outside, independent counsel, can tell us for sure whether the Speaker has crossed the line. We need an outside counsel and we need one now.

STOPPING RUNAWAY INFLATION

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

Mr. BOEHNER. Mr. Speaker, in my hand is the most expensive credit card in the history of the world, a credit card that has piled up 4.7 trillion dollars' worth of debt and $247 billion in budget deficits for as far as the eye can see.

This credit card is a voting card for Members of Congress. We are continuing to imprison our children and theirs by this runaway spending.

Today on this floor House Republicans are going to begin the effort to stop this runaway spending with a $17 billion rescission package, and in May we are going to lay out a 7-year plan to balance our budget. And we believe that this year we need to make a significant downpayment on that effort.

We are going to be hearing from the left how we are hurting this and stopping this, all of the pain today. And I will say this: There will be pain today, there will be discomfort, but our effort is to make the courageous decisions to protect our children and their children.

DON EDWARDS SAN FRANCISCO BAY WILDLIFE REFUGE

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

Mr. MINETA. Mr. Speaker, today I will introduce legislation to name the San Francisco Bay Wildlife Refuge after our distinguished former colleague Don Edwards.

Without Don Edwards, the creation of this wildlife refuge would have not been possible. Throughout the environmental community, Don is recognized as the father of this precious sanctuary.

Don was successful in passing legislation to establish the refuge by authorizing the Federal Government to acquire 20,000 acres of land around the San Francisco Bay.

In the years following, Don fought to secure appropriations for land acquisition for the refuge, and to expand the authorization of the refuge.

Mr. Speaker, I can think of no more appropriate way to recognize Don Edwards' many years of distinguished service to this body and his constituents than by naming this refuge in his honor.

REPUBLICAN CUTS WILL HURT CHILDREN

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

Ms. JACKSON-LEE. Mr. Speaker, I listened carefully last evening to the remarks of a Republican Member and other colleagues from the other side of the aisle as they rose in protest of what they want America to believe is the big lie.

They say Democrats are lying about the proposed cuts to school lunch and breakfast programs. They say that they are not really cutting the critically important programs, they are only slowing the rate at which they will be allowed to grow; except hungry stomachs continue to grow. They say they are not really cutting these.

Well, Mr. Speaker, because of the Department of Education figures that project that the population of elementary and schoolchildren will increase substantially, some 8 percent during the same period that the GOP spending cuts will slow the rate of growth for nutrition programs, the net result is not a big lie, it is a big cut.

Mr. Speaker, I am new to this body, but as one who has kept a watchful eye on its goings on, I can clearly remember year after year Republican charges that Democrats are cutting defense when in fact Democrats only sought to slow the growth of Pentagon spending.

What is good for the goose is good for the gander, Mr. Speaker. My colleagues from the other side of the aisle cannot have it both ways.

When the tax cut is going to help not working Americans but those who have it already, I would say let the other guys miss a meal. I do not want our children to miss a meal. Let us not cut school breakfast and school lunches. Our children of America simply need to eat.

□ 1045

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HANSEN). The Chair will remind people in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

MOTION TO ADJOURN

Mr. VOLKMER. Mr. Speaker, I offer a privileged motion.

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

The Clerk read as follows:

Mr. VOLKMER moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr. VOLKMER].

The question was taken; and on a division (demanded by Mr. VOLKMER), there were—yeas 6, nays 2.

Mr. THOMAS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 49, nays 367, answered ''present'' 1, not voting 17, as follows:

[Roll No. 235]

YEAS—49

Abercrombie
Andrews
Becerra
Bonior
Boucher
Brown (FL)
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Danner
Dellums
Filner
Foglietta
Ford
Frank (MA)
Hefner
Hilliard
Holden
Johnson (SD)
Lewis (GA)
Lofgren
Lowey
Manton
McDermott
McKinney
McNulty
Miller (CA)
Mollohan
Moran
Neal
Oberstar
Obey
Orton
Owens
Pastor
Payne (NJ)
Pelosi
Pomeroy
Roybal-Allard
Stark
Stokes
Studds
Thompson
Velazquez
Volkmer
Watt (NC)
Wise

NAYS—367

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

ANSWERED ''PRESENT''—1

Fattah

NOT VOTING—17

Allard
Bereuter
Blute
Crane
Cubin
Fazio
Frost
Hall (OH)
Hastings (FL)
Martinez
McCrery
Metcalf
Moakley
Parker
Rose
Roth
Woolsey

□ 1105

Messrs. DEUTSCH, CLAY, GILLMOR, KLUG, BISHOP, MINETA, and ROYCE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. YATES, and Ms. DELAURO changed their vote from ''yea'' to ''nay.''

Ms. LOFGREN and MESSRS. HILLIARD, PAYNE of New Jersey, and OWENS changed their vote from ''nay'' to ''yea.''

Mr. FATTAH changed his vote from ''yea'' to ''present.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING AMOUNTS FOR EXPENSES OF CERTAIN COMMITTEES OF THE HOUSE OF REPRESENTATIVES IN THE 104TH CONGRESS

Mr. THOMAS. Mr. Speaker, by direction of the Committee on House Oversight, I offer a privileged resolution (H. Res. 107) providing amounts for the expenses of certain committees of the House of Representatives in the 104th Congress, and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. HANSEN). The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 107

Resolved,

SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUNDRED FOURTH CONGRESS.

(a) IN GENERAL.—With respect to the One Hundred Fourth Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than the amount specified in subsection (b) for the expenses of each committee named in that subsection, including—

(1) the expenses of all staff salaries;

(2) the expenses of consultant services under section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); and

(3) the expenses of staff training under section 202(j) of such Act (2 U.S.C. 72a(j)).

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $7,590,139; Committee on Banking and Financial Services, $8,786,054; Committee on the Budget, $10,038,000; Committee on Commerce, $15,648,577; Committee on Economic and Educational Opportunities, $9,687,275; Committee on Government Reform and Oversight, $13,639,857; Committee on House Oversight, $6,394,121; Permanent Select Committee on Intelligence, $4,622,090; Committee on International Relations, $10,551,875; Committee on the Judiciary, $9,683,190; Committee on National Security, $9,981,615; Committee on Resources, $10,926,383; Committee on Rules, $4,435,817; Committee on Science, $8,642,826; Committee on Small Business, $3,812,580; Committee on Standards of Official Conduct, $2,090,150; Committee on Transportation and Infrastructure, $12,414,469; Committee on Veterans' Affairs, $4,341,605; and Committee on Ways and Means, $10,338,340.

SEC. 2. FIRST SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 1995, and ending immediately before noon on January 3, 1996.

(b) COMMITTEES AND AMOUNTS.—The committee and amounts referred to in subsection (a) are: Committee on Agriculture, $3,961,388 (of which $30,000 may be used for consultant services and $1,000 may be used for staff training); Committee on Banking and Financial Services, $4,286,579; Committee on the Budget, $5,013,000; Committee on Commerce, $7,625,910 (of which $25,000 may be used for consultant services); Committee on Economic and Educational Opportunities, $4,815,332 (of which $5,000 may be used for staff training); Committee on Government Reform and Oversight, $6,618,689 (of which $25,000 may be used for consultant services and $5,000 may be used for staff training); Committee on House Oversight, $3,250,783 (of which $500,000 may be used for consultant services and $20,000 may be used for staff training); Permanent Select Committee on Intelligence, $2,277,210 (of which $3,200 may be used for staff training); Committee on International Relations, $5,097,254 (of which $10,000 may be used for consultant services); Committee on the Judiciary, $4,672,187 (of which $8,000 may be used for staff training); Committee on National Security, $4,769,362 (of which $40,000 may be used for consultant services and $12,000 may be used for staff training); Committee on Resources, $5,210,815 (of which $45,000 may be used for consultant services and $1,000 may be used for staff training); Committee on Rules, $2,200,567 (of which $500 may be used for staff training); Committee on Science, $4,211,654 (of which $20,000 may be used for consultant services and $15,800 may be used for staff training); Committee on Small Business, $1,873,290; Committee on Standards of Official Conduct, $1,063,650 (of which $50,000 may be used for consultant services); Committee on Transportation and Infrastructure, $6,057,934 (of which $5,000 may be used for consultant services and $5,000 may be used for staff training); Committee on Veterans' Affairs, $2,084,500 (of which $10,000 may be used for staff training); and Committee on Ways and Means, $4,976,231.

SEC. 3. SECOND SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 1996, and ending immediately before noon on January 3, 1997.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $3,628,751 (of which $15,000 may be used for consultant services and $1,000 may be used for staff training); Committee on Banking and Financial Services, $4,499,475; Committee on the Budget, $5,025,000; Committee on Commerce, $8,022,667 (of which $25,675 may be used for consultant services); Committee on Economic and Educational Opportunities, $4,871,943 (of which $5,000 may be used for staff training); Committee on Government Reform and Oversight, $7,021,168 (of which $25,000 may be used for consultant services and $5,000 may be used for staff training); Committee on House Oversight, $3,143,338 (of which $130,000 may be used for consultant services and $22,000 may be used for staff training); Permanent Select Committee on Intelligence, $2,344,880 (of which $3,200 may be used for staff training); Committee on International Relations, $5,454,621 (of which $10,000 may be used for consultant services); Committee on the Judiciary, $5,011,003 (of which $10,000 may be used for staff training); Committee on National Security, $5,212,253 (of which $40,000 may be used for consultant services and $15,000 may be used for staff training); Committee on Resources, $5,715,568 (of which $1,000 may be used for staff training); Committee on Rules, $2,235,250 (of which $500 may be used for staff training); Committee on Science, $4,431,172 (of which $20,000 may be used for consultant services and $16,500 may be used for staff training); Committee on Small Business, $1,939,290; Committee on Standards of Official Conduct, $1,026,500 (of which $50,000 may be used for consultant services); Committee on Transportation and Infrastructure, $6,356,535 (of which $5,000 may be used for consultant services and $5,000 may be used for staff training); Committee on Veterans' Affairs, $2,257,105 (of which $10,000 may be used for staff training); and Committee on Ways and Means, $5,362,109.

SEC. 4. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Oversight.

SEC. 5. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Oversight.

Mr. THOMAS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute: Strike out all after the resolving clause and insert following:

SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUNDRED FOURTH CONGRESS.

(a) IN GENERAL.—With respect to the One Hundred Fourth Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than the amount specified in subsection (b) for the expenses of each committee named in that subsection, including—

(1) the expenses of all staff salaries;

(2) the expenses of consultant services under section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); and

(3) the expenses of staff training under section 202(j) of such Act (2 U.S.C. 72a(j)).

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $7,406,899; Committee on Banking and Financial Services, $8,645,054; Committee on the Budget, $9,912,000; Committee on Commerce, $13,686,823; Committee on Economic and Educational Opportunities, $9,621,539; Committee on Government Reform and Oversight, $13,520,037; Committee on House Oversight, $6,177,608; Permanent Select Committee on Intelligence, $4,519,890; Committee on International Relations, $10,028,093; Committee on the Judiciary, $9,553,190; Committee on National Security, $9,085,743; Committee on Resources, $9,588,953; Committee on Rules, $4,433,817; Committee on Science, $8,411,326; Committee on Small Business, $3,791,580; Committee on Standards of Official Conduct, $1,981,150; Committee on Transportation and Infrastructure, $10,878,981; Committee on Veterans' Affairs, $4,220,605; and Committee on Ways and Means, $10,219,358.

SEC. 2. FIRST SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 1995, and ending immediately before noon on January 3, 1996.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $3,866,148 (of which $30,000 may be used for consultant services and $1,000 may be used for staff training); Committee on Banking and Financial Services, $4,161,579; Committee on the Budget, $4,940,000; Committee on Commerce, $6,663,227 (of which $25,000 may be used for consultant services); Committee on Economic and Educational Opportunities, $4,777,196 (of which $5,000 may be used for staff training); Committee on Government Reform and Oversight, $6,576,369 (of which $25,000 may be used for consultant services and $5,000 may be used for staff training); Committee on House Oversight, $3,092,920 (of which $400,000 may be used for consultant services and $20,000 may be used for staff training); Permanent Select Committee on Intelligence, $2,226,210 of which $3,200 may be used for staff training); Committee on International Relations, $4,953,472 (of which $10,000 may be used for consultant services); Committee on the Judiciary, $4,577,187 (of which $8,000 may be used for staff training); Committee on National Security, $4,245,134 (of which $40,000 may be used for consultant services and $12,000 may be used for staff training); Committee on Resources, $4,795,970 (of which $45,000 may be used for consultant services and $1,000 may be used for staff training); Committee on Rules, $2,199,567 (of which $500 may be used for staff training); Committee on Science, $3,991,154 (of which $20,000 may be used for consultant services and $15,800 may be used for staff training); Committee on Small Business, $1,863,290; Committee on Standards of Official Conduct, $1,009,450 (of which $50,000 may be used for consultant services and $500 may be used for staff training); Committee on Transportation and Infrastructure, $5,386,171 (of which $5,000 may be used for consultant services and $5,000 may be used for staff training); Committee on Veterans' Affairs, $2,024,500 (of which $10,000 may be used for staff training);

and Committee on Ways and Means, $4,916,740.

SEC. 3. SECOND SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 1996, and ending immediately before noon on January 3, 1997.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $3,540,751 (of which $15,000 may be used for consultant services and $1,000 may be used for staff training); Committee on Banking and Financial Services, $4,483,475; Committee on the Budget, $4,972,000; Committee on Commerce, $7,023,596 (of which $25,675 may be used for consultant services); Committee on Economic and Educational Opportunities, $4,844,343 (of which $5,000 may be used for staff training); Committee on Government Reform and Oversight, $6,943,668 (of which $25,000 may be used for consultant services and $5,000 may be used for staff training); Committee on House Oversight, $3,084,688 (of which $130,000 may be used for consultant services and $22,000 may be used for staff training); Permanent Select Committee on Intelligence, $2,293,680 (of which $3,200 may be used for staff training); Committee on International Relations, $5,074,621 (of which $10,000 may be used for consultant services); Committee on the Judiciary, $4,976,003 (of which $10,000 may be used for staff training); Committee on National Security, $4,840,609 (of which $40,000 may be used for consultant services and $15,000 may be used for staff training); Committee on Resources, $4,792,983 (of which $1,000 may be used for staff training); Committee on Rules, $2,234,250 (of which $500 may be used for staff training); Committee on Science, $4,420,172 (of which $20,000 may be used for consultant services and $16,500 may be used for staff training); Committee on Small Business, $1,928,290; Committee on Standards of Official Conduct, $971,700 (of which $50,000 may be used for consultant services and $600 may be used for staff training); Committee on Transportation and Infrastructure, $5,492,810 (of which $5,000 may be used for consultant services and $5,000 may be used for staff training); Committee on Veterans' Affairs, $2,196,105 (of which $10,000 may be used for staff training); and Committee on Ways and Means, $5,302,618.

SEC. 4. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Oversight.

SEC. 5. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Oversight.

SEC. 6. ADJUSTMENT AUTHORITY.

The Committee on House Oversight shall have authority to make adjustments in amounts under section 1, if necessary to comply with an order of the President issued under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such section 1.

Mr. THOMAS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. THOMAS] will be recognized for 1 hour.

Mr. THOMAS. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Arizona [Mr. PASTOR], pending which I yield myself such time as I may consume.

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

Mr. THOMAS. Mr. Speaker, all time yielded will be for debate purposes only.

Mr. Speaker, it is a real pleasure to come to the floor of the House with a resolution to fund the committees of the 104th Congress. Anyone who has been in previous Congresses knows we have had a relatively difficult time in the past of deciding on what would be appropriate funding for committees.

At the beginning of the 104th Congress, the new Republican majority cut committee staffs by one-third.

Not all committees were cut equally. Some committees have new assignments because we eliminated certain committees and restructured other committees. But on average, the staffs of the committees were cut by fully one-third.

Since most of the committee funds go to staffing, it seemed appropriate that we should make, then, commensurate adjustments in the funding of committees. The successor to the old House Committee on Administration, the Committee on Oversight, is charged with that task. In the 104th Congress, the Committee on Oversight received the budget of one additional committee of the House, that being the Committee on the Budget.

So, as of today, all standing committees of the House, save one, the Committee on Appropriations, have their funding resolutions go to the Committee on Oversight.

Similarly, we changed the way in which committees were funded. In the past, the process looked like this column on the left on this chart. This is from the 103d Congress. The blue portion was that portion subject to public hearings in the Committee on House Administration at the time.

The portion of funding subject to House hearings and public hearings was less than a majority of the funding, $101 million. The red portion was known as the statutory funding that was moved through the Committee on Appropriations, kind of an automatic funding under the law.

The yellow portion is generally headed as other, and that is primarily legislative supplies, and detailees, those individuals from other agencies that were assigned to committees for a brief period of time.

The total of the so-called investigative, statutory, and other funding was $223 million. As chairman of the committee, I bring to you a resolution which passed unanimously, no ''no'' votes.

I want for the RECORD to indicate that the Republicans on the committee are Mr. VERNON EHLERS of Michigan, Mr. PAT ROBERTS of Kansas, Mr. JOHN BOEHNER of Ohio, JENNIFER DUNN of Washington, LINCOLN DIAZ-BALART of Florida, and ROBERT NEY of Ohio.

The Democrats—and I am sorry to say that the ranking minority member, Mr. FAZIO, is not with us today because of concerns over his wife and a hospital question.

But Mr. FAZIO of California was supportive. Mr. SAM GEJDENSON of Connecticut was supportive. Mr. STENY HOYER of Maryland was supportive. And ED PASTOR of Arizona was supportive.

What is so significant about a unanimous vote on a bipartisan basis out of the Committee on House Oversight is that the funding resolution, for all but one of the committees of the House, is $156 million. That is a 30-plus percent cut from the 103d Congress.

On a bipartisan basis we said we can live with less. We can live 30 percent less. We can do the job for American people by tightening our belts here in this institution in the funding of our committees.

Staff has been reduced by one-third. Committee funding has been reduced by more than 30 percent.

Mr. Speaker, I want to commend all the members of the Committee on Oversight for a job well done.

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

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

Mr. Speaker, all time yielded will be for the purpose of debate only.

Mr. Speaker, I want to begin by acknowledging the absence of our distinguished ranking minority member, Mr. FAZIO. Unfortunately, VIC is with his wife, Judy, who is undergoing surgery. Our prayers go out to Judy and VIC for a speedy recovery.

Mr. Speaker, House Resolution 107 is a much different committee funding resolution from those this House has considered in the past, and I applaud many of the changes contained in the measure. Later today, we will be considering a rescissions package that will cut over $17 billion from a number of Federal agencies and departments. It is only fitting, Mr. Speaker, that we consider this funding resolution first. For before we seek to make those cuts, it is only proper that we look to ourselves first.

This biennial resolution, the first of its kind, reduces spending for 21 House committees and the Select Committee on Intelligence, in the aggregate, by 30 percent from the 104th to the 103d Congress. Including committee franked mail allocations, funding has been reduced by $67 million, from $223,335,419 in the 103d Congress to $145,332,129 for the 104th Congress. While three committees from the 103d Congress have

been abolished, this is nonetheless a significant reduction in spending that tells the American people that Congress is ready, willing, and able to tighten its belt and function more efficiently with less money. What is a loss, Mr. Speaker, in committee funding is a gain for the American taxpayers. I commend Chairman THOMAS and Mr. FAZIO for working to make these very difficult cuts a reality.

I know that there may be some committee chairman and ranking minority members who feel their committee is deserving of more dollars. Frankly, Mr. Speaker, I tend to agree. We in Congress have a tremendous responsibility to ensure that the work we do on behalf of the American people is of the highest quality. The livelihood of our constituents can, and does, literally depend upon what transpires within this Chamber and the walls of committee rooms. In this regard, we must be careful to ensure that in our efforts to reduce the House's budget, we do not sacrifice the quality of work that is performed here. To the credit of Chairman THOMAS, Mr. FAZIO, and the rest of the House Oversight Committee, I believe this funding resolution strikes that necessary balance.

As you have heard already, and I am sure you will hear again, this resolution does allot to the minority a greater percentage of resources than have been historically apportioned. For many years, my colleagues on the other side of the aisle passionately argued for a one-third allocation of committee resources, including staff, to the minority. The report accompanying House Resolution 107 notes that progress has been made in this area—nine committees in the 104th Congress have now achieved this goal. While this is a fine start, we are still far short of reaching the one-third goal for all the committees of the House. I know that Chairman THOMAS is committed to this goal, and I look forward to working with him to see it realized as soon as possible. In addition, Mr. Speaker, we will work to ensure that all ranking minority members have complete latitude in determining how their allocations of committee resources are to be used.

Mr. Speaker, as I noted, this is the House's first attempt at implementing a biennial funding resolution. It is indeed difficult to project funding needs for 1 year, much less 2. With this biennial measure we are literally traveling into unknown territory. I know that the committee chairman and ranking minority members had a particularly demanding time estimating their needs over the course of 2 years, a task whose difficulty was compounded by the 30-percent overall reduction in committee funding. Many items in committees' budgets were necessarily estimates, that will undoubtedly undergo revision as we experiment with this new budgeting process.

In this regard, I was particularly struck by the wise variation in funds the committees had alloted for overtime pay. As you know, Mr. Speaker, with the signing into law of the Congressional Accountability Act, Congress is now subject to the same provisions of laws governing overtime pay as other governmental agencies. As a result, there is an expectation that many committees will have increased expenditures in this area. Yet, committee budgets for overtime pay vary from tens of thousands of dollars to no money at all. Mr. Speaker, this great variation points to what may be considerable inconsistencies among committees in abiding by the Congressional Accountability Act. It is my hope that the Oversight Committee will look at this area closely to guarantee that all employees of all committees are treated in an equitable manner under the law.

Mr. Speaker, I want to acknowledge the hard work and fine efforts of Chairman THOMAS, Mr. FAZIO, my colleagues on the House Oversight Committee, and the committee's staff in developing this committee funding resolution. I urge my colleagues to support its passage.

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

Mr. FAZIO of California. Mr. Speaker, I rise today in support of House Resolution 107, the Omnibus Committee Funding Resolution for the 104th Congress. For the first time, this resolution authorizes for the 2-year term of the 104th Congress all committee salaries and expenses for the 20 standing committees of the House of Representatives, except for the Committee on Appropriations.

I would like to commend the gentleman from California [Mr. THOMAS], the chairman of the Committee on House Oversight, for the forthright manner in which the committee compiled, evaluated, and adjusted the committee budget submissions. As the new ranking minority member of the House Oversight Committee, I want to especially acknowledge the good faith strides the new Republican committee chairmen have made in allocating an increased proportion of committee resources to their committee ranking minority members. This constructive legislative climate led to the unanimous bipartisan approval of this resolution by the members of our committee.

For the first time, this resolution consolidates the former statutory, investigative and other funds into a single biennial authorization process to achieve greater public accountability. For example, the primary Expenses Resolution providing for investigative and other expense of committees in the 103d Congress accounted for only 45.4 percent of total committee expenditures. The remainder was granted by statutory formula and other legislative accounts.

The resolution under consideration today provides for total committee funding for the 104th Congress of $156,332,129. This amount represents a $67,003,129 cut from the 103d Congress funding level of $223,335,419—a 30 percent concrete reduction. This $67 million savings has been realized from primarily two organizational reforms: a 13 percent reduction in the number of standing committees, and a 33 percent reduction in the number of professional committee staff.

With the beginning of the 104th Congress, the jurisdiction and related functions of Committees on the District of Columbia, Merchant Marine and Fisheries, and Post Office and Civil Service were consolidated into the remaining 20 standing committees. In the 103d Congress, the budgets for these three committees amounted to over $24 million. This current committee streamlining process builds on the initiatives of the Democratic leadership when in 1993, the Select Committees on Aging, Children, Hunger, and Narcotics were eliminated. This first step yielded a savings of over $3.5 million.

The bulk of the reduction in Committee funding levels is a direct result of reducing committee professional staffs by one-third. In 1994, the aggregate number of committee staff equaled 1,845. Today, that number is 1,233. Over 600 professional staff members have been terminated in this institutional downsizing.

Mr. Speaker, today's resolution builds on efforts launched by Speaker Foley and the Democratic leadership to reduce the costs of operating the People's House. Reforms made since 1991 to Member franking allowances will yield savings by the end of this year estimated to be over $190 million—a savings representing more than a 50 percent reduction of franking costs without the 1991 reforms.

In 1992, the Democratic leadership directed that committee budget levels be frozen at their 1991 amounts. Thereafter, the aggregate authorization for the primary committee expense resolution was reduced by 5 percent for both 1993 and 1994—yielding savings over $5 million.

Mr. Speaker, as you may remember, President Clinton, Speaker Foley, and Senate Majority Leader Mitchell announced in February 1993, a concerted policy to reduce executive and legislative branch full-time personnel. Accordingly, in correspondence dated April 22, 1994, Chairman ROSE and myself informed Speaker Foley that we jointly recommended five directives to reduce the House payroll by 387 full-time equivalents . Clearly, today's resolution is consistent with the policies advocated by the President and congressional Democratic leadership to streamline and realign all branches of the U.S. Government.

One issue I would like all members to take particular note of is the question of fairness to the minority party, whichever party that may be, in the allocation and control of resources.

As the new ranking minority member on this committee, I do want to acknowledge that this funding resolution, in the aggregate, allots to the minority an overall greater percentage of resources than have been historically apportioned. This is certainly true for the budget authority for this committee, as well as several others. In fact, the minority have been allocated 27 percent of aggregate committee staff slots. These improvements are welcome but still short of the overall one-third goal for which the Republicans have emphatically and consistently argued was the sine qua non of fairness and equity between majority and minority.

In preparation for this funding process, I have reviewed, among other things, the verbatim comments of those Republican members of this committee who served on the Accounts Subcommittee during the consideration of the primary expense resolution for the second session of the 103d Congress. In doing

so, it was our belief that we could determine—based on their prior statements what the present majority defined as a fair and just approach to this issue.

For example, during consideration of the funding resolution last Congress, the gentleman from Kansas [Mr. ROBERTS] and others offered thoughtful, and instructive, amendments regarding the allocation of committee resources. Yes, I know, these amendments were defeated on a party line vote. However, with regard to providing the minority with a one-third allocation of all resources, Mr. ROBERTS said last year, ''if lightening strikes and the sun comes up in the West and Republicans take over the Congress, we are going to do that for you. If I am here, we are going to try it, make that recommendation; you will at least get one-third.''

With the Republicans now in the majority, I had intended to give them the opportunity to make good this pledge and consecrate their prior commitments with another affirmative vote on a motion to recommit identical to that offered by Mr. ROBERTS and others last year.

Instead, I would ask that a March 30, 1993 letter addressed to the co-chairman of the Joint Committee on the Organization of Congress and signed by Speaker GINGRICH, and virtually every Republican leader and committee chairman in the 104th Congress be entered to the record following my statement. This letter represents the ''Minority Rights'' policy articulated by the Republicans when they were in the minority. This ''Minority Rights'' policy is the benchmark against which all budget submissions in the future will be judged. In the interim, I will be monitoring the degree to which the minority is allowed to exercise autonomy over the direction and control of those committee resources allotted to each ranking minority member.

Finally, I would like to acknowledge that the chairman of the committee, Mr. THOMAS, at my request, will convene a hearing at the beginning of the second session of this Congress to review with all the committees the progress of operating under biannual budget authorization.

Mr. Speaker, I urge Members on both sides of the aisle to cast an affirmative vote for House Resolution 107 to continue the bipartisan commitment to reducing the costs of operating the people's House of Representatives.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 30, 1993.

Hon. LEE H. HAMILTON,
Co-Chairman
Hon. DAVID DREIER,
Co-Vice-Chairman
Joint Committee on the Organization of Congress, U.S. House of Representatives, Washington, DC.

DEAR MR. CO-CHAIRMAN AND MR. CO-VICE-CHAIRMAN: If congressional reform means anything, it means fairness to the Minority in allocation and control of resources. Reform without fairness is merely shuffling the cards in a marked deck.

There is no justification for the unfair disparity between Majority and Minority committee staff. Our colleagues in the Senate, under both Democratic and Republican majorities, have managed quite well with a staffing ratio of one-third/two-thirds. That, after all, is how we in the House apportion, by law, statutory staff.

The problem is that we do not so apportion investigative staff. We estimate that there are currently 947 investigative staff in the House, of which the Minority is allocated only 170, a mere 18 percent of the total. In past years, some have tried to justify that overwhelming disproportion by claiming the Minority could rely on the then-Republican Executive Branch to make up the difference. Whatever the accuracy of that argument then, it certainly no longer applies.

There are currently 175 Republicans serving in the House, more than 40 percent of total membership. Despite that, the Minority holds only 24 percent of total committee staff. Indeed, on several committees, the percentage is much lower than that. According to the Committee on House Administration, there are currently 1,131 Majority committee staff and 367 Minority counterparts, exclusive of the expiring select committees, the Committee on Budget and the Committee on Appropriations. The situation on those last two committees is equally flagrant: the Budget Committee boasts 50 Majority and 10 Minority staff while the Appropriations Committee has a professional staff ratio of 95 to 10 and an associate staff ratio of 74 to 46.

A ratio of one-third/two-thirds for all committee staff, investigative as well as statutory, is a *sine qua non* for bridging the institutional animosities that now poison our policy debates. We therefore urge the Joint Committee on the Organization of Congress to recommend, in your final report, this more equitable allocation of resources.

We would welcome the opportunity, as a group, to present and expand upon these views in a public hearing of the Committee.

Sincerely yours,

Robert H. Michel, Minority Leader; Dick Armey, Conference Chairman; Duncan Hunter, Research Committee Chairman; Tom DeLay, Conference Secretary; Gerald B.H. Solomon, Ranking Republican, Committee on Rules; Joseph M. McDade, Ranking Republican, Committee on Appropriations; Newt Gingrich, Minority Whip; Henry J. Hyde, Policy Committee Chairman; Bill McCollum, Conference Vice-Chairman; Bill Paxon, NRCC Chairman; Bill Archer, Ranking Republican, Committee on Ways and Means; John R. Kasich, Ranking Republican, Committee on the Budget.

Pat Roberts, Ranking Republican, Committee on Agriculture; Jim Leach, Ranking Republican, Committee on Banking, Finance and Urban Affairs; William F. Goodling, Ranking Republican, Committee on Education and Labor; Benjamin A. Gilman, Ranking Republican, Committee on Foreign Affairs Operations; William M. Thomas, Ranking Republican, Committee on House Administration; Hamilton Fish, Jr., Ranking Republican, Committee on the Judiciary; Floyd Spence, Ranking Republican, Committee on Armed Services; Thomas J. Bliley, Ranking Republican, Committee on the District of Columbia; Carlos J. Moorhead, Ranking Republican, Committee on Energy and Commerce; William F. Clinger, Jr., Ranking Republican, Committee on Government; Don Young, Ranking Republican, Committee on Natural Resources; Jack Fields, Ranking Republican, Committee on Merchant Marine and Fisheries.

John T. Myers, Ranking Republican, Committee on Post Office and Civil Service; Robert S. Walker, Ranking Republican, Committee on Science, Space, and Technology; Fred Grandy, Ranking Republican, Committee on Standards of Official Conduct; Bud Shuster, Ranking Republican, Committee on Public Works and Transportation; Jan Meyers, Ranking Republican, Committee on Small Business; Bob Stump, Ranking Republican, Committee on Veterans' Affairs; Larry Combest, Ranking Republican, Permanent Select Committee on Intelligence.

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Mr. THOMAS. Mr. Speaker, I thank the gentleman from Arizona [Mr. PASTOR] for the kind words.

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. BOEHNER], a valued member of the committee and chairman of the Republican caucus.

Mr. BOEHNER. Mr. Speaker, I want to thank the gentleman from California [Mr. THOMAS] for allowing me to speak on this very important resolution.

Mr. Speaker, this is a very important day here in the U.S. House of Representatives because today we are going to reduce spending on committee staff by 30 percent, saving $67 million over the next 2 years on behalf of our constituents and the taxpayers around this country.

Over the last 4 years, Mr. Speaker, many of us have come to the floor during the debate on this resolution in past Congresses calling for smaller committee staffs, calling for smaller committee budgets, and in most cases we were rebuffed, and last summer, Mr. Speaker, House Republicans decided that we would include in our Contract With America the fact that we would reduce committee staff by one-third, and on January 4 we kept our promise. We reduced the staff by one-third. In 1994, Mr. Speaker, the average number of employees working for committees was 1,854. The 1995 ceiling for employees for committees in this House will be 1,233, a reduction of just slightly over one-third.

In order to really bring home the savings, Mr. Speaker, the committee in a bipartisan way worked with our committees to come up with a 30-percent reduction in terms of the cost of running those committees because most of the costs of the committees is staff. We, in fact, were able to achieve the 30-percent reduction which is going to result in a $67 million savings on behalf of the American taxpayers.

As my colleagues know, the American people sent a very loud and clear message on November 8 that they wanted a smaller, less costly, less intrusive Government. I think they also said that they wanted a more open, more accountable, more responsible Congress.

Mr. Speaker, the effort here today is a bipartisan effort because there has been a great deal of help from Members on both sides of the aisle in order to come up with these savings. But Congress is more accountable, it is more responsible, it is more open to the American people, and that is important if we in this Congress are to deliver on our much longer term vision of downsizing and reducing the size and scope of the Federal Government.

We are beginning to change the way this Federal Government works, but these efforts would not happen unless

Congress continues to change. But these are needed and necessary reforms in this Congress. They have been done in a bipartisan way, as has almost everything in the Contract With America thus far this year. It has virtually all passed in broad bipartisan support.

Mr. Speaker, I want to congratulate the gentleman from California [Mr. THOMAS], I want to congratulate our committee chairmen, the ranking members on all the committees, and certainly I want to thank my colleagues on the Committee on House Oversight for their help in bringing this resolution to the floor today.

Mr. PASTOR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Minnesota [Mr. LUTHER].

Mr. LUTHER. Mr. Speaker, I rise to express my strong support for H.R. 107, the committee funding resolution. As a new Democrat, first-term Member of this body, I can tell my colleagues that the people of my district in Minnesota are very pleased that we are starting the budget cutting process right here in our own operations by saving $67 million over 2 years.

I ran for Congress to change the way Washington operates. Now that I am here, I have learned that over 50 percent of our Members have been here less than 5 years, and, like me, many Members are committed to reforming Congress and focusing on the need to make the tough decisions necessary to balance our Nation's budget.

Fighting for change is not a partisan issue, and this committee funding resolution is an excellent example of that. This $67 million cut is a very good beginning, and it represents a 30-percent reduction from the funding levels in the 103d Congress.

It is critical, as we make tough decisions about cutting spending, that the American people be assured that we are looking at our own operations first. The public deserves to have a Congress that keeps pace with the changes taking place in America, a Congress that is not wasteful or inefficient. Enacting this committee resolution and tightening our belts before we ask the rest of the American people to tighten theirs is a good step toward building confidence with the American people.

Mr. PASTOR. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Missouri [Ms. MCCARTHY].

Ms. MCCARTHY. Mr. Speaker, I am heartened by the committee funding resolution before the House today. First and foremost, it demonstrates once again that, when Democrats and Republicans work together, the American public benefits. This bill is important because it demonstrates bipartisan fiscal responsibility. Adoption of this resolution will mark the first installment of a promise many of us made to reduce the size of the Federal Government and make it more efficient. By eliminating 3 standing committees and cutting funding for all committees by 30 percent, we are assuring the people back home that reforming Government begins right here in this body.

As we begin the budget and appropriations process, I would like to reaffirm that the healthy debate we are having today on this funding resolution should act as a model of how we should proceed on future budget and appropriations bills. While we may not share similar view points on our Nation's spending priorities, I hope we share the desire to have all those view points heard on this floor.

Mr. Speaker, as a freshman Democrat, I commend the committee on its work and the model of bipartisan cooperation it has provided.

Mr. THOMAS. Mr. Speaker, I yield 5 minutes to the gentleman from Kansas [Mr. ROBERTS], a long and valued member of the committee in its various ramifications in previous Congresses, not the least of which was as the ranking member on the Subcommittee on Accounts that used to do this work first for us. It is exciting as a chairman to yield to a member of the committee as valuable as this gentleman is.

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

Mr. ROBERTS. Mr. Speaker, I rise in support of the resolution offered today by the gentleman from California [Mr. THOMAS]. Most of it has been said before by the gentleman from Ohio [Mr. BOEHNER], the gentleman from California [Mr. THOMAS], the gentleman from Arizona [Mr. PASTOR], and my other colleagues, but it bears repeating because it is such good news. It is progress. It is something that has been done that we can all be proud of, and I want to thank all the Members on both sides of the aisle for their participation and their cooperation, but especially the gentleman from California [Mr. THOMAS], our chairman, and also the gentleman from California [Mr. FAZIO] on the minority side, but more especially, BILL.

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The chairman of the committee has persevered time after time after time. We have been present during the process of the Subcommittee on Accounts and tried to institute reform and real cuts and bring sunshine into the process. The chairman has approached it in a professional manner, and lo and behold, this year we have been able to achieve true bipartisan reform.

The gentleman from California [Mr. FAZIO] has also illustrated the same school of thought and leadership all throughout our hearings.

We have a resolution before us that, as I said, represents real progress. Since the opening day of the 104th Congress, the House has been really working to fulfill our pledge that we made to the American people. We have cut the committee staff by one-third. For the first time we are consolidating the committee spending or the funding into a single 2-year funding resolution. That is reform. This new process includes both statutory and investigatory funds, as well as below-the-line costs, the hidden costs, the costs that were always hidden before. I am talking about office supplies and long-distance telephone charges that have never before been included in the committee budgets.

This resolution represents a total of a 30-percent cut in committee funding. That is a real cut. That is compared to the 103d Congress, from $223 million down to $156.3 million. That is a real cut.

In previous years the committees were funded on a yearly basis, 1 year, not 2, and they received funds from two sources—as I said before, statutory and investigative. I know that is an inside-the-Beltway term, and it is an inside-the-House Administration Committee term, but the statutory budgets, which total over 50 percent of the committee costs, what we are spending on committees, were allocated through a nonpublic process. It was behind closed doors. It was administered by the Finance Office. The investigative sources, which total only 45 percent of the total, were the only funds authorized through a public process, and that is where Chairman THOMAS, when he was the ranking minority member, and Yours Truly labored so long trying to institute the reforms. It included hearings, as I have indicated, before the previous House Administration Committee.

In addition, the committees received funding from other sources for such things as legislative office supplies, long-distance phone calls, and franked mail. These cost a total of 4.1 percent, but they were not available. The new majority in the Congress has finally shed the light of public disclosure on this process. House rules adopted at the beginning of the 104th Congress state that the Congress must, for the first time ever, publicly state all committee spending every 2 years and fund all staff salaries out of a single unified account.

Our committees must also include all the below-the-line costs, the hidden costs, in their budgets. The House Oversight Committee has taken further steps by establishing the franked mail allocations for each committee. Last year the House overspent the franked mail appropriations by over $2 million. Let me repeat that. They overspent the franked mail allowance by more than $2 million. The separate franked allocations included in this resolution will control the overspending and keep a lid on the excess mailings.

One of the biggest accomplishments has come in the area of minority resources. According to the House rules, the majority has the responsibility of determining the funding level of the minority. In the past many committees were denied a fair share of the resources. In the 103d Congress the minority was allowed only about 21½ percent of the investigative resources.

Under the resolution we are considering today all committees will be treated fairly. All committee chairmen will treat the minority the same or better than the minority was treated in the past allocation of resources. In fact, 13 committee chairmen are increasing the allocations of staff or resources to the minority. In the last Congress only 4 of 21 committees were actually provided a figure at or above the 33-percent goal. Nine Republican chairmen will allot one-third of the committee staff and of the resources to the minority.

So I am calling this the BILL THOMAS 15–year Great Leap Forward. It is a reform. Progress is being made.

The SPEAKER pro tempore (Mr. HANSEN). The time of the gentleman from Kansas [Mr. ROBERTS] has expired.

Mr. THOMAS. Mr. Speaker, I yield 1½ additional minutes to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Speaker, at this time last year I estimated, along with the gentleman from California [Mr. THOMAS], with the progress we were making as we were calling forth the incremental reforms—and it was a slow call—that by the year 2010 we would reach our long-held committee funding goals. Well, we did it in 1995. That is 15 years ahead of time. As I have indicated, it is the Chairman THOMAS 15-year Great Leap Forward.

The resolution we are considering today has really been created in an open public process. It includes all funding. It takes into account every dollar that will be spent by the committees. It is more fair than any funding resolution ever considered on this floor. It represents a savings of $67 million to the American taxpayer.

Mr. Speaker, I urge all of my colleagues to rise in strong support of this resolution. I truly appreciate having had the opportunity to work with my colleagues on this bipartisan resolution. Hey, it is progress. Vote for it. It is time.

Mr. PASTOR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maine [Mr. BALDACCI].

Mr. BALDACCI. Mr. Speaker, as a Democratic freshman I rise today in strong support of this resolution. On the first day of the 104th Congress, I voted for congressional accountability. This bill replaces rhetoric with action.

It cuts House committee funding by more than $67 million, and eliminates 620 committee staff positions, a 30-percent reduction. It also institutes a 2-year budget cycle for committee funding. This will help to ensure long-term planning and force committees to spend wisely. Finally, the legislation provides for greater oversight and disclosure of committee spending. All committee spending will be fully and completely disclosed so that the public can be assured that its tax dollars are being well spent.

This move to cut spending and streamline the process obviously is not going to balance the budget by itself, but it takes an important step in the right direction. We must begin to restore the trust and faith of the American people in their Government, and we must make sacrifices if we are to get our fiscal house in order.

Our single most important effort in this congress will be that to cut Government spending and reduce the deficit. We must do this in a careful, considered manner, not by taking a ''slash and burn'' approach or extreme approach.

This legislation is just one of many steps that the Congress, working together with the President, must take if we are to continue to move in the right direction to control spending and reduce the deficit. I urge my colleagues to join me in supporting this resolution.

Mr. PASTOR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Kentucky [Mr. WARD].

Mr. WARD. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, as a freshman Democrat I rise today in strong support of House Resolution 107, which is a bold first step in making this institution and Government as a whole more efficient, more effective, and in fact more truly representative of the people.

We as an institution cannot request families and businesses to make sacrifices and hard choices unless we are also willing to make those sacrifices. I am proud to support this resolution to cut funding for committees by over $67 million, a 30-percent reduction from the last Congress.

Under this resolution committee staffs will be cut by more than 620 staffers, which also represents a 30-percent reduction from the last Congress.

My support of this resolution is a natural extension of my support for the Congressional Accountability Act, which will force Congress to comply with the same laws it imposes on the rest of the Nation. We had a House rules package which I supported which reduced the number of House committees from 21 to 18. This resolution has broad bipartisan support and will set an example of how both sides of the aisle can come together. I believe that this resolution is an example of the bold, decisive measures which must be enacted in order to restore the faith of the American people in this great legislative body and put people's trust back in Government and in this House.

Mr. Speaker, I urge support of the resolution.

Mr. PASTOR. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Michigan [Ms. RIVERS].

Ms. RIVERS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, as a freshman Democrat who ran unchallenged and supported the package of reforms which began this 104th Congress, I am pleased to rise in support of this bill.

One of our primary tasks in this Congress will be to rebuild the trust of the American people in this body. I believe that this proposal is a good first step. The American people want us to work smarter, work more effectively, and work more economically. I believe this bill, which reduces committee funding by over a third, which reduces staff by over 620, which consolidates 3 separate committees, which requires a 2-year budget cycle in long-term planning, and which ensures that 100 percent of committee spending is justified and approved by Members of the House, is just the sort of reform we need.

I pledge to work with my constituents and the staff of my office to do the people's business in a more frugal manner. I believe this bill is a concrete first step to that end, and I am proud to be a part of it.

Mr. THOMAS. Mr. Speaker, it is my privilege to yield 3 minutes to the gentlewoman from Washington [Ms. DUNN], a member of the committee who has been of invaluable aid in making these adjustments in committee funding.

Ms. DUNN of Washington. Mr. Speaker, it is certainly a pleasure for me to offer support for this resolution and to make a couple of brief points.

This bill is another small example of the historic positive changes the 104th Congress is making to this great institution. It is another example of how the new majority in this House is keeping its promises, and I am especially pleased, Mr. Speaker, to see how the minority side is giving support to this initiative that we have begun.

It is important to point out that in bringing this resolution to the floor, Chairman THOMAS has done a great service on behalf of the American voters. Congress is being told to reduce the deficit and to cut spending.

Mr. Speaker, that is a very popular theme around this place these days. This bill offers proof to the taxpayer that we are starting out by saving them money and cleaning up our own house. During our opening-day reforms we voted to reduce committee staff by one-third. This bill acts as a companion piece to that measure. It makes an additional reduction in committee funding for staff and expenses by over $67 million, a 30-percent reduction from last year's provision.

This resolution reflects true reform, Mr. Speaker, in the entire legislative budget process by which committees ask for and receive funding. Prior to this Congress hundreds of millions of dollars in funding for salaries and below-the-line costs, an amount that made up over one-half of the total committee costs, was something that we did not even see. It escaped the scrutiny of the public hearing process.

Additionally, Mr. Speaker, this resolution sets a good, solid precedent for allocating a third of the resources to the minority. I have served for the last 2 years on this committee as a minority member and was vocal in insisting on fair treatment of the minority. I am still insistent on that fair treatment, and, Mr. Speaker, I am very pleased to

see that the number of chairmen allocating at least one-third of their committees' resources to the minority has increased by over 50 percent.

Mr. Speaker, this bill establishes accountability and sunshine in the committee funding process. I commend Chairman THOMAS for his hard work and for his leadership, and I encourage my colleagues to support this resolution.

Mr. PASTOR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Speaker, I also am a freshman Democrat, and I rise in strong support of House Resolution 107.

Some of us came here with the contract for America, and some of us came here with just straight talk and common business sense about how we should approach the business of the House. During the first days of the Congress we began reducing the size of Government, and we started from within by cutting congressional staffs. We eliminated three committees and reduced committee staff by a third, for a total cut of 620 positions.

House Resolution 107 will cut congressional expenditures by more than $67 million. It proves to the American people that we mean business.

I intend to go further to demonstrate to my constituents a commitment to a smaller, more efficient Government by cutting my own personal staff, as I said during my campaign, long before there was any discussion of the contract for that matter.

□ 1145

Coming from the private sector, I learned that you cut expenditures and you try and create efficiencies when you run a deficit, or you do not stay in business very long. This is a simple, commonsense business approach to government. We must be more efficient and must be more responsive to the people, and our budget cutting must begin at home.

We must create a bond with the American people if we are going to be serious about addressing the budget. We can all talk about less government, but today we can vote for less government. I further encourage my colleagues to join me in putting their money where their mouth is by downsizing their own offices and returning the unused funds in their clerk hire to the Treasury for deficit reduction.

I urge you, Mr. Speaker, to bring up after we pass this bill, H.R. 26, introduced by my colleague the gentleman from Indiana [Mr. ROEMER], to prove to the American people that we really are serious about deficit reduction.

Mr. PASTOR. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

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

Ms. JACKSON-LEE. Mr. Speaker, I thank the gentleman from Arizona for his hard work and leadership, along with Chairman THOMAS and Ranking Member FAZZIO.

Mr. Speaker, I think it is time that we in the U.S. Congress announced to the American people that this Congress is ready to tighten our very own belts. We are prepared to do no less than what we have asked the small businesses around this Nation to do, and I am proud to join in in support of this resolution to emphasize that this Congress stands for sound fiscal policies and that we understand that as we move toward the 21st century in this budgeting process, we too have to look inside and establish guidelines to make sure that this Congress works well and works efficiently.

I am very proud of this resolution because it was a bipartisan effort, and I am glad to have joined in support of this resolution, like I supported the congressional resolution that dealt with congressional responsibility.

The important aspects of this particular resolution, I think, will sound like music to the ears of businesses across this Nation. One, there will be a 2-year budget cycle to ensure long-term planning. No guesswork in this Congress.

Two, it ensures that 100 percent of committee spending is justified and approved by the Members. The buck stops here. We understand what is going out, we understand the needs, we have to take the responsibility for improving it and approving it. We will have to have the responsibility for sound fiscal policies.

Then, No. 3, we ensure that 100 percent of committee spending is fully and completely disclosed. No less than what has to be done by the American people in running their businesses.

This is the way this Congress should operate. I am proud to be a part of it. I salute the focus we are taking, and I say to the American people, this resolution clearly states we are tightening our belts, we are looking to support sound fiscal policies.

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

Mr. Speaker, I will take only a minute in introducing the next gentleman, because frankly, the committee budgets could not have been cut without the full cooperation, understanding, appreciation, and hard work of the committee chairmen and the ranking members. This was an extremely difficult thing to do, and it was done in such style and willingness that, as chairman of the Committee on House Oversight, I have to congratulate all of the chairmen in the way in which they went about this difficult task.

Mr. Speaker, no one personifies it more than the chairman of the Committee on Veterans' Affairs, the gentleman from Arizona [Mr. STUMP]. I yield to him such time as he may consume.

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

Mr. STUMP. Mr. Speaker, I thank the gentleman for yielding time and for those kind remarks.

Mr. Speaker, I rise in support of House Resolution 107.

Our committee has cut its staff by one-third—this contributes to the overall 30-percent cut in committee funding from last Congress.

I would also like to thank the chairman of the Committee on House Oversight, Mr. BILL THOMAS, for his assistance and leadership in marshaling all of the committees through a difficult process.

I also appreciate Mr. THOMAS' attention to the special needs of smaller committees as well as all of the help and assistance provided by the Oversight Committee's staff to the Committee on Veterans' Affairs in this process.

Mr. PASTOR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, there will be precious little bipartisan agreement in the House today as we begin the upcoming rescission debate, so it is very appropriate we recognize our bipartisan moments as we find them. The proposal before us to reduce committee staffs by one-third clearly represents one such moment. We in the 104th Congress must show that when it comes to reducing Government spending, the cuts start here.

Last session, as a freshman in this body, I fought for reductions in the legislative branch appropriations. While some headway was made, frankly I did not feel the cuts went far enough.

Today, in a new Congress, I am happy to be part of an effort to make meaningful reductions in the amount Congress spends on itself. I particularly want to commend my friend, Chairman BILL THOMAS, and the majority caucus, for their support and leadership on making these reductions. Quite clearly, we could not have done it without you.

I also commend Ranking Member VIC FAZIO and my colleagues in the minority caucus for supporting these reductions. It is time to make these cuts. I urge all Members to join me in supporting these cuts.

Mr. THOMAS. Mr. Speaker, it is my privilege to yield 2 minutes to the gentlewoman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. Mr. Speaker, I thank the gentleman from California [Mr. THOMAS].

Mr. Speaker, when we got here, in fact way back in November right after the election, we talked about the part of the contract that said we were really going to clean house and really reduce spending for this Congress. I started hearing some whining and started

hearing some people say, ''But we cannot do that,'' from both sides of the aisle eventually.

Standing here today to see that we really can do it, the money is gone, and you add that to the fact that we reduced our own franking, I am now convinced, as well as the American people should be convinced, that this Congress is serious about cleaning house.

We are going to go into a budget cycle that is going to be hard, because we are going to have to make a lot of hard decisions, and every patriotic American is going to sacrifice something as we work to reduce a nearly $200 billion overspending problem a year. But, first of all, we stood and we did it ourself.

I think this is a good faith effort, but a very deep cut to this body, that the American people will appreciate us taking, and I want to commend the Chair and the bipartisanship of this group, because we really did it, and it shows again that you can trust this Congress to do what we promised. We keep our promises.

Mr. PASTOR. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of this bipartisan resolution. It is very important that we cut where we can, and we should start cutting here where we work.

I think it is great that we have this resolution, but I want to ask the American public to look at some other cuts that are coming later today. The Republican majority is bringing us some cuts, and I want to look at those and say I do not know that they are such a good idea.

A cut of 180,000 jobs for our youth this summer. I ask you, what are we going to do? What do we plan for them to do this summer? Join gangs perhaps? And what about the cuts in senior housing we are going to see later, $2.7 billion in assistance. Where will those seniors live if we cut this assistance?

What about veterans? We are cutting $206 million on veterans. Do you know, that is a contract we made with the men and women who joined the armed services. Then there is one that is very close to my heart, the Coast Guard, $28 million. They protect our fishermen on the Oregon coast, and they do all that hard work in drug interdiction. Mr. Speaker, they also want to make a very tough cut, $47 million from student loans.

But do you know what? There is not one cut, not $1 dollar, from the pentagon in this rescission bill. Not $1 dollar. And I know, because I offered that as an amendment.

I support cuts in this resolution, but I ask the American people, were we sent here to cut the money from seniors, from students, from youth in our summer jobs programs? Were we sent here to do those kinds of cuts? I do not think so, and I do not think those are the cuts we should be voting on on floor today.

So I support this resolution, but I do not support the cuts that are coming later today.

Mr. PASTOR. Mr. Speaker, I have no further requests for time, but I strongly urge my colleagues to support this resolution. I commend Chairman THOMAS and ranking Member FAZIO for the fine work they have done, and I yield back the balance of my time.

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

Mr. Speaker, I, too, want to thank the ranking member, the gentleman from California [Mr. FAZIO]. This was a new process for all of us, and, quite frankly, he made it much easier than it could have been. I also want to thank all of the Members of the committee who worked with us.

But remember, the Committee on House Oversight is new in this Congress. All of the Members on the majority side were appointed by the Speaker. The Committee on House Oversight works the will of the leadership, and the resolution before us here today reflects, more than any one individual, the Speaker of the House, the gentleman from Georgia [Mr. GINGRICH]. It was his guidance and leadership that focused on what could be done.

Frankly, as the gentlewoman from Washington indicated, a number of folks on both sides of the aisle did not think it could be done. We cut the staffs by one-third opening day, and we stand before you with a better than a 30-percent cut in resources, without a diminution in our ability to do the job.

I said earlier, and I will repeat it, without the committee chairmen and the ranking members' cooperation of each of the committees, it could not have been done. I want to take a moment and thank the staffs on both sides of the aisle, because in putting these numbers together, and they changed over time and, sometimes, very brief periods of time, they were taxed to the limit. They did an excellent job, and I want to thank them at this time for that.

Let me close with this: When I was a member of the minority, I did not think the minority was treated fairly. Now that we are in the majority, I want to pledge to the minority that, as soon as possible, they will have a full one-third of the resources, if I have anything to do about it. I have pledged to them and I will tell them again we will work together to make sure that both sides of the aisle have resources adequate and fairly distributed to do the job.

Mr. Speaker, with that, I would ask all Members to support this resolution.

Mr. HYDE. Mr. Speaker, the resolution before us today is keeping a promise to the American people to cut Congress' work force. During last fall's election campaign, we told the voters that if we became the majority we would reform Congress and no longer exempt this institution from the belt tightening actions the rest of America is facing. The American people want accountability and they want more bang for their taxpayers' buck. That is what we are doing in this resolution. When compared to what was spent in the previous Congress, this funding proposal represents a 30-percent cut, and a reduction of $67,003,290.

The House Oversight Committee deserves credit for the way it went about making these cuts. It was done very carefully, with full recognition of the importance of sustaining every committee's ability to operate effectively. Moreover, it was done with sensitivity to the needs of the minority party. Indeed, a close scrutiny of this budget reveals that the Democrat minority is treated comparatively better than their Republican predecessors were in previous Congresses. Moreover, to bring this about the new majority, on a number of Committees, substantially reduced the size of their own staffs to help the minority.

The House Oversight Committee must also be commended for developing an entirely new accounting system in which all of the House Committees' operational expenses are consolidated in a single account. Such streamlining will make auditing expenditures much easier to track. Thus, the taxpayers will be able to determine quickly how their tax dollars are being spent.

In short, Mr. Speaker, this responsive and responsible Congressional cost-cutting measure deserves the support of everyone in this House. I urge its swift passage.

Mr. THOMAS. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 421, nays 6, not voting 7, as follows:

[Roll No. 236]

YEAS—421

Abercrombie	Barcia	Bevill
Ackerman	Barrett (NE)	Bilbray
Allard	Barrett (WI)	Bilirakis
Andrews	Bartlett	Bishop
Archer	Barton	Bliley
Armey	Bass	Blute
Bachus	Bateman	Boehlert
Baesler	Becerra	Boehner
Baker (CA)	Beilenson	Bonilla
Baker (LA)	Bentsen	Bonior
Baldacci	Bereuter	Bono
Ballenger	Berman	Borski

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

NAYS—6

Fattah
Frank (MA)
Gibbons
Gonzalez
Jacobs
Moran

NOT VOTING—7

Barr
Cubin
Dicks
Fazio
Metcalf
Miller (FL)
Pelosi

□ 1216

Mr. ROTH and Mr. WAXMAN changed their vote from ''nay'' to ''yea.''

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MILLER of Florida. Mr. Speaker, I inadvertently missed rollcall No. 236, adoption of the committee funding resolution. Had I been here, I would have voted ''aye.''

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material, on House Resolution 107, the resolution just agreed to.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 1158, EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE AND RESCISSIONS FOR FISCAL YEAR 1995

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 115 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 115

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed ten hours and shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of H.R. 1158 modified as follows: on page 56, after line 12, add as new titles IV, V, and VI the respective texts of titles I, II, and III of the bill (H.R. 1159) making supplemental appropriations and rescissions for the fiscal year ending September 30, 1995, and for other purposes, except the text of section 306 of H.R. 1159. The amendment in the nature of a substitute shall be considered as read. Points of order against the amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI or clause 2 of rule XXI are waived. No amendment to the amendment in the nature of a substitute shall be in order unless printed as an amendment to H.R. 1158 or H.R. 1159, as the case may be, in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII before March 14, 1995. Amendments so printed shall be considered as read. Points of order against such amendments for failure to comply with clause 2(e) of rule XXI are waived. It shall not be in order to consider an amendment proposing to increase the net level of budget authority in the bill. It shall not be in order to consider an amendment proposing to redistribute budget authority within the net level of budget authority in the bill except within a chapter of the bill or, in the case of a title of the bill not organized by chapters, within such title. Debate on each amendment to the amendment in the nature of a substitute and any amendments thereto shall be limited to thirty minutes. Notwithstanding any other provision of this resolution, all points of order against the amendments specified in the report of the Committee on Rules accompanying this resolution are waived. At the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendment as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

AMENDMENT OFFERED BY MR. DREIER

Mr. DREIER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DREIER: Page 3, line 15, insert before the period '', and any

such amendment, or any amendment thereto, shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole''.

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my very dear friend, the gentleman from south Boston, MA [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. DREIER asked and was given permission to revise and extend his remarks, and to insert extraneous material.)

Mr. DREIER. Mr. Speaker, this is the second time that the House is considering a supplemental appropriation for fiscal year 1995. The first was necessary to address critical shortages in the defense budget which were threatening the readiness and safety of our national security forces. The supplemental appropriations in H.R. 1158 are equally critical. They provide disaster relief for 40 States with the largest recipient being by State of California in order to respond to last year's tragic Northridge earthquake and the flooding that has taken place in California.

Prior to last month's consideration of the defense supplemental, Congress had a spotlessly consistent track record of disrespect for the taxpayer on this type of spending bill. No emergency supplemental had ever been paid for through offsetting spending cuts. When emergency spending was needed, the answer was always to pile it on top of the already monstrous deficit. ''Charge it to the future, let them pay'' was the attitude that we had around here.

Mr. Speaker, this is a new era of fiscal responsibility in the House. This emergency bill reduces deficit spending. The rule makes in order H.R. 1158, provides 1 hour of general debate, and waives clause 2 of rule XXI which prohibits unauthorized and legislative provisions against the bill.

The rule makes in order as original text for the purpose of amendment the text of H.R. 1158 combined with the text of H.R. 1159, except for section 306 of H.R. 1159. The amendment in the nature of a substitute is considered as read and subject to amendment for up to 10 hours. The rule waives clause 7 of rule XVI, the germaneness rule, and clause 2 of rule XXI against the amendment in the nature of a substitute.

Only amendments to H.R. 1158 and 1159 printed in the CONGRESSIONAL RECORD before March 14, 1995 are in order. Debate on each amendment is not to exceed 30 minutes. Clause 2(e) of rule XXI requiring emergency designation is waived for each amendment. In order that amendments promote fiscal responsibility to the same degree as the committee's bill, amendments are not in order if they cause the net level of budget authority to increase. In addition, budget authority must be redistributed within a chapter or title if there are no chapters.

Points of order are waived against 3 amendments that have been printed in the RECORD, all filed by Members of the minority.

These are a Brewster amendment providing for net savings from the bill to be placed in a deficit reduction lock box, and amendment by the gentleman from Pennsylvania [Mr. MURTHA] appropriating net savings from the bill to deficit reduction, and an amendment by the gentleman from Illinois [Mr. YATES] to strike section 307 of H.R. 1159 regarding the emergency salvage of dead and rotting timber.

Mr. Speaker, changing the culture of deficit spending is not easy. Deficit spending is ingrained in the very heart of the bloated Federal Government.

Mr. DOGGETT. Will the gentleman yield?

Mr. DREIER. I would say to my friend, we have a number of requests for time over here, and I have a statement. Then I have members of the Committee on Rules to whom I will be yielding. I know that the gentleman from Massachusetts [Mr. MOAKLEY] will have time and I am sure be very generous with it as I am with our time.

Mr. DOGGETT. I have a question, not a statement.

Mr. DREIER. Mr. Speaker, changing the culture of deficit spending is not easy. Deficit spending is ingrained in the very heart of the bloated Federal Government. But effecting that change is the right thing to do. Taxpayers recognize that many programs despite good intentions clearly do not work. They also are very appreciative of the fact that our new majority has a clear position on new spending. We step up and pay for it. Nobody who cares about our Nation's future hopes we revert to the old ways.

Mr. Speaker, the $17.4 billion in very thoughtful rescissions reported by the Committee on Appropriations obviously far exceeds the level of disaster relief. However, this is only troubling to those who love the Federal bureaucracy. The committee did not set out to simply find the minimum amount of wasteful spending needed to offset the emergency funding. Instead, they set clear criteria to judge current programs and they rescinded spending that met one of the following conditions:

Spending that was not authorized.

Duplicative Federal programs.

Programs that received large funding increases in fiscal year 1995.

Programs with unspent funds piling up from year to year.

Programs that exceeded the level in the Clinton budget.

And programs that are wasteful or do not work.

To those around here who are committed to protecting the status quo, those are radical criteria which should not be utilized. But to the American taxpayer, Mr. Speaker, these standards are nothing more than common sense. I am happy to say that our new majority is using these as we proceed with this issue of spending.

The Committee on Appropriations followed a lengthy and very open process. They make a solid case that each and every rescission in the bill meets one of those stated criteria. The final total of $17.4 billion covers the disaster relief and makes a real down payment toward a balanced budget. They deserve our support, Mr. Speaker.

Of course we are going to hear complaints here on the floor from big spenders. They do not oppose the $200 billion deficit status quo. They look at the complete failure of the welfare state and say that the only problem is that we have not spent enough. Many of the same people who oppose the committee's rescissions opposed the balanced budget amendment because it did not include specific cuts. Now they get a first installment of our specific cuts, and how do they respond? They say, ''No.''

Others claim to oppose the cuts because the Committee on Ways and Means is going to report a bill that cuts taxes for working families. Besides the fact that families send too much of their hard-earned money to Washington already, if a Member does not like the tax package, vote against that. It is a Contract item, it will get here to the floor for a vote.

This rule debate really comes down to a very simple choice, Mr. Speaker. Some people want to continue to simply add new spending to the deficit. They always have an excuse why every program in the $1.5 trillion Federal budget is too important to cut. On the other side are those who recognize that things have to change. We offer answers that are no more complicated or profound than those offered by every middle-income family that spends more than it earns.

□ 1230

We want to cut back a little here and there to work back to a balanced budget.

Mr. Speaker, I urge my colleagues to support this very fair and responsible rule, support the Appropriation Committee's very find work.

Mr. Speaker, I include for the RECORD material on the amendment process under special rules reported by the Committee on Rules, 103d Congress versus 104th Congress, as follows:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of March 15, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open [2]	46	44	19	83
Modified Closed [3]	49	47	4	17
Closed [4]	9	9	0	0
Totals:	104	100	23	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of March 15, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, CA	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/10/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: v.v. (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/1/95)
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95)
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res 108 (3/6/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95)
H. Res 109 (3/8/95)	MC			PQ: 234–191; A: 247–181 (3/9/95).
H. Res 115 (3/14/95)	MO	H.R. 1158	Making Emergency Supp. Approps.	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; PQ-previous question vote.
Source: Notices of Action Taken, Committee on Rules, 104th Congress.

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

Mr. MOAKLEY. Mr. Speaker, I thank my colleague from California for yielding me the customary half hour and I yield myself such time as I may consume.

Mr. Speaker, we have just listened to a masterpiece. We would never know from the conversation on the other side of the aisle that this bill cuts all of the low-income housing fuel for poor people, the $17 billion includes the money for LIHEAP. The bill also cuts back on student loans, cuts back on food programs.

I have not heard a word about it. They talk about how important this rule is. I think it is very important. But we in the minority were not allowed to bring forth a lot of amendments. We were told what was in the bill, but we had no role in shaping it.

This is the most restrictive rule. It goes beyond anybody's imagination, and despite the promises to the contrary, it protects the Republicans from the cuts that we want to make against them.

Mr. Speaker, we have heard a lot of talk about cutting, but they did not mention the specifics. The low-income people, the most vulnerable of our vulnerable, as I say. There was actually testimony from the Republican side that the low-income heating program is not needed anymore. I do not know where some of those people come from, but I know in Massachusetts we do not get a 5-day notice when we are going to have a freeze. We have people, we have pictures of people who have been frozen to death because heating units were shut off during a certain cold spell.

So I think we have to look at those things that really affect the poor people, those who are unable to help themselves.

They want to cut spending, sure they do. They want to cut spending so they can get that money in that pool to raise the tax breaks they are going to give to the high 2 percent of this country. That is very important. We have a list of corporations that will cease being taxpayers once this thing goes through. We will not hear about that though.

They want to cut spending for the elderly, for children, the working poor, but do not touch those corporations, do not touch those people in the high 2 percent on the capital gains tax.

Mr. Speaker, we have to make sure that the amendment satisfies the requirement, according to them, that it does not touch military projects; and it does cut more money from this bill than is needed because they are going to put that in a pot and use it for the tax cut.

Mr. Speaker, there are so many things that could be said but because of my restriction on time, I just cannot do it. But I want everybody in the Chamber or within the sound of my voice to know that this is the bill that cuts low-income housing programs, this is the bill that cuts low-income housing, this is the bill that cuts low-income feeding, Meals on Wheels, WIC Programs, if Members feel they can vote for that bill under any excuse, then so be it.

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

Mr. DREIER. Mr. Speaker, I would add to the brilliant remarks of my friend from South Boston and say yes, this is the bill that gets us on the road to a balanced budget.

Mr. Speaker, I yield such time as he may consume to my friend, the distinguished gentleman from Glens Falls, NY [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for the time and, Mr. Speaker, I rise in support of this rule providing for the consideration of two supplemental appropriations and rescissions bills reported by the Committee on Appropriations. Taken together, these bills provide approximately $5.4 billion in supplemental appropriations for disaster assistance primarily for the Northridge earthquake victims in California, but also for victims of other disasters in a total of 40 States.

But the truly remarkable thing about these bills is that the cost is fully offset by rescissions which not

only pay for the bills but produce reductions in Government spending totaling more than $17 billion.

This is the first major step in the downsizing of this bloated Federal Government and moves us closer to the twin goals of lower taxes and lower deficits.

I cannot help but remember the debate about the balanced budget constitutional amendment when its opponents charged that it was all rhetoric but that there were no real cuts. Do Members remember that? Today we have the first installment of the real cuts.

These cuts will result in immediate savings because almost all of these cuts are in current fiscal year funding.

And on the subject of rhetoric, I hope we will not hear too much of the usual song and dance where the big spenders try to portray themselves as the ones with compassion. We have heard a little bit about this this morning already.

What is compassionate about burying our children and our grandchildren in debt? That is about the least compassionate thing I ever heard of. The people with true compassion are those who are trying to reduce the debt burden on future generations.

Mr. Speaker, we also need to be certain that we keep the facts in our discussion of this bill straight. For example, yesterday in the Rules Committee there was a strong attack on so-called cuts in the School Lunch Program until it was pointed out that there is nothing in the bill dealing with school lunches.

Then there was an attack on the $25 million rescission in the Women, Infants and Children's Program. It turns out that the rescission will not affect anyone currently benefiting from that program. The entire rescission is from $125 million in unspent funds left over from the 1994 appropriations.

In other words, the $260 million increase provided for the program for fiscal year 1995 remains untouched, and that is a fact.

So we need to be certain that our words are accurately describing the situation. It is not fair to allege a program is being decimated when in fact the spending for the program will continue to increase, and that is exactly what most of this bill is all about.

Mr. Speaker, I would also like to point out that at the appropriate time in the consideration of this bill, I myself, along with the chairman of the Committee on Veterans' Affairs, the distinguished gentleman from Arizona [Mr. STUMP], will be prepared to offer an amendment to eliminate the rescissions in the bill which affect certain veterans programs. We have proposed to pay for that restoration of funding with additional cuts in the AmeriCorps Program, and I will have a lot more to say about that when the debate takes place.

The care of veterans who in many cases have risked their lives in defense of this Nation is a much higher priority than anything we will find in the so-called AmeriCorps Volunteer Program, which is not a volunteer program at all. When you get paid for something that is not volunteering.

Mr. Speaker, the bill before this House today is a historic move in the right direction, and I look forward to a very spirited debate leading to the adoption of this first major step to reduce the burden of bloated government on the American people.

Before this is over, we are going to restructure this Federal Government, we are going to shrink the size and the power of this Federal Government, and return it to the State and local governments where it belongs.

Mr. MOAKLEY. Mr. Speaker, I think my friend the gentleman from New York, will not only shrink the size of the Government but he is going to shrink the size of the elderly population once they have no more fuel.

Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY] the ranking member of the committee.

Mr. OBEY. Mr. Chairman, I would urge a ''no'' vote on this rule for a number of reasons. First of all, this fight between us today has nothing whatsoever to do with the amount of deficit reduction that is being proposed. Every amendment that I asked the Committee on Rules to make in order, and every amendment that they turned down that I tried to get made in order, would have cut exactly the same amount from the deficit as this proposal before us today. The only difference is that we would have cut that money in different places.

The bill before us is a contract on kids; the bill before us is a contract on old folks. It clobbers programs for both, and yet I think we ought to look at what it does not hit. It does not hit pork. We asked them to make in order the Coleman amendment so we could knock out $400 million of congressional pork. The Committee on Rules said no, no, no, you cannot touch that.

It does not touch the Pentagon. We are told by such well-known ''liberals'' as Senator MCCAIN that we have at least 8 billion dollars' worth of waste in the Pentagon, and yet the Rules Committee says ''oh, no, no, you cannot take a single dime out of there, precious precious, precious; better we go after the kids, better we go after the old folks.'' So that is what we are being asked to do today.

This bill is laughable, and so is the justification for it by the majority party. We have been told since January that the reason they were going to pass this bill is to create a kitty of money so they could finance their tax cut. So they go after veterans, they went after kids and old folks in order to create a nice pot of money for their tax package.

We found out in the Ways and Means Committee 2 days ago what that tax package is. They are going to provide 75 percent of the capital gains tax relief to people who make more than $100,000 a year. Do Members really think that is what the public voted for in November? Baloney.

What else are they going to do? They are gong to repeal the alternative minimum tax on corporations. What does that mean? It means a laundry list of Fortune 500 corporations who used to get by with paying not a dime in Federal taxes will revert to form. And they will; I have a list here if anybody wants to see it. But then after we raised cain about it, they say well no, we do not think we are going to use that money for tax cuts after all.

In the Committee on Appropriations when we tried to pass the Murtha amendment, which said that you could not use any of these cuts to finance the Republican tax cuts for the wealthy, every single Republican in the committee voted against that amendment. Now they have had a ''religious conversion'' on the road to Damascus. They say: ''Oh well, Saint Paul told us that we better have a similar experience, and so what we are going to do now is we are going to pretend we are not going to use this for tax cuts.''

I think that side of the aisle does not know what it is doing on this bill and the Congress should not pass this rule under those circumstances.

Mr. DREIER. Mr. Speaker, the ranking minority member of the Appropriations Committee has chosen the rule for the supplemental appropriations bill to debate the tax bill. I encourage him to debate and vote against the tax bill when it comes up.

Mr. Speaker, I yield 4 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], the distinguished chairman of the Committee on Appropriations.

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

Mr. LIVINGSTON. Mr. Speaker, I thank the gentleman for yielding time to me.

There has been a lost of hue and cry about this bill over the last couple of weeks. But the fact of the matter is it has been a very open process through subcommittee and full committee, and we are proud to report that we are now bringing forward to the House the largest rescission package, the largest cut package in prior appropriations ever to come before the House of Representatives or for that matter the entire Congress, roughly a $17.2 billion package of cuts in this year's budget plan.

Our critics think that Republicans want to take food out of the mouths of widows and orphans. In fact, Republicans are determined to help future generations of widows and orphans and everybody else in this country to survive. The fact of the matter is this is the first step toward a balanced budget. We will get to a balanced budget by the year 2002 and this is the first step.

The Chicken Littles, the liberals, the Democrats of this Congress who had 40 years to try to bring fiscal sanity and common sense to the American public

and totally abdicated their responsibility, with the budget presented by our President of the United States who refused to balance the budget this year, next year and every year into the future, by calling for $200 billion deficits 1 year after another, have essentially said to us a balanced budget is not necessary and anything you cut causes pain to women, children, infants, the infirm, elderly, et cetera. The fact is our bill does not take a single person off the WIC rolls.

□ 1245

Actually it leaves in place a $260 million increase in the program for fiscal year 1995.

They say we are cutting the school-to-work program. It leaves in place $62.5 million more than the previous year appropriated. You can go down the list. There is always a reason to quarrel with all of the cuts that we have made.

Every program has a constituency. But, ladies and gentleman, if we do not make these cuts, we are going to run the risk of what happened in Mexico 10 weeks ago, With the devaluation of the peso, the collapse of their economic system, the prospects of recession or possibly depression, joblessness, massive unrest in the streets these are things that could happen in this country. I am not prepared to see that happen. As the new chairman of the Committee on Appropriations, I say we must work towards a balance budget.

That $200 billion to $300 billion in deficits year after year after year, a $5 trillion debt load which amounts to $20,000 for every man, women and child in America is unacceptable. In 2 years, the interest on the debt that we have now will exceed what we spend on all of the defense of this Nation. Now, that is a frightening prospect, and what we have to do is start getting our fiscal affairs under control just like every man, women, and child, every American family has to do in this country.

They have to balance the budget. They have to get outflow in line with income. And that is what we should be doing in this country. That is what we are attempting to begin by taking a small, modest step, with $17 billion in cuts, $6 billion in emergency spending, giving us $11 billion in net cuts in last year's budget.

Now, the gentleman from Wisconsin [Mr. OBEY] said that he is against this rule. I might only say that if he had offered to support the rule, he would have gotten a lot more amendments. The gentleman from Wisconsin [Mr. OBEY] said that he would have liked to offer a lot of other amendments. He might have been able to, had he supported the rule, but he did not like this rule anyway. He was going to vote against it.

Mr. OBEY. Mr. Speaker, will the gentleman yield? He mentioned my name. He will not yield to me?

Mr. LIVINGSTON. I yield to the gentleman from Wisconsin. What I said is true.

Mr. OBEY. Why do you not tell the whole story? You asked me if I would support the rule if you made my amendments in order. I told you not if you included the other language which was being objected to by 40 Members of your own party.

Mr. LIVINGSTON. Actually you mentioned two other language. One part of the language is in. Part of the language is out.

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

Mr. LIVINGSTON. Not at this moment.

Mr. MOAKLEY. Why do you not mention my name and then yield?

Mr. LIVINGSTON. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. MOAKLEY. Mr. Speaker, is it not true, I ask the chairman, that when you were in front of the Committee on Rules you said that the LIHEAP program was no longer needed?

Mr. LIVINGSTON. Indeed, I would, if I can reclaim my time. The gentleman full well knows that the LIHEAP program was created at a time of highly escalating energy prices, when the energy prices in this country because of the energy crisis of the 1970's were just running out of sight, and there were some people who felt that the poor people in the colder areas of this country needed that extra assistance. Well, energy prices are now about a third of what they were back then, and, yes, there are always going to be people in need of assistance, but we have hundreds and hundreds of programs of duplicating good intent, which have to be weaned out so that we can cut unnecessary bureaucracy, so we can eliminate the redundancies, so we can return to the taxpayer so much of the money that we have taken from him and so that we can lift the burden of regulation on the people of America.

Now, that is just an example. The gentleman from Massachusetts illustrated one program out of many that are affected here.

Now, nobody can say that Americans are not compassionate. We are so compassionate we are almost broke, and it is time to get our fiscal situation under control. It is time to begin with this one step toward a balanced budget.

Folks, if you do not like these cuts, you are not going to like the ones that come, but we are beginning in the right direction. We should begin with passing this rule, pass the bill, and go on and achieve a balanced budget so that our children and our grandchildren can have the same high standard of living that we enjoy today, and failure to act today almost guarantees disaster for them in the future.

Mr. MOAKLEY. Mr. Speaker, I yield such time as he may consume to my dear friend, the gentleman from California [Mr. BEILENSON], a very hard-working member of the Committee on Rules and a man who tells the truth all the time.

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

Mr. BEILENSON. Mr. Speaker, I thank my friend for yielding.

I rise in opposition to the rule and to the legislation that it would make in order.

Mr. Speaker, as the Member of Congress who represents the congressional district that was hardest hit by the Northridge Earthquake last year, I deeply regret that I cannot support the legislation that provides much-needed funding for relief for victims of that disaster, as well as for victims of other disasters across our Nation.

That is because, unfortunately, the $5.4 billion in emergency funding for disaster relief is contained in a bill that also slashes spending for a great many worthy programs. Combining these two matters—emergency assistance and rescissions—into one piece of legislation leaves us with the unfair choice of voting either for emergency assistance and against adequate funding for a great many other programs we support, or against emergency assistance and for retaining existing funding for those other programs.

The way the majority party has framed this choice does a grave injustice to the victims of the earthquake, and of the other disasters. It has made the provision of the relief they need, dependent upon cutting spending for public broadcasting, for housing assistance for the elderly, for student loans, for summer job programs, for veterans, and for a great number of other valuable programs which serve many of our Nation's pressing needs.

We don't mind having an all-out debate on whether we should cut these programs—we should have one—but we do object to holding emergency disaster assistance hostage to that debate. And that is exactly what we are doing by mixing $5.4 billion of emergency disaster assistance with 17.1 billion dollars' worth of very controversial spending cuts.

There is a sound reason why emergency spending was exempted from the Budget Act's rules about spending offsets: so that disaster relief or spending for any other emergency, would not get bogged down in controversy over unrelated matters, and so that Congress could pass these bills quickly and speed relief to people who are in need of our help.

However, now that the majority leadership has decided that emergency spending needs to be offset, that is likely to change. In fact, since this legislation cut three times as much spending as it provides in emergency assistance, the controversy over it is likely to be made greater than if the spending were offset by an equivalent amount of spending, which would, in itself, be difficult to pass—but a much fairer way of dealing with this. The likelihood of this emergency assistance getting through the legislative process quickly, and relatively intact, is very slim.

If we are going to change the way we provide disaster assistance, we should do it by voting for such a change, not by leadership fiat. Before we decide to offset every provision of emergency assistance with spending cuts—or, as in this case—with 3 times the amount needed to offset the assistance—Members

ought to have the opportunity to ask themselves: If a disaster struck in my district, is this the way I would want relief legislation treated?

As someone who represents a district that has been declared a Federal disaster area a number of times in the last 3 years, I believe it is absolutely essential that we continue to treat disaster assistance separately from the way we treat other spending, and I think we are making a big mistake by not doing that now.

Not only does the combination of emergency assistance and spending cuts in one bill force an unfair decision on us, but the rule also leaves us with very limited options for making these spending cuts less onerous.

By limiting amendments to just those which meet very strict criteria, the rule makes it next to impossible to have a meaningful debate on spending priorities. In constructing amendments to restore spending for certain programs, Members were very limited in the ways they could construct the amendments. In many cases, they could not propose cuts in the programs they would have preferred to reduce, because those programs were outside the relevant chapter of the bill or were not cut in the bill as reported, and, therefore, not eligible for cuts under the rule.

To add to the restrictiveness in the way in which amendments could be drafted, many Members who wish to offer amendments will be prohibited from doing so because of the 10-hour time limit on the amendment process. There are about 40 amendments which were preprinted in the Congressional Record and which appear to meet the strict criteria of the rule. In 10 hours—which includes time spent on recorded votes—with a 30-minute time limit on each individual amendment, there will not be nearly enough time to consider all of these amendments—or even half of them.

In addition, because the rule protects an egregious example of legislating on an appropriations bill from points of order, the rule makes this already controversial bill even more so controversial. The rule waives clause 2 of rule XXI against consideration of the salvage timber provision, which would require cutting double the amount of timber which was cut from our national forests last year, and which would suspend all environmental laws protecting the preservation of our forests.

That provision, which makes a vast and unwise change in the policy governing logging in national forests, has no place in an appropriations bill. Had the Rules Committee left it unprotected from points of order—or had the committee struck this provision from the bill, as it did with the other controversial legislative provision in this bill, dealing with Medicaid funding of abortions for victims of rape and incest—we would not have to use any of our limited time on debating an amendment to strike this provision, and we would not be risking sending to the Senate a bill containing a provision which is likely to add to the time it will take to consider the bill in that body.

Mr. Speaker, this is an unfair rule that presents Members with an unfair decision on the bill it makes in order. I urge Members to vote "no" on the previous question, and "no" on the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to Mr. Veteran, the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, this is not out of my time that we get the props in here.

Mr. Speaker, the pictures around me are veterans who were wounded or hurt in the service and wounded in combat. I thought it was important that we have these pictures.

I rise in opposition to the rule. Many Members share my view on what the Committee on Appropriations has done, and they were wrong, Mr. Speaker, in rescinding more than $200 million in funding to improve VA health care. And I was not permitted by this rule to offer a clean up-or-down amendment.

Now, veterans across the country are asking some hard questions about what is going on around here. Why, they ask, should it be necessary to fight to keep money already appropriated to improve VA health care? Why, they ask, should veterans have to find other cuts to keep funds needed for the VA? Why, they ask, cannot my Member of Congress have the chance to vote either yes or no on a straightforward amendment to restore VA funding?

In urging a clean amendment to restore the VA's $206 million, the commander in chief of the Veterans of Foreign Wars has put it very well, and I quote, he said, ''This Nation's veterans should not be placed in competition with other Federal programs for Federal dollars to fund new spending initiatives,'' and the national commander of the American Legion is supportive of this clean amendment.

Now, my colleagues, generations of veterans have put their lives on the line. They did not ask any questions when they marched off to war. They did not know whether they were going to come back or not, and we owe them a debt, and I would hope you would vote against this rule that I was not given the opportunity to offer a clean up-or-down amendment.

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

Mr. MONTGOMERY. I am happy to yield to the chairman, my good friend, the gentleman from New York, who did not give me this opportunity.

Mr. SOLOMON. I thank the gentleman very much. And I am going to tell you I am a veteran, and I represent hundreds and hundreds and thousands of veterans. None of them in my district want us to be fiscally irresponsible. They support offsetting cuts in those areas that are not priority.

And I would urge everybody to vote for the amendment offered by the gentleman from Arizona [Mr. STUMP] and my amendment which is going to restore those veterans' cuts and is going to reduce the level of spending for something called National Service Corps.

Mr. MONTGOMERY. You have got the great veterans' organizations who totally disagree, totally disagree with you. You are wrong. The gentleman is totally wrong in what he said.

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

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

Mr. MOAKLEY. I want you to repeat what was drowned out in some catcalls when you made the statement. You said that you were refused an amendment, and the other amendment that is coming forward will not do what you want to do? Is that what you said?

Mr. MONTGOMERY. That is correct. I do not think we should go and take money away from other programs to fund veterans' programs. They marched off to war. They deserve a straight up-or-down amendment. We did not get it.

Mr. MOAKLEY. Just to even it out, I know the gentleman from Mississippi is a veteran. I am a veteran, disabled veteran, so we know where the veterans are.

Mr. MONTGOMERY. And I will be glad to let the gentleman have my charts.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Speaker, I rise in total opposition to this rule. This resolution makes a travesty of the Democratic process and the rules of fair play. This rule is nothing but an attempt to divert attention to peripheral issues and deny the Congress and the American people the opportunity to discuss the real issues. I was not permitted to offer an amendment which would have restored $2 billion to the veterans and housing programs that will be cut here today.

The debate today should be whether cuts should be made in the Veterans Administration, or in the summer jobs program, or in the Department of Housing and Urban Development. We should not be debating the question: Do you want to cut the VA or do you want to cut Americorps? The debate should not be on whether the veterans' program is more popular than Americorps. But unfortunately, that is exactly what we would have to do as a result of this rule.

They do not want the debate to be on whether a cut in the Corporation for Public Broadcasting is good policy. They are afraid of that debate. So they hide behind this artfully crafted gag rule and force the debate to be on whether you want to rob Peter to pay Paul. The Sophie's Choice they have left us is totally unfair, and totally unnecessary.

There is nothing in the House rules or in the Budget Act that requires such a rule. Even though not required to do so, these bills offset the supplemental funding provided by a ratio of nearly 3 to 1. Why are the extra rescissions included? To offset the tax increase proposed in the contract for America.

Mr. Speaker, I urge a ''no'' vote on the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 30 seconds to the gentleman from Kentucky [Mr. WARD].

Mr. WARD. Mr. Speaker, as a freshman Member of this body, I feel I must

point out that what we are debating here is typical slick contract-driven baloney. What they are doing is saying to this House, ''You cannot bring up issues and vote them up or down. You can only bring up issues in a very narrow and impossible to explain in 30 seconds convoluted system so that they do not have to vote on families, they do not have to vote on children.''

They can vote on chapters and sections. It is just not right.

Mr. MOAKLEY. Mr. Speaker, I yield 30 seconds to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Speaker, I am opposed to this rule, because, among other things, the rule makes in order the Taylor timber salvage sale amendment which is a timber lobbyists dream.

The Taylor amendment is a congressional gift to the timber industry at a time when the timber companies are enjoying record profits. This amendment is not a part of the Republican Contract With America, and there is no need to rush it through. This amendment is a 13-page legislative bill that totally revises the law on timber sales, no hearings, no witnesses, no examination by a legislative committee.

I urge the House to oppose the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. ANDREWS].

Mr. ANDREWS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, here is what this debate is about: This weekend Members of both parties are going to go home and have a town meeting, and someone is going to ask them if they are in favor of cutting spending or not. Most of us are going to say yes, we are in favor of cutting spending, and then someone in the audience is going to raise their hand and say, ''Congressman, why did you vote to cut the aid that I get to pay my utility bill, my heating bill, when you could have voted instead to cut money from the savings and loan bailout or from the bureaucracy in the Agriculture Department or from the Export-Import Bank?''

If you vote for this rule, Mr. Speaker, if Members vote for this rule, here is the honest answer to that question: ''I had a chance to vote for that kind of amendment, but I refused it. I had a chance to defeat this rule and let us bring to the floor amendments that would let us cut other areas that benefit corporate America and do not hurt seniors and kids and middle-income families, but I did not take that opportunity.''

□ 1300

If this rule passes, this will be the day that the Contract With America was breached for the first time.

Mr. MOAKLEY. Mr. Speaker, I yield 30 seconds to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I rise in strong objection to the rule and the rescissions that follow this rule.

The gentleman from Louisiana said that the LIHEAP program, the low-income housing energy assistance program, is no longer needed. Maybe if you live in Louisiana it is no longer needed. But tell that to the 5 million people, families headed by disabled, families headed by people who earn $8,000 a year. Heat is still expensive, and it is still cold in New England.

Mr. Speaker, I strongly oppose this bill which is nothing more than an attempt to transfer wealth from the neediest in our country to those very well off, and to Fortune 500 companies.

For instance, and there are many examples, in 1993, more than 5 million households across the country, 1.7 million of them in New England, benefited from funding under LIHEAP. The program offers heating assistance to low-income, disabled, and elderly families; more than 70 percent of the recipients have annual incomes of less than $8,000.

In New England, where our winters are long and harsh, low-income families pay nearly four times more of their income for energy than the average family.

Mr. Speaker, it would be hard to believe that this would be one of the first programs picked on, but it is even more unbelievable when you know it would go to pay for a fiscally irresponsible tax bill which loses $188 billion over 5 years and $630 billion over 10 years. A tax bill that is unfriendly to those in middle-income brackets and a tax bill that promotes tax shelter activity, not the new business activity that we need.

By combining debt financing and a new cost recovery depreciation systems, the bill would create something tantamount to a voluntary corporate income tax, or at least the economic equivalent of safe harbor leasing—the egregious tax loophole created in 1981 that led to unprecedented commerce in tax preferences.

This bill would lead to a dramatic increase in tax-motivated leasing transactions or artificial merger and acquisition activity.

Mr. Speaker, the bill before us today is a bad bill linked to an even worse bill coming in 2 weeks. I urge all Members to vote against this rule.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 1½ minutes to the gentleman from Indiana [Mr. ROEMER].

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

Mr. ROEMER. I thank the gentleman from Massachusetts for yielding this time to me.

Mr. Speaker, this debate on this rule is not about Democrats that are for or against offsets; it is not about whether we are for balancing the budget. We are. I voted for the balanced budget amendment, the line-item veto, and I have brought many amendments to this floor, including an amendment to cut the space station billions of dollars to reduce the deficit.

This debate today is one about a fair rule to allow us cuts in corporate programs and subsidies, to help heat the kitchens and the bedrooms for senior citizens or to help pregnant women deliver healthy babies. It is about a rule that is about 70 years old. I voted against Democratic rules when they were not fair. This is the first time I have risen against a Republican rule because it is a Russian rule; not of the Russia of 1995 but of the Russia of 1925.

Why not just have an up-or-down vote on this whole bill? We are not even given the opportunity to amend this.

Do the American people support cutting the CIA budget of $28 billion or, as the Republicans want to do, cutting the WIC Program, cutting heating for senior citizens, cutting summer youth training programs? I do not think so.

Mr. Speaker, give us the ability to make those offsetting cuts and balance the budget.

Mr. DREIER. Mr. Speaker, may I inquire as to the time remaining on both sides?

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from California [Mr. DREIER] has 11 minutes remaining, and the gentleman from Massachusetts [Mr. MOAKLEY] has 15 minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 30 seconds to the gentleman from Vermont [Mr. SANDERS].

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

Mr. SANDERS. I thank the gentleman for yielding to me.

Mr. Speaker, what a terrible rule. Cutbacks for heating programs for low income, for senior citizens, cutbacks in education, cutbacks for veterans, cutbacks for WIC. But we are not allowed to discuss cutbacks in corporate welfare, cutbacks in military spending.

Let us vote this rule down and develop a fair system of priorities for this country.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in opposition to the rule because it denies us the opportunity to make critical decisions about our spending priorities. This bill contains deep cuts in education and student aid, in assistance programs for seniors, in veterans programs, in health programs for pregnant women, and in antidrug programs. On the other hand, the bill contains no cuts in pork projects, no cuts in unnecessary weapons systems, and no cuts in wasteful programs. This bill cuts the muscle and leaves the fat. Worse, the rule doesn't give us chance to offer any real amendments to make the bill better.

For example, I had hoped to offer an amendment today to eliminate the cuts in funding to Public Broadcasting contained in this bill—but this restrictive gag rule would force me to make additional cuts in education or health programs that have already been cut too deeply. There are other programs

in the budget that I would like to cut instead, but this rule will not let me.

The $141 million cut in funding for Public Broadcasting contained in this bill would result in 80 stations being forced to shut down and would mean the elimination of locally produced public television and radio shows. And this is only the beginning.

This cut was not made to save money—it was made to eliminate public television entirely. Make no mistake: this bill is a wrecking ball aimed straight at ''Mr. Rogers' Neighborhood'' and at ''Sesame Street.''

Mr. Speaker, it is clear that the Republican leadership is waging an ideological holy war against public broadcasting. Opposing this effort are millions of American families who watch public television and listen to public radio every day.

Mr. Speaker, this bill will mean a lot fewer cookies for my friend here—and as a mother of three children I can tell you that Cookie Monster and the other Muppets are among the best friends that any kid will ever have. Anyone who wants to take the Muppets off public television will have a lot of explaining to do to the children of America—and their parents too. Make no mistake: this debate is about Oscar the Grouch, and Big Bird, and Ernie, and Bert. The new Republican majority has put them on the chopping block.

Mr. Speaker, ''Mr. Rogers' Neighborhood'' is much more popular than Mr. GINGRICH's. ''Sesame Street'' is a far healthier environment for children than Capitol Hill. The Muppets are far more popular than this Congress, and we should think twice before we eliminate them.

Defeat the rule so that we can offer an amendment to save Sesame Street from the wrecking crew.

Mr. DREIER. Mr. Speaker, at this time I yield 1½ minutes to my very dear friend from Redlands, CA. [Mr. LEWIS], the senior California member on the Committee on Appropriations.

Mr. LEWIS of California. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in strong support of a very, very difficult rule. To say the least, when we are attempting to address this horrendous deficit problem which burdens our entire economy, it is appropriate to look back at the 1995 appropriations year. Deciding how you are going to make adjustments in wished-for growth in each of those programs is a difficult process.

I hear the word ''cut, cut, cut, cut,'' everywhere. What we are really talking about is an attempt to adjust decisions on spending within last year's bill, and to decide that some of the appropriated growth could be cut back a little.

Every one of these programs are either going back to the President's recommendations in the first place or they actually reflect efforts to rein in continued growth in programs where people services are involved.

There is little question that when people attempt to trade one program off against another, veterans versus NASA, assistance for people with AIDS versus space station, that makes it extremely difficult to understand the motives of those advocating smaller government.

We are attempting to start on that glidepath that will lead us to a balanced budget by 2002. The people who come to the floor who proudly say, ''I voted for the balanced budget amendment,'' and then come and suggest we cannot even begin to slightly readjust backward the $1 trillion budget of last year are speaking out of both sides of their mouths.

The American public is not going to be fooled. I strongly urge you to support this rule.

Mr. MOAKLEY. Mr. Speaker, the next gentleman I will yield to probably could explain why the Republicans have taken this track. I yield 1 minute to our inhouse psychiatrist, the gentleman from Washington [Mr. MCDERMOTT].

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

Mr. MCDERMOTT. Mr. Speaker, the question here is: Why are we making these cuts? Is it to balance the budget? I would say ''no.''

Yesterday on the Committee on Ways and Means, on which I serve, we passed a bill that gives away $700 billion over the next 10 years. That unbalances the budget by $700 billion. These cuts are being made to pay for that tax cut.

Now, the tax cut goes to the most wealthy 10 percent in this country. Sixty percent of the benefit will go to the top 10 percent in this country. They will give a family credit to the 40 million families in this country—only the top 30 million. The bottom 10 million families in this country will not receive one dime for their children in a tax cut out of the tax bill we put through.

These cuts we are going through here today are simply to pay for a giveaway to the wealthy in this country. I think we ought to vote ''no'' on this rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. I thank the gentleman for yielding this time to me.

Mr. Speaker, I oppose this rule. This rule is a gag rule. This is a divisive rule. This rule only allows amendments that pit one good program against another good program. The $25 million cut in WIC can only be restored by cutting at least an equal amount in agricultural research funds. The $50 million in Veterans' Administration medical care funding, and the $156 million in VA hospital construction funding can only be restored by cutting wastewater treatment infrastructure financing and other worthy programs. Healthy Start money can only be restored under this rule by cutting money from the National Institutes of Health.

This rule is a classic case of robbing Peter to pay Paul. This rule is not unlike pitting sibling against sibling, or child against parent. Worse, Mr. Speaker, the rule allows debate and a vote on a bill that assaults the Nation's poor. For example, the bill proposes a rescission of $7.2 billion from the HUD programs—representing 42 percent of the entire rescission package. By cutting public housing programs, we will adversely affect 630,000 families with children and 530,000 elderly households. The cuts in the section 8 program will leave countless families with children and elderly virtually homeless.

The section 515 rental housing program will be nonexistent. In addition, the bill eliminates all—not some—but all funding for the Low-Income Home Energy Assistance Program. This program helps low-income families with home heating bills.

Mr. Speaker, what is going on here? Child nutrition programs are being cut. Housing assistance programs are being cut. And, assistance with heating bills is being eliminated. These are all basic needs. If this agenda continues, we will have millions of very hungry and very cold people, out on the streets.

While cutting these basic needs, the bill cuts $1.7 billion from education programs. Programs that prepare our students to compete in an increasingly globalized world cut. Youth job training programs that provide work experience for students are cut. And, the bill goes further and deeper. Rural America and National Public Radio are like peanut butter and jelly—they are best together. In isolated areas, like eastern North Carolina, National Public Radio is the only reliable news source.

With this bill and proposed amendments, the demise of the Public Broadcasting System is certain. A total of 15.8 million people listen to NPR every week. The total Federal investment in NPR amounts to just 29 cents per American, per year. I ask each of my colleagues, are these cuts putting good programs against each other, in the Nation's best interest? I think the answer is obvious. Vote against this rule and vote against the bill.

Mr. MOAKLEY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. WATERS].

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

Ms. WATERS. I thank the gentleman for yielding time to me, and I rise in opposition to the rule.

Mr. Speaker, this rule is an abomination. I am fundamentally opposed to several elements contained in this bill, as well as the way it will be considered.

First, emergencies are emergencies. We should never have to cut programs which have already been budgeted due to an act of God. That is what this legislation would do.

The State of California has been the unfortunate site of several natural disasters recently. It is absolutely the role of the Federal Government to assist in these relief efforts. But, the way this bill is structured, we will create several new emergencies as we pay for relief from earthquakes and floods.

Cities cannot afford cuts in summer jobs. This program has helped avert social disasters in many communities throughout this country. Not any more.

Poor people cannot go without energy assistance. But this bill will freeze elderly people in the northeast because of an earthquake in California.

People need housing. But this bill would create a shelter emergency for thousands of

Americans because of a natural disaster in one region of the country.

Tell veterans why they do not need health care—health care which this Congress approved last year—because of a California earthquake last year. Anyone who has visited a veterans hospital in this country understands the number of emergencies that this bill will inflict on our Nation's veterans.

Last, this rule sets up false choices. It is a sham. This rule is not about robbing Peter to pay Paul. It is about taking away Peter's home to pay for Paul's tent.

The American people want a discussion about budget priorities. But that is not what is before us. This is a cold-hearted, slick, political way to punish poor and middle-income families because of unpredictable weather. It is using natural disasters to affect this Republican Congress' mean-spirited political agenda. This whole process should be rejected.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. I thank the gentleman from Massachusetts for yielding this time to me for the opportunity to speak against this rule.

Mr. Speaker, it gives me a great deal of sorrow that we have to stay here today not only with this bill with which I disagreed on some of the provisions that took away my clinic in my veterans facility back in Columbia, MO, it took away my heating assistance during the cold winter months which will come up next year. But now it take away the possibility that we will save a lot of lives of the unborn with the Istook amendment, just like any amendment that would be offered to it, and strikes it from the bill. We do not an opportunity to save those lives of the unborn as a result of this rule.

Mr. Speaker, I am very disappointed in what I am now hearing from so-called pro-life forces on the majority side, that they are going to vote for this rule that will mean that more unborn are going to suffer the fate of an abortion and die as a result of this rule.

I strongly oppose the rule, I ask the Members to defeat the rule so that the Committee on Rules has to put back the Istook language and then we can vote on it fair and square in this House—either you are for it or against it—and not do it the way that the Committee on Rules has decided to do it and not give us a chance to vote on that language.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas, the Honorable Judge DOGGETT.

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

Mr. Speaker, the distinguished gentleman from California opened the debate on this rule by informing the House that this is a new era in addressing the deficit. And I have to agree with him completely. In fact, it is a brand-new, sparking era because as recently as last Friday I was engaged in colloquy here on the floor with the distinguished chairman of the Committee on Rules and the distinguished majority leader, and they all informed me that it would be entirely out of order, under the rule proposed for this debate, to allocate even as much as 1 cent to deficit reduction.

So I am glad we made some progress, if it is indeed progress, here in the House, in that in the period between last Friday and now we have found out from the majority that they have a new interest in deficit reduction and indeed a new era.

I sought to engage the gentleman from California [Mr. DREIER] in a colloquy during his opening remarks concerning this sudden change. And I would propose, since he would not do it on his time, to do it on my time.

Mr. Speaker, I ask the gentleman from California [Mr. DREIER] this question: Do I understand that under this rule it is proper to allocate these savings, that there will be an amendment to allocate savings to deficit reduction?

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

Mr. DOGGETT. I yield to the gentleman.

Mr. DREIER. I thank the gentleman for yielding.

Mr. Speaker, I say, yes, it is the Brewster amendment which has been made in order. That is the same as the Crapo amendment.

Mr. DOGGETT. And the Murtha amendment that I was told last Friday would not be in order? I am glad to know that they are now in order.

Mr. DREIER. We want all these ideas to be considered.

I hope my friend, the gentleman, will support the rule now that we have done this.

I assume my friend from Texas, Mr. DOGGETT, will be supporting the rule.

Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from Wilmette, IL [Mr. PORTER], the distinguished chairman of the Subcommittee on Labor, Health and Human Services of the Committee on Appropriations.

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

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

□ 1315

Mr. Speaker, I rise in support of the rule. It is a fair rule.

I read in the media today that several of our colleagues object to the rule as unfair because it requires amendments to have offsets, offsets in the same account, or subcommittee, in order to add back funds that have been rescinded.

Mr. Speaker, I am amazed at this. In 15 years the other party never went outside the accounts once, not once that I know of. I am amazed that with $200 billion deficits people do not understand that our job is not to be here to serve each special interest and fund their program. Our job, the reason we are here, is to be responsible for the bottom line, for governing this country and getting our financial affairs in order. The job of appropriators and the job of every Member in the House is to choose among competing priorities for spending, to choose among alternatives, to bring spending under control, to reduce the deficit and to take responsibility. The rule would require us to do exactly that.

Mr. Speaker, it is a good rule. It requires us to look at programs and determine if they have a national reason for being funded. We have to look at small programs that serve narrow constituencies at a huge expense and are expensive not only in terms of dollars, but also in personnel, and perhaps determine that they ought to be served under broader authorities; to look at programs and see if they might be better done in the private sector or by State and local government rather than by Federal Government; and, yes, to look at programs and determine they just do not work, if that is the fact.

Let me close, Mr. Speaker, by saying that this bill does not cut taxes. The arguments about cutting taxes are inappropriate here. I say to my colleagues, ''When you're running $200 billion deficits, and you cut spending by $17.5 billion, that obviously reduces the deficit. Later, if you want to cut taxes, then you vote against doing that, as I will, and you ensure that you continue to reduce the deficit with this entire $17.5 billion.''

Mr. Speaker, that is exactly what we are doing here.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. KENNEDY]. We only have 1 minute for him unless the Members on the other side will be so generous as to donate time.

Mr. DREIER. Mr. Speaker, I yield an additional 15 seconds to my friend, the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. I thank the gentleman from California [Mr. DREIER] very much for the usual consideration we get from the Republicans these days.

Mr. MOAKLEY. Are there any other Members over there who would like to donate 15 seconds?

The SPEAKER pro tempore (Mr. HANSEN). The chair recognizes the gentleman from Massachusetts for 75 seconds.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I came to the floor today with the hope that we could have offered an amendment along with the gentleman from Massachusetts [Mr. MOAKLEY] that would have restored the Federal fuel assistance. I had hoped to offer an amendment that would have gotten drug-addicted and mentally disturbed people out of public housing for senior citizens, and I had hoped to offer an amendment which would have made sure that poor children are not retarded by the time they reach school age by eating lead-based paint in their apartments, in addition to one that would have gotten drug dealers out of

public housing. They were not allowed to be offered because the Committee on Rules struck down the ability because, even though we would have paid for every single one of those programs, the Committee on Rules denied the Democratic Members the opportunity to offer amendments that would have gotten the job done.

My colleagues, I ask the people of this House to defeat this rule, to recognize that we are not allowed to offer amendments that look out for poor, and the vulnerable, and our senior citizens in this country by virtue of the gag rule that the Republicans have put on the Democratic Members of the House of Representatives.

The SPEAKER pro tempore (Mr. HANSEN). The time of the gentleman from Massachusetts [Mr. KENNEDY] has expired.

Mr. DREIER. Mr. Speaker, for a response, I yield 15 seconds to the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Speaker, I just want to point out to the gentleman currently on the books there are 163 job training programs, 240 education programs, 93 early childhood programs, 46 youth development programs. The redundancy and inefficiency of government today in providing meaningful services for the American people is incredible, and the American taxpayers pay for every one of them.

Mr. KENNEDY of Massachusetts. Tell me whether the programs work.

Mr. DREIER. Mr. Speaker, with that I yield 3 minutes, not to the gentleman from Massachusetts. I am yielding it to the gentleman from Sanibel, FL [Mr. GOSS], a distinguished member of the Committee on Rules.

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

Mr. GOSS. Mr. Speaker, I am pleased to rise in support of this democratically constructed, fair, and modified open rule.

Mr. Speaker, our first mission is to provide emergency disaster relief to the people of California and other States. This is what we set out to do, and I will yield to the gentleman when I am through.

Mr. MOAKLEY. I am just wondering what document the gentleman is reading from.

Mr. GOSS. Also under this rule we allow Members to set cutting and spending priorities and to offer further reductions in government spending, a new idea here.

Mr. Speaker, the broader vision today is to take on another important step toward fiscal responsibility and accountability to the American taxpayer. That is what we promised.

I want Members to know that passing this rule will give us the opportunity to make two crucial advances in the way we do business. First, we will have the opportunity to vote for emergency disaster relief. That is entirely paid for, never been done before, new idea. We are paying for it, and at the same time we are making a major downpayment on our pledge to the American people to cut waste, reduce spending. That is what the vote was in November.

Last month I submitted my third annual list of spending cuts to the Committee on Appropriations. I am pleased and gratified to see that committee acted on several of those proposals in this package. Included, for instance, is a $45 million rescission in the Economic Development Commission, a $5 million rescission from the Legal Services Corporation, a $3 million rescission from the Rural Electrification Administration, a $5 million cut in TVA programs, along with several more cuts in areas I and others have targeted as wasteful spending, and, as the gentleman from Louisiana [Mr. LIVINGSTON] has just been reading from a long catalogue of redundancies, there is more to be done.

While we will hear some Members saying we are cutting too much spending in some cases, I am hopeful we can go beyond what the committees requested. I am proud to join with the gentleman from Wisconsin [Mr. KLUG] and the gentleman from Minnesota [Mr. MINGE] and others in bipartisan support of an amendment to further cut the Appalachian Regional Commission, that rescission increasing the committee's cut of $10 million to a full $117.5 million.

Mr. Speaker, there are contentious items in this bill, including a big cut in veterans funding, which I personally opposed, but I am pleased I am going to have the opportunity to restore those funds by cutting lower priority projects. That is a very fair system. My State of Florida ranks 2d in veterans population, yet it is 34th in VA funding, so I am confident that we are going to find the necessary offsets in a National Service Corps to preserve funds for our much-needed veterans clinics for Florida where they have been promised, and they are needed and deserved.

Mr. Speaker, this bill demonstrates the progress we in the majority have made in cutting spending. We said we would pay for all the supplementals and reduce the deficit. We are keeping our promise. We said that we would get specific spending on spending cuts, and we are doing that today. I think the array of opposition shows that we are on target, we are hitting the mark, we are excising pet projects that have been overserved and overprovided for many years.

I urge support of this rule.

The SPEAKER pro tempore. The minority has 7½ minutes remaining, and the majority has 3½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

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

Ms. HARMAN. Mr. Speaker, the need for rescissions and deficit reduction has never been greater, and I agree with the gentleman from California [Mr. DREIER], my colleague, that it is time to step up to the tough choices. This rule, however, does not afford Members the opportunity to step up to a serious debate about responsible alternative ways to cut spending.

In addition, Mr. Speaker, the rule is arbitrary in forcing proponents of amendments to stay within chapters of the bill, chapters which have no more relationship to the real world than chapters from Alice in Wonderland.

"Then you should say what you mean," the March Hare went on. "I do," Alice hastily replied; "at least—at least I mean what I say—that's the same thing, you know."

And what do the rule's proponents say. "It too confusing to do otherwise."

Do they mean what they say? Or is this patronizing statement part of an effort to demean the independence, intelligence and integrity of every Member of this body.

Further, we could have prevented making disaster relief a political football where victims of disasters are pitted against some of the most vulnerable in our society, the aged, the young and the ill-housed, and we could have had an opportunity to delete the language preventing the President from issuing his executive order on permanent replacement of strikers.

I hail the last-minute addition of the deficit lock box, a concept I co-authored and vigorously support, but I am well aware that the majority opposed it in the Committee on Appropriations, it appears now because without it the rule would have failed.

I urge rejection of this rule. We can do better.

Mr. MOAKLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MINETA].

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

Mr. MINETA. Mr. Speaker, I rise in opposition to the rule.

There are few issues we deal with in Congress which are as important as our responsibility under the Constitution to exercise the power of the purse—to decide where spending will be increased and where it will be decreased. And that is exactly what this supplemental and rescission bill is all about.

But this rule would very narrowly limit our ability to do our job, which is to consider alternative places to cut spending and to increase spending. This rule says that if we want to increase funding for a particular program, we can do it only if we find cuts in the same chapter of the bill. We may well prefer to make an offsetting cut in some other chapter or some other program, but under this rule we could not do that.

That is simply not right. We should make the offsetting cuts wherever they make the

most sense, not where they just happen coincidentally to have been put in the same chapter. There are amendments which will be offered to reduce a rescission for a particular program, and which I would want to support, but I will not be able to do so because the offsetting cut will be taken from a program which makes no sense to cut. And in fact, it may make no sense to the author of the amendment to make that particular cut, but he or she had to because that was the program which just happened to be in the same chapter as the program being restored. There may be other programs which would make perfect sense to cut instead, but we would be barred under this rule from making those more sensible spending cuts.

This is a totally arbitrary and artificial restriction on amendments to cut spending.

The rule before us, in my opinion, is a grotesque distortion of the principles of free and open debate that should prevail in this House.

I am not a stridently partisan Member of this House, and I have always done my best to work amicably with Members of both sides of the aisle.

But this rule put forward by the Republican Rules Committee, by restricting the cuts that can be offered to only those Republicans want to include, and protecting programs only Republicans want to protect, literally warps the nature of the spending debate in this House.

I will vote no on this rule. If it passes, I will refuse to cooperate with any Sophie's Choice amendment brought up under its structure and vote present.

These are not the country's choices, and attempting to portray them as such is a distortion of the process.

I also oppose the rule because it would protect provisions of the bill which violate House rules against legislating in an appropriations bill. Specifically, the bill lowers transit funding obligations ceilings and highway obligations ceilings in ways which clearly violate rule XXI of the House. Both Chairman SHUSTER and I urged the Rules Committee not to protect these violations of House rules, and yet that is exactly what the rule does.

Finally, I want to point out a very unfortunate provision of the supplemental and rescission bill with respect to California and with respect to any other State which might suffer natural disaster damage to its highways. When a natural disaster strikes, as flooding has struck California so severely in the past few days, damage to highways is often a substantial part of that damage, and highways are often the facilities which must most urgently be repaired, both for public safety reasons and for purposes of getting the area back on its feet economically. This bill would rescind all the emergency relief money for highways. In fact, it would rescind more money than exists in this program. The emergency relief fund in the highway program now has a balance of about $300 million. This bill would rescind $351 million.

What happens if we wipe out the emergency relief account? As the flood waters recede in California we are facing enormous amounts of emergency repair work to reopen highways. And we are likely to face additional flood damage further East in the coming months and hurricane damage in the Southeastern part of the country late in the fiscal year. If this bill is passed and wipes out the emergency relief account, the emergency highway repair effort will have to struggle to find unobligated balances in other highway programs from which to borrow. We would either not get the emergency repairs done, or we would get them done at the expense of other highway programs in other States. And we would probably end up restoring the Federal money later anyway, resulting in no real savings to the Federal taxpayer anyway, but resulting in program delays in other States. This is a crazy way to try to get highway emergency repair work done, when everybody agrees this is work that urgently needs to be done.

The highway emergency relief rescissions in this bill are seriously flawed, and I want Members to know that this has the potential to create real problems in highway programs all across the country.

Mr. Speaker, we need the FEMA supplemental which is part of this bill. But the rest of this bill is seriously flawed, and the rule for the consideration of the bill effectively blocks our ability to correct the flaws in the bill. I urge a no vote on the rule, and then let's take a few days to bring forth a FEMA supplemental in a bill which makes sense, under a new rule which makes sense.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana [Mr. FIELDS].

Mr. FIELDS of Louisiana. I rise in strong opposition to this gag rule, Mr. Speaker, and the reason why I rise in strong opposition is because I had several amendments that will address several serious, serious problems in this Nation, one being the summer jobs program.

I say to my colleagues: If you vote for this rule, this rule would not allow us to address the summer jobs program. There are 1.2 million young people that will be on the streets as a result of this rule and as a result of this rescission packet, 14,000 young people in a time that we need to get young people off the streets and into jobs and in a time that we want to take young people, older people or mothers off of welfare and put them on the payrolls. This amendment would not allow us to keep young people working during the summer.

Mr. Speaker, this amendment further takes away all the money—this rule will take away all the money for drug-free schools and communities. I have an amendment that would restore that money, but I will not be able to offer that amendment simply because this rule will not allow that.

Mr. Speaker, at a time when young people are using more drugs in our schools and communities, more guns in our schools and communities, we are still taking away all the money for drug-free schools and communities.

I offered three separate amendments to delete rescissions and restore funding for the TRIO Program, job training programs, and for safe and drug-free schools. Each of these amendments is not allowed under the rule we are currently debating.

The rule calls for offsetting rescissions to be made within the same chapter/appropriations subcommittee and within the same programs which have already been rescinded.

Under this rule, I would have to further cut into chapter VI. This chapter contains rescissions for programs I am committed to. I do not wish to further cut programs within this chapter. In my opinion, we have cut too far already. If I was going to cut I would cut further into the foreign operations chapter. Foreign operations appropriations were only cut $93.5 million. This accounts for only 0.5 percent of rescinded funding; 99.5 percent of all funding cut was to domestic programs. Of these programs $5.89 billion has already been cut from Labor, Health and Human Services, and Education programs.

Below, I list programs which I would have had to find further cuts in to make my amendment in order under this rule. Should I have cut deeper into the funding to keep this Nation healthy so that I could delete rescissions for training the youth of this country to be productive citizens and taxpayers? This is the type of decision we are faced with. I could not cut foreign operations programs.

Chapter VI—Labor-HHS-Education—$5.89 billion has already been cut from this chapter.

Labor: $2.3 billion cuts; of those cuts, I would have to make cuts beyond: Training and employment, $2.285 billion; community service employment for older Americans, $14.4 million; State unemployment insurance and employment service, $12 million; OSHA, $16.1 million.

Health and Human Services: $1.727 billion cuts; of those cuts, I would have to make cuts beyond: Health and human resources, $82.8 million; Centers for Disease Control, $8.9 million; National Institutes of Health, $70 million; Health Care Financing Authority, $38.2 million; LIHEAP—low income home energy assistance—$1.3 billion; community services block grant, $27 million; Children and Family Services Program—crime bill—$25.9 million; foster care and adoption assistance, $150 million.

Education: $1.626 billion cuts; of the cuts I list below, I would have to make cuts beyond: Education reform, $186 million; title I for disadvantaged students, $113.3 million; impact aid, $16.3 million; school improvement programs—construction—$746 million; crime bill, $11.1 million; bilingual and immigrant education, $38.5 million; vocational and adult education—tech prep and literacy—$232.4 million; national and community service, $210 million; public broadcasting, $141 million; student financial aid, $83.4 million; higher education, $102.3 million; libraries, $34.7 million.

These are just some of the programs that I would have to cut further to comply with the rule. This is rediculous and uncalled for. I oppose the rule and urge Members to vote ''no'' on the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. HOYER].

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

Mr. HOYER. Mr. Speaker, I do not remember a rule like this. I do not remember a rule where it was preselected. The gentleman from New Jersey [Mr. ANDREWS] is on the floor. He had a bill called A to Z that allowed 46 hours for any Member to pick any program to cut spending. But in this rule we only have the leadership's list

to choose from, and I say to my colleagues, If it's not on the list, you don't get your shot.

As a matter of fact, what is that for? To protect, I suggest, the projects they want to talk about, but not to do anything about.

My colleagues, I rise in opposition to this rule. If we pass this rule and bill, teenagers will have fewer jobs, children will be hungrier, older Americans will be colder, families will find housing less available, and veterans will be less cared for.

Yes, we need to cut spending, but let us do it not on the backs of children, veterans, and older Americans.

Mr. Speaker, I rise in strong opposition to this rule.

The appropriations process is inherently one of weighing priorities and making choices.

I am willing to make those choices—to bite the bullet and make the tough decisions that are necessary to bring our budget deficit under control. But this rule has made a farce of that process.

First, this rule requires that, if funding is to be restored to one program, offsets must be found in the same chapter of the bill.

I sit on two subcommittees—Treasury Postal and Labor-HHS-Ed. The idea that we can not weigh the importance of educating and training our children against the construction of a new building is ludicrous.

I am the ranking Democrat on Treasury Postal, but I would be the first to say that our Nation's children are more important than that construction. This rule prohibits us from making that judgment.

In addition, for the first time in my career in Congress, the rule requires that offsets come solely from programs which have already been cut at the subcommittee and full committee level.

All programs should share in the burden of necessary reductions. Instead, the Republicans have targeted programs for children, the elderly, and veterans for severe cuts or entire elimination—and then guaranteed that they would be cut still further by the adoption of these two provisions in the rule.

This rule also protects inappropriate authorizing legislation adopted by this committee with inadequate information, without holding any hearings, and against the strong objections of Mr. OBEY, the ranking Democratic member.

The original contract for American—the U.S. Constitution—promised an open, informed debate by educated citizens and their elected representatives.

This bill has been put together in haste, largely without hearings, and with inadequate consideration of its implications. It attacks the health, food, and education programs needed to create an active, informed democratic society of the future.

I urge you to vote against this rule.

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

Actually I have been corrected. Somebody informed me that there is money for low-income housing in the Republican legislation. They are building new prisons out of the crime bill, so there will be low-income housing available.

Mr. Speaker, I yield 30 seconds to the gentleman from West Virginia [Mr. MOLLOHAN].

□ 1330

Mr. MOLLOHAN. Mr. Speaker, the good news in this rule and this bill is we are funding disaster relief to California. the bad news is that we are taking money from across the country to fund it, instead of treating it as an emergency supplemental as we traditionally do. We are taking money from roads in the country, to pay for road reconstruction in California; from low-income housing across the country, to repair housing in California.

The rule and the reason why we oppose it is it prohibits the gentleman from Ohio [Mr. STOKES], who is the ranking minority member on VA–HUD, whose subcommittee is funding $7.2 billion, one-third of this, it prohibits him from offering an amendment to restore with offsets some of that housing money, and prohibits the gentleman from Mississippi [Mr. MONTGOMERY] from trying to restore the $206 million from veterans programs.

Mr. Speaker, I rise in opposition to the rule for those reasons.

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

Mr. Speaker, the problem here with the statement from my very dear friend, the gentleman from West Virginia, is that once again it is looking at the past. We no longer plan to spend dollars that we do not offset. We are going to be responsible in dealing with even disasters that exist.

Mr. Speaker, I yield 2 minutes to my good friend, the gentlewoman from Ohio [Ms. PRYCE], a new member of the Committee on Rules, who played a key role in fashioning this rule.

Ms. PRYCE. Mr. Speaker, I thank the gentleman from California for his leadership on this rule.

Mr. Speaker, I rise to express my strong support for this very fair rule. If some here have not figured it out yet, Mr. Speaker, we find ourselves in a new era of fiscal responsibility. Gone are the days of wrapping up huge bills on the Federal credit card and then passing the check on to our children and grandchildren. It is time to make the tough choices, the tough choices for the future of this country.

Thankfully, many of us here are ready to do that. The 104th Congress under new leadership is committed more than ever to requiring the Federal Government to live within its means. That includes paying for supplemental appropriations, even if they are designated emergency spending. How novel. We pay for what we are spending.

Now, changing the culture of deficit spending is no easy task. The American people need only look to the debate in the other body to see how hard it was to pass the balanced budget amendment. As hard as we worked, that effort was not successful. Even as we speak, those who have the insatiable thirst for spending are working hard to weaken the line-item veto legislation.

This rule provides a reasonable, orderly procedure to consider these hard decisions in a manner that is fiscally responsible. Mr. Speaker, I believe that the Committee on Appropriations has taken brave, commendable steps to reduce the size and scope of Government and to put us on a steady course toward providing a more secure financial future for our children.

I urge my colleagues to support these bills and to adopt this very fair, reasonable rule. No doubt about it, these are tough choices. But these are tough times, and they require courage. Paint us as black as you will, but I am proud to be a part of the new culture of fiscal responsibility.

I urge my colleagues to join me. The alternative, the status quo, is a sin against our children. Vote for this fair rule.

Mr. MOAKLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. OLVER].

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

Mr. OLVER. Mr. Speaker, I rise in opposition to the rule.

Mr. MOAKLEY. Mr. Speaker, it gives me great pleasure to yield 30 seconds to the gentleman from Texas [Mr. COLEMAN].

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

Mr. COLEMAN. Mr. Speaker, hard choices? Great courage? For heavens sakes. You know what this rule does not permit? It does not permit us to put highway demo projects for cutting before this Congress. Oh, we could not do that. That is in somebody's district.

It has been referred to as pork by Members of the Republican Party ever since I have been here. But would they approve my amendment which would have allowed the Secretary to cut out those projects? No. You know why? They would rather take money away from children and school lunch programs. And they ought to call time, because they made a mistake and they can live with it.

Mr. Speaker, I rise in strong opposition to the rule for H.R. 1158. This rule makes a mockery of the fair and open process we were promised by the Republican majority. Under the rule approved by the Republican majority, I will not be able to offer an amendment to correct a glaring inequity in H.R. 1158. My amendment would have done what H.R. 1158 does not do—cut out low priority highway demonstration projects.

Under the rule approved by the Republican majority, I will not be able to offer an amendment which would have authorized the Secretary of Transportation to cancel up to $400 million in unobligated funds currently designated for highway demonstration projects in appropriations or authorization acts. Authority to cut this low priority spending was requested and submitted to Congress by the President in

his fiscal year 1995 supplemental proposals. My amendment would have required the Secretary to target only the lowest priority projects not yet under construction.

Mr. Speaker, I am opposed to a bill that looks first to slashing funds for the more than 1 million seniors who live in public housing, cutting funds for 50,000 to 100,000 pregnant mothers and infants from the WIC program, and eliminating funds for veterans' medical care facilities and equipment, without even considering the possibility of cutting wasteful highway demonstration projects.

I have to ask the question why certain items were not cut. Why is the $1.9 billion in unobligated money earmarked for over 400 highway demonstration projects not touched in this rescission package? According to the Federal Highway Administration, there is nearly $300 million in unobligated funds for highway demonstration projects funded in appropriations acts, and another $1.6 billion in unobligated funds highway demonstration projects authorized in the Intermodal Surface Transportation Act [ISTEA] that are yet not under construction. Why has not one dime of this money been targeted for rescissions in H.R. 1158?

In these austere times when we are cutting programs for women, children, the elderly, and veterans, I believe that we have to take another look at these highway demonstration projects. And, when we take a closer look, I think you will find that these are projects that have not been requested by the President.

When we take a closer look, we find that the Department of Transportation and the General Accounting Office have concluded that it will take some $28 to $30 billion to complete all of the earmarked highway demonstration projects authorized in either appropriations bills or authorization acts.

When we take a close look we find that the Federal Government is picking up the tab for many of these projects with the States have deemed to be a low priority for State funds or which are not even on State transportation improvement plans. If Congress is serious about making cutting wasteful spending, we need look no further than this group of projects to begin.

Mr. Speaker, if my amendment has been made in order under the rule, my amendment would have resulted in the cancellation of earmarked highway demonstration projects included not only in appropriations bills, but also in ISTEA. And, with good reason. ISTEA authorized more than $6 billion in direct spending through the use of contract authority for 539 specially earmarked highway projects—triple the number and four times the amount of congressional pork included in the previous highway authorization bills.

In 1991, when ISTEA was debated on the House floor, the now Republican majority leader had this to say:

> Now what is wrong with the spending? I happen to believe we need to spend on infrastructure where it is needed in the public's general interest. This bill again spends first on where it is needed in the parochial interests, in the special interests, in the local interests, what they call pork barrel spending.

Clearly, a big part of the problem is that back door spending on highway demonstration projects is out of control. The appropriations bills are scored with the outlays that result from this spending. If we are going to rein in the pork barrel spending spree, we have to look at the millions of dollars funneled to special highway projects through both the appropriations and the authorization process. If Congress won't do the job of curbing wasteful highway project spending, we ought to give the Secretary of Transportation the tools he needs to get the job done.

Mr. Speaker, I would like to insert at the end of my statement a list of hundreds of highway demonstration projects that should be examined before we proceed further to cut children, the elderly, veterans, and the most disadvantaged in our society.

HIGHWAY DEMONSTRATION PROJECTS NOT UNDER CONSTRUCTION

[Unobligated balances]

State	Description	Unobligated balance
	Misc. Highway Trust Funds	
Florida	17th St. Causeway Tunnel	3,291,616
Do	Biscayne Blvd/US 1 Connect Port Miami to I–395	2,400,000
Georgia	Railroad-Highway Crossings Demos, Augusta	1,013,334
Hawaii	Kihel-Haleakala Highway, Saddle Road	4,500,000
Massachusetts	Vehicular/Pedestrian Safety Demo	9,017,271
Michigan	M–84, Bay Road-Saginaw & Bay Counties	100,000
Missouri	Multi-Modal Transportation Center, St. Louis	640,000
Montana	I–90 Interchange, Belgrade	2,000,000
New Jersey	Rt. 21 Viaduct, Advance Property Acquisition	2,880,000
Do	I–78 Downtown Connector/Peddle St Ramp	1,504,000
Do	Rt. 21 widening, RR/Highway Bridge, Newark	1,200,000
New York	Design Improvement to Miller Highway, NYC	1,696,000
Do	Exit 26 Bridge, Schenectady	1,280,000
Pennsylvania	I–81, Wilkes-Barre, Exits 43–46 Corridor	2,880,000
South Dakota	New Castle-Vermillion Bridge	3,296,000
Indiana	SR67, I–69 to Muncie Bypass	4,992,000
Michigan	I–96 Bypass, Grand Rapids	768,000
Do	Maple Rd., Walled Lake	2,000,000
New Hampshire	Bridge Capacity Improvements	7,730,028
Pennsylvania	US 202, King of Prussia to Montgomery Ville	1,440,000
Subtotal		54,628,249
	General Funds	
Arizona	Veterans Memorial Overpass	1,000,000
Do	U.S. 93 upgrade, Kingman-Lake Mead	1,000,000
California	US 101 HOV lanes, Marin County	500,000
Do	Mare Island access study	500,000
Do	I–15 widening, Victorville to Barstow	1,667,000
Do	State route 71, planning/design, Riverside Co.	1,000,000
Do	CA 113–I–5 improvements	500,000
Do	Highway 41 expansion	1,000,000
Do	Bristol St. improvement project, Santa Ana	1,000,000
Do	US 101 congestion relief, Sonoma County	500,000
Do	CA 113 railroad grade separation	668,000
Do	State highway 58 upgrade, Bakersfield	500,000
Do	Arden Garden connector, Sacramento	1,000,000
Do	CA 138 CA 14 to 50th Street, E. CA	1,000,000
Do	CA 905 congestion mitigation border facility	668,000
Do	Highway Bypass Demo, Prunedale, CA	8,132,240
Connecticut	Transportation center, Norwich	668,000
Florida	Causeway Tunnel/Bridge	5,225,000
Do	Port of Palm Beach Intermodal Facility	500,000
Do	I–4 Greeneway Interchange, Orlando	1,000,000
Do	Fuller Warren Bridge, Jacksonville	5,000,000
Do	Airport Access road, Jacksonville	1,000,000
Do	NE Dade Bikepaths—North Miami	680,000
Do	NE Dade Bikepaths	247,564
Georgia	Railroad-Highway Crossing Demo, Augusta, GA	6,745,123
Do	Olive Road Crossing—Augusta, GA	1,635,000
Do	State road 611 connector with I–20	2,000,000
Do	Sidney Lanier bridge, Brunswick	1,850,000
Hawaii	Kihei road, Maui	2,500,000
Do	Saddle road	1,000,000
Illinois	Springfield—Eleventh Street Extension	549,032
Do	Bridge Construction—Hillsboro	529,434
Do	Bridge Construction—Hillsboro	378,530
Do	Veterans Parkway, Springfield	1,000,000
Do	Peoria-Chicago Highway	1,000,000

HIGHWAY DEMONSTRATION PROJECTS NOT UNDER CONSTRUCTION—Continued

[Unobligated balances]

State	Description	Unobligated balance
Do	US67/IL267 improvements	800,000
Do	Railroad-Highway Crossings Demo	8,330,669
Indiana	Rt 12 Relocation—E. Chicago Marina	46,962
Do	Indianapolis to Evansville (I–69)	2,120,975
Do	SR67 from I–69 to Muncie	4,093,831
Iowa	Des Moines Inner Loop	1,004,675
Kansas	I–35 Interchange—Salina	2,374,400
Louisiana	I–10/I–12 Baton Rouge bypass	500,000
Do	I–10, St. Charles Parish line to Tulande Ave	1,000,000
Do	I–10/I–610 intersection, New Orleans	10,000,000
Maryland	Corridor O	5,000,000
Massachusetts	Center Street Extension	3,360,000
Michigan	M–6 South beltline, Grand Rapids	1,000,000
Do	Rail consolidation project, Monroe	5,000,000
Do	M102/Grand River interchange	1,313,000
Minnesota	Wabasha St Bridge replacement, St. Paul	500,000
Missouri	I–255/Mo 231 intersection	535,000
Montana	I–90 interchange, Belgrade	1,104,000
Do	I–90 interchange, Belgrade	500,000
Nebraska	Missouri R. bridge, Springfield-Niobrara (NE/SD)	2,000,000
Do	Missouri R. bridge, Springfield-Niobrara (NE/SD)	2,240,000
Nevada	Pyramid interchange, I–80	5,500,000
Do	Rail Crossing Caliente	1,331,280
New Jersey	I–280 Downtown connector-interim improvements	2,648,366
Do	Route 21 widening, Newark	5,187,741
Do	Route 4 bridge replacement	490,400
Do	Highway study—Route 21 Viaduct	2,547,000
Do	Highway Study—Route 208/Route 4 interchange	1,561,382
Do	Highway Study Route 4/Route 17 interchange	3,511,808
Do	Route 21/McCarter highway, Newark	4,500,000
New Mexico	PE Demo—Railroad Overpass in Las Vegas, NM	1,363,391
Do	US 70 frontage road, Las Cruces	1,000,000
New York	Exit 26 Bridge Project, Schenectady County	1,700,000
Do	Miller Highway from 59th to 72nd St, Manhattan	2,800,000
Do	Exit 26 Bridge Project, Schenectady County	3,600,000
Do	Meadowbrook State Parkway	3,600,000
Do	Mount Vernon Parking Facility	320,000
Do	Grand Concourse Ave, Traffic Impr. Bronx	425,000
Do	Exit 26 Bridge Project, Schenectady County	3,200,000
Do	NY 531 extension study, Ogden-Sweden	150,000
Do	Delaware St. reconstruction, Tonawanda	700,000
North Carolina	Peace St. Thomasville	625,000
Do	US 17 bridge replacement, Neuse River	3,000,000
Do	Unity St, Thomasville	625,000
Ohio	I–680 Access Ramps Youngstown	1,700,000
Do	I–680 Access Ramps Youngstown	2,250,000
Do	SR 124/7, Ravenswood connector	1,336,000
Do	Intermodal terminal, Fearing Blvd, Toledo	668,000
Do	US 30 widening, Wooster to Riceland	2,500,000
Oregon	Columbia Gorge Highway	2,255,200
Pennsylvania	Highway widening dmeonstration project	1,381,840
Do	Highway widening demonstration project	32,081
Do	Highway widening demonstration project	640,000
Do	State Route 711 Bypass, Ligonier	2,965,752
Do	US Route 202 Bypass Montgomeryville & Doylestown	22
Do	US220 Bald Eagle to Centre County Line	27
Do	PA North Philadelphia Intermodal Facility	4,640,000
Do	PA Center Avenue Extension	2,464,000
Do	US 202 King of Prussia and Montgomeryville	400,000
Do	I–81 in Vicinity of Wilkes-Barre	2,264,577
Do	State Route 711 Bypass	900,000
Do	Pier 98, Philadelphia	60,000
Do	US 15 Steam Valley-Sebring	1,500,000
Do	US 22/PA 217 bridge	600,000
Do	Blairsville Bridge	1,069,000
Do	PA 3011 Improvements, Scranton	1,000,000
Do	PA 14 improvements, Bradford County	1,000,000
Do	US 22, Sec. B07 reconstruction	1,000,000
South Dakota	Missouri River Bridge, Vermillion, SD-Newcastle	2,000,000
Tennessee	Old Nashville Bridge	1,000,000
Texas	TX: FM–3464 from Mines Rd to I–35 in Laredo	1,600,000
Do	Texarkana Road improvement	1,379,960
Do	6th & 7th Sts. improvements, Brownsville	500,000
Utah	5600 West widening in West Valley City	1,572,000
Do	9th Crossing-Provo and E-W connector from US 89–189	5,051,474
Do	I–15 corridor improvements, Salt Lake City	1,500,000
Do	I–15/University Avenue interchange	1,500,000
Vermont	Bridge Safety Repair	208,871
Virginia	Pinners point connector	1,000,000
Do	14th Street Bridge lane addition	1,000,000
Washington	SR 305 improvement, Bainbridge Island	672,000
West Virginia	Corridor D improvement projects, Clarksburg to OH line	7,123,410
Do	Highway study—Route No. 2	441,228
Do	Mercer/McDowell Counties, Route 52	5,000,000
Do	Riverside expressway, Fairmont	4,000,000
Subtotal		225,528,245
Total		225,528,245

FEDERAL HIGHWAY ADMINISTRATION, FEDERAL-AID HIGHWAYS, 1991 ISTEA DEMONSTRATION PROJECTS NOT UNDER CONSTRUCTION AS OF FEB. 24, 1995

[*These balances are subject to change]

State and section No.	Project description	NHS	Est const start	Cong. dist.	Amount available thru FY 1995	Amount obligated (02/24/95)	(*) Unoblig Bal (02/24/95)	New authorization 96–97
Alabama—1105(f)2	Upgr E/W Corr-RT 72	yes	no info.	8	7,544,816	5,348,224	2,196,592	4,393,184
Alabama—1107(b) 192	Imp to Anniston E Bypass US 431	unk	1995	3	6,952,000	200,000	6,752,000	4,048,000
Alabama—1107(b)30	Reconst W Tunnel Plaza Inter I–10 fr Va to Mobile Rv Tunnel	yes	1997	1	9,480,000	2,003,040	7,476,960	5,520,000
Alabama—1107(b)35	Const 4-lane Hwy to bypass Mont, AL	no	1997	2, 7	7,457,600	760,000	6,697,600	4,342,400
Alabama—1107(b)80	Black War Rv Br-AL	no	1995	6, 7	4,044,800	2,403,316	1,641,484	2,355,200
Total					35,479,216	10,714,580	24,764,636	20,658,784
Arizona—1106(b)74	Vet Memorial Inter/Palo Verde Overpass	no	1996	2	1,516,800	857,280	659,520	883,200
Arkansas—1103(b)4	Desha Co: Study for AR–MS Great River Bridge	unk	no info.	no info.	505,600	0	505,600	294,400

FEDERAL HIGHWAY ADMINISTRATION, FEDERAL-AID HIGHWAYS, 1991 ISTEA DEMONSTRATION PROJECTS NOT UNDER CONSTRUCTION AS OF FEB. 24, 1995—Continued

[*These balances are subject to change]

State and section No.	Project description	NHS	Est const start	Cong. dist.	Amount available thru FY 1995	Amount obligated (02/24/95)	(*) Unoblig Bal (02/24/95)	New authorization 96–97
Arkansas—1106(a)49	Imp US 65	yes	1995	3	24,016,000	1,701,610	22,314,390	13,984,000
Arkansas—1106(a)51	Study Bypass Alternatives for US 71	yes	no info.	3	1,896,000	8,000	1,888,000	1,104,000
Arkansas—1106(a)53	Const of Replace Br across the White Rv	no	1995	1	1,580,000	538,400	1,041,600	920,000
Total					27,997,600	2,248,010	25,749,590	16,302,400
California—1104(b)1	Const of HOV Lns on I–70	yes	no info.	37	4,676,800	0	4,676,800	2,723,200
California—1104(b)10	Const 1 Block Tunnel on Rt 15	no	no info.	49	3,160,000	66,446	3,093,554	1,840,000
California—1104(b)11	Extend I–110	yes	no info.	33	6,383,200	3,200,000	3,183,200	3,716,800
California—1104(b)14	Imp 3 Grade Crossing	no	no info.	3	1,137,600	0	1,137,600	662,400
California—1104(b)15	Const 2 Park & Ride Facilities for I–80	yes	no info.	3	4,866,400	2,032,800	2,833,600	2,833,600
California—1104(b)40	HOV Lane Imp on Lawrence Expressway	no	no info.	15	6,383,200	5,534,670	848,530	3,716,800
California—1105(f)20	Imp on I–15 & I–40	yes	1995	40	26,914,400	3,775,792	23,138,608	21,785,600
California—1106(b)1	Bristol Street Project	no	no info.	46	2,591,200	1,817,600	773,600	1,508,800
California—1106(b)36	Grade Separation Project	no	no info.	37	4,171,200	0	3,539,200	2,428,800
California—1106(b)41	Conduct Environmental	no	no info.	50	632,000	632,000	312,000	368,000
California—1106(b)46	Relocate a Portion of Atlantic Blvd	no	no info.	33	2,970,400	320,000	2,890,400	1,729,600
California—1106(b)66	Gr separation projects (3)	no	no info.	36	4,487,200	80,000	4,407,200	2,612,800
California—1106(b)71	Const of Public HOV Facilities	no	1995	46	9,353,600	1,147,469	8,206,131	5,446,400
California—1107(b)116	Const of Indust Blvd	no	1996	3	5,245,600	1,352,000	3,893,600	3,054,400
California—1107(b)12	Const of A, B, & C Segments of St. Rt 76	no	no info.	48	9,100,800	400,000	8,700,800	5,299,200
California—1107(b)61	Widen & Reconst Bridge to Caltrans height standards	yes	1996	40	1,137,600	0	1,137,600	662,400
California—1107(b)71	Rt 156 Hollister Bypass	no	1997	17	568,800	403,200	165,600	331,200
California—1107(b)72	Rt 101	yes	1998	17	2,654,400	0	2,654,400	1,545,600
California—1107(b)82	1–880/Alvarado-Niles Rd Interchange	yes	1996	13	6,004,000	0	6,004,000	3,496,000
California—1107(b)86	Rt 58 Improvements	yes	no info.	20, 21	2,970,400	4,700,000	−1,729,600	1,729,600
California—1107(b)87	Norwalk Blvd grade separation	no	no info.	34	2,970,400	0	2,970,400	1,729,600
California—1108(b)15	Const of a Multi-Modal Transit Parkway	no	1997	29	5,624,800	1,502,000	4,122,800	3,275,200
California—1108(b)21	Upgrade Rt 87 fr 4 to 6 lanes	no	1996	16	9,353,600	0	9,353,600	5,446,400
California—1108(b)30	Extend rice Rd, Widen Hueneme Rd & Cons Rt 1	no	1996	23	5,624,800	320,000	5,304,800	3,275,200
California—1108(b)31	Imp Ground Access	no	no info.	36	5,656,400	0	5,656,400	3,293,600
California—1108(b)36	Ave P8 Improvements	no	1996	25	2,275,200	0	2,275,200	1,324,800
Total					136,914,000	27,283,977	109,550,023	85,836,000
Colorado—1106(a)60	Upgrade Fram to Market Rd	no	no info.	3	1,832,800	1,299,200	533,600	1,067,200
Connecticut 1108(b)9	Imp of Hwy and Transit Projects	yes	1995	3	6,383,200	1,839,070	4,544,130	3,716,800
DC—1104(b)6	Primary Intermodal System	no	no info.	DC	4,297,600	0	4,297,600	2,502,400
DC—1106(b)10	Boundary Street Safety	no	no info.	DC	4,297,600	0	4,297,600	2,502,400
DC—1106(b)70	SE/SW & Anacostia Freeways	yes	no info.	DC	2,970,400	84,000	2,886,400	1,729,600
DC—1107(b)98	Hybrid Fuel Cell	unk	no info.	DC	2,275,200	0	2,275,200	1,324,800
Total					13,840,800	84,000	13,756,800	8,059,200
Florida—1103(b)12	17th St Causeway, Tunnel/Bridge, FT. Lauderdale	no	1997	16, 17	8,595,200	1,185,003	7,410,197	5,004,800
Florida—1104(b)30	Broward Co, Hallandale Bridge	no	no inf.	16, 17	5,372,000	0	5,372,00	3,128,000
Florida—1106(a)28	Chattachouchee: Mosquito Creek Bridge	no	no inf.	02	1,516,800	0	1,516,800	883,200
Florida—1106(a)29	Upgrade SR–71, Rt 10–Rt 8	no	1997	02	1,832,800	407,638	1,425,162	1,067,200
Florida—1106(a)30	Upgrade SR–267	no	no info.	02	2,970,400	0	2,970,400	1,729,600
Florida—1106(a)55	Brevard Co, Engineering Improv. SR–3	no	1997	11	101,120	13,600	87,520	58,880
Florida—1106(b)42	Sarasota: Interchange at US 301 & Univ PKY	yes	no inf.	13	1,516,800	593,323	923,477	883,200
Florida—1107(b)196	Orlando, ROW acquisition	unk	no info.	05, 11	61,620,000	0	61,620,000	35,880,000
Florida—1107(b)28	Brevard Co, Bridge SR 3 over Barge Canal	no	1995	11	4,360,800	0	4,360,800	2,539,200
Florida—1107(b)43	Hillsborough: I–4 from Tampa to Co line	yes	1995	07, 09	15,484,000	9,987,252	5,496,748	9,016,000
Florida—1108(b)16	Jacksonville: I–295 Interchange and access road	yes	no info.	03, 04	4,487,200	0	4,487,200	2,612,800
Total					107,857,120	12,186,816	95,670,304	62,802,880
Georgia—1105(f)2	Upgrade East-West Corridor along route 72	yes	no info.	7	3,531,616	433,047	3,098,569	2,056,394
Georgia—1106(b)4	Atlanta: Martin Luther King Dr.	no	1995	5	505,600	0	505,600	294,400
Georgia—1106(b)72	Atlanta: I–20 Interchange at Lithonia Indust Blvd	yes	1996	11	7,078,400	128,000	6,950,400	4,121,600
Georgia—1107(b)202	Hwy improvements	unk	no info.	no info.	17,064,000	200,000	16,864,000	9,936,000
Georgia—1108(b)48	Augusta: RR overpass at 15th and Greene Sts.	unk	2000	11	3,728,800	158,400	3,570,400	2,171,200
Total					31,908,416	919,447	30,988,969	18,579,584
Hawaii—1107(b)203	Hwy improvements	unk	no info.	02	3,792,000	0	3,792,000	2,208,000
Idaho—1104(b)31	Bannock & Caribou Co.'s Hwy Improv	yes	1998	02	6,383,200	160,000	6,223,200	3,716,800
Idaho—1107(b)190	Lewiston: New Road along FAU73444 in Bryden Canyon	unk	1997	01	2,464,800	0	2,464,800	1,435,200
Idaho—1107(b)191	Bear Lake Co: US-89 from Montpelier to Geneva	unk	1996	02	11,692,000	1,334,383	10,357,617	6,808,000
Idaho—1107(b)60	Bryden Co: Improve road WA State line to Lewiston	no	1997	01	3,349,600	480,000	2,869,600	1,950,400
Total					23,889,600	1,974,383	21,915,217	13,910,400
Illinois—1104(b)19	Fox River Valley: 8 bridges	unk	1999	14	5,245,600	1,657,512	3,588,088	3,054,400
Illinois—1104(b)4	East St Louis: Bridge Study	yes	1999	12	884,800	437,424	447,376	515,200
Illinois—11-7(a)1-	Study: Hwy 67 Alton to Jacksonville	yes	1999	18	1,580,000	385,744	1,194,256	920,000
Illinois—1106(a)31	East Louis to Carbondale Tollway Feasibility Sty	yes	1999	12	202,240	143,360	58,880	117,760
Illinois—1106(a)32	Mt. Vernon: 34th St Ext	no	1997	20	606,720	85,596	521,124	353,280
Illinois—1106(a)33	Feather Trail Road, Pulaski Co	no	no info.	no info.	695,200	85,285	609,915	404,800
Illinois—1106(a)34	Resurface SR 1: Cave-In-Rock to north of Omaha	yes	1999	19	1,137,600	0	1,137,600	662,400
Illinois—1106(a)36	Saline Co: Improve Rt 13	yes	1997	19	2,528,000	0	2,528,000	1,472,000
Illinois—1106(a)65	W. Central: Widen US 34	yes	1997	17	1,200,800	0	1,200,800	699,200
Illinois—1106(a)66	Bridge on US67 in NW IL	yes	1996	17	1,516,800	0	1,516,800	883,200
Illinois—1106(a)9	East St Louis: Study Access Rd to Jeff Mem Park	no	1999	12	151,680	0	151,680	83,320
Illinois—1106(b)14	Chicago: Various	unk	1995	1	2,338,400	204,367	2,134,033	1,361,600
Illinois—1106(b)17	Harvey: IL 1 interchange	yes	1996	14	1,580,000	0	1,580,000	920,000
Illinois—1106(b)18	Markham: Sibley Blvd	no	1997	2	2,212,000	0	2,212,000	1,288,000
Illinois—1106(b)19	Chicago: IL 1 at 155th St	unk	1996	2	884,800	76,000	808,800	515,200
Illinois—1106(b)2	Metro East/St Louis MO Bridge Study	no	no info.	12	632,000	0	632,000	368,000
Illinois—1106(b)52	Chicago: Eisenhower & Stevenson Connector	unk	1999	no info.	3,033,600	0	3,033,600	1,766,400
Illinois—1106(b)53	Chicago: Museum of Science and Industry	unk	1997	1	22,120,000	2,840,000	19,280,000	12,880,000
Illinois—1106(b)54	Chicago: Skyway Bridge	unk	no info.	1	8,974,400	74,222	8,900,178	5,225,600
Illinois—1106(b)55	Chicago: Cermak Rd Bridge	no	1996	1	5,814,400	488,927	5,325,473	3,385,600
Illinois—1106(b)57	Chicago: Cicero Ave	yes	1997	2	695,200	0	695,200	404,800
Illinois—1106(b)58	Chicago: 183rd St Reconstr	no	1997	2	948,000	0	948,000	552,000
Illinois—1106(b)59	Chicago: 111th St Reconstr	no	1996	3	1,580,000	337,411	1,242,589	920,000
Illinois—1106(b)6	Chicago: Study for road	unk	no info.	1	101,120	0	101,120	58,880
Illinois—1106(b)60	Chicago: 111th St Upgrade	no	1995	14	1,580,000	236,000	1,344,000	920,000
Illinois—1106(b)61	Chicago: 111th St. Widen	no	1996	3	2,970,400	862,990	2,107,410	1,729,600
Illinois—1106(a)56	Chicago: Roosevelt Rd and Bridge (56) Improv	no	no info.	1	8,974,400	4,861,264	4,113,136	5,225,600
Illinois—1106(b)16	Calumet Park Ashland Ave Bridge	no	1997	3	1,327,200	196,844	1,130,356	772,800
Illinois—1107(b)102	IL 17: Splear Rd to Rt 1	yes	1996	15	1,137,600	0	1,137,600	662,400
Illinois—1107(b)104	Ford Co: Replace 1.6 US 24	yes	1997	15	1,137,600	0	1,137,600	662,400
Illinois—1107(b)105	Watseka: US 24: Crescent City to IL 1	yes	1996	15	1,580,000	324,795	1,255,205	920,000
Illinois—1107(b)106	Replace Emington Spur Rd	no	1996	15	410,800	0	410,800	239,200
Illinois—1107(b)107	Improve New Lenox Rd	unk	1997	11	1,580,000	176,016	1,403,984	920,000
Illinois—1107(b)108	Improve Shorewood Roadway	unk	1996	11	821,600	0	821,600	478,400

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Illinois—1107(b)11	Chicago: Computer Mgt System	no	no info.	1	2,717,600	1,926,400	791,200	1,582,400
Illinois—1107(b)120	Frankfort Twp: Improve Sts	no	1996	11	632,000	34,778	597,222	368,000
Illinois—1107(b)121	Matteson: I-57 Bridge	no	1996	2	2,275,200	396,723	1,878,477	1,324,800
Illinois—1107(b)122	US 150/IL 1 Belgium to South of Westville	yes	1996	15	2,401,600	0	2,401,600	1,398,400
Illinois—1107(b)123	US 45: Savoy to Tolono	no	1995	15	3,539,200	0	3,539,200	2,060,800
Illinois—1107(b)16	Frankfort: Road Improvemts	no	1997	11	821,600	79,440	742,160	478,400
Illinois—1107(b)17	Plainfield: EJ&E Viaduct	yes	1997	13	632,000	0	632,000	368,000
Illinois—1107(b)32	Galina: EIS on US 20	yes	no info.	16	1,264,000	528,000	736,000	736,000
Illinois—1107(b)38	Mendon to West Point Rd: Hwy 336	no	1997	17	3,160,000	1,694,212	1,465,788	1,840,000
Illinois—1107(b)66	Jacksonville Bypass	yes	1997	18	9,985,600	527,153	9,458,447	5,814,400
Illinois—1107(b)95	DuQuoin Hwy Bridge	yes	1996	12	1,643,200	291,834	1,351,366	956,800
Total					117,254,960	18,952,297	98,302,663	68,275,040
Indiana—1104(b)35	Merrillville: Road & Overpass Construction	unk	2000	1	1,137,600	186,724	950,876	662,400
Indiana—1105(f)26	Improve Bloomington to Newberry segment	yes	no info.	7, 8, 10	14,978,400	14,978,000	400	8,721,600
Indiana—1106(b)22	ROW Acquisition—West Lake Corridor	unk	1995	1	632,000	195,640	436,360	368,000
Indiana—1106(b)24	Hobart, Lake Station & New Chicago	unk	2000	1	2,717,600	416,320	2,301,280	1,582,400
Indiana—1106(b)62	Muncie: SR 67 Widening	no	no info.	2	6,320,000	0	6,320,000	3,680,000
Indiana—1107(b)97	East Chicago Marinal Access Rd	unk	no info.	1	5,372,000	2,403,142	2,968,858	3,128,000
Indiana—1108(b)45	Gary: US 12/20 to Lake	unk	1997	1	1,390,400	80,000	1,310,400	809,600
Total					32,548,000	18,259,826	14,288,174	18,952,000
Iowa—1106(a)108	Mason City Bypass	yes	1996	2	9,353,600	3,397,850	5,955,750	5,446,400
Iowa—1107(b)62	Freemont Co: Hwy 2	no	no info.	4	5,498,400	0	5,498,400	3,201,600
Total					14,852,000	3,397,850	11,454,150	8,648,000
Kansas—1104(b)29	West Leavenworth Trafficway	no	1997	2	5,435,200	729,600	4,705,600	3,164,800
Kansas—1106(a)21	Lake Porter & LaPort Cos	yes	1996	2	8,279,200	1,140,800	7,138,400	4,820,800
Kansas—1107(b)044	Wichita: Interchange at Oliver St	yes	1997	4	4,171,200	4,171,200	1,214,400	3,643,200
Kansas—1107(b)154	Widen US Rt 81	unk	1995	1	4,424,000	2,942,432	1,481,568	2,576,000
Kansas—1107(b)155	Hutchinson Bypass	unk	2000	1	15,420,800	2,303,000	13,117,800	8,979,200
Total					37,730,400	11,287,032	27,657,768	23,184,000
Kentucky—1104(b)39	Louisville: Waterfront Dev. Roadway	no	no info.	3	2,970,400	240,000	2,730,400	1,729,600
Kentucky—1106(a)98	Sount Central: Hwy 92 Study	no	no info.	5	63,200	26,400	18,400	36,800
Kentucky—1106(a)99	Improve US 27, Jessamine	no	1995	6	5,814,400	0	5,814,400	3,385,600
Total					8,848,000	266,400	8,563,200	5,152,000
Louisiana—1105(f)21	North-South Corridor State line to Shreveport	yes	1998	4, 5	18,707,200	4,000	18,703,200	10,892,800
Louisiana—1106(a)113	Replace Louisa Bridge	no	1998	3	6,004,000	532,368	5,471,632	3,496,000
Louisiana—1106(a)17	Lake Charles: Access to Rose Bluff Industrial Area	no	1996	7	2,591,200	55,299	2,535,901	1,508,800
Louisiana—1106(a)18	Ambassador Caffery Parkway	no	1997	4, 7	9,416,800	68,000	9,348,800	5,483,200
Louisiana—1106(a)56	Baker: New Road Constr	no	1996	1, 4, 6	1,074,400	80,000	994,400	625,600
Total					37,793,600	739,667	37,053,933	22,006,400
Maine—1104(b)44	Bath-Woolwich: Carlton Bridge	unk	1997	01	6,320,000	2,640,000	1,840,000	3,680,000
Maryland—1107(b)4	Hartford Co: S Hampton Rd Brg	no	1996	02	632,000	0	632,000	368,000
Maryland—1107(b)6	Hartford Co: Watervale Brg	no	1995	02	695,200	0	695,200	404,800
Maryland—1107(b)7	Baltimore Co: Papermill Rd Brg	no	1996	02	3,349,600	0	3,349,600	1,950,400
Total					4,676,800	0	4,676,800	2,723,200
Massachusetts—1104(b)22	Boston: Bike & Ped Path	unk	2000	8	758,400	0	758,400	441,600
Massachusetts—1106(b)30	Lawrence: I–495 Improve	yes	1996	5	2,970,400	0	2,970,400	1,729,000
Total					3,728,800	0	3,728,800	2,171,200
Michigan—1104(b)32	Vienna Twp: I–75/M57	yes	1995	5	5,624,800	132,000	5,492,800	3,275,200
Michigan—1106(a)43	Ottawa: US 131 St Joseph Co	yes	1999	6	316,000	0	316,000	184,000
Michigan—1106(a)45	US 131 Holland, Ottawa Co	yes	1999	2	821,600	379,608	441,992	478,400
Michigan—1107(b)112	US 131 Cadillac to Manton To Traverse City	unk	1996	2	2,654,400	0	2,654,400	1,545,600
Michigan—1107(b)47	Grand Rapids: Connect I–96/I–196	yes	1999	2,3	4,360,800	1,821,600	1,269,600	2,539,200
Michigan—1107(b)54	Flint: Construct, Improve and widened of 5-land Roadway	no	1995	9	316,000	0	316,000	184,000
Michigan—1107(b)55	Flint: 5-lane Roadway Construction	yes	1995	9	568,800	0	568,800	331,200
Michigan—1107(b)89	Traverse City Bypass	no	1999	1	2,844,000	0	2,844,000	1,656,000
Michigan—1108(b)8	Road under Detroit City Airport runway	no	1997	14	2,717,600	0	2,717,600	1,582,400
Total					20,224,000	2,333,208	16,621,192	11,776,000
Minnesota—1105(f)22	Ave of the Saints, St. Paul to St. Louis	yes	1995	1	7,457,600	352,597	7,105,003	4,342,400
Minnesota—1106(a)88	Improve Mankato South Rt	no	1995	2	6,320,000	665,528	5,654,472	3,680,000
Minnesota—1106(a)91	Eden Praire/Cologne: Twin Cities Corridor	yes	1995	3	5,498,400	380,000	5,118,400	3,201,600
Minnesota—1107(b)128	Hwy 53 Twig to Hwy 37	unk	1995	8	6,004,000	1,699,628	4,304,372	3,496,000
Minnesota—1107(b)129	Hwy 169 Grand Rapids to High City	unk	1995	8	5,688,000	144,000	5,544,000	3,312,000
Minnesota—1107(b)130	Hwy 61 Schoeder to Grand Marais	unk	1995	8	11,376,000	288,000	11,088,000	6,624,000
Minnesota—1107(b)133	Hruck Hwy 37 & Hughes Rd	unk	1995	8	316,000	8,000	308,000	184,000
Minnesota—1107(b)159	Nicollet Co: C.A.S.H. 41	unk	1995	2	1,896,000	299,766	1,596,234	1,104,000
Minnesota—1107(b)81	Brooklyn Park: Hwy 610	unk	1997	3	22,752,000	590,072	22,161,928	13,248,000
Total					67,308,000	4,427,591	62,880,409	39,192,000
Mississippi—1104(b)28	Rankin Co: East-Metro Center Access Road	no	no info.	3	2,907,200	356,646	2,550,554	1,692,800
Mississippi—1106(a)26	Natchez: Upgrade Hwy 61	yes	no info.	4	221,200	0	221,200	128,800
Mississippi—1107(b)85	Pascagoula: Improve US 90	no	no info.	5	2,717,600	333,386	2,384,214	1,582,400
Mississippi—1108(b)34	I–20 at Pirate Cove Rd	yes	no info.	2	2,148,800	263,608	1,885,192	1,251,200
Mississippi—1108(b)35	Jackson Airport Connectors	no	no info.	3	1,959,200	0	1,959,200	1,140,800
Total					9,954,000	953,640	9,000,360	5,796,000
Missouri—1104(b)5	Lindbergh Blvd and I–70 St Louis Lambert Airport	yes	no info.	no info	9,353,600	0	9,353,600	5,446,400
Missouri—1105(f)22	Improve Ave of Saints St Paul to St Louis	yes	no info.	9	20,270,136	0	20,270,136	11,802,864
Missouri—1105(f)3	Improve North-South Corridor along Hwy 71	unk	1995	7	2,275,200	1,612,800	662,400	1,324,800
Missouri—1107(b)40	Jefferson Co: Widen I–55	yes	2003	3	3,223,200	0	3,223,200	1,876,800
Missouri—1108(b)27	St Louis: Construct multimodal transp. facility	no	no info.	no info.	3,728,800	0	3,728,800	2,171,200
Misssouri—1108(b)42	Kansas City: South River-front Expressway	unk	no info.	no info.	8,026,400	0	8,026,400	4,673,600
Total					46,877,336	1,612,800	45,264,536	27,295,664
Montana—1107(b)0194	Billings: Construct Shilo–90	unk	1997	1	6,952,000	568,388	6,383,612	4,048,000
Montana—1107(b)0195	Missoula: Construct Missoula Airport/1–90	unk	1997	1	4,424,000	542,127	3,881,873	2,576,000

FEDERAL HIGHWAY ADMINISTRATION, FEDERAL-AID HIGHWAYS, 1991 ISTEA DEMONSTRATION PROJECTS NOT UNDER CONSTRUCTION AS OF FEB. 24, 1995—Continued

[*These balances are subject to change]

State and section No.	Project description	NHS	Est const start	Cong. dist.	Amount available thru FY 1995	Amount obligated (02/24/95)	(*) Unoblig Bal (02/24/95)	New authorization 96–97
Total					11,376,000	1,110,515	10,265,485	6,624,000
Nebraska—1105(f)17	Improve Heartland Expressway	yes	1995	3	9,353,600	560,000	8,793,600	5,446,400
Nebraska—1106(b)39	Omaha: Improve US6	yes	1997	1	3,286,400	1,372,800	1,913,600	1,913,600
Nebraska—1107(b)50	Springfield: Missouri River Bridge Construct	no	1996	3	2,970,400	0	2,970,400	1,729,600
Total					15,610,400	1,932,800	13,677,600	9,089,600
Nevada—1104(b)9	Las Vegas: Spaghetti Bowl/US95 & I15	yes	1995	1	28,440,000	16,697,491	11,742,509	16,560,000
Nevada—1105(f)20	Improve I–15 & I–40 in CA, AZ, NV	yes	1995	1	10,500,000	3,616,000	6,884,000	0
Total					38,940,000	20,313,491	18,626,509	16,560,000
New Jersey—1103(b)7	Ocean City-Longport Bridge	no	no info.	02	11,628,800	513,637	11,115,163	6,771,200
New Jersey—1106(b)34	Middlesex: Widen Rt 1	yes	1996	6,7,13	4,676,800	4,593,746	83,054	2,723,200
New Jersey—1106(b)35	Perth Amboy & Woodbridge Twps: Study River Crossings	yes	no info.	06	1,580,000	343,557	1,236,443	920,000
New Jersey—1106(b)37	Parsippany, Troy Hills: Improve I–280	yes	no info.	11	1,959,200	432,704	1,526,496	1,140,800
New Jersey—1107(b)125	Paulsboro: New bridge	no	no info.	01	1,706,400	0	1,706,400	993,600
New Jersey—1107(b)73	Rt 21 Viaduct ''NJ Transit Br'' Acquisition	no	1999	10	9,353,600	6,198,608	3,154,992	5,446,400
New Jersey—1107(b)74	Widen Rt 21–Newark	no	1996	10	8,784,800	0	8,784,800	5,115,200
Total					39,689,600	12,082,252	27,607,348	23,110,400
New Mexico—1106(a)93	Clayton: Raton-Clayton Road	no	1995	3	5,877,600	619,910	5,257,690	3,422,400
New York—1104(b)07	Buffalo: Peace Bridge truck inspection facility	no	1998	29	12,324,000	2,773,000	9,551,000	7,176,000
New York—1106(b)48	Long Is: Southern State Pkwy	yes	1998	1,2	2,907,200	0	2,907,200	1,692,800
New York—1104(b)18	Long Island: Van Wyck Expressway	yes	1996	10,12	2,275,200	0	2,275,200	1,324,800
New York—1104(b)38	New York: Williamsburg to Holland Tunnel Bypass	yes	no info.	8,12	2,275,200	0	2,275,200	1,324,800
New York—1106(a)4	Oneida: Upgrade Hwy	no	1996	23	5,056,000	1,428,800	3,627,200	2,944,000
New York—1106(a)70	Wayne Co: Improve Rt 104	yes	1997	27	4,044,800	0	4,044,800	2,355,200
New York—1106(a)9	New York: Miller Hwy	yes	2001	8, 15	9,859,200	4,440,398	5,418,802	5,740,800
New York—1106(b)49	Schenectady: Exit 23 Bridge	no	1995	21	3,602,400	0	3,602,400	2,097,600
New York—1106(b)73	Buffalo: Southtowns Connector	no	1999	30	5,372,000	1,008,000	4,364,000	3,128,000
New York—1107(b)163	New York: Ferry landing	unk	1996	8	1,264,000	0	1,264,000	736,000
New York—1107(b)164	New York: Foley Square	unk	no info.	8	3,318,000	0	3,318,000	1,932,000
New York—1107(b)165	New York: FDR Drive	unk	no info.	15,14	6,320,000	6,320,000	4,480,000	3,680,000
New York—1107(b)200	Binghamton: Study rehab of S Wash. St Brg	unk	no info.	26	316,000	158,400	157,600	184,000
New York—1107(b)59	Amherst & Erie Cos: Rt263 & Rt78	yes	1996	27	4,803,200	1,269,414	3,533,786	2,796,800
New York—1108(b)12	Buffalo River/Gateway Tunnel	no	1999	30	12,766,400	1,560,000	11,206,400	7,433,600
New York—1108(b)28	Orange & Rockland: Park & Ride	no	1997	20	2,970,400	392,000	2,578,400	1,729,600
New York—1108(b)32	Intermodal Facility at Mt. Vemon Rail Station	no	no info.	19	4,487,200	0	4,487,200	2,612,800
New York—1108(b)33	Orange Co: Stuart Airport Interchange Proj.	yes	1997	19	9,922,400	2,992,000	6,930,400	5,777,600
Total					93,883,600	22,342,012	76,021,588	54,666,400
North Carolina—1106(a)100	U–2519/X–2 Hwys Cumberland	yes	1996	1,7,8	10,048,800	7,123,200	2,925,600	5,851,200
North Dakota—1104(b)12	Bypass around Lincoln State Park	no	1996	1	695,200	496,000	199,200	404,800
North Dakota—1107(b)171	Grading & surfacing-Richland Co.	unk	1995	1	379,200	637,600	−258,400	220,800
North Dakota—1107(b)183	Lincoln State Park-Morton Co.	unk	1996	1	2,022,400	80,000	1,942,400	1,177,600
Total					3,096,800	1,213,600	1,883,200	1,803,200
N. Hampshire—1106(a)38	Ledyard Bridge reconstruction	no	no info.	2	4,929,600	774,827	4,154,773	2,870,400
N. Hampshire—1104(b)8	Nashua River Bridge	no	no info.	2	758,400	0	758,400	441,600
N. Hampshire—1107(b)153	Congrestion relief North Conway	unk	no info.	1	3,981,600	1,700,000	2,281,600	2,318,400
N. Hampshire—1106(a)47	Manchester Airport Rd. Improvement	yes	no info.	1	2,528,000	370,600	2,157,400	1,472,000
N. Hampshire—1106(a)37	Replacement of Winchester Bridge	no	no info.	2	505,600	160,000	345,600	294,400
N. Hampshire—1107(b)152	Study corridor Rte. 16	unk	no info.	no info.	1,264,000	896,000	368,000	736,000
Total					13,967,200	3,901,427	10,065,773	8,132,800
Ohio—1104(b)21	Toledo—study 6 corridors	no	no info.	9	151,680	0	151,680	88,320
Ohio—1104(b)41	Dayton-Bicycle/ped facility	no	1997	17	1,896,000	0	1,896,000	1,104,000
Ohio—1106(a)1	Improvements Short Creek Hwy	no	no info.	18	1,580,000	0	1,580,000	920,000
Ohio—1106(a)19	Rt. 68 Bypass—Clark, Champaign and Logan Counties	yes	1999	7	9,985,600	0	9,985,600	5,814,400
Ohio—1106(a)40	Belmont St. Bridge replacement	no	1998	17	758,400	0	758,400	441,600
Ohio—1106(a)41	Bridge St. Bridge replacement	no	1997	17	758,400	0	758,400	441,600
Ohio—1106(a)42	Niles: Belmont St. Bridge	no	1999	17	1,580,000	800,000	780,000	920,000
Ohio—1106(a)64	Const. interchgs rt.615 at 1–90	yes	1996	19	2,970,400	0	2,970,400	1,729,600
Ohio—1106(a)92	Rt 30 Ext: E. Canton/Minerva	yes	no info.	16	3,349,600	5,300,000	−1,950,400	1,950,400
Ohio—1106(b)20	Center St. Bridge replacement	unk	1999	17	7,710,400	0	7,710,400	4,489,600
Ohio—1107(b)(1)	Cadiz to Clairsville-US 250	yes	1998	18	12,640,000	0	12,640,000	7,360,000
Ohio—1107(b)197	Design & const. I–280 Bridge	unk	1997	9	23,384,000	0	23,384,000	13,616,000
Ohio—1107(b)65	US 68 Ohio River Bridge	no	1995	2	9,796,000	0	9,796,000	5,704,000
Ohio—1107(b)70	Brook Park: Access Rd.	no	no info.	19	8,974,400	0	8,974,400	5,225,600
Ohio—1107(b)78	Akron: Kelly Ave. extension	no	1999	14	6,004,000	800,000	5,204,000	3,496,000
Ohio—1107(b)99	Rehab. Bridge on US 224	no	1999	17	632,000	250,000	382,000	368,000
Total—					92,170,880	7,130,000	85,020,880	53,669,120
Oklahoma—1103(b)1	Bridge on Rt. 59, Delaware	no	1997	2	6,130,400	0	6,130,400	3,569,600
Oklahoma—1107(b)9	Tulsa-Upgrade US 75	yes	1997	1	8,848,000	6,272,000	2,576,000	5,152,000
Total—					14,978,400	6,272,000	8,706,400	8,721,600
Oregon—1103(b)2	Ferry St. Bridge, Eugene	yes	1998	4	14,978,400	0	14,978,400	8,721,600
Oregon—1108(b)43	Columbia Slough Bridge	no	1996	3	1,327,200	144,000	1,183,200	772,800
Total—					16,305,600	144,000	16,161,600	9,494,400
Pennsylvania—1103 (b)3	Aliquippa Ambridge Bridge Beaver County	no	1997	4	15,800,000	0	15,800,000	9,200,000
Pennsylvania—1104(b)2	Pratt Terminal Bridge, I–95, Philadelphia	no	1998	3	21,804,000	0	21,804,000	12,696,000
Pennsylvania—1104(b)26	Improve Towanda Township	yes	1997	10	5,561,600	0	5,561,600	3,238,400
Pennsylvania—1105(f)1	US 220 High Priority COrridor	yes	1995	5	32,042,400	1,760,000	30,282,400	18,657,600
Pennsylvania—1105(f)6	US 220-Bald Eagle to US 322	yes	1996	5,9	93,536,000	4,560,000	88,976,000	54,464,000
Pennsylvania—1106(a)106	US 222 reconstr. Berks Co.	yes	1999	6	4,171,200	720,000	3,451,200	2,428,800
Pennsylvania—1106(a)116	Carroltown/Dubois: US 219	yes	2001	9,12	2,528,000	306,671	2,221,329	1,472,000
Pennsylvania—1106(a)68	Dauphin Borough to Speeceville	yes	1996	17	7,584,000	2,534,764	5,049,236	4,416,000
Pennsylvania—1106(a)7	US 219 Johnsonburg Bypass	yes	1996	5	8,848,000	484,065	8,363,935	5,152,000
Pennsylvania—1106(a)75	Climbing Lane Demo - US 15	yes	1995	5	8,721,600	0	8,721,600	5,078,400
Pennsylvania—1106(a)81	US Rt. 219 Meyersdale Bypass	yes	1996	12	30,336,000	8,972,000	21,364,000	17,664,000
Pennsylvania—1106(a)83	Laurel Valley Expressway	no	no info	12	3,160,000	644,000	2,516,000	1,840,000
Pennsylvania—1106(a)96	US Rt. 222, Lehigh Co.	yes	1997	15	948,000	480,000	468,000	552,000
Pennsylvania—1106(a)97	Rt. 33, Northhampton Co.	yes	1996	15	10,617,600	5,392,000	5,225,600	6,182,400
Pennsylvania—1106(b)27	Chambersburg: I–81 interchange	yes	1996	9	1,162,880	131,560	1,031,320	677,120

FEDERAL HIGHWAY ADMINISTRATION, FEDERAL-AID HIGHWAYS, 1991 ISTEA DEMONSTRATION PROJECTS NOT UNDER CONSTRUCTION AS OF FEB. 24, 1995—Continued

[*These balances are subject to change]

State and section No.	Project description	NHS	Est const start	Cong. dist.	Amount available thru FY 1995	Amount obligated (02/24/95)	(*) Unoblig Bal (02/24/95)	New authorization 96–97
Pennsylvania—1106(b)3	Beave/Butler Co: I–79 to Rt. 60	no	1999	4	2,212,000	0	2,212,000	1,288,000
Pennsylvania—1107(b)134	Route 120 - Lock Haven	unk	1996	5	2,528,000	160,000	2,368,000	1,472,000
Pennsylvania—1107(b)19	Borough of Water Street-US 22	yes	1997	9	5,056,000	240,095	4,815,905	2,944,000
Pennsylvania—1107(b)20	Borough of Holidaysburg: US 22	yes	no info.	9	32,864,000	1,040,000	31,824,000	19,136,000
Pennsylvania—1107(b)22	US 22 North of Lewistown	yes	1998	9	36,845,600	427,390	36,418,210	21,454,400
Pennsylvania—1107(b)23	Reedsville and Seven Mountains	yes	1997	9	22,183,200	216,231	21,966,969	12,916,800
Pennsylvania—1107(b)25	Roaring Springs: PA 36	no	1995	9	5,561,600	1,090,400	4,471,200	3,238,400
Pennsylvania—1107(b)26	Altoona to Juniata	no	1998	9	4,499,840	120,000	4,379,840	2,620,160
Pennsylvania—1107(b)27	Bedford Co.-Rt. 30	no	1998	9	30,336,000	1,858,447	28,477,553	17,664,000
Pennsylvania—1107(b)31	WIden US 202 to Montgomeryville	unk	no info.	8,13	5,624,800	1,668,000	3,956,800	3,275,200
Pennsylvania—1107(b)52	Wilkes-Barre & Mountaintop	yes	1996	11	10,554,400	0	10,554,400	6,145,600
Pennsylvania—1107(b)58	Montgomeryville: US 202	no	no info.	8,13	6,825,600	0	6,825,600	3,974,400
Pennsylvania—1108(b)39	Erie Co.; Eastide Connector Proj.	no	no info.	21	4,740,000	1,966,927	2,773,073	2,760,000
Pennsylvania—1108(b)5	OH border to Pittsburg Airport	no	1997	4	2,022,400	0	2,022,400	1,177,600
Pennsylvania—1108(b)6	Reconst. Delaware Ave. Serv.	no	1995	1,3	1,516,800	240,000	1,276,800	883,200
Total					420,191,520	35,012,550	385,178,970	244,668,480
Rhode Island—1107(b)140	I–95 Stormdrain Construction	unk	1995	1,2	8,216,000	800,800	7,415,200	4,784,000
Rhode Island—1107(b)149	Woonsocket Bridge Improvements	unk	1995	1	221,200	0	221,200	128,800
Rhode Island—1107(b)150	Reconstruction of Roadways	unk	1996	2	3,602,400	648,396	2,954,004	2,097,600
Total					12,039,600	1,449,196	10,590,404	7,010,400
South Dakota—1105(f)17	Improve Heartland Expressway		1996	001	9,353,600	255,200	9,098,400	5,446,400
South Dakota—1107(b)51	Mo River bridge in Vemillion		1996	001	2,275,200	88,512	2,186,688	1,324,800
Total					11,628,800	343,712	11,285,088	6,771,200
Tennessee—1104(b)17	Bicyle Sys. Contr.-Murfreesboro	no	no info.	6	252,800	40,000	212,800	147,200
Tennessee—1104(b)3	Davidson-Williamson County Bike Path	no	no info.	5,6	632,000	36,000	596,000	368,000
Tennessee—1105(f)2	Route 72 East-West Corridor	yes	no info.	7	1,765,808	416,000	1,349,808	1,028,192
Tennessee—1106(a)13	Ft Loudon Dam Brdg-Lenoir City	no	no info.	2	316,000	38,766	277,234	184,000
Tennessee—1106(a)69	W. Fork Stone River Bridge in Rutherford	no	1995	6	505,600	62,025	443,575	294,400
Tennessee—1106(b)45	Urban Diamond Interchange & Connector-Chattanooga	yes	1996	3	1,959,200	240,348	1,718,852	1,140,800
Tennessee—1107(b)76	1–81/Kendrick Creek Rd.-Sullivan	yes	no info.	1	3,665,600	80,000	3,585,600	2,134,400
Tennessee—1107(b)77	Foothills Parkway	no	1995	1	7,078,400	371,623	6,706,777	4,121,600
Total					16,175,408	1,284,762	14,890,646	9,418,592
Texas—1105(f)15	Constr. US–71	yes	1997	1	3,953,286	0	3,953,286	2,301,914
Texas—1106(a)110	Contr-Impr 4-lane divided hwy	yes	1997	14	27,744,800	0	27,744,800	16,155,200
Texas—1106(a)63	Highway 288: Angleton	yes	1997	14,22	568,800	0	568,800	331,200
Texas—1107(b)101	Ft. Worth: I–35 Basswood interch	yes	1996	6	11,249,600	0	11,249,600	6,550,400
Texas—1107(b)115	Ft Worth Hillwood/I–35 Interch	yes	1995	6	8,026,400	1,645,360	6,381,040	4,673,600
Total					51,542,886	1,645,360	49,897,526	30,012,314
Utah—1108(b)38	Provo Municipal Airport	no	no info.	3	632,000	0	632,000	368,000
Vermont—1107(b)146	Constr. US–7 N Bennington to SW NY–7 Hoosick NY	unk	1999	1	12,640,000	1,389,600	11,250,400	7,360,000
Virgin Islands—1104(b)34	Raphune Hill Bypass: St. Thomas	yes	no info.	1	11,628,800	3,761,212	7,867,588	6,771,200
Virgin Islands—1107(b)94	Constr. second Road: St Thomas	no	no info.	1	1,074,400	310,000	764,400	625,600
Total					12,703,200	4,071,212	8,631,988	7,396,800
Virginia—1107(b)14	Maine/Worsham St. Brdg/Danville	no	1996	5	6,320,000	0	6,320,000	3,680,000
West Virginia—1104(b)42	Impr. SR–9 Martinsburg to VA Berkeley & Jefferson	unk	1995	2	69,520,000	3,330,442	66,189,558	40,480,000
West Virginia—1104(b)43	Constr. Coal Field Expressway	unk	1997	3	31,600,000	2,148,338	29,451,662	18,400,000
West Virginia—1105(f)10	Shawnee Project, part of I–73/74 Corridor Proj	yes	1998	3	2,844,000	1,188,000	1,656,000	1,656,000
West Virginia—1105(f)11	Widening US–52 Huntng.-Willism.	yes	1995	3	63,200,000	8,951,200	54,248,800	36,800,000
West Virginia—1105(f)12	Replac. US–52 From Williamson WV to I–77	yes	1997	3	8,848,000	2,087,865	6,760,135	5,152,000
West Virginia—1106(a)105	Hwy Impr. Mason County	yes	1996	2	12,324,000	194,960	12,129,040	7,176,000
West Virginia—1106(a)118	Chelyan Bridge Replacement	no	1995	2	5,372,000	0	5,372,000	3,128,000
West Virginia—1106(a)77	Riverside Expressway Imprv.	no	1996	1	3,349,600	1,248,758	2,100,842	1,950,400
Total					197,057,600	19,149,563	177,908,037	114,742,400
Wisconsin—1104(b)36	I–794 Bicycle Transportation	yes	no info.	4,5	948,000	0	948,000	552,000
Subtotal not under construction					1,893,875,342	272,828,236	1,623,533,506	1,103,977,258

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1) entitled ''An act to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local, and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes.''

PROVIDING FOR CONSIDERATION OF H.R. 1158, EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE AND RESCISSIONS FOR FISCAL YEAR 1995

Mr. MOAKLEY. Mr. Speaker, it gives me great pleasure to yield the balance of our time to the gentleman from Missouri [Mr. GEPHARDT], the distinguished minority leader.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman is recognized for 3½ minutes.

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

Mr. GEPHARDT. Mr. Speaker, I rise today to implore my colleagues to defeat this rule, to defeat this short-sighted, mean-spirited package of cuts that are aimed right at the young people of this country.

Mr. Speaker, let us understand why the Republicans are proposing these deep and dangerous cuts. It is not to balance the budget. It is to pay for a tax cut that gives nearly 80 percent of the benefits to people who earn $100,000 a year or more.

Each and every Member of this House has to look deep inside themselves and ask a profoundly human question, a profoundly moral question: What are

we serving for? And who are we fighting for?

We should be fighting for young people, like Rusha Singleton of Baltimore. She was here yesterday in the building in a press conference. She talked about dropping out of school at age 16 when her first child was born. She was determined to do everything she could to stay off welfare. She did not have an education, she did not have skills to earn a decent wage. She was forced onto welfare. She became pregnant again. But through the Summer Youth Employment Program she was able to pay the bills while she studied for her high school diploma. She learned clerical skills, she took her high school equivalency test this Saturday. And soon she is going to get a positive result and she will be able to support her children and hold her head up high as a productive citizen of this society. Without that program, she would still be in Baltimore stuck in welfare, stuck in a cycle of lack of hope.

Then there is Damon Davis of Baltimore. He comes from a single-parent household. He had to drop out of high school and take a low wage job to support his family. Again, without the Summer Youth Program he would have never had the opportunity to develop real skills and find a higher paying job. Now he is about to get his diploma and be on the road to a future as a productive citizen in this society.

Mr. Speaker, this bill is about a very clear principle and idea. Do you want to invest your money in the people of this country? Do you want people to be productive citizens, and by saying that is our moral conscience, do we want to put that money in that investment in those people? Or do we want to take it from them and give it to the wealthiest, most privileged people in this society? Is that what we want to do?

I do not think that is what we should do. The people who are at the top who have done well, and God love them, we need them. Everybody lives the American dream and wants to become wealthy, and everybody I hope can become wealthy. But once you have reached that status, do we need to help them again at the expense of the people who are trying to crawl out of poverty?

This bill is wrong. It is morally wrong, and I urge Members to vote against this rule and to vote against this bill. Stand up for the Americans that are out there trying to pull themselves out of poverty and be productive citizens. They are the people we should be fighting for, not the people who have done well, who frankly do not even want this tax cut, but want to make an investment in the poor and the middle class citizens of our country.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations.

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

Mr. LIVINGSTON. Mr. Speaker, this bill only trims last year's appropriation by a net of $11 billion. Last year's appropriation in the total Federal budget ultimately amounted to $1.5 trillion. This a little item in the Federal budget. It was also appropriated when the Democrats controlled the Congress.

The Democrats, the other party, has said that we have not named specifics. They said you cannot balance the budget unless you give specifics. We have given specifics in this bill.

They said that we have not cut the pork. They are the ones that passed the pork. They were in the majority last year and every year before that for the last 40 years. It is their pork.

They said that the money that we are cutting goes to tax cuts. We have a proposal that is allowed by this rule, which will be a Democratic Party amendment, to apply these savings only to the deficit.

So all of these arguments are nothing more than the same old Chicken Littleism: The sky is falling, liberals are out of power, and what are we going to do, beat our breasts and talk about the poor and the elderly, when in fact all we are trying to do is bring common sense and sanity to the U.S. Federal Budget.

Mr. DREIER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, this is a very simple debate which has come down to a combination of rhetoric and reality. We have Members on the other side of the aisle who offer great rhetoric about trying to balance the budget, and yet the reality is they want to maintain the status quo because they are not willing to step up to the plate and make these tough decisions.

Most of them, according to Mr. SOLOMON's findings here, are big spenders. But when it comes to actually making the tough decision, they are voting to keep government as it is. We want to change government for the better so the American people can be proud of what it is that we are doing.

Mrs. MALONEY. Mr. Speaker, I rise in strong opposition to this rule.

Mr. Speaker, the underlying rescissions bill is a bad bill. The $17 billion in cuts fall most harshly and heavily on the neediest in our society:

Women and infants who depend on WIC funding for simple sustenance;

Senior citizens who rely on LIHEAP funding to stay warm in the winter;

Young men and women who need the Summer Jobs Program to give them the skills to work and the incentive to stay off the streets.

But let me briefly point out why the rule itself must be defeated.

We will have no opportunity to make this bill better by restoring the devastating cuts in critical domestic programs and paying for them from the defense budget.

The American people should understand, for example, that for the cost of one B–2 Stealth bomber, we could fully fund the Safe and Drug Free Schools Program for 30 years.

But while the rule before us will take food off the tables of working class Americans, it keeps Pentagon pork off the table for those of us who wish to offer further budget cutting amendments.

This rule doesn't even allow me to try to cut one of the most ridiculous programs in the Federal budget—the Civilian Marksmanship Program.

This is a $2.5 million boondoggle which hands out free ammunition to gun clubs to subsidize recreational shooting, mainly for children.

It's a sad day in the House when we pass a rule that will force Congress to vote to take food and education away from our children while making sure that we can still give them free bullets!

Let's defeat the rule and put together a bill that cuts programs that need to be cut, rather than programs which will cut down the needy.

Mr. ORTON. Mr. Speaker, I rise in strong opposition to this extremely restrictive rule.

Last year, I led a fight in this body to have fiscal year 1995 appropriations spending bills be considered under an open rule, with unlimited opportunities to offer spending cut amendments. Under Democratic leadership, we brought the last 11 appropriations bills to the floor under an open rule. These bills accounted for almost 95 percent of discretionary spending.

During consideration of those bills, the House debated and voted on 74 amendments offered to cut fiscal year 1995 spending. Some of them failed, many of them passed. Most importantly, we could accurately tell the American public that all spending was on the table; that no rules or procedural gimmicks were used to protect particular items of spending.

Nine months later, we are revisiting fiscal year 1995 spending. The new majority ran on a platform last year of open rules which would give Members unfettered ability to cut spending. Many of these same Members pilloried me last year for my activities on the so-called A-to-Z bill—claiming—falsely—that I was standing in the way of spending cuts.

So what do these Members do now that they are in charge. They vote for a rule that makes 80 percent of discretionary spending off-limits from spending cuts—for the same fiscal year 1995 spending that the Democratic leadership allowed virtually unlimited amendments. This is the ultimate in hypocrisy, and I urge all Members of this body to reject this rule.

Now, let me make it clear that I support bringing a rescission bill to the floor today. With or without passage of a balanced budget amendment, we have to continue to debate spending priorities and cut spending where we can.

I also believe it is reasonable—even advisable—to bring this bill to the floor under a rule which requires that any restoration of proposed rescissions be offset by equal or greater spending cuts. This is essential to preserve a base level of spending cuts.

However, the rule also unfairly provides that any offsetting cut be made in the same chapter of the bill that the rescission restoration is made. There is absolutely no justification for this rule. Leadership has offered the excuse that this is necessary to avoid letting the process get out of hand. With preprinting requirements in the RECORD, such an argument escapes me completely. More importantly, it is

hypocritical. Just a few weeks ago, the leadership brought a supplemental bill to the floor which violated today's rule—by paying for defense increases by cuts in nondefense discretionary spending.

Finally—and most egregiously—the rule effectively prohibits amendments which make cuts in the line items that are not included in the bill. This is the ultimate in arrogance. Leadership is saying that they and they alone will decide which items are on the chopping block and which are completely immune from cuts.

I understand the motivation behind this rule. Leadership wants to avoid embarrassing amendments to cut spending for projects which only benefit Republicans. Leadership also wants to control our spending priorities.

But, the effect of this is terrible, in two important ways. First, according to my calculations, it bars spending cuts in almost 80 percent of the discretionary spending that we approved for fiscal year 1995. This is the wrong way to go about cutting spending and balancing the budget. Because of this, I assume that every Member who cosponsored the A-to-Z petition last year or campaigned for it will vote against this rule. I don't know how they can possibly justify their vote in favor of this highly restrictive rule.

Second, this convoluted rule makes it almost impossible to propose spending shifts. There are many rescissions in this bill that I support. However, there are many items that I believe it would be a mistake to cut. However, any Member wishing to offer an amendment to restore a proposed cut is seriously restricted in any effort to pay for such a restoration. Because unless the item that Member wants to cut is in the bill, it cannot be cut at all.

Let me illustrate this point. I will be cosponsoring an amendment to be offered by Representative KLUG to zero out funding for the Appalachian Regional Commission. The only reason we can offer this amendment under the rule is that the bill proposed a meager cut of $10 million in this program. However, if the bill did not include this $10 million cut, we would be precluded from offering any amendment at all to cut funds for this program. This is arbitrary and ridiculous.

The voters sent us here to debate the wisdom of every item of Federal spending, to weigh competing priorities, and to cut spending in all programs which can no longer be justified. The rule for H.R. 1158 prohibits this and therefore it should be defeated.

Mr. MOAKLEY. I want to put in the RECORD a chart showing the restrictive nature of the floor procedures Republicans have used to hastily adopt their agenda. Less than one-quarter of the procedures used have been open despite Republican promises that all contract items will be considered under open rules.

FLOOR PROCEDURE IN THE 104TH CONGRESS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.
H.J. Res. 2	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A.
H.R. 2	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.
H.R. 666	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A.
H.R. 667	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 668	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A.
H.R. 728	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 7	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 729	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on suspension calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; waives all points of order; Contains self-executing provision.	1D.
H.R. 830	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. Time Cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058	Securities Litigation Reform Act	H. Res. 103	Restrictive; 8 hr. Time Cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaneness against it.	1D.
H.R. 988	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 956	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered.	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) od rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	3D.

** 76% restrictive; 24% open. **** Restrictive rules are those which limit the number of amendments which can be offered, and include so called modified and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103rd Congress. **** Not included in this chart are three bills which should have been placed on the Suspension Calendar. H.R. 101, H.R. 400, H.R. 440.

Mr. RICHARDSON. Mr. Speaker, this rule is a gag rule. Here are some facts to clarify to the American people exactly why they lose with this rule.

This restrictive rule prevents members from offering amendments that are important for their constituents.

This restrictive rule blocks amendments through arbitrary criteria not found in any rule of the House. It allows the Republicans to pick and choose which amendment they want the House to vote on.

This restrictive rule limits debate to 10 hours. Even if the Republicans allowed a Member's amendment, time could run out.

The bottom line, Mr. Speaker, is that we will soon be voting on a Republican bill to cut programs which give heat to the elderly, summer jobs for out youth, and educational television and radio to every American. This rule protects the contract with wealthy America at the expense of every middle-class, hard-working American.

I urge my colleagues to vote against this restrictive rule and force the Rules Committee to bring up an open and fair rule.

Mr. BROWN of California. Mr. Speaker, it used to be that the saying, ''God willing and the creek don't rise'' was a farmer's oath dealing with the uncertainties of bringing a crop to market. But after the actions being taken today by the Republican leadership, this oath will be repeated by every citizen of this country before they take the Federal Government at its word. Every time the spring rains come hard, prompting a Federal disaster declaration, Americans across the country will be asked to pay the bill.

We have never required recision offsets to pay for emergencies such as the Northridge earthquake or the spring floods in California. We didn't do it for the midwestern floods and we didn't do it for the hurricanes that have hit the south and east. We didn't even do it for the Northridge earthquake payments that have already been made.

Now, the Republican leadership has decided that they will require offsets, a move that directly contradicts the provisions of the 1990 Budget Act that allow true national emergency payments to go ahead without offsets being required. By fiat the Republican leadership has decided to require offsets for the Federal Emergency Management Agency [FEMA] outlays and did so, not by amending the Budget Act, but in a February 7, 1995, letter to President Clinton. Democratic Members of Congress were not consulted, the Governor of California was not consulted, even the Republican Conference was not consulted. A decision was unilaterally made by the Republican leadership and we are here today to pay the price for that decision, without being able to debate the decision, I might add.

What is most galling about this action is that it was made in the middle of the effort to repair the damage from the Northridge earthquake. We are not applying this new policy prospectively, we are applying it retroactively.

The Republican leadership of the House has, in effect, broken a contract with the people of California. They have not proposed an alternative means of dealing with natural disasters, they have not amended the Budget Act, they have taken no rational steps to address this problem.

Even more distressing is the fact that the offsets being proposed total $17.1 billion, the largest rescission bill ever considered by the House, and all of the money beyond the $5.4 billion for FEMA were going to fund the tax cut that is being drafted and will be debated early next month. Then, when they realized they didn't have the votes for this, the Republican leadership changed their minds and will put the excess cuts toward deficit reduction. So, nearly $12 billion of the $17 billion in cuts in this bill have nothing to do with the FEMA emergency request.

Finally, we all recognize that the Senate will not go along with this approach and even if they should, there is a strong probability that the President will veto this bill. It is pointless for us to bring this bill up for a vote. Because the Republican leadership has engaged in a game of ''chicken'' with the White House, we are all being dragged along for the ride. We are pitting veterans against the homeless, putting towns seeking water treatment upgrades against cities seeking job training programs, and putting the citizens of California against the rest of the Nation. It is unfair and I hope that the citizens of California remember who put them in this situation.

I plan to oppose the rule and oppose the bill. I don't want to put Americans in the situation of having to check the weather reports or listen to the evening news to see if Mother Nature has canceled their Government checks. I don't want to be part of a program to fix a disaster by creating a disaster.

Ms. PELOSI. Mr. Speaker, I am in strong opposition to the rule governing debate on the Republican rescissions package before the House today. In my view, the rule, like the bill itself, is unfair.

This rule protects defense spending and spending for special projects while exposing most Federal programs that assist low-income children and the elderly poor to excessive cuts.

In particular, I object to the provision that any restoration of spending proposed for cuts must be offset by another cut in the same section of the bill. Thus, if we want to restore funding for summer youth employment for 600,000 disadvantaged youth, we would be asked to take the money from education programs for other disadvantaged youth. We could not move money from the star wars program in defense to restore funding for education programs.

Those of us who would like to restore proposed cuts to public broadcasting would be forced to take the funds from education for disadvantaged children. Yet, those Members with extreme amendments, such as cutting funding for public broadcasting even further, can offer any amendment they want. But any saving from these amendments can not be used to restore any important program being cut in the bill. I urge a no vote on the proposed rule.

Mr. DREIER. Mr. Speaker, with that I urge an ''aye'' vote on this rule, and I move the previous question on the amendment and the resolution.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. DREIER].

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 226, nays 204, not voting 4, as follows:

[Roll No. 237]

YEAS—226

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)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zimmer

NAYS—204

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

NOT VOTING—4

Collins (MI)
Cubin
Souder
Zeliff

☐ 1401

The Clerk announced the following pair:

On this vote:

Mrs. Cubin for, with Miss Collins of Michigan against.

Messrs. MILLER of California, BREWSTER, and PETERSON of Minnesota changed their vote from ''yea'' to ''nay.''

Mr. FRANKS of Connecticut and Mr. FOX of Pennsylvania changed their vote from ''nay'' to ''yea.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRIES

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

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

Mr. MOAKLEY. I am just trying to clarify exactly what is happening at this phase, Mr. Speaker.

There is one more vote on this matter, am I correct, Mr. Speaker?

The SPEAKER pro tempore. On the adoption of the resolution as amended, one more vote.

Mr. MOAKLEY. Continuing my parliamentary inquiry, Mr. Speaker, the first vote, the vote we just finished was on the Dreier amendment to fix up the rule.

The SPEAKER pro tempore. The gentleman is correct; to amend the rule.

Mr. MOAKLEY. Fix up the rule, whatever.

In effect, Republicans voted to deny Mr. MONTGOMERY——

Mr. THOMAS. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is not making a parliamentary inquiry.

Mr. DREIER. A parliamentary inquiry, Mr. Speaker——

Mr. MOAKLEY. This is my parliamentary inquiry; Mr. Speaker; Mr. Speaker, in effect the Republicans voted to deny Mr. MONTGOMERY and other the chance to divide the question and get a separate vote on——

Mr. THOMAS. A point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is not posing a parliamentary inquiry.

Does the gentleman from California seek recognition?

Mr. DREIER. Mr. Speaker, may we vote on the rule?

Mr. MOAKLEY. Mr. Speaker, I am still on my parliamentary inquiry.

Mr. DREIER. Mr. Speaker, I moved the previous question on the rule.

Mr. MOAKLEY. Mr. Speaker, I would like to complete my parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will maintain a proper parliamentary inquiry, not a statement but an inquiry.

Mr. MOAKLEY. Mr. Speaker, am I correct that the next vote, the vote we are about to take, is on whether or not to adopt this gag rule?

The SPEAKER pro tempore. The question is on the resolution, as amended.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 242, noes 190, not voting 2, as follows:

[Roll No. 238]

AYES—242

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
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Miller (FL)
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Payne (VA)
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Portman
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Ramstad
Regula
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Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
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Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
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Tauzin
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

NOES—190

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

NOT VOTING—2

Borski
Cubin

☐ 1423

The Clerk announced the following pair: On this vote:

Mrs. Cubin for, with Mr. Borski against.

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 115, the rule just adopted.

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

There was no objection.

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bills, H.R. 1158 and H.R. 1159, and that I may include tabular and extraneous material.

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

There was no objection.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE AND RESCISSIONS FOR FISCAL YEAR 1995

The SPEAKER pro tempore. Pursuant to House Resolution 115 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1158.

□ 1425

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes, with Mr. BEREUTER in the chair.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Louisiana [Mr. LIVINGSTON] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. OBEY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

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

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

Mr. LIVINGSTON. Mr. Chairman, today we bring to the House our regular and emergency supplemental appropriations and rescissions bills, H.R. 1158 and H.R. 1159. These bills, the product of 10 subcommittees, were ordered reported by the Committee on Appropriations on March 2. This was after 6 weeks of hearings beginning January 11 and culminating in the completion of subcommittee mark ups on February 24.

Mr. Chairman, the scope and size of these bills is unprecedented. Together these bills would rescind over $17.4 billion. If you add in the $3.2 billion that has already been rescinded in the emergency defense supplemental, the total rescissions reported by the Committee on Appropriations in the last 6 weeks are over $20.3 billion during the brief existence of the 104th Congress. I do not believe you will find any comparable performance in past Congresses.

Mr. Chairman, the details of these bills are well known. We began marking up in subcommittee nearly 3 weeks ago. These were open mark ups and the news of what was in them spread quickly. Also the reports to accompany them have been available since we circulated the bills for our full committee mark up on February 27. The reasons for the action we took are described in great detail in these reports. I commend them to all Members. Because of this I will not spend any time reviewing the bills at this point. Rather, I would like to talk about the overall situation that we dealt with on developing the bills.

After I became chairman in early January, I said that we needed to do a rescission bill. My reason was that we could not wait for our fiscal year 1996 bills to begin to downsize the Federal Government. If we began in fiscal year 1995, we would send the message sooner of our resolve to produce a leaner, not meaner, less intrusive government.

After we began to developing our rescission bill, major supplemental appropriations needs became known. Early in December we became aware of a significant unfunded problem in the Department of Defense of over $3 billion. When the President's budget was submitted, we learned of $7.5 billion more of supplemental needs, mostly for additional FEMA disaster relief. At this point we were not sure that any fiscal year 1995 effort to downsize Government would result in any savings beyond what we had to develop to offset the $10 billion in supplementals.

The approach we used to address this problem was to keep the development of the supplementals and rescissions separate. We put our rescissions on one track and developed the supplementals on another. A target was never set for rescissions. We just wanted to make a strong effort, and place ourselves in the best position we could in developing our fiscal year 1996 bills in order to meet expected significantly lower allocations.

□ 1430

First we peeled off enough rescissions to offset the defense supplemental because it needed to move the quickest. Then we peeled off enough rescissions to offset the nonemergency supplemental needs, and finally we packaged the domestic emergency supplemental needs with all of the remaining rescissions we had identified. As it turns out, we had over a 3-to-1 ratio of rescissions to supplemental appropriations in this final package.

I worked closely with the subcommittee chairman in aggressively pursuing rescissions, but I did not do this with any fixed target in mind. I am pleased with the outcome and with their product, but we were not trying to achieve any goal except looking to the future and getting a start on what needs to be done to balance the budget.

As it turns out, we were able to offset all supplementals, something that has not been done before, and we reduced fiscal year 1996 outlays resulting from prior appropriations by a very helpful margin.

We have started the process of downsizing the Federal Government, and our fiscal year 1996 bills can more easily be meshed in with this plan.

Perhaps most importantly we have sent the message that we will reduce the deficit beginning in fiscal year 1995 whether or not we have a balanced budget amendment.

Here are the guiding principles we used to develop the rescission proposals: We defunded unauthorized programs; we consolidated programs where duplication was so obvious that a meaningful service could not be rendered; we cut back on programs that received large increases in the fiscal year 1995 bills. Where we found programs that just do not work, we stood up and said so. And in other programs we flushed the pipeline, especially in the Department of Housing and Urban Development.

These principles produced huge results; some say these results have gone too far, but when we get into the details Members will find out just how important our thorough review of downsizing government was.

Take the special supplemental food program for women infants and children for instance. We have been accused of taking food out of the mouths of needy children. All we did was reduce slightly the amount of carryover that was occurring in this program because it was being increased faster than the system could handle it. No beneficiaries will be impacted, no one will be removed from this program, and the program funding will continue to increase.

We recommended terminating the low-income home energy assistance program beyond fiscal year 1995. Now we are being accused of causing low-income people to freeze to death, but this is just one more example of a temporary program far outliving its time. Energy costs are far below the pre-1980 levels in real terms. If low-income people need an income supplement, then a reason other than energy cost needs to be used. We need to go elsewhere and find other ways to help those people, as we certainly can do with the myriad of programs that are available under the Federal Government.

We recommended in these bills rescinding funding for construction of six veterans' ambulatory care units. Funding for these projects was added above last year's budget request. They were developed as part of last year's universal health care proposal that subsequently died, and if these projects are needed, then they could be reformulated as part of a new health care proposal. Building facilities without the solution on how to pay for them and how they might fit into some other overall scheme just is not reasonable.

However, I understand there will be an amendment to address this issue, and the problem may be resolved for the veterans.

But we are also recommending terminating the Summer Youth Jobs Program. This program has turned into an income supplement program without

improving the employability of most of the participants or providing any long-term positive effect or skills training and we can do better than this. This program is not fulfilling any of its objectives.

Opponents of these bills say we are cutting spending in the wrong places. But this is a government with 163 job training programs, administered by 15 agencies costing $20 billion. Do these programs duplicate each other, do they work, can they be consolidated? Of course they can. But if this is the wrong place, the wrong time for cutting, then perhaps we should assume all 163 programs are doing just fine, thank you, and move on. I doubt that that is the case.

What is wrong with looking at education programs where 240 separate programs costing heaven knows how much and including 48 elementary and secondary education programs continue to flourish, notwithstanding the redundancy, the duplication and waste and inefficiency. Do they duplicate each other? Of course they do. Are they cost effective? No. Do they result in higher test scores? Obviously not from looking at the scores over the years. No one in or out of government can really say with certainty that we need any or certainly the vast majority of these programs.

Let us not forget the 93 early childhood programs, the 46 youth development programs, and the 14 nutrition programs. Actually I think that is closer to 30 nutrition programs. Is everybody satisfied that they are all functioning well and providing effective and efficient service to the neediest of Americans? Of course not.

In fact, I am convinced that we cannot find any single bureaucrat or advocate that says all of these programs are needed or meritorious. We can consolidate them. We can render service where service is needed. We can save the American taxpayer money, we can have fewer programs and less bureaucracy. We can work toward a balanced budget by trimming the Government down in this duplication and waste.

But if these are the wrong places to cut, what are the right places? If this is the wrong time to cut, then when is the right time? Do we fix the roof while the sun shines, or do we wait until the economy takes a turn down and find a new excuse to prime the pump with new jobs programs or youth development programs and more education programs?

Now that the balanced budget amendment has failed to pass the Senate, the thorny question still remains: Will Congress ever cut Federal spending? Even if we do not change the Constitution, it is still only one avenue open to us. It is the old-fashioned way. It is simply to sit down and get the job done, and take the first step, and that is what this bill is, taking the first step.

The Committee on Appropriations took the view that now is the time and that this rescission package is the way. The rescissions in these bills are less than 1 percent of the entire Federal budget. But it may be too much for some of our colleagues and for the President, all of whom are casting about for excuses as to why we should not even cut a single program.

They say we are not cutting spending, just paying for tax relief for the rich. But even if Congress fails to cut taxes, spending will exceed revenues by $200 billion this year and every year into the future, according to the Clinton administration plan.

If we approve this bill or approve the Clinton administration plan, another trillion dollars of debt will be layered on your children's shoulders in 5 years' time.

Mr. Chairman, here we are with a chance. We can downsize the Government, we can do it at a time of relative prosperity. We can reduce the deficit if we have the courage to get rid of bad programs, and we can do it in the old-fashioned way by just voting to cut spending now.

Let us not wait until next year or the year after, let us take the opponents at their word. If they are for getting our expenses in line with our inflow, then indeed we must pass these bills and I would urge the adoption of the bill.

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

Mr. OBEY. Mr. Chairman, I yield myself 13 minutes.

Mr. Chairman, what I would like to do here is to set the stage and explain why we are here and why we are doing this today. We have heard the gentleman from Louisiana [Mr. LIVINGSTON] and a lot of our Republican friends talk to us about deficit reduction and give us lectures about the need for deficit reduction.

I think it is important to explain how this country got to this moment. This chart will I think demonstrate what has happened to this country since the end of World War II. At the end of World War II, because we needed to borrow money in order to pay for the war, we wound up with a national debt which was roughly 115 percent of our total annual national income. Under a series of Presidents, Republican and Democrat, and under Congresses which were mostly Democratic but sometimes Republican, we brought that down on a bipartisan basis through the years to the point where in 1980 our debt as a percentage of gross domestic product was about 23 or 24 percent.

Then what happened is that Ronald Reagan was elected to office. He presented us a budget which essentially doubled military spending and which provided huge tax cuts for rich people, and that package was rammed through this House. I know, I was here; I offered alternatives to it. I warned at the time that if that budget package passed, we would have an explosion of both the national debt and the Federal deficit.

Mr. Stockman, who was the budget director for President Reagan at the time, admitted that, in his words, ''the numbers did not add.'' In fact, his exact words were these: He said:

> In the budget that we sent down to the Congress we got the deficit down to $31 billion by hook or by crook, mostly the latter. We didn't think it all the way through. We didn't add up all the numbers. We should have designed those pieces to be more compatible. But the pieces were moving on independent tracks. That's what happened. But for about a month and a half we got away with that because of the novelty of it all.

Now that is Mr. Stockman talking, not me.

So the Reagan budgets were passed, and what happened? The Federal deficit which had never been larger than $74 billion exploded to nearly $300 billion over the next decade, and the national debt tripled and quadrupled. As a result, this line began going in the wrong direction; it began going up, so that today we are at a national indebtedness which is about twice the level as a percentage of the national income as it was in 1980.

So in the 1980s we had three different efforts to try to correct the problem because the Republican party was embarrassed by what they had produced. And we had three magic fixes: Gramm-Rudman I, Gramm-Rudman II and Gramm-Rudman III. None of them fixed the debt, none of them affected the deficit, although each of them promised within a time frame of 4 to 5 years to balance the budget.

The public finally got fed up with it, and 2 years ago they elected President Clinton. They expected he would do something about it. He produced a budget which called for $500 billion in deficit reduction. He got not a single Republican vote for that in the House or in the Senate.

Under that, our committee, after that budget was passed, our committee produced cuts in 500 separate programs in the first year of the last biennium and last year we produced cuts in 400 programs in the year during which I was chairman.

Now I will fully grant that our Republic friends did a much better job of getting their message across about what happened on the budget than we Democrats did. I will grant that. And as a result, we lost 53 seats because the public apparently did not like the fact that we had voted for the Clinton budget. They did not apparently like the fact that we had voted for the Clinton budget program which did bring that deficit down from the $323 billion that George Bush told us it was going to be on the day he walked out of the White House, down to around $180 billion today.

□ 1445

But I will grant we did not do a good job of explaining what we did. We paid a price for it. I think that demonstrates that our party is willing to pay whatever price is necessary to get

the deficit down. We have already paid that price.

I would remind you that not a single Republican voted in either the Senate or the House for that deficit-reduction package. I say that simply to try to make the point that what we are talking about here today is not a difference over spending levels. Every single amendment that I asked the Committee on Rules to make in order would have saved precisely the same amount of money that is being saved in this bill today. What we argue about is where you are making the savings and where you are not making the savings.

This is not an issue about the number of education programs or the number of job-training programs. I stipulated at the beginning of the markup that we supported the elimination of most of the programs in question.

But here is what we do not support: We do not support hitting kids before they are born by cutting back on the Healthy Start program as this bill does. We do not support clobbering kids by wiping out over a 3-year time frame public broadcasting, because that is the only decent television that most preschool kids get these days. We do not support, as you do in another bill, cutting $7 billion below current services in the school lunch program. We do not support that. We do not support going after job-hungry kids by eliminating the summer jobs program, 610,000 kids just told to go take a walk this summer. We do not support whacking tech prep and the school-to-work programs as this bill does, and we do not support wiping out the drug-free school program that you wipe out, and we do not support eliminating 100,000 scholarships for kids who need help to go on to college. Neither do we support shooting old people.

What this bill does is say to 2 million senior citizens who make less than $10,000 a year, ''Sorry, but even if you live in my district, 30 below zero weather, you are not going to get any help to pay your fuel bills anymore.'' That means those seniors are going to have to choose between prescription drugs and heating their homes. I think that is a lousy choice for any Member of Congress who makes $133 thousand a year to impose on somebody in that income bracket. I think morally that stinks.

I also think it is wrong to say that you are going to take 40 percent of the housing hits and target them to senior citizens. So that is what we object to. We object to where you are getting the cuts.

We also object to where you are not getting the cuts. We tried to get the Coleman amendment made in order that would have allowed us to cut $400 billion in highway demonstration pork, but the Committee on Rules under the Republican leadership said, ''No, you cannot cut there.'' I tried to offer an amendment which would delay for 5 years the development of the F–22 aircraft which we do not even need until the year 2014, but which is going to cost us $150 million a copy. We tried to delay that for 5 years so we could save $7 billion so you would not have to wipe out the school lunch program. The Committee on Rules said, ''No, we do not want you to have that fix-up.'' So they said we could not offer that amendment.

We also wanted to set up a new system for disaster relief so that every citizen who needs help can still get it, but gets it under a system of loan guarantees paid for by State governments, not Uncle Sam. That would have enabled us to restore a whole series of programs. We would have been able to restore Healthy Start, Chapter 1, safe, drug-free schools, education for the homeless, SSIG State scholarships, Public Broadcasting, summer jobs, Eisenhower teacher training, senior-citizen housing, older workers' programs, and veterans' benefits. But, again, the Committee on Rules said, ''No, you cannot save the money there. You have got to go after seniors. You have got to go after kids.'' We think that is the wrong thing to do.

Now, why are we here? We were told a few months ago we were cutting the $17 billion in order to free up money for the Republican tax package. Two days ago we saw what that tax package does. We see what that tax package says to corporations like AT&T, du Pont, Boeing, General Dynamics, PepsiCo, Texaco, Greyhound Corp., Panhandle Eastern Corp., W. R. Grace, Sundstrand Corp., Burlington Industries, Westinghouse, et cetera, et cetera, et cetera. These are the folks who years ago paid no corporate tax, because we did not have an alternative minimum tax in the tax code.

Now, the Republicans are ripping out the provision in the tax code which says they have got to pay taxes. We are going to go back to the years when we have these giant corporations paying no taxes.

The second thing the Republican tax package does is say they are going to give three-quarters of the capital gains tax breaks to people who make more than $100,000 year. So we argued in committee you should not do that, you should not be shooting seniors, you should not be shooting kids in order to provide these kinds of tax bennies.

When we offered the Murtha amendment to prevent these cuts from being used to finance this kind of a rip-off, every single Republican in the committee voted against our amendment. But now they have not been able to take the heat. Why? Because the public understands you should not be gouging seniors and kids in order to provide these kinds of tax rip-offs, and because I frankly think that a lot of thoughtful Republicans on your side of the aisle recognize that is not the right thing to do. And so now we are told that they are suddenly going to accept the Murtha amendment and accept the Brewster amendment and provide us with the fig leaf by which they can now say, ''Well, we are not going to cut taxes by making these reductions after all.''

I would simply say what this really means is that there is a great deal of confusion apparently on the Republican side of the aisle about what they are going to do with their taxes. We were told first they were going to pay for whatever tax cuts they provide. Now we are being told, ''well, we are not going to do it after all.'' We are going to be told tomorrow in the Committee on the Budget that they are willing to make generic cuts buy simply lowering the caps without describing which programs are going to actually be cut.

But what this demonstrates is that whenever you have a specific program which the Republicans are talking about cutting, then it is going to be very difficult for them to get the votes in their own Caucus to produce the votes for those cuts in order to finance the kind of outrageous tax breaks which they are talking about in the Committee on Ways and Means bill.

So I would urge Members today to vote for both the Murtha amendment and vote for the Brewster amendment. But do not kid yourself, do not kid yourself. In the end, they are still going to provide those wild tax breaks for corporations and high-income people. That tax package is just as misguided as shooting seniors and shooting kids' programs in order to free up a few dollars so they can pretend that they are going to make a significant impact on the deficit.

I urge a vote against this bill and to vote for those two amendments.

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

Mr. LIVINGSTON. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. LEWIS], the distinguished chairman of the Housing and Veterans' Subcommittee of the Committee on Appropriations.

(Mr. LEWIS of California asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague yielding and rise at this moment to express my strong support for the work of the committee.

All of us recognize that the country faces a most serious economic problem with ever escalating, year in and year out deficits, and a total deficit pushing well beyond $4 trillion. The price will be paid not by us but largely by a few of our children, indeed mostly our grandchildren.

My section of the bill involves approximately one-half of the rescissions that are involved here, and the subcommittee responsibility covers a whole array of Federal programs ranging from veterans to housing to EPA to NASA, a total of 22 different agencies.

Beyond that, within this bill is a very important element, a supplemental appropriation that affects 40 different States that have been impacted by disaster in recent years. A

very significant part of that will affect my own State, for as you all know, California in recent years has had every disaster known to man. Californians have not asked to be put in this position, but ironically, as we work together today, all of you know that much of my State one more time is almost totally under water. One of the great things about this process is that it reminds us one more time that in times of crisis Americans come together as a unified public and help each other.

There is little doubt that all of us know that this will not be the last natural disaster. There will be another. We just do not know when it will occur or what part of the country it will hit.

I want you all to know that at that point in time this Californian stands ready to help you as you have helped us in the past.

Above and beyond that, we will be discussing a whole array of rescissions within my subcommittee. And in a lot of that discussion we will talk about HUD where there are some $7.2 billion worth of rescissions. This chart indicates the problem we have in discretionary spending and housing. Over the last 4 years, discretionary outlays have increased a full 50 percent, moving from $20.5 to $31 billion. Anybody who has any sense, who is willing to look, knows that those programs need fundamental review, and our effort here is to establish a new playing field whereby we will better serve the people who need Federal housing assistance.

Under our proposals, not one family currently receiving services will have those services terminated, and many more, in my judgment, will receive better service over time in a much more efficient process. That is what triggers and motivates these spending cuts.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan [Mr. BONIOR], the distinguished Democratic whip.

Mr. BONIOR. Mr. Chairman, I thank my colleague for yielding and I commend him for his statement earlier.

Mr. Chairman, the Republicans talk a lot about renewing American civilization, but you cannot renew American civilization by taking Big Bird from 5-year-olds, summer jobs from 15-year-olds, scholarships from 20-year-olds, in order to pay for a tax cut for the very wealthiest and most comfortable in our society. That is exactly what this bill does.

Mr. Chairman, yesterday the Committee on Ways and Means reported out the Republican tax plan out of committee. The bill cuts taxes by over $700 billion.

But the deep and the very dark secret of the Republican tax plan is this, the vast majority of the benefits go to those earning over $100,000 a year or more. Under the Republican tax plan, if you earn $100,000 a year, you get a tax cut of about $4 a day, but if you earn less than $100,000 a year, you get a tax cut of about 7 cents a day. If you are a Fortune 500 company under the Republican plan, not only will you get a tax break, you might not have to pay any taxes at all.

Look at how they intend to pay for it. They want to cut over $200 billion from veterans' benefits. They want to cut heating assistance for our elderly. They are cutting programs in nutrition for our infants. They are cutting jobs for kids and drug-free schools. That is what this bill does that is before us today.

So, Mr. Chairman, this is not what the American people voted for last November. If this is what the first $17 billion in cuts looks like, I can only wonder, I can only imagine what the next $700 billion is going to look like.

Mr. Chairman, let us not target children to pay for tax cuts for the most comfortable and the wealthiest in our society.

We all want to reduce the size of governments, but let us start by cutting over $200 billion in corporate welfare. What about all the irrigation subsidies and the mining subsidies and star wars? None of that is mentioned in here. They are just going after kids, going after the elderly. They are going after those in our society who are least able to defend themselves.

Mr. Chairman, Republicans keep talking about wanting to have a debate over issues. Well, we would love to debate these ideas, but under the rule in which we are operating now in the discussion of this bill, we have been shut out. Under this rule, we have time to debate probably just a dozen amendments; 82 amendments printed in the CONGRESSIONAL RECORD have been shut out. Is this what the Republicans mean by an open rule, by gagging 82 amendments, using an elaborate set of criteria not found in any House rule?

We cannot even offer amendments suggesting new cuts if we had them. Under this rule the only cuts we can offer are deeper cuts to the Republican cuts that have already been offered.

So, Mr. Chairman, this rule is closed. It is outrageous. It is offensive. It is contradictory to everything said last year when our colleagues on this side of the aisle complained to us about having open rules, especially on deficit reduction proposals like this one.

□ 1500

Mr. Chairman, I urge my colleagues to say ''no'' to targeting children and the elderly, say ''no'' to tax cuts for the wealthy, say ''no'' to this bill.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the distinguished chairman of the Subcommittee on Treasury, Postal Service, and General Government of the Committee on Appropriations, the great gentleman from Iowa [Mr. LIGHTFOOT].

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

Mr. Chairman, I rise to engage in a colloquy with the gentleman from New Mexico, chairman of the House agriculture appropriations subcommittee.

I would like to discuss the U.S. Department of Agriculture's National Swine Research Center to be located at Iowa State University. This project was included in the rescission legislation.

This center has been developed as a direct result of a partnership among the U.S. pork industry, the Agriculture Research Service and the U.S. Congress. The center has always had, and continues to enjoy the complete support of the Iowa congressional delegation and funding from the Iowa legislature.

The subcommittee has raised legitimate concerns about the center's mission in an era of declining Federal budgets. But I can assure the gentleman from New Mexico and this House, the center meets the tough criteria for future Federal spending.

Since the rescission bill was marked up, the Agricultural Research Service has testified before the agriculture appropriations subcommittee that the type of research to be conducted at this center is unique to problems associated with large hog operations, especially with environmental concerns.

My question to the gentleman from New Mexico [Mr. SKEEN] is: Can we work with the subcommittee to find a way to fund this necessary research?

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

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

Mr. SKEEN. I thank the gentleman for yielding.

Mr. Chairman, I respond by saying, the subcommittee looks forward to working with the gentleman and other members of the Iowa delegation to find funds to start this research. It is my understanding the research enjoys widespread pork industry support and is important to ensure the continued world leadership of the U.S. pork industry into the next century.

As the gentleman from Iowa stated, the Agriculture Research Service has stated the unique nature of the research. It is essential that we address the problems facing the U.S. hog industry. I look forward to working with the gentleman.

Mr. LIGHTFOOT. I thank the gentleman from New Mexico and look forward to working with him to resolve this difficult situation.

Mr. SKEEN. This was an honest pork situation.

Mr. LIGHTFOOT. This is an honest pork situation. We are talking about real pork, the kind on four legs that you eat.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. I thank the gentleman for yielding this time to me.

Mr. Chairman, as we begin this first debate on the guts of the contract on America, the Republican economic plan, we ought to reflect on what has happened to working families' incomes

in this country. It ought to be the baseline upon which we base our basic judgments about what to cut in spending and where we ought to be making adjustments in our taxes.

If you look at 1950 to 1978, Americans essentially at all income levels grew together. The poorest actually grew the most. The wealthiest, well, they had a 100-percent increase in real family income growth, were consistent with all the other classes in American society.

But in the last 20 years, since 1979 through 1993, we had a marked change in our society. The wealthiest gained most of the economic growth, 18 percent increase in the top 10 percent. Those at the bottom, in fact, 60 percent of all American working families, saw real declines in their standard of living. They have been the ones who have paid the price. Republicans offer little relief to that vast segment of our workforce that has seen real incomes decline in this recent past.

Despite the explosive growth of overall household incomes in the same period, most benefits were concentrated among upper-income families.

Now, if we want to go about restoring opportunity and providing the foundation for income growth for most Americans, we have got to take a different approach.

But that is not what we are doing here today. Without a doubt, this is an important bill for many of us, including those from California whose districts are under water and who have unpaid bills from the North Ridge earthquake. Yet I think without much exception, hopefully none, we will be opposing this disaster assistance bill because, unfortunately, the Republicans have chosen to put that funding at risk by unilaterally offsetting those funds with cuts that do California more harm than good.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. PACKARD], the distinguished chairman of the Subcommittee on Legislative Branch Appropriations.

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

Mr. PACKARD. Today, as a member of the Appropriations Committee, I am proud to offer our first down payment to balance the budget by 2002. Republicans made a promise to the American people; now, we are putting out money where our mouth is. As chairman of the Legislative Branch Subcommittee, I am pleased to contribute to this effort.

As the subcommittee responsible for funding Congress, I believe that our legislative branch must undergo the same kind of scrutiny as every other branch of Government. In fact, we should set the example.

I made a commitment to not just downsize for downsizing's sake. I want to restructure, I want to make Congress work better at less cost.

As part of that effort, we defunded the Joint Committee on Printing which oversees the Government Printing Office. This will remove duplication and redundancy. The House and the Senate's current committee apparatus can take over the Joint Committee's functions and eliminate the excessive overhead in the process.

On a voice vote, my subcommittee unanimously approved the reductions we made. I am pleased to offer these cuts as part of the rescission bill now before us.

Furthermore, I wish to commend the gentleman from Louisiana, Chairman LIVINGSTON, for his tenacious hard work and his dedication to deficit reduction. This is a transitional time in America. The voters asked for a smaller government that spends less, taxes less, and regulates less.

We must make some difficult choices to accomplish our goal. However, the voters elected us to make those tough choices. We must and we will. The American people, their kids and grandkids are counting on us.

I am proud of what we are doing today.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from North Carolina [Mr. HEFNER].

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

Mr. Chairman, the Republicans have a Contract With America. They are proud of it. They had a 50-day celebration. They made a big to-do about it. They should be proud of what they are doing with the Contract. It is in the contract that you are going to have a cut that is going to give a tax cut to the most wealthy, affluent Americans in this country. And do it at the expense of the people who are the most vulnerable people in our society: children, senior citizens, and veterans.

Make no mistake about it, that is going to happen. This money goes into a pot. You can accept the amendments or whatever you want to do, but this money is counted as cuts that you have made today and you are going to use it for a tax cut.

I have a very limited amount of time here today, but I would like to give you a couple of instances of what separates us, the Democrats, from the Republicans. There was a group of consultants and people who work regularly for the Republicans, having a meeting just around the table with some of the people at Harper's.

Here are some of the things that were said when they talked about social security. They said, they talked about cutting social security.

Mr. Frank Luntz, the Speaker's adviser, said, ''Philosophically, you are right, but politically we can't do anything for at least 2 years until we get the public's confidence.'' They also said, Mr. David Frum said, ''The big programs like welfare, Medicaid and Medicare, will take a little time to get rid of. But there is a lot of little ones that we can get rid of right away.''

And Mr. Reed, who is a consultant for the Christian Coalition, says, ''The Legal Services Corporation, which provides legal aid for the poorest in our country, would be a great one to start with.''

Be proud of your contract, but be honest about it. We are going to have a tax cut for the wealthiest people in this country, and we are going to put at risk the most vulnerable people in our society: the little old lady huddling up in Connecticut because she does not have the money to pay her heating bill, and the children who are going to be suffering from the lunch program. It is going to happen.

You can do all the rhetoric you want, but that is what separates us.

I urge a vote—and I have never voted against a disaster in my life, or an extension in my life—but this is one where I am going to make an exception.

Mr. LIVINGSTON. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Texas [Mr. DELAY], the honorable whip for the majority party.

Mr. DELAY. I thank the chairman of the committee, the gentleman from Louisiana, for yielding this time to me.

Mr. Chairman, I would like to commend the gentleman from Louisiana [Mr. LIVINGSTON] for the work he has done on this bill.

I would just like to take this time to address two provisions in H.R. 1159 that act as moratoriums on Federal trip reduction requirements and mandated emissions testing programs. The bottomline is simple: The scant environmental benefits to be gained from these flawed programs fall way short of the costs involved in implementing them.

I would like to thank Chairman LEWIS for working with me on these very important provisions and commend him for producing one of the toughest subcommittee marks in this rescission bill.

By preventing EPA from enforcing these requirements through the end of the fiscal year, we are giving the authorizing committee time to reopen the Clean Air Act. Changes must be made to reflect the expensive failures all of our constituents have encountered in dealing with these programs. Likewise, we must give States the option to choose the methods that work best for them to address their pollution problems.

EPA has backed off the trip reduction requirement. They acknowledge its ineffectiveness and say they will not enforce it. But businesses must still submit ''employee commute option'' plans to their States, forcing employers to divert resources to comply.

The bottomline is that the law is still on the books and just because EPA says it will not enforce it now, there is nothing to stop them from reversing their position in the future.

This situation is causing significant uncertainty in the business community.

The moratorium in this legislation would provide that certainty until the Congress has an opportunity to reevaluate the authorizing language.

As far as the federally mandated emissions programs go, a virtual rebellion has occurred in those States required to implement them. Of the 28 States forced to comply, 22 programs have been delayed or suspended or the State has refused to comply altogether.

For example: in Maine the program was suspended after only 2 months due to the high number of false failures and reports of vehicle damage; in a demonstration in Denver, in January, cars were actually deliberately rigged to fail the IM 240 emissions test but instead passed with flying colors; according to a 1992 GAO report, the EPA itself found that in one case, over 25 percent of the vehicles tested using IM 240 failed initially, but then passed a second test, even though no repairs were made; according to one State coordinator of the so-called Green Party, ''This law is unfair to poor and working people who cannot afford to pay $450 to have their cars fixed.'' Another member said, ''The program won't accomplish what it is supposed to—clean up the air.''

The fact is, that despite the EPA Administrator's pledge to grant States flexibility on their emissions testing programs, EPA cannot be trusted to handle these issues administratively. This moratorium provides a desperately needed short term fix until a long-term retooling of the requirement can be developed.

This bill doesn't repeal the laws that have broken down on the heads of the American public. And it doesn't fix those laws either. All it does is prevent the fact that these laws are broke from causing further unnecessary pain.

Mr. GEKAS. Mr. Chairman, if the gentleman will yield, I would also like to thank the gentleman for this discourse which he has begun on this very important question.

As the gentleman knows, there are many, many States under the gun of the EPA on the auto emissions issue, and we want them to pause. They said they are going to pause, as the gentleman indicated. But how do we know they are not going to unpause and begin the process all over again, when we are still not sure of the standards that are going to be applied, how they are going to be tested, what mechanisms the States are going to be given option to utilize?

It is important that we help the EPA help themselves.

Mr. LIVINGSTON. Mr. Chairman, may I inquire as to he time remaining on each side?

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] has 9½ minutes remaining, and the gentleman from Louisiana [Mr. LIVINGSTON] has 9 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Cleveland, OH [Mr. STOKES].

Mr. STOKES. I thank the distinguished ranking minority member, the gentleman from Wisconsin [Mr. OBEY] for yielding this time to me.

Mr. Chairman, I rise today in strong opposition to H.R. 1158, the bill making emergency supplemental appropriations and making rescissions for the fiscal year 1995. This bill would drastically cut funding for programs that are vital to the most vulnerable and needy in our society. As I stated in my remarks opposing the rule to this bill, numerous attempts by my Democratic colleagues failed to override the cold and callous reductions contained in this measure.

Everyone voting on this bill today should understand what these actions mean to millions of Americans. It has been said that none of the cuts in this bill would hurt people—that the cuts occur prospectively. This is not the case. No matter how some may want to justify these reductions, this rescissions bill is a prescription for disaster. It is an assault on the very basic and essential programs that impact the daily well-being of Americans; education, health, housing, and jobs. That is why I am opposed to the bill before us today.

Even if you support the argument that our Nation needs to be more vigilant in its efforts to reduce the Federal deficit, there is no grounds for the inequity in the rescissions in this bill. The figures derived were not from any set target or economic formula. These amounts were arbitrarily picked by the Committee Chairmen. In the end, the pain and burden of this bill is placed squarely upon the shoulders of the poor, the elderly, and the children of this country. These are the people who are really jeopardized by this legislation.

Let's talk about these cuts and the nearly one-half million elderly and almost 1½ million children living in public housing who will be harmed by the almost $3 billion slashed from public housing programs at HUD.

These elderly are predominantly single and disabled women, living by themselves. They are the same constituents who have approached each and every one of us about the need to provide special housing facilities for the elderly apart from special housing for the disabled and mentally ill. After years of negotiation to ensure that the housing needs of all special populations are met fairly by HUD, this bill in one fell swoop eliminates the 5,000 new section 8 vouchers and certificates which would be used for this purpose.

This cut, which completely eliminates the 69,000 new rental assistance vouchers, would also mean that 12,000 certificates reserved for homeless women with children—the fastest growing segment of homeless persons in America—would be rescinded. Additionally, the 3,000 certificates set aside for homeless persons with AIDS would be zeroed out.

Ironically, this bill cuts section 8 vouchers and certificates which are used by FEMA to provide assistance to families displaced by the Northridge earthquake in California, the same disaster for which we are providing assistance for in this supplemental. How do you provide disaster relief for them in one hand and take it away from them in the other?

People living with HIV/AIDS are further harmed by the reductions in this bill that eliminate funds for the housing for persons with HIV/AIDS [HOPWA] program. This cold-hearted action virtually takes away the only chance that people infected with HIV/AIDS and their families have for housing at their most dire time of need. Slashing the funds for this program will force people with HIV/AIDS—a growing number of whom are women with children both infected or affected by HIV—into the streets. This destroys any chance they may have had of leading a normal life while undergoing treatment or any chance of dying with dignity.

Mr. Chairman, if this is not enough, what chance do our children have when their brains and development are impaired as a result of ingesting lead-based paint with this bill which reduces the lead based paint abatement program at HUD?

One of the few possible sources of funding that may have been available to ease the loss of Federal funding for assisted housing halfway through the year, the community development block grant, is also targeted for a cut. Every State and local jurisdiction across this Nation benefits from this important program. In States like Georgia—recovering from devastating summer floods—FEMA has utilized CDBG monies in conjunction with its efforts to restore disaster communities. This bill eliminates $350 million from CDBG.

This list goes on and on with what I consider to be short-sighted and mean spirited rescissions. It is important that we defeat this bill which hurts our most needy citizens.

Lastly, this is what this bill does:

Funding for Healthy Start is cut $10 million. This program provides resources and assistance to urban and rural communities with high infant mortality rates; 2,200 pregnant women will not receive primary care; 33,000 prenatal visits will be eliminated; 3,000 pediatric appointments will be eliminated; 5,800 clients will not receive child care; 3,267 clients will not receive skill and job training.

Funding for low-income home energy assistance is terminated. Millions of children and elderly will be forced to choose between heating and food.

Funding for summer youth jobs has been completely eliminated, and funding for youth employment training has been cut by more than 50 percent. Approximately 1.2 million young people will no longer have summer jobs, and 318,000 will not receive employment training. This action leaves over 1 million young people on the streets in our inner cities and rural areas with missed opportunities, lack of hope, and nothing constructive to do.

The bill destroys the school to work, the tech-prep program and the youth fair chance program. Funds have been completely eliminated for these programs.

Funding for veterans' medical assistance has been cut $206 million. Funding for homeless veterans' employment training has been terminated.

Funding has been terminated for the Safe and Drug Free Schools Program. Ninety-four percent of our Nation's schools will lose critical resources for student safety and drug abuse prevention.

Funding for higher education is cut more than $237 million, and includes a $111 million cut in financial aid. These cuts will place the pursuit of a college education outside the reach of thousands of students; $7.3 billion has been cut from HUD housing programs.

These are but a cross section of the cuts in ''people'' programs. The action taken by the Republican majority is not only unconscionable but also very mean-spirited.

This bill is a prescription for disaster. It hurts the elderly, our children, our veterans, and low income people. I urge my colleagues to defeat this bill.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. BALLENGER].

□ 1515

Mr. BALLENGER. Mr. Chairman, I would like to engage in a brief colloquy regarding State OSHA programs with Chairman PORTER.

The committee bill includes a $16 million reduction in OSHA spending for fiscal year 1995. As I understand it, this rescission represents the entire increase over the fiscal year 1994 appropriation. The agency will have an operating budget of $296,428,000 for fiscal year 1995.

I would like to clarify one point. In fiscal year 1994, State program enforcement received $68.630 million and State program enforcement received $70.615 million in fiscal year 1995, an increase of $1.985 million. It is my understanding that State programs will not be reduced by any more than the original increase of $1.985 million.

Mr. Chairman, I ask the gentleman, is this your understanding?

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

Mr. BALLENGER. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I thank the gentleman from North Carolina for his question. It is also my understanding that the State plan programs will not receive a disproportionate share of the cuts and will receive the same level of funding appropriated for fiscal year 1994.

Mr. BALLENGER. Mr. Chairman, I thank the gentleman from Illinois for clarifying the point.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. COLEMAN].

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

Mr. COLEMAN. Mr. Chairman, I gave all of my colleagues on that side of the aisle an opportunity to make some more cuts, and they did not take it. I say to my colleagues, you remember the amendment I took to the Rules Committee as the ranking Democrat on the Subcommittee on Transportation? I provided you an opportunity to go after some highway demo projects. But they would have been in your district, just like they would have been in Democratic districts, and you opted out of that one.

So, Mr. Chairman, I do not want to hear any more speeches about tough choices and courage on this bill when they go after the elderly and the veterans in my district and the kids in my district. I do not call those tough choices. I call that kind of a chicken way out because, as I said, you had a chance to cut highway demo projects, by the way, up to $2 million, if you wanted to, from ISTEA and House Appropriations Committee highway demo project, but, no.

I want to tell the American people, and I want to tell all of my colleagues on both sides of the aisle, you took the easy way out. We don't want to harm any of our colleagues' projects because, after all, we don't really think that's pork when it comes to our projects; do we?

So the statements of the gentleman from California [Mr. DREIER] and the statements of the gentleman from Louisiana [Mr. LIVINGSTON] notwithstanding, it is not our side that wants business as usual. I say to my colleagues, I gave you the opportunity, yet you would not allow in this closed rule for me to present this amendment, and I didn't take the money and put it anywhere else. I was just going to allow you to cut another $400 million in my amendment. Or up to $2 billion if you had offered one and made a more serious rescission package. I would have preferred you not to take school lunches. I would have preferred you not to hurt my veterans. I would have preferred you not to hurt the elderly. But I didn't even require that you not do that. I gave you a chance, and you didn't take it.

So, Mr. Chairman, I think it is high time we all stopped praising ourselves over on that side of the aisle in the Republican Party and patting yourselves on the back. It is time that they fessed up and admitted they did not do what they could have done.

Mr. LIVINGSTON. Mr. Chairman, I yield 1½ minutes to the gentleman from North Carolina [Mr. BARR].

Mr. BARR. Mr. Chairman, I rise to engage the gentleman from California [Mr. LEWIS], who chairs the subcommittee dealing with HUD, in a colloquy if he is willing.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, I would be very pleased to do so.

Mr. BARR. Mr. Chairman, many communities throughout the State of Georgia, including those within my own district, have raised a concern regarding the proposed reduction of $349 million in community development block grants. I am informed that the cut amounts to as much as an 8 percent reduction from what has already been publicly announced and communicated to them.

Mr. LEWIS of California. The gentlemen is correct. Many local communities have been notified of their fiscal year 1995 allocations and have initiated community meetings to plan for the release of CDBG monies for the wide variety of eligible purposes.

Mr. BARR. So can we expect the committee to help us make a determination of how to assure these communities that they will receive what they were previously promised?

Mr. LEWIS of California. Mr. Chairman, I commend the gentleman from Georgia [Mr. BARR] for his efforts.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I think this is a very important bill. It has 20 pages of cuts, approximately $20 billion. But one of the things that really bothers me is that at a time we are making very strong cuts to get this budget under control, we are sending up to $52 billion down to Mexico. The President circumvented the Congress of the United States and did that by himself with the Secretary of the Treasury from the exchange stabilization fund.

Fifty-two billion dollars.

Mr. Chairman, we are cutting $20 billion out of this, and at the same time we are cutting Americans, and we should do that to get the budget balanced, we are sending $52 billion to Mexico. This is at a time when their peso is dropping like a rock and our dollar is dropping right with it because, in part, of our sending that $52 billion down there.

The American people do not want us sending their taxpayers' dollars down to Mexico, and we cannot even get a vote on it in this House of Representatives. One of the things that I think is extremely important, if we are asking Americans to take a hit in order to get this budget balanced, we should do the same thing in foreign policy, and we should tell the people in leadership here, and in the other body, and at the White House, ''We want an up or down vote on the Mexican bailout.''

Mr. OBEY. How much time does each side have remaining, Mr. Chairman?

The CHAIRMAN. Five and a half minutes on each side.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, in a famous court case a Supreme Court Justice said of obscenity, ''I know it when I see it.''

Mr. Chairman, we see it here today in the form of the Republican rescission bill on the floor. The bill abandons all sense of decency by cutting programs for children and seniors in order to cut taxes for the wealthiest Americans. Mr. Chairman, because the Republican disaster bill cuts investment in children, like nutrition, education and summer jobs, it will create other problems which will increase the budget deficit while it increases the human deficit.

Furthermore, Mr. Chairman, it is indecent to cut assistance to homeless vets and to cut other veterans' medical benefits while giving tax benefits to the wealthiest Americans and corporations. It is indecent to cut home heating oil for senior citizens. It is indecent to ask California's children to pay $2

billion—$2 billion in assistance for the aid that California will receive for the earthquake disaster.

Mr. Chairman, much has been said about saddling our children with increased deficits—budget and human. We must defeat this bill today.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois [Mr. MANZULLO].

Mr. MANZULLO. Mr. Chairman, I rise in support of the committee recommendation to restrict funding in the bill for the imposition and enforcement of requirements that the States implement trip reduction measures to reduce automobile emissions.

Under the 1990 Clean Air Act amendments, Mr. Chairman, businesses that employ over 100 people in severe ozone nonattainment areas have developed a plan for forced carpooling. This employee commute option is supposed to encourage alternative means of transportation. However this plan is costly and, in some cases, impractical and unnecessary, which is why I applaud the restricting of the funding.

Mr. Chairman, in my home State of Illinois the estimated cost of businesses to comply with the employee trip reduction mandate is as high as $210 million a year, and data from southern California shows it simply does not work. One rural county in my district is included in the Chicago severe nonattainment zone and has no mass transit system, and people would be left with no reasonable option other than to instigate forced carpooling to comply with the mandate. This is unacceptable, and I applaud the Governor for standing against it.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

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

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of H.R. 1158.

Mr. Chairman, as a new Member of the House I voted for a balanced budget amendment knowing full well that such a measure would require tough choices. While some contend that we do not need such an amendment, personally I feel our Nation's future depends on it. Our national debt is staggering, our annual deficit continues to grow, and our actions today on H.R. 1158 mark the first real step to protect future generations. We are here for our children and grandchildren, pure and simple. If we act today, we give them the greater measure of security. Most important, this first tough vote may give them a chance to have the opportunities we now enjoy, a great education, the prospect of a good job and a quality of life unparalleled in the world.

My hometown paper urges that the majority party start to act in the new Congress, actually to cut spending. It urges Congress to start making the tough spending decisions now. While I don't always listen to my hometown paper, they are right: Don't talk cut, cut sensibly, and my constituents agree.

Our vote today will lead to a balanced budget. Let's be clear; this package is a $17.2 billion reduction out of a total of a $1.5 trillion budget. It is a 1.1-percent reduction.

The bottom line is that we need to start the process. What better steps than to consolidate a horde of programs, some highly duplicative, some unauthorized by Congress itself, some with unjustified increases and others paralyzed in the money pipeline with little likelihood of being spent.

Specifically, this bill reduces the HUD budget by $7.2 billion dollars. It has become obvious that many HUD programs are not working. The GAO and the inspector general's report reflect those facts. We need to get the money to people who Congress intended to help. The money does no good sitting in Washington.

Then there is the issue of scare tactics now that we are at decision time. They are the same tactics used when we made the same tough choices in my State. Again, we were told the sky would fall in. It did not happen. What did happen was smaller, smarter government. And we reduced taxes. We can and we will make the same tough choices in Washington. We can and will balance the budget while ensuring that the needy in our country are cared for.

Let us focus on some facts. Just one example: There have been many false accusations about the impact of cuts proposed in the Department of Housing. Despite a reduction of $7.2 billion, not one of the 4.8 million households currently subsidized by HUD will lose housing assistance. In fact, if all these cuts are approved, HUD's spending will still increase $3 billion over last year's level.

In the end its the Washington bureaucrats that are running scared. And scared they should be. No longer will we fund programs that don't work; no longer will we allow Federal bureaucrats to sit on taxpayers' money. We will set priorities, we will limit the size of Government, and we will do what we said we would—reduce the deficit, balance the budget, and restore the future to our children. I urge the passage of this bill.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mrs. LOWEY].

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. Mr. Chairman, I rise in strong opposition to H.R. 1158, the omnibus rescissions and disaster supplemental appropriations bill.

I strongly disagree with the priorities laid out by this bill. This bill cuts the muscle but leaves the fat. We owe the American people deficit reduction that builds on the major reductions we have made in the last 2 years.

There are cuts we should make. We can and should cut the strategic petroleum reserve, abolish numerous Federal commissions, eliminate the Aerospace Marketing Division within the Department of Commerce, modify the Triad force structure and delay the F–22 aircraft. These are just a few of the cuts I have advocated and will continue to push.

But the bill does not touch these programs, and the rule does not allow us to offer amendments to make those cuts instead of the cuts in this bill, fighting drugs and crime in the schools, helping students attend college, providing nutrition to infants and pregnant women, supporting education and public broadcasting, offering summer job opportunities. These are not the cuts we should be making.

Mr. Chairman, I strongly urge my colleagues to oppose this bill.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York [Mr. FORBES].

Mr. FORBES. Mr. Chairman, fairy tales could come true, it could happen to you.

We are going to be listening to a lot of nonsense on the floor, poppycock, bogus, misleading false information. This is the kind of rhetoric that is coming out of the other side. It is manufactured dialogue with no basis in fact or reality, and I think we ought not to lose sight of that, Mr. Chairman.

The fact of the matter is that we are doing the necessary business of the Nation as asked of us on November 8 of 1994. We are making the tough decisions, and we are not hurting children, we are not hurting veterans, and we are not hurting senior citizens, and it is unconscionable of the other side to raise that kind of false rhetoric.

Mr. OBEY. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I say to my colleague: Tell the little old lady who I met in Stevens Point who was living in the house that her husband had built for her as a wedding present and who had boarded up every room in the house and was living only in the living room, the bathroom, and the kitchen, even sleeping on the dilapidated couch, who needed the home heating assistance program in order to stay in that house—tell her you're not going to hurt her by this action. I don't know how many people you've met like that, but you ought to meet more of them. You would know better than to say you're not hurting them.

□ 1530

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise today in strong support of this package of spending cuts. This is a balanced package that will both pay for emergency disaster relief and start us on our glidepath to a balanced Federal budget. As a member of the Appropriations Committee, I have been intimately involved in the development of this bill, and I must say I have been surprised by the overheated rhetoric from the other side about the rescissions. Let us be clear what we're talking about. This package represents just 1 percent of the Federal budget—1 percent.

But we cannot, as we have in years past, simply pass a supplemental appropriation and expect to just ''find'' this money somewhere in the budget. As we were all told when we were young, money does not grow on trees, and I think it is time for the Federal Government to admit that fact.

We all have heard a lot of rhetoric about children. Folks, it's time we face up to the fact that the most important step we can take for our children is to balance the budget and stop leaving them an inheritance of debt. Let us stop living beyond our means and claiming we are doing it for the kids.

I urge my colleagues to support this bill in a bipartisan fashion.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio [Ms. KAPTUR].

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

Ms. KAPTUR. Mr. Chairman, I rise in opposition to this bill, and I am proud to be a Democrat today.

Mr. Chairman, I would love to run against any Member of this Chamber who votes to eliminate the summer jobs for our teenage sons and daughters. I would be proud to run against any Member who votes to eliminate the winter heating program that helps people like Sadie in my district, a women who is 73 years old, worked all her life at a laundry, raised a family, and now survives by picking up odd jobs at age 72.

I would love to run against any Member who votes to eliminate this program today for the hundreds of thousand of seniors across our country who depend on this program, and then to take those savings and save them up for a tax cut for the wealthiest people in our society, rather than raising the money by closing tax loopholes that let billions of dollars go out the back door by letting our pharmaceutical companies manufacture abroad, or not close the transfer pricing loophole that lets foreign companies do business in this country and not pay their bills.

Mr. Chairman, I would love to run against anybody that votes to eliminate summer jobs and this winter heating program.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, I thank the ranking minority member.

Ladies and gentlemen, I really do not know what the majority speakers who have argued that this does not represent real cuts for real people mean. Because it does take away from real people's programs.

In my remarks on the rule, I commented that the bill sets up a face off between the emergency supplemental needs of States experiencing disasters and domestic critical discretionary programs. It ravages discretionary spending and sets up an unfortunate model for funding into the future whenever we have disasters.

We are cutting programs which benefit the most volunerable in this country under this legislation. We should be, Mr. Chairman, looking at these programs more carefully. We should be sympathetic to California disasters. But if we do not want to fund California disasters as emergencies, we should find some other formula. Maybe we should start an insurance program for disasters. But to us this as an excuse for making cuts in discretionary spending, in child nutrition, in youth summer programs, in homeless assistance grants, in community development, to cut housing $7.3 billion, is absolutely unconscionable.

Now, what we are funding for the disasters is $5.3 billion. What are we going to do with the other $12 billion not associated with the California disasters? Is it associated with a tax cut? I suspect it is, and I suspect that this bill includes rescissions to pay for high income tax cuts by devastating domestic discretionary programs.

Mr. LIVINGSTON. Mr. Chairman, I yield myself 2 minutes.

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

Mr. LIVINGSTON. Mr. Chairman, we are going into the amendment process, a rather lengthy process, on this very important bill which cuts a net of $11 billion in spending, the largest rescission bill in the history of the country. It is a very important first step towards balancing the budget.

Now, we have heard arguments that the deficits were caused by the Reagan years, but everybody should know that Congress approves the budget, Congress is the one that spends the money and raises the taxes. And throughout the Reagan years, Ronald Reagan reduced taxes on the American people, yet revenues went up and Congress spent more.

The reason we have the deficit is because Congress appropriated more money than revenue received. Democrats controlled the House of Representatives for the last 40 years; the Congress was responsible for the deficit.

They never saw a program they did not like. They never saw a program they did not want to take taxpayers' money and use it to tell them how it should be best spent. Then when we finally try to get the spending under control, we hear all of the bleeding hearts tell us how we are cutting women and infants and children and all this other stuff. A cut to them is an increase to any normal human being.

The WIC program, Women, Infants and Children Program, we are told we are cutting. It is going up from $3.4 to $4.2 billion in the next 5 years. We are said to be cutting the school lunch program. It is going up from $4.5 to $5.6 billion in the next 5 years. Those are not cuts, those are increases.

We are trying to make this government more efficient. We are trying to bring common sense to the budget, and we can hear this bleeding heart stuff, this compassion game from now until eternity, but it will not bring fiscal sanity to this country, and it risks the possibility of total and unequivocal economic collapse and a lower standard of living for every man, woman and child in this country in the future.

Mrs. MINK of Hawaii. Mr. Chairman, I rise to oppose H.R. 1158. Two-thirds of the $17.1 billion in rescissions contained in H.R. 1158 are taken from programs for children and the poor. While this fact demonstrates the majority party's indifference to programs that impact children, low-income families, and the elderly poor, the majority party's indifference is compounded by the fact that these rescissions were intended to offset part of the majority party's proposed package of tax cuts that total $189 billion. When it was brought to light that these cuts in programs for children and the poor were going to pay for tax cuts for the rich, the majority party was forced to change their strategy and dedicate the funds to deficit reduction.

I submit that this bill will only increase our nation's deficit. It will increase our deficit in education, nutrition, housing, employment and other services that our communities desperately need to raise the future generations that will lead this nation. It decimates the precious few dollars we spend on investments in our most important asset—our human capital—and yet does not touch the tax credits, subsidies, and direct benefits that corporations are feeding upon from the Federal government.

H.R. 1158 cuts appropriations for low-income programs by 15% while cutting appropriations for other programs by just 1%. Of H.R. 1158's many rescissions, the following are some of the more egregious: All $1.7 billion appropriated for the Summer Youth Employment Program for the summers of 1995 and 1996 and thereby denies summer jobs to 600,000 low-income youth in each year; $7.2 billion in appropriations for housing programs, including $5.7 billion for assisted housing; $1.7 billion in education appropriations, including all $482 million in FY 1995 appropriations for the Safe and Drug-Free Schools Program, $186 million from the Goals 2000 Program which includes state and local grants to assist education reform, $232 billion in vocational and adult education programs, and $63 million for Student Financial Aid under the State Student Incentive Grant Program; and $206 million in veterans programs, including $50 million for veterans medical care.

For the State of Hawaii, the rescissions package translates into cuts totalling $73.5 million, including the following: $12.6 million for Section 8 Housing vouchers and certificates, $7.4 million in Housing modernization, and $1.45 million Housing subsidies; $4.4 million for the Summer Jobs Program for the summers of 1995 and 1996; $2.2 million for the Safe and Drug-Free Schools Program, $541 thousand for the Goals 2000 Program for grants for education reform, $413 thousand for the Tech Prep Program which addresses the need for a more technologically proficient work force, $303 thousand for the Education for Homeless Children and Youth Program, $297 thousand for the Eisenhower professional development program which provides

state grants to assist in the professional development of teachers in all the core academic subjects, and $260 thousand for the State Student Incentive Grant program which may cause students to lose their scholarships.

Of significant importance to my state is the elimination of two programs dedicated to the well-being of the Native Hawaiian people. The full remaining amount of Fiscal Year 1995 funds for the Native Hawaii Education Act and the Native Hawaiian Health Care Act are rescinded in this bill. The removal of these funds and proposed termination of both programs constitutes an abrogation of Federal responsibility to the native people of Hawaii.

Native Hawaiians are Native Americans. They occupied the land which now constitutes the State of Hawaii for centuries prior to the islands' annexation to the United States. The overthrow of the Hawaiian's sovereign government in 1893 was achieved only through the illegal actions of U.S. Government representatives.

For over 70 years, with bi-partisan support, the Congress has acknowledged and reaffirmed the Federal Government's legal and moral responsibility to the Native Hawaiian people by providing assistance for the improvement of their social and economic welfare.

The Native Hawaiian Education and the Native Hawaiian Health Care Act are among several programs designed to uphold the United States' trust responsibility to the indigenous people of Hawaii. The termination of these programs will have serious and detrimental consequences for the most vulnerable Native Hawaiians—the elderly and the children—and violate the integrity of the United States Government.

Yet in one fell swoop, without hearings or serious consideration by the committee's with jurisdiction over Native American affairs, without thought of the consequences, this rescissions package drives a wedge into 70 years of history during which the Congress deliberately, purposefully established programs for the Native Hawaiian people.

It is just another example of how these rescissions further shred the social ''safety net'' of this country which has proved to be the sustaining element of our society through recessions, inflation, times of economic prosperity, through war and through peace. These rescissions prove beyond doubt that the collective voice of those Americans most impacted by these rescissions is but a faint echo, if even that, at any caucus held by the majority party.

I strenuously oppose H.R. 1158 because in its attempt to complete the implementation of the majority party's Contract with America, it utterly decimates the more important Social Contract.

Mr. TORRES. Mr. Chairman, I rise in strong opposition to this cold and heartless attack on our children, our veterans and our working poor. Two days ago, I had lunch with some of my youngest constituents at their elementary school in Pico Rivera, California. I wanted to see for myself the importance of federal assistance programs and to learn what these programs mean to the children and their teachers.

What I learned was heart-rending. It was heart-rending because for many of these children, programs like Head Start, WIC, Summer Jobs, and Drug Free Schools are the safety-net that keeps them from falling into the abyss of drug abuse, gang violence and often death. It is a social safety-net that is being stretched to the breaking point. This rescission bill, with over a billion dollars in cuts to local school districts, could rip a huge hole in this small but essential net. It is appalling to think that there are people in Congress who would deny this small but essential benefit. But that is exactly what the Republican majority has decided to do.

ENERGY AND NATURAL RESOURCES

The proposed reductions will also undercut important investments in emerging energy efficiency and renewable energy technologies conducted by the Department of Energy. I have to question the wisdom and motivation behind cutting these conservation programs, when virtually no funds were taken from the budgets for nuclear fission, nuclear fusion, oil and coal programs. It almost seems as though any program designed to aid the environment was targeted for life-threatening surgery.

There are other cuts that I find baffling and which lead me to question the priorities of the Republican leadership. For instance, the rescission of $1.3 billion in Safe Drinking Water loans that are needed to help States, localities and water suppliers protect the public from waterborne diseases like deadly Cryptosporidium. I would also mention the $145 million cut in the Energy Department's budget for cleaning up nuclear waste in dozens of states around the country. These cuts, which are now only figures on paper, could soon spell serious long-term public health and safety problems.

VETERANS

Mr. Chairman, I am extremely disappointed to see part of the rescission package come at the expense of the already beleaguered Veterans Affairs Medical facilities.

I spoke briefly in committee on this topic. But my resolve has not diminished. Today I am compelled to stand up for a group of people, 3.5 million under-represented citizens, from Puerto Rico and the many veterans that live on the island.

Last year $34 million was provided to build an outpatient facility at the VA Medical Center in San Juan, P.R., $4 million was approved to complete the design and initial stages of the facility in FY 1994. With the funding slated for FY 1995, construction was expected to begin shortly.

Veterans Administration Secretary Jesse Brown considers this VA outpatient addition a top priority. He visited the hospital in October of 1994. during that visit he told the head of the hospital that he was ''angered, surprised and sickened,'' by what he saw.

The outpatient facility addresses a 15-year old problem of severe overcrowding at the existing San Juan Medical Center. The current situation leaves doctors to conduct medical examinations in the hallways and nursing stations.

In Puerto Rico, demand for VA medical services is almost four times greater than the national average. Outpatient care has proven to be both effective and cost efficient. The San Juan VA Medical Center cannot shift resources from inpatient to outpatient care without the new facility. Construction on this project should not be delayed.

Today's action is just a step toward fulfilling the so-called ''contract,'' But, this action is a breach of the contract we have with our Nation's veterans. Our Nation's veterans deserve better.

The Republican leadership has declared a new war on poverty, but in fact they have declared war on the poor and the middle class. They claim to be cutting spending in order to pay for a natural disaster program. But these cuts are themselves a disaster in the making, because they are cutting vital social programs while programs wealthy corporations go untouched.

We are all for deficit reduction. In fact, Democrats voted to reduce the deficit by over $400 billion last Congress, without a single Republican vote. As long as the Republican leadership insists on providing breaks for the well-to-do, it is my responsibility to defend the average Americans who stand to lose the most.

Today's action is a step toward fulfilling the so-called ''contract.'' But, this action is a breach of the contract we have with the American people. The contract we have with the American people includes all Americans, not just the wealthy but all of our citizens, whether they are young or elderly, black or white, rich or poor. The American public simply deserves better than we are offering here today.

Mr. MILLER of California. Mr. Chairman, I rise in strong opposition to H.R. 1158. This legislation constitutes a mean-spirited and ill-advised attack on the well-being of our children and the health of our environment. While cutting deep into programs which benefit the less fortunate in our society, H.R. 1158 leaves the fat cats and corporate welfare beneficiaries unscathed.

Because my time is limited, I will focus my remarks on a few of the objectionable provisions in this bill.

At a time when we hear much rhetoric about family values from the Republican majority, this bill rescinds $25 million from the special nutrition program for women, infants and children, one of the most cost effective and beneficial Federal programs. We should be spending more money on the WIC Program, not taking away desperately needed assistance to mothers and their children.

At a time when the Republican majority is preparing to end Federal welfare programs under the guise of encouraging work, it rescinds $2.3 billion from Labor Department job training programs which help young people to obtain meaningful work.

At a time when the Republican majority talks about creating an opportunity society, this bill rescinds $1.6 billion in education program funding, shutting the door on our children.

At a time when the Republican majority doesn't mention the word environment in their contract because they know that the public overwhelmingly supports laws which protect our environment, this bill contains a blank check to ravage our national forests under the banner of salvage sales. In their rush to judgment, the majority didn't even bother going through the proper committees and include this authorizing language only through a waiver of the House rules.

At a time when the Republican majority takes great pride in defending property rights, this bill snubs private property owners who are willing sellers of their land by decimating the Department of the Interior's land acquisition budget.

At a time when the Republican majority complains that the Park Service is underfunded and uses that as an excuse to oppose new park acquisitions, this bill rescinds $22.8 million from the park construction budget.

At a time when the Republican majority wants to increase the role of State and local governments, this bill eliminates the urban park and recreation fund's entire budget of $7.4 million.

Mr. Chairman, this bill is riddled with misguided cuts and missed opportunities to cut subsidies for corporate welfare. I have introduced H.R. 721, the Public Resources Deficit Reduction Act of 1995, which would recover more than $3 billion a year lost through unjustified subsidies for timber, mining, grazing and water. While H.R. 1158 guts environmentally beneficial programs it completely ignores these environmentally destructive subsidies and the rule precludes any consideration of the provisions of my legislation.

Finally, Mr. Chairman, H.R. 1158 is flawed because it contains special interest provisions which are utterly irrelevant to deficit reduction. As just one example, the committee report accompanying H.R. 1158 includes language which is intended to bypass the Resources Committee and repeal section 3601(C)(1) of the 1992 Central Valley Project Improvement Act. That section required a study to address fish, wildlife and habitat concerns in the San Joaquin River and is objected to by certain heavily subsidized irrigation interests. While it is obvious that report language can not repeal a statute and this report language is not enforceable and non-binding on the Bureau of Reclamation, it does reflect the extent of the feeding frenzy that the subsidized special interests engaged in with cooperation from the Republican majority on this legislation.

Mr. REED. Mr. Chairman, I rise today to object to yet another attack by the Republicans on America's most vulnerable citizens. This time, the target is low income and elderly Americans who rely on public housing assistance. Last week, House Republicans reported a rescission package totaling $17.3 billion dollars. Forty percent of the cuts came from one Department; the Department of Housing and Urban Development. These Housing rescissions cut across virtually all of the Department's housing programs, from public housing projects to elderly housing, and from tenant-based rental assistance to homeownership initiatives for working families. Rhode Island stands to lost $73.5 million dollars.

In Rhode Island alone, we are expected to lose over $9 million dollars in modernization funds and operating subsidies for housing authorities throughout the State. This will severely hurt city and town officials because these reductions come in the middle of the fiscal year. Without warning, they will be left with less money to run and maintain public housing buildings where mostly elderly, low income and disabled people live. Without proper funding, many households will be displaced throughout Rhode Island and the Nation.

In addition, Republicans have cut $2.7 Billion in the Incremental Rental Assistance Program. This means 69,000 rental certificates and vouchers will be denied to low-income citizens who need some assistance in paying their rent. Rhode Island's funding for Section 8 Rental Assistance has been cut by $22 million dollars. This is a loss of 209 units, which means that those households with so-called Federal preferences will spend more time on Rhode Island's waiting list. Those without Federal preferences could wait forever. How can we expect to reduce government assistance to low income people when we gut programs that are designed to move these individuals from dependence to independence?

Mr. Chairman, when so much talk around here is about reforming our welfare system and ''empowering'' our citizens, it disappoints me greatly that Republicans have decided to rescind funding for programs that are designed to encourage self-sufficiency. One such program is the Tenant-Based Rental Assistance Program, an approach that was hailed by former Republican HUD Secretaries Jack Kemp and Carla Hills as the primarily Federal program for helping low income families achieve decent housing. This program maximizes individual choice and requires minimal government interference in the private market, yet the Republicans believe it is not worthy of proper funding.

It is important to point out that the rescissions to HUD will also have a major impact upon our children. Among the funding on the Republican chopping block is the lead hazard reduction fund. This funding is necessary to reduce the high level of lead based paint still found in many homes throughout America. In fact, my district has been faced with the increased health and educational problems found in children who have been exposed to lead. About one-third of children under six in the Elmwood area of Providence have blood lead levels high enough to require medical care. In 1994, 25 kids were hospitalized in Rhode Island for lead-related heath problems. Without this funding, these homes will go unprotected and result in higher cases of children being exposed to lead.

In addition to hurting our children and the elderly, the Republican rescission bill eliminates $297 million dollars to help fight this Nation's homelessness problem including the deletion of 3,000 housing certificates for persons with AIDS who are homeless. This action by the House Appropriations Committee will only increase the current rate of homelessness.

Republicans have argued that this rescission package will be used to reduce government spending. At the same time, they propose a tax cut that benefits families making over $100,000, a capital gains tax break that will cost $183 billion over the next 10 years, and a so called ''neutral cost recovery'' tax break for capital intensive companies. So while the American people are hearing from Republicans about how they are reducing spending, the reality is they are reducing spending on the poor, the elderly and our children to help finance tax breaks for the wealthiest Americans.

The people I mentioned tonight—the elderly, the children, the disabled, the homeless, the poor, anybody who benefits from HUD—will all be worse off it this rescission bill passes. Make no mistake about it, if this bill passes Congress, the only public housing for many people will be on the streets of America.

Mr. Chairman, I urge Members to call their local housing officials and ask them if this bill will make it easier or harder for them to run their programs. If they tell you that these cuts will make it easier, then I recommend you to support this bill. If, like the officials I have spoken with, tell you this will severely hamper their programs, I ask you to join me in opposing this bill.

Mr. BORSKI. Mr. Chairman, I rise in strong opposition to H.R. 1158, the Omnibus Rescissions and Supplemental Appropriations Act. This is the most mean-spirited bill that I have ever seen come before the House for consideration. This bill would literally take food from the mouths of children and send millions of senior citizens into poverty. And for what? Not to balance the budget. These cuts would go to pay for emergency appropriations and to finance massive tax cuts for high-income Americans.

This legislation cuts previously approved funding to pay for $5.4 billion in disaster relief for California, even though under the 1990 Budget Enforcement Act such funds are regarded as emergency requirements, which do not have to be offset by cuts in other programs. But, this bill goes even further, making cuts totaling $17.1 billion in order to begin financing tax breaks, 80 percent of which will go to those making over $100,000. The large majority of these spending cuts are aimed at children and low-income elderly. The majority party in this House is taking money away from the weakest in our society and using it to help the most powerful. Clearly, this is Robin Hood in reverse.

This package slashes funding from clearly successful programs that assist young and unborn children. $25 million will be cut from WIC, the Women, Infants and Children nutrition program. $10 million will be cut out of Healthy Start, a prenatal nutrition and care program. All of the funds for Safe and Drug-Free Schools will be eliminated.

An even larger share of the cuts in this package would be targeted at low-income senior citizens. In the last 30 years, the proportion of elderly living below the poverty line has been cut substantially because of a variety of programs. This package would strike at the heart of these same programs, forcing many seniors to fall below the poverty line.

More than a million senior citizens now live in federally assisted housing. This bill would cut $7 billion from housing assistance, resulting in future shortages of decent housing and a reduction in upkeep and security in units already occupied.

In addition, this package would eliminate funds that provide assistance to elderly households to pay their winter heating bills. Eliminating LIHEAP will force millions of senior citizens to choose between heat and medicine.

This package also attacks the older worker program which provides job opportunities to low-income Americans over the age of 55. These jobs give older Americans the chance to earn an income while providing services to local communities such as weatherization, park and play-ground maintenance, and working with underprivileged children. $14.4 million will be cut out of this program.

Veterans are also targeted by this legislation. Over $200 million will be cut from veterans' medical facilities and equipment. These cuts will come at a time when more and more veterans are reaching the age where they will need more medical service.

Mr. Chairman, it is becoming infinitely more clear every day that the majority in this House intends to protect their friends and special interests and do nothing to help middle-income Americans. Unfortunately, this bill is only the

beginning. I urge my colleagues to vote against it.

Mr. BROWN of California. Mr. Chairman, the House Republican Leadership has set in motion a process that endangers earthquake and flood assistance to California. The Republican Leadership decided on February 7, 1995, to require other States and other programs to be cut to pay for the earthquake and flood assistance needed in California. Spending cuts have never been required in other emergencies, emergency spending is specifically excluded from needing offsets in the Budget Act, and this action sets in motion a confrontation that California does not need and may not win.

But the tragedy is that this bill is not about emergency aid. This bill is really a ''Trojan Horse'' in which the Republican Leadership has stuffed cuts of nearly $12 billion beyond those needed for the emergencies. These cuts were intended for use as an offset for part of the Republican tax cut, a bill that hasn't even been written yet and won't be debated until next month. Then, facing opposition to this approach, the Republican Leadership decided to take those excess cuts and put them toward deficit reduction.

To pay for this, the Republican Leadership has cut housing programs, veterans programs, EPA water and sewer grants, and NASA programs to pay for this earthquake and flood assistance. They have pitted homeless people in Chicago, against disabled veterans in Texas, against towns in Kansas trying to pay for clean water upgrades, against the people of Northridge. This just isn't fair. Even worse, it isn't needed.

Florida Hurricanes, Missouri Floods, and every other emergency in the past have not required offsets. The Republican Leadership has broken new ground by requiring these program cuts. They have, in effect, broken a contract with the residents of California. If the Republicans want to require ''pay as you go'' provisions to apply to emergencies, change the Budget Act or propose legislation for self-insuring funds, like many Democrats have done, such as Representative MINETA.

In essence, the Republican Leadership has engaged in a game of ''chicken'' with the White House and the Democrats in Congress and have dragged the people of Northridge along for the ride. We may not be able to pass this legislation because of the political fights that the Republicans have started. We may see delay or even cuts to the assistance package. And, at the end of the day, the President may have to veto this bill, due to the unthinking cuts the Republicans have made. And the tragedy is that none of this needed to happen in the first place.

Mr. RUSH. Mr. Chairman, I rise this evening in strong opposition to the mean-spirited and remarkably calloused rescissions bill which we are in the process of considering in this body. I do so with a heavy heart and a strong sense of foreboding about the effects of many of the random cuts in worthwhile programs within this bill. There are several which I felt particularly strongly about, and therefore I had authored and filed amendments to restore three particular rescissions. However, due to the restrictive rule which was authorized for consideration of H.R. 1158, I am regrettably unable to offer these amendments. This is another in an incessant progression of restrictions placed upon me and other Members of this Congress who, while striving to represent their constituents, have been prevented from doing so by the majority.

Three especially onerous rescissions, in my opinion, are those regarding public housing, the Low Income Home Energy Assistance Program [LIHEAP], and the summer jobs program. In districts like Illinois' First Congressional District whose residents have largely not yet benefited from the improvements in the Nation's economy, the succession of economic blows which these rescissions will land squarely on the backs of those who can least afford such brutality is utterly unconscionable and perhaps even somewhat bewildering.

The bill strikes more than two billion dollars for public housing operating subsidies, modernization and development. Mr. Chairman, nearly one fifth of my constituents live in public housing. Among the developments in my district are some of the more notorious in the Nation, including the Robert Taylor Homes and many others. Working in close conjunction with HUD Secretary Henry Cisneros and with the support of the first President in more than a decade that understands and cares about what happens to the Federal Government's tenants, we have been laboring mightily to improve the plight of public housing residents. I am shocked, appalled and dismayed at the sweeping and damaging nature of the public housing-related rescissions which are under consideration today in this body. For Chicago alone, the public housing operating subsidy reduction would be more than $68 million, the modernization reduction would be more than $25 million, and millions more would be taken out of funding for development and major reconstruction of obsolete public housing units. These cuts add genuine injury to the insults which public housing residents have endured for time immemorial.

Speaking of insults, what justifications can this body's appropriators offer to defend their complete elimination of the summer youth employment program? Can they really believe that prison construction and lip service to false, Jack Kemp-style ''empowerment'' can be the only substitute for creating genuine economic opportunity, real reduction of reliance on welfare, and consequent real reductions in crime? Chicago's youth will pay a drastic price for these reductions: of the $35 million which Illinois received last year, more than one third went for jobs programs in the city of Chicago. There is an identifiable human component to these cuts: some 65,000 Chicago youth have been helped by this program in the past 5 years, but over 10,000 additional youths, most of whom will have no alternative employment prospects of any kind, will be left on the street in the future as a result of the elimination of this program.

Moreover, as my colleagues from northern States know, the Low-Income Home Energy Assistance Program plays an essential role in keeping many low-income families warm throughout the winter months. I should point out that a large percentage of these families are either elderly or have young children, which are the two segments of society that are the most vulnerable to the elements found in colder climates. And Mr. Chairman, it is important to add that not only do States in the north rely on this program, southern States also utilize LIHEAP to assist families to pay cooling bills in those areas that are subject to extreme summertime temperatures. Again, these families from the south that utilize LIHEAP funding are mostly elderly or live with young children.

The State of Illinois alone receives 6 percent of total available LIHEAP funding. This means that over 238,000 families received an average of $258 in the last program year. If this rescission package passes this body with the cuts in LIHEAP funding intact, all of these Illinois families will have to look elsewhere for help in paying their heating bills. In my district, if you consider that ⅓ of these families are on AFDC, and one third are elderly Americans on Social Security, and ¾ of the total number of families receiving LIHEAP are headed by single mothers, you are left with a painful and unanswerable question: how will these families come up with money to pay their heating bills? Many will be forced to make decisions on what other basic necessity must be foregone in order to pay heating costs. Elderly recipients will be forced to choose which prescription they will leave unfilled; mothers will have to choose which child will go hungry; and families will be sent into homeless shelters because they cannot pay their monthly obligations.

As was the case with the public housing and summer jobs funding, I had hoped to offer an amendment to restore funding for LIHEAP and remove the program from the rescissions hit list. My friends who support eliminating LIHEAP just do not get it—millions of families around this Nation rely desperately on LIHEAP support. This program is not a boondoggle, but rather is a matter of life and death for many, pure and simple.

Mr. Chairman, the actions that the majority in House are sanctioning today are a direct, blatant attack on the poor and disadvantaged in this country. There are a host of other programs which will also be decimated, including Community Development Block Grants—some $7.6 million of which was earmarked for Chicago—and all funding for the groundbreaking Community Development Financial Institutions Fund on which I and others worked hard in the 103d Congress. I can only hope, once the hugely detrimental effects of these and other proposed cuts come home to the American people, that my colleagues in the majority will be justifiably and permanently restored to the minority party status which they are so richly earning.

Ms. PELOSI. Mr. Chairman, I am in strong opposition to the Republican Rescissions Package before the House today. In my view, this bill is part of a larger GOP agenda to advantage the wealthiest of Americans at the expense of low-income children and the elderly poor.

Mr. Chairman, the Congress is currently operating under the Budget Enforcement Act of 1990 which sets out the criteria for Congress to respond to ''dire emergencies'' with supplemental appropriations. President Clinton was correct in declaring the situation in California—and elsewhere—a dire emergency and requesting $6.7 billion in disaster-related supplemental appropriations. Under the Budget Enforcement Act, this spending does not have to be offset by spending cuts in other programs.

If the Republican Leadership disagrees with the Budget Enforcement Act, then they should propose to amend it to create a special emergency fund within the budget to be used to respond to natural disasters. In future years, this would eliminate the need to make dire emergency supplemental appropriations that are

not included in the annual budget agreement. However, the Republican majority has made no such long-term proposal. Instead, they are attempting to use the California disaster as an excuse to cut popular programs that primarily assist disadvantaged children and the elderly poor.

The bill before us provides $5.4 billion in disaster relief but $17.1 billion in program cuts. The bill should not be considered in isolation from the larger Republican agenda. Next week, the House is expected to consider the Republican welfare reform legislation which would cut up to $70 billion from programs to assist low-income individuals and families. Following that bill, the Budget Committee is expected to report legislation that would lower the caps for discretionary programs by an additional $100 billion over the next 5 years, thus further cutting important programs for low-income families. These cuts are necessary to offset the $189 billion in tax cuts—primarily for upper-income Americans and corporations—expected to be passed as part of the Republican contract later this month.

The bill before the House today would:

Terminate summer employment programs for 600,000 disadvantaged youth;

Cut over $100 million from education programs for disadvantaged children;

Terminate the program that helps more than 6 million poor families pay their home heating bills;

Cut housing assistance for 630,000 poor families with children;

Cut housing assistance for 530,000 elderly Americans;

Terminate the program that provides housing for people with AIDS;

Cut 30 percent of the funds for public broadcasting; and

Cut over $200 million from VA medical programs.

Other cuts in this bill, such as the Healthy Start Program to reduce infant mortality and the nutritional program for women, infants, and children designed to decrease high-cost childhood medical problems, are only going to add to the Federal deficit in the long run. Eliminating housing assistance for more than 50,000 people with AIDS is not going to save money. Without housing, these people will become even sicker and end up in more costly hospital-based care. By cutting $186 million from this program, the Federal budget deficit will be increased through higher entitlement spending.

If this bill was about deficit reduction, then it would be part of an orderly process responding to a revised 5- or 7-year budget agreement. But it is not. If this bill was about responding to President Clinton's request to provide dire emergency funding for the California disasters, then it would be addressed in an orderly process as provided for under the Budget Enforcement Act. But it is not.

This bill is the beginning of a radical effort on the part of the Republican majority to provide tax cuts for the wealthiest of Americans and tax breaks for corporations at the expense of safety-net programs for Americans who have the greatest need for assistance. This bill is part of a larger agenda which does not reflect the majority views of the American people. I urge my colleagues to oppose the Republican rescissions package.

Mrs. COLLINS of Illinois. Mr. Chairman, my Republican colleagues like to say they have a Contract With America. Well they sure as heck could have fooled me. With this bill the GOP is severely violating a contract that this body made with the American people just last year to ensure that the interests of our most vulnerable citizens—our low-income children, seniors, and veterans—are protected.

At a townhall meeting I held in my congressional district in Chicago last week, my constituents decried the efforts of the Speaker and his band of merrymen to steal from the poor and give to the rich. They expressed outrage at the insolent attitude of the majority party that caters to the monied interests in Washington while leaving them, literally, out in the cold. They challenged the leadership in this Chamber to propose solutions to the problems that continue to ail us rather than simply oppose all Federal programs that are currently in existence. In short, Mr. Chairman, my constituents demanded that this Congress produce results, not some fancy, 100-day public relations campaign.

Oh, if only the Speaker could have been there. Maybe then the legislation before us would reflect real needs instead of misguided priorities.

This rescissions package runs directly counter to the idea that we in this body must help people to help themselves—something in which the Speaker purports to believe. In fact, it runs directly counter to any type of commonsense approach to public policymaking. With the tremendously severe cuts in this legislation, the Republicans have basically pulled the rug out from under millions of Americans and said, ''We simply don't care.''

However, my constituents and I do care about how thousands of residents in the Chicago metropolitan area will be terribly devastated by this legislation. The list seems endless.

The Low-Income Home Energy Assistance Program [LIHEAP], which helps 2 million elderly folks meet the high costs of their winter heating bills, is completely wiped out by H.R. 1158. As a result, over 82,000 Chicago households that were served in fiscal year 1995 will be cut off, not to mention those who have been on waiting lists. In a city such as mine, where on an average winter day the temperature hovers around 10 degrees, with the wind chill in the negative double digits, you tell me this is a sound policy decision. Tell the family of 60-year-old Earline Hooker, who froze to death in January in Chicago because she wasn't able to get LIHEAP assistance, that this program is fat in our budget. Get real.

This bill also rips hope and opportunity away from 600,000 of our disadvantaged youngsters through the dismantling of the summer jobs program that provides basic skills, income, and work experience. Across the Chicago metropolitan area this summer, 11,000 kids who had looked forward to being entrusted with responsibility will now be faced with hanging on the street corner with nothing to do but get into trouble. So much for promoting positive alternatives for our youth and investing in the future, Mr. Chairman.

The GOP continues its assault on low-income babies and their moms with a $10 million cut in Healthy Start—a proven program to provide expectant mothers with prenatal care, a $25 million cut from the Women, Infants, and Children nutrition program—knocking up to 100,000 mothers and newborns into limbo, and a $90 million cut in the lead-based paint abatement program—designed to deal with the health and related problems that befall children whose brains and development are damaged from lead-based paint. This is absolutely criminal.

Another, one of the most disturbing portions of this bill is its complete lack of regard for the plight of public housing residents in this Nation and the neighborhoods in which they live and work. Although the Department of Housing and Urban Development has already begun a serious effort to restructure and make Federal housing and community development programs more efficient and responsive to local needs, the Republicans don't want to hear it. They just want to slash, cut, and burn without regard to the necessity or productivity of the program or who gets hurt.

For instance, HUD has estimated that my city of Chicago will lose $180 million in this fiscal year alone as a result of the rescissions before us, eliminating more than 3,400 low-income housing units. Another $90 million will be lost in assistance for public housing modernization and operating subsidies, seriously disrupting already weakened maintenance and security for residents. In addition, $21 million in funds to help the homeless and individuals with AIDS find suitable shelter is out the window. Tell me how in the world this helps achieve what one former President of the other party termed ''A kinder, gentler nation.''

Ironically, even the Community Development Block Grant program that was started under President Nixon, is favored by a number of Republican governors, mayors, and county administrators, and is the ultimate example of Washington giving back program control to localities—something I though the majority supported—is nixed under this legislation. Because of this, the Village of Oak Park in my district will lose $200,000 that they had previously budgeted for making public facilities accessible to the disabled, providing loans to low and moderate income households for home improvement, promoting fair housing and racial diversity efforts, and preventing child abuse and neglect. Chicago will lose $7.7 million that would have gone to many similar efforts. Where is the logic?

Also outrageous, Mr. Chairman, is my GOP colleagues' attempts to insert language in the bill before us that would subvert the President's recently issued Executive Order prohibiting Federal contracts with companies that hire permanent replacement for striking employees. Despite the fact that there is extensive precedent for Presidential action regulating employment rights of Federal contractors, the Republicans have used this bill to play more political games instead of doing their jobs and governing,

Finally, it is a mockery of the democratic processes of this body that the Rules Committee agreed to a rule that allows only amendments in which any reduction in the bill's rescissions must be offset by increasing rescissions in the same section of the bill. Such a rule effectively protects the GOP's special interests while ensuring that widely supported and much needed programs for average Americans are targeted.

Mr. Chairman, I urge my colleagues to vote no on the Republican rescissions package, thereby upholding the budgetary contract with the American people which we made last year.

Mr. GEJDENSON. Mr. Chairman, I rise in strong opposition to this bill. It is a down-payment on tax breaks for the wealthiest Americans that is made on the backs of low-income and elderly American across the country. Like so many other bills brought to the floor this session, I believe this bill will have consequences which its proponents have not fully explored.

This bill targets programs designed to help low-income people meet some of their most basic needs. One of the most egregious cuts would eliminate funding for the Low Income Home Energy Assistance Program [LIHEAP]. This valuable program helps 5.4 million American households meet their heating and cooling needs. Seventy percent of LIHEAP recipients have incomes less than $8,000 per year. The average benefit is merely $194, only a small portion of the cost of heating a home in many parts of this country. In my state of Connecticut, 73,000 households received important assistance in 1993 alone. During the winter of 1993 and 1994, one of the coldest and most brutal in recent memory, LIHEAP ensured that millions of Americans, especially elderly Americans, could afford to heat their homes. Without this assistance, poor families will be forced to choose between paying their heating bill and feeding their children. No one should have to make this choice.

The committee argues in its report that LIHEAP was intended to be a temporary program and that low-income people spend less of their income on heating costs today than when the program was established. What the Committee fails to note is that on average low-income families spend 18.4 percent of their income on heating costs while other families spend only 6.7 percent. While a gallon of oil might be cheaper today than it was during the last energy crisis, disadvantaged Americans are spending nearly 20 percent of their total income on energy costs. This figure is truly astonishing. This is a massive burden that would grow to unmanageable proportions if this program is terminated.

LIHEAP is not a welfare program. Instead, it assists working families and our senior citizens meet their most basic needs. With an average benefit of less than $200 per year, it only pays a portion of heating bills and helps people make it through tough times. It is truly a safety net that helps millions of families to avoid the Faustian choice between paying for oil or paying for medicine and food. We should defeat this bill so that nearly 5.5 million American households will not be faced with this choice next year.

I am also concerned about how cuts in this bill could undermine efforts to fight crime. We spent much of the month of February debating bills which my Repulicians colleagues said would be tough on criminals once and for all. I believe that this bill will actually undermine our efforts to fight crime.

For example, it cuts about $2 billion for youth summer job programs under the Job Training Partnership Act. This eliminates all funding for certain initiatives in 1995 and 1996. These funds provide summer employment for tens of thousands of young people each year. We have seen over and over again that when young people have educational or job opportunities or recreation options their involvement in criminal activities goes down substantially. Without the jobs these funds support, many of our young people will have a lot of idle time on their hands. Moreover, after my Republican colleagues eliminated prevention funding provided under the crime bill, these kids won't be able to go to a summer league. As a result, kids could turn to gangs for something to do and criminal activity is likely to follow. This is one of the consequences of these cuts that the committee report does not address.

In addition, the bill eliminates all funding for the safe and drug-free schools program. Just last week former First Lady Nancy Reagan testified eloquently before a House committee about the need to redouble our efforts in the fight against drugs. Mrs. Reagan did the country a great service with her ''Just Say No!'' campaign. There is solid evidence that drug and alcohol education programs in our schools work to reduce abuse and convince young people to avoid drugs and alcohol. Moreover, these programs are very cost-effective because they reach people before they get involved with the criminal justice system or develop health problems.

Instead of following Mrs. Reagan's advice, my Republican colleagues propose to terminate Federal support for these proven programs. They argue that States should fund these efforts and that federal support can come from other pots of money which are designed primarily to provide treatment to drug addicts. Currently, we have failed to commit sufficient resources to treatment and we can ill-afford to divert scarce funding. With the positive results of in-school programs, we should continue to provide a dedicated source of funding.

I also strongly object to eliminating funding for the National Undersea Research Program [NURP]. NURP is vitally important to the mission of the National Oceanic and Atmospheric Administration [NOAA]. It is the only program in the nation which specializes in undersea research in our oceans and in the Great Lakes. Moreover, research conducted by NURP scientists is relevant to Americans nationwide. Scientists are currently involved in research on marine ecosystem health, rebuilding fisheries, environmental technology development and global warming.

By the year 2000, fifty percent of the population will live near the coasts. Marine-related economic activity is responsible for approximately one-third of our gross national product. Coastal areas are some of the richest biological resources in the world and are vital to our multi-billion dollar fishing industry, which employs many more people ''on-shore'' than on boats in the Atlantic or Pacific. Moreover, every American has a stake in accurately assessing the extent of global climate change.

The NURP Centers specialize in using manned and unmanned deep-sea submersibles in their research. The use of mini submarines and robotic devices allows us to explore parts of our oceans and Great Lakes which are impossible to reach with surface technology. Using these methods, we are gaining insight into the dynamics of our marine environment which will enable us to address long-standing problems. It takes years of experience to operate these devices safely and effectively. If NURP is eliminated, we will lose this expertise and much of this technology.

NURP is not just a coastal program. Research conducted by NURP-supported scientists has important economic and environmental implications for every American. I firmly believe that it provides returns that dwarf the small appropriation it receives each year.

Further, under this legislation, many worthwhile housing programs will suffer severely. Specifically, $404 million will be slashed from operating assistance for low-income housing projects. $1.1 billion will be cut from the modernization of existing public housing projects. According to the Department of Housing and Urban Development, reductions in these projects will affect 630,000 families with children and 530,000 seniors, nationwide. In addition, the latter cut will seriously affect capital improvement projects at many public housing authorities, in my district and across the country. Many of these facilities were built nearly 40 years ago and are beginning to fall into disrepair.

This bill would slash and burn education funding, impacting every school district. In addition to cuts in vital programs like Title I Compensatory Education for the Disadvantaged, Federal Direct Student Loans, and Student Financial Aid for higher education, a number of other cuts will have profound repercussions in my district. In particular, Impact Aid is critical to the delivery of quality educational services in towns with naval installations which are exempt from the tax base. In addition, the Javits Gifted and Talented Program, the Law School Clinical Experience Program, Eisenhower Professional Development Grants, Consumer Homemaking and Home Economics, the Tech-Prep program, literacy programs, and school-to-work transition programs provide important educational opportunities for Connecticut's students and teachers.

This bill is short-sighted in its ''save a little now, pay a lot later'' reasoning. By cutting $25 million from the Women, Infants and Children special nutrition program [WIC], the bill virtually guarantees that we will be paying more down the road for medical care for low birth-weight and learning-disabled children.

WIC is not the only vital health and human services program to be harmed by this bill. Rural Health Outreach funding provides important prevention and health education services for rural populations. Housing Opportunities for People with AIDS [HOPWA] also provides critical support for those who suffer from this devastating illness. The Community Services Block Grant [CSBG] program is so important to my district that I have received more mail on CSBG than on any other issue so far this year, unanimously in favor of maintaining funding.

Constituent letters in support of CSBG are rivaled only by those in support of public television, public radio, and the national endowments for arts and the humanities. It has often been said that no society ever flourished without supporting the arts which reflect its conflicts and its culture. The National Endowment for the Arts, in particular, has been a political punching bag for too long. These cuts are ill-considered and unwise.

Mr. Chairman, I am concerned about an amendment accepted in Committee which would require the Forest Service and the Department of Interior to make 3 billion board feet of timber available in each of the next two years. I understand the economic situation in the Pacific northwest and the plight of timber dependent communities. I face a similar situation in my district which is overly dependent on the declining defense industry. Moreover, I

also appreciate the need to get into certain areas and remove burnt and blown down timber to combat fire dangers and insect problems. No one wants a repeat of the devastating fires of 1994.

At the same time, I believe this amendment sets some dangerous precedents. The definition of salvage timber sale is very broad and could allow companies to harvest trees that would not normally qualify for a salvage sale. The bill specifically authorizes below-cost timber sales. It is truly ironic to include this language, which will ensure that the American people continue to lose money on timber sales, in a bill which is designed to slash federal spending. Moreover, the amendment makes the blanket pronouncement that these sales will be deemed to be in compliance with our most important environmental laws, including the National Environmental Policy Act and the Federal Land Policy and Management Act. This short circuits environmental review and could lead to unintended damage to streams, fisheries and wildlife habitat. Finally, I am very concerned that this amendment would substantially restrict the ability of our courts to review the legality of timber sales. Courts could not impose injunctions while challenges are being heard and they could only bar a sale if the agency acted in a capricious and arbitrary manner. This language unfairly ties the hands of the courts.

This measure should not be part of an appropriations bill. It has not been reviewed by the relevant authorizing Committees and has implications for future timber sales that must be carefully weighed.

Mr. Chairman, this is a bad bill that slashes programs designed to assist the most needy Americans. I also believe that it will cost us more money down the road in terms of lost productivity, increased crime and educational problems. I urge my colleagues to reject this bill.

Mr. MEEHAN. Mr. Chairman, I rise today in opposition to the $26.5 million rescission from the National Institute of Standards and Technology's Manufacturing Extension Partnership (MEP). As cochair of the Congressional Manufacturing Task Force, I have had the opportunity to hear and see first hand the success of the Manufacturing Technology Centers. When Congressman Bob Franks and I formed this Task Force we did so because we saw a need to develop new ways in which government could stimulate continued manufacturing productivity as well as reform policies that undermine the vitality of the industrial sector. The MEP helps do just this.

This rescission would undermine this emerging nationwide network of extension centers—co-funded by state and local governments—that provide small and mid-sized manufacturers with technical assistance as they upgrade their operations to boost competitiveness and retain or create new jobs. This program has showed a rate of return of 7 to 1 for the federal government's investment, with concrete benefits in increased sales, cost savings and jobs for small manufacturers. It is a valuable program.

Relative to our foreign competitors, the United States has few established mechanisms to move technologies innovations into plants and to ensure their adaptation into production processes. The MEP program is one of them. This rescission will drastically reduce the effectiveness of the program. While the United States is still the world's leader in research and development, other countries like Japan and Germany are not that far behind us. Other nations have incorporated traditional business assistance services such as marketing, training and managerial support activities into their technology transfer delivery system to great advantage. Meanwhile in the U.S., some sources say it takes up to 55 years from the time a new manufacturing technology comes out of the laboratory until it reaches 90 percent of the U.S. companies that could use it.

Programs like the Manufacturing Extension Partnership are helping America stay competitive in the changing global markets. Let's not destroy that by passing this rescission.

Mr. SABO. Mr. Chairman, I rise today to address the American people and give some insight into the fiscal priorities of the new Congressional leadership. This rescissions bill seeks to slash nearly one of every six dollars set aside for the disadvantaged in our country in fiscal year 1995. That represents a dramatic $17 billion, or 15.7% reduction in funding for federal domestic programs. In contrast, only 1.2% of the funding for the rest of the discretionary budget, including defense, is targeted for reductions. Today the new Congressional leadership sends a clear message: when it comes to making sacrifices in the federal budget, it's children, women, and senior citizens first.

The Republicans terminate the summer youth program starting in 1995, and reduce $1.7 billion in funding for education programs including School-to-Work activities. Such ill-advised policy will produce modest reductions in expenditures in the short-term, but yield substantial long-term losses in the productivity and earning power of today's youth. I question the wisdom of striking directly at the programs which enable motivated young people to improve their own lives.

Additionally, these rescissions terminate a program which teaches children about substance abuse and violence prevention, the Safe and Drug-Free Schools program. While this rescission will do little to cut the deficit, it does effectively cut through Republican rhetoric. The leadership cannot convincingly claim to be tough on drugs and crime while simultaneously taking away an effective tool in combatting children's drug use.

Low-income families, including over one million senior citizens who currently live in federally assisted housing, will bear 40% of the cuts outlined in this package. If these $7.3 billion in housing rescissions are enacted, safe, decent housing for recipient families will be jeopardized, and the infrastructure of this multi-billion dollar public investment will be badly damaged.

The new Republican leadership recommends the termination of the Low Income Home Energy Assistance program (LIHEAP). Last year, this program helped approximately 6.1 million low-income households pay their heating bills, and half of those homes sheltered elderly or disabled individuals. LIHEAP recipients have an average annual income of only $8,257 and spend approximately 18.4% of that on energy expenses. They will not easily recover from this loss. These families already face significant hardships, and many will be forced to choose between groceries and heat.

Finally, the Republican plan targets mass transit. In urban areas like Minneapolis, this is the only program that provides affordable transportation to low-income families. A $17.5 million reduction in funding for public buses and bus facilities will severely impact many areas in this country where buses are the only mass transit option available. The efficient and effective bus transportation system in my Congressional District has been a key element in the development of the Twin Cities. This cut will depress both urban and rural development while simultaneously reducing the limited transportation options of low-income Americans.

I urge my colleagues to vote no on H.R. 1158, and reject a callous attempt to place the burden of reducing the deficit directly on the backs of children, women, and the elderly.

Mr. BATEMAN. Mr. Chairman, I rise today to discuss an issue that is of great concern to me and the District I represent—Impact Aid. I have dealt with Impact Aid for the last twelve plus years that I have been in Congress. However, I have discovered in recent weeks that the issue is not as familiar to many of my colleagues. So I would like to take this opportunity to clarify to everyone what we are dealing with when we discuss federal Impact Aid.

The Impact Aid program is designed to compensate localities for the tax revenue lost due to the presence of federal facilities. More than 2,000 school districts in fifty states nationwide count on the program as a reimbursement for the revenue loss by traditional funding sources, like property, sales and income taxes. This rescission bill deals with Section 8002 impact aid funding which provides payments for school districts heavily impacted by the federal acquisition of property, specifically for areas in which the federal government owns property representing 10 percent or more of the value of all real property in the jurisdiction. These funds are especially important to one area in my District where the federal government owns 40 percent of the land and I have heard from a number of my colleagues who represent areas where the government owns 75 percent or more of the land. This land is not subject to local real property taxes, a major source of funding for school systems. Please bear in mind that the tax revenue lost on this land is in addition to the losses incurred from those federal personnel who do not pay certain state or local taxes. This lost revenue would have gone to finance education in that area, including that for the children of federal employees. Even without the revenue, the school districts must provide education to the federal employees' children. Therefore, Impact Aid is not a handout. It is not an entitlement. Rather, it represents the federal government's obligation to provide access to education for the children of federal employees.

I believe it is essential that we ensure all children have access to an education. But this issue goes much further than that. In my capacity as Chairman of the National Security Subcommittee on Readiness, I am charged with ensuring that our armed forces are prepared to meet any military challenge we may face. The most basic assurance that we can provide is that of adequate personnel to defend the interests of our nation. Impact Aid directly affects military personnel who have agreed to serve their country but not at the expense of their children's education. In fact, cuts in Impact Aid will impact all children in a school district that experiences a resulting

budget shortfall. If programs are cut, schools cannot single out the federally connected children to bear the brunt of such cuts. We must meet the needs of our children and those who serve their country—we must continue to provide compensation to federally impacted localities.

Mr. RICHARDSON. Mr. Chairman, I rise in strong opposition to this bill. This is not a rescissions bill, it's a resentment bill. It's a bill that shows how much certain Members of this House resent the needs of the poor, the young, and the elderly to get a helping hand from government.

There are fair ways to reduce government spending to pay for disaster relief and then there are mean-spirited and malicious ways of reducing spending. This so-called rescissions bill is chock full of mean-spirited cuts to people who need assistance.

And what are two-thirds of the rescissions in this bill going towards? Certainly not much help for those who are going to be hurt by these cuts. Far too much of these cuts are going towards people who need no helping hand from the government. These cuts are going predominantly to the top 10 percent of the wealthiest in the country, not quite the group that's in need of a helping hand from the government.

And what programs and people are getting rolled over by this steamroller trying to get tax cuts to the wealthiest: Food programs for women, infants, and children; low-income energy assistance for the elderly; employment programs to teach young people job skills; financial aid for students; health care programs for veterans; programs to keep schools safe from drugs and crime; healthy start funds to lower rates of infant mortality; and housing programs for the poor.

I guess the message being sent from those favoring this bill is that those people I have just named will have to fend for themselves. I don't think too much of the tax credit money going to the wealthy from these cuts is going to make life better for the groups I've just named. Looks like the Contract With America is limited to a select few.

Ms. ESHOO. Mr. Chairman, I oppose this supplemental appropriations bill for two reasons.

First, as a Californian, I'm disappointed that it fails to provide adequate funding in response to recent disasters in my state. While the administration requested $6.7 billion in emergency money to help California rebuild after the Northridge earthquake, House Republicans have provided just $5.4 billion—or $1.3 billion less than what's needed to do the job right.

Second, I cannot support legislation which responds to natural disasters in California by creating manmade disasters for families all across the United States.

This legislation eliminates over $17 billion in funding that heats our homes, nourishes our infants, enriches our culture, educates our children, heals our veterans, and houses our poor.

Mr. Chairman, California may have had the earthquake, but it's the most vulnerable in our society who will feel the aftershocks if this legislation passes. I urge my colleagues to defeat the supplemental appropriations bill.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute consisting of the text of H.R. 1158, modified pursuant to House Resolution 115, is considered as an original bill for the purpose of amendment and is considered as having been read.

The text of the amendment in the nature of a substitute, as modified, is as follows:

H.R. 1158

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER I

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for ''Disaster Relief'' for necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $5,360,000,000, to remain available until expended: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER II

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating expenses'', to cover the incremental costs arising from the consequences of Operations Able Manner, Able Vigil, Restore Democracy, and Support Democracy, $28,197,000, to remain available until September 30, 1995: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE II

RESCISSIONS

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $31,000 are rescinded: *Provided,* That none of the funds made available to the Department of Agriculture may be used to carry out activities under 7 U.S.C. 2257 without prior notification to the Committees on Appropriations.

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $3,000,000 are rescinded.

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330 and other Acts, $12,678,000 are rescinded.

COOPERATIVE STATE RESEARCH SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $1,051,000 are rescinded, including $524,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i(c)); and $527,000 for necessary expenses of Cooperative State Research Service activities: *Provided,* That the amount of ''$9,917,000'' available under this heading in Public Law 103–330 (108 Stat. 2441) for a program of capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890, is amended to read ''$9,207,000''.

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330 and other Acts, $20,994,000 are rescinded.

RURAL DEVELOPMENT ADMINISTRATION AND FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $115,500,000 for the cost of section 515 rental housing loans are rescinded.

LOCAL TECHNICAL ASSISTANCE AND PLANNING GRANTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $1,750,000 are rescinded.

ALCOHOL FUELS CREDIT GUARANTEE PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 102–341, $9,000,000 are rescinded.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $3,000,000 for the cost of 5 percent rural telephone loans are rescinded.

FOOD AND NUTRITION SERVICE

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $25,000,000 are rescinded.

CHAPTER II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances in the Working Capital Fund, $1,500,000 are rescinded.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

DRUG COURTS

(RESCISSION)

Of the funds made available under this heading in title VIII of Public Law 103–317, $27,750,000 are rescinded.

OUNCE OF PREVENTION COUNCIL

(TRANSFER OF FUNDS)

Under this heading in Public Law 103–317, after the word ''grants'', insert the following: ''and administrative expenses''. After the word ''expended'', insert the following: '': *Provided*, That the Council is authorized to accept, hold, administer, and use gifts, both real and personal, for the purpose of aiding or facilitating the work of the Council''.

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317 for the Manufacturing Extension Partnership and the Quality Program, $27,100,000 are rescinded.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $37,000,000 are rescinded.

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $3,300,000 are rescinded.

NATIONAL TECHNICAL INFORMATION SERVICE

NTIS REVOLVING FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $4,000,000 are rescinded.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

INFORMATION INFRASTRUCTURE GRANTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $30,000,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Laws 103–75 and 102–368, $37,584,000 are rescinded.

In addition, of the funds made available under this heading in Public Laws 99–500 and 99–591, $7,500,000 for the Fort Worth Stockyards Project are rescinded.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

DEFENDER SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,100,000 are rescinded.

RELATED AGENCIES

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $15,000,000 are rescinded: *Provided*, That no funds in that Public Law shall be available to implement section 24 of the Small Business Act, as amended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317 and prior appropriations Acts, $5,849,000 are rescinded, of which $33,000 are from funds made available for law school clinics; $31,000 are from funds made available for supplemental field programs; $75,000 are from funds made available for regional training centers; $1,189,000 are from funds made available for national support; $1,021,000 are from funds made available for State support; $685,000 are from funds made available for client initiatives; $44,000 are from funds made available for the Clearinghouse; $4,000 are from funds made available for computer assisted legal research regional centers; and $1,572,000 are from funds made available for Corporation management and administration.

DEPARTMENT OF STATE

RELATED AGENCY

BOARD FOR INTERNATIONAL BROADCASTING

ISRAEL RELAY STATION

(RESCISSION)

From unobligated balances available under this heading, $2,000,000 are rescinded.

CHAPTER III

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Appropriations Acts, $10,000,000 are rescinded.

CONSTRUCTION, GENERAL

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Appropriations Acts, $40,000,000 are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

OPERATION AND MAINTENANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $10,000,000 are rescinded.

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $116,500,000 are rescinded.

ATOMIC ENERGY DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Acts, $28,000,000 are rescinded.

DEPARTMENTAL ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $20,000,000 are rescinded.

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $10,000,000 are rescinded.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $5,000,000 are rescinded.

CHAPTER IV

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–306, $25,000,000 are rescinded.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–306, $45,500,000 are rescinded.

POPULATION, DEVELOPMENT ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–306, $9,000,000 are rescinded.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS

(RESCISSION)

Of the unobligated or unexpended balances of funds available under this heading from funds provided in Public Law 103–306, $4,500,000 are rescinded.

EXPORT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

SUBSIDY APPROPRIATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–87 and Public Law 103–306, $5,000,000 are rescinded.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–306, $4,500,000 are rescinded.

CHAPTER V

DEPARTMENT OF INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $70,000 are rescinded, to be derived from amounts available for developing and finalizing the Roswell Resource Management Plan/Environmental Impact Statement and the Carlsbad Resource Management Plan Amendment/Environmental Impact Statement: *Provided*, That none of the funds made available in such Act or any other appropriations Act may be used for finalizing or implementing either such plan.

CONSTRUCTION AND ACCESS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138,

and Public Law 102–381, $4,500,000 are rescinded.

PAYMENTS IN LIEU OF TAXES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $5,000,000 are rescinded.

LAND ACQUISITION

(RESCISSION)

Of the funds available under this heading in Public Law 102–381, Public Law 101–121, and Public Law 100–446, $1,997,000 are rescinded.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $2,000,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading or the heading Construction and Anadromous Fish in Public Law 103–332, Public Law 103–138, Public Law 103–75, Public Law 102–381, Public Law 102–154, Public Law 102–368, Public Law 101–512, Public Law 101–121, Public Law 100–446, and Public Law 100–202, $14,390,000 are rescinded.

LAND ACQUISITION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, Public Law 102–381, and Public Law 101–512, $7,345,000 are rescinded.

NATIONAL BIOLOGICAL SURVEY

RESEARCH, INVENTORIES, AND SURVEYS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $16,680,000 are rescinded.

NATIONAL PARK SERVICE

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $22,831,000 are rescinded.

URBAN PARK AND RECREATION FUND

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $7,480,000 are rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, Public Law 102–381, Public Law 102–154, Public Law 101–512, Public Law 101–121, Public Law 100–446, Public Law 100–202, Public Law 99–190, Public Law 98–473, and Public Law 98–146, $16,509,000 are rescinded.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $4,046,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $10,309,000 are rescinded.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $2,438,000 are rescinded.

TRUST TERRITORY OF THE PACIFIC ISLANDS

(RESCISSION)

Of the funds available under this heading in Public Law 99–591, $32,139,000 are rescinded.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $6,000,000 are rescinded.

STATE AND PRIVATE FORESTRY

(RESCISSION)

Of the funds available under this heading in Public Law 103–332 and Public Law 103–138, $12,500,000 are rescinded.

INTERNATIONAL FORESTRY

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $1,000,000 are rescinded.

NATIONAL FOREST SYSTEM

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $3,327,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138 and Public Law 102–381, $4,919,000 are rescinded.

LAND ACQUISITION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138 and Public Law 102–381, $3,974,000 are rescinded.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $18,650,000 are rescinded.

NAVAL PETROLEUM AND OIL SHALE RESERVES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $21,000,000 are rescinded.

ENERGY CONSERVATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $46,228,000 are rescinded and of the funds available under this heading in Public Law 103–138, $13,700,000 are rescinded.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $2,000,000 are rescinded.

OTHER RELATED AGENCIES

SMITHSONIAN INSTITUTION

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

(RESCISSION)

Of the funds available under this heading in Public Law 102–381, and Public Law 103–138, $1,000,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 102–154, Public Law 102–381, Public Law 103–138, and Public Law 103–332, $31,012,000 are rescinded.

NATIONAL GALLERY OF ART

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $407,000 are rescinded.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $3,000,000 are rescinded.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $2,300,000 are rescinded.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $5,000,000 are rescinded.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $5,000,000 are rescinded.

CHAPTER VI

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $1,603,094,000 are rescinded, including $10,000,000 for necessary expenses of construction, rehabilitation, and acquisition of new Job Corps centers, $12,500,000 for the School-to-Work Opportunities Act, $6,408,000 for section 401 of the Job Training Partnership Act, $8,571,000 for section 402 of such Act, $3,861,000 for service delivery areas under section 101(a)(4)(A)(iii) of such Act, $33,000,000 for carrying out title II, part A of such Act, $310,000,000 for carrying out title II, part C of such Act, $2,223,000 for the National Commission for Employment Policy and $500,000 for the National Occupational Information Coordinating Committee.

(RESCISSION)

Of the funds made available under this heading in Public Law 103–112, $682,282,000 are rescinded.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

(RESCISSION)

Of the funds made available in the first paragraph under this heading in Public Law 103–333, $11,263,000 are rescinded.

Of the funds made available in the second paragraph under this heading in Public Law 103–333, $3,177,000 are rescinded.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $12,000,000 are rescinded, and amounts which may be expended from the Employment Security Administration account in the Unemployment

Trust Fund are reduced from $3,269,097,000 to $3,253,097,000.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,487,000 are rescinded.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $16,072,000 are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $82,775,000 are rescinded.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $8,883,000 are rescinded.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CENTER FOR RESEARCH RESOURCES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 for extramural facilities construction grants, $20,000,000 are rescinded.

BUILDINGS AND FACILITIES

(RESCISSION)

Of the available balances under this heading, $50,000,000 are rescinded.

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $1,400,000 are rescinded.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

(RESCISSION)

Of the Federal funds made available under this heading in Public Law 103–333, $3,132,000 are rescinded.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

(RESCISSION)

Funds made available under this heading in Public Law 103–333 are reduced from $2,207,135,000 to $2,168,935,000, and funds transferred to this account as authorized by section 201(g) of the Social Security Act are reduced to the same amount.

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW INCOME HOME ENERGY ASSISTANCE

(RESCISSION)

Of the funds made available in the third paragraph under this heading in Public Law 103–333, $1,319,204,000 are rescinded.

COMMUNITY SERVICES BLOCK GRANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $26,988,000 are rescinded.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 to be derived from the Violent Crime Reduction Trust Fund, $25,900,000 are rescinded for carrying out the Community Schools Youth Services and Supervision Grant Program Act of 1994.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 for payments to States under section 474(a)(3) of the Social Security Act, an amount is hereby rescinded such that the total made available to any State under such section in fiscal year 1995 does not exceed 110 percent of the total paid to such State thereunder in fiscal year 1994 which, notwithstanding any other provision of law, is the maximum amount to which any such State shall be entitled for payments under such section 474(a)(3) for fiscal year 1995.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $899,000 are rescinded.

DEPARTMENT OF EDUCATION

EDUCATION REFORM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $186,030,000 are rescinded, including $142,000,000 from funds made available for State and local education systemic improvement, $21,530,000 from funds made available for Federal activities, and $10,000,000 from funds made available for parental assistance under the Goals 2000: Educate America Act; and $12,500,000 are rescinded from funds made available under the School to Work Opportunities Act, including $9,375,000 for National programs and $3,125,000 for State grants and local partnerships.

EDUCATION FOR THE DISADVANTAGED

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $113,270,000 are rescinded as follows: $105,000,000 from the Elementary and Secondary Education Act, title I, part A, and $8,270,000 from part E, section 1501.

IMPACT AID

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $16,293,000 for section 8002 are rescinded.

SCHOOL IMPROVEMENT PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $757,132,000 are rescinded as follows: from the Elementary and Secondary Education Act, title II–B, $60,000,000, title IV, $481,962,000, title V–C, $28,000,000, title IX–B, $12,000,000, title X–D, –E, and –G, and section 10602, $21,384,000, and title XII, $100,000,000; from the Higher Education Act, section 596, $13,875,000; from the Stewart B. McKinney Homeless Assistance Act, title VII–B, $28,811,000; and from funds derived from the Violent Crime Reduction Trust Fund, $11,100,000.

BILINGUAL AND IMMIGRANT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $38,500,000 are rescinded from funding for title VII–A of the Elementary and Secondary Education Act.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $799,000 are rescinded.

GALLAUDET UNIVERSITY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $1,298,000 are rescinded.

VOCATIONAL AND ADULT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $232,413,000 are rescinded as follows: from the Carl D. Perkins Vocational and Applied Technology Education Act, title III–A, –B, and –E, $151,888,000 and from title IV–A, –B, and –C, $34,535,000; from the Adult Education Act, section 384(c), part B–7, and section 371, $31,392,000; from the Stewart B. McKinney Homeless Assistance Act, $9,498,000; and from the National Literacy Act, $5,100,000.

STUDENT FINANCIAL ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $83,375,000 are rescinded from funding for the Higher Education Act, title IV, part A–4 and part H–1.

HIGHER EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $102,246,000 are rescinded as follows: from amounts available for Public Law 99–498, $1,000,000; the Higher Education Act, title IV–A, chapter 5, $496,000, title IV–A–2, chapter 1, $11,200,000, title IV–A–2, chapter 2, $3,108,000, title IV–A–6, $9,823,000, title V–C, subparts 1 and 3, $16,175,000, title IX–B, $10,100,000, title IX–C, $7,500,000, title IX–E, $3,500,000, title IX–G, $14,920,000, title X–D, $4,000,000, and title XI–A, $13,000,000; Public Law 102–325, $1,000,000; and the Excellence in Mathematics, Science, and Engineering Education Act of 1990, $6,424,000: *Provided*, That in carrying out title IX–B, remaining appropriations shall not be available for awards for doctoral study.

HOWARD UNIVERSITY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $4,300,000 are rescinded, including $2,500,000 for construction.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 for the costs of direct loans, as authorized under part C of title VII of the Higher Education Act, as amended, $168,000 are rescinded, and the authority to subsidize gross loan obligations is repealed. In addition, $322,000 appropriated for administrative expenses are rescinded.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

(RESCISSION)

(TRANSFER OF FUNDS)

Of the funds made available under this heading in Public Law 103–333, $55,250,000 are rescinded as follows: from the Elementary and Secondary Education Act, title III–A, $30,000,000, title III–B, $10,000,000, title III–C, $2,700,000, title III–D, $2,250,000; title X–B, $4,600,000, and title XIII–B, $2,700,000; from the Goals 2000: Educate America Act, title VI, $3,000,000.

Notwithstanding any other provision of law, during fiscal year 1995, $56,750,000 shall

be available under this heading for the Fund for the Improvement of Education: *Provided,* That none of the funds under this heading during fiscal year 1995 shall be obligated for title III–B of the Elementary and Secondary Education Act (Star Schools Program).

LIBRARIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $34,742,000 are rescinded as follows: for the Library Services and Construction Act, part II, $15,300,000, and part VI, $8,026,000; for the Higher Education Act, part II, sections 222 and 223, $11,416,000.

RELATED AGENCIES

CORPORATION FOR PUBLIC BROADCASTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–112, $47,000,000 are rescinded. Of the funds made available under this heading in Public Law 103–333, $94,000,000 are rescinded.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $5,000,000 are rescinded.

GENERAL PROVISION

FEDERAL DIRECT STUDENT LOAN PROGRAM

SEC. 601. Section 458(a) of the Higher Education Act of 1965 (20 U.S.C. 1087h(a)) is amended—

(1) by striking ''$345,000,000'' and inserting ''$298,000,000''; and

(2) by striking ''$2,500,000,000'' and inserting ''$2,453,000,000''.

CHAPTER VII

LEGISLATIVE BRANCH

JOINT ITEMS

JOINT ECONOMIC COMMITTEE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $460,000 are rescinded.

JOINT COMMITTEE ON PRINTING

(RESCISSION)

(TRANSFER OF FUNDS)

Of the funds made available under this heading in Public Law 103–283, $418,000 are rescinded: *Provided,* That, upon enactment of this Act, any balance of the funds made available that remains after this rescission shall be transferred in equal amounts to the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate for the purpose of carrying out the functions of the Joint Committee on Printing.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $650,000 are rescinded.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

(RESCISSIONS)

Of the funds made available until expended for energy efficient lighting retrofitting under this heading in Public Law 102–392, $500,000 are rescinded.

Of the funds made available until expended for energy efficient lighting retrofitting under this heading in Public Law 103–69, $2,000,000 are rescinded.

GOVERNMENT PRINTING OFFICE

(RESCISSIONS)

CONGRESSIONAL PRINTING AND BINDING

Of the funds made available under this heading in Public Law 103–283, $3,000,000 are rescinded.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

Of the funds made available under this heading in Public Law 103–283, $600,000 are rescinded.

BOTANIC GARDEN

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available until expended by transfer under this heading in Public Law 103–283, $4,000,000 are rescinded.

LIBRARY OF CONGRESS

(RESCISSIONS)

SALARIES AND EXPENSES

Of the funds made available under this heading in Public Law 103–283, $150,000 are rescinded.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

Of the funds made available under this heading in Public Law 103–283, $100,000 are rescinded.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $8,867,000 are rescinded.

CHAPTER VIII

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

OFFICE OF THE SECRETARY

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $1,293,000 are rescinded.

WORKING CAPITAL FUND

The obligation authority under this heading in Public Law 103–331 is hereby reduced by $8,000,000.

COAST GUARD

OPERATING EXPENSES

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $6,440,000 are rescinded.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(RESCISSION)

Of the available balances under this heading, $42,569,000 are rescinded.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $3,500,000 are rescinded.

FEDERAL AVIATION ADMINISTRATION

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $69,825,000 are rescinded.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $7,500,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $42,500,000.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $70,140,000: *Provided,* That $27,640,000 shall be deducted from amounts made available for the Applied Research and Technology Program authorized under section 307(e) of title 23, United States Code: *Provided further,* That no reduction shall be made in any amount distributed to any State under section 310(a) of Public Law 103–331.

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–211, $351,000,000 are rescinded.

FEDERAL RAILROAD ADMINISTRATION

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $7,768,000 are rescinded.

FEDERAL TRANSIT ADMINISTRATION

TRANSIT PLANNING AND RESEARCH

(RESCISSION)

Of the available balances under this heading, $8,800,000 are rescinded.

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $17,650,000: *Provided,* That such reduction shall be made from obligational authority available to the Secretary for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities.

Notwithstanding Section 313 of Public Law 103–331, the obligation limitations under this heading in the following Department of Transportation and Related Agencies Appropriations Acts are reduced by the following amounts:

Public Law 102–388 as amended by Public Law 103–122, $67,227,500, to be distributed as follows:

(a) $29,022,500, for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities: *Provided,* That in distributing the foregoing reduction, obligational authority remaining unobligated for each project identified in the joint explanatory statements of the committees on conference accompanying such Act shall be reduced by fifty per centum; and

(b) $38,205,000, for new fixed guideway systems, to be distributed as follows:

$9,120,000, for the San Francisco BART Extension/Tasman Corridor Project;

$12,655,000, for the Boston, Massachusetts to Portland, Maine Commuter Rail Project;

$875,000, for the Orlando OSCAR LRT Project;

$980,000, for the Salt Lake City South LRT Project;

$745,000, for the Cleveland Dual Hub Corridor Project;

$1,500,000, for the Milwaukee East-West Corridor Project;

$845,000, for the San Diego Mid-Coast Extension Project;

$2,235,000, for the Hawthorne-Warwick Commuter Rail Project;

$7,595,000, for the Seattle-Tacoma Commuter Rail Project;

$1,490,000, for the Lakewood, Freehold, and Matawan or Jamesburg Commuter Rail Project; and

$165,000, for the Miami Downtown Peoplemover Project.

Public Law 102–143, $43,296,500, to be distributed as follows:

(a) $6,781,500, for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities: *Provided,* That in distributing the foregoing reduction, obligational authority remaining unobligated for each project for which the obligation limitation in Public Law 102–143 was applied shall be reduced by fifty per centum; and

(b) $36,515,000, for new fixed guideway systems, to be distributed as follows:

$1,000,000, for the Cleveland Dual Hub Corridor Project;

$465,000, for the Kansas City-South LRT Project;

$950,000, for the San Diego Mid-Coast Extension Project;

$5,000,000, for the Los Angeles-San Diego (LOSSAN) Commuter Rail Project;

$17,100,000, for the Hawthorne-Warwick Commuter Rail Project;

$500,000, for the New York-Staten Island-Midtown Ferry Project;

$4,000,000, for the San Jose-Gilroy Commuter Rail Project;

$1,620,000, for the Seattle-Tacoma Commuter Rail Project;

$880,000, for the Vallejo Ferry Project; and

$5,000,000, for the Detroit LRT Project.

Public Law 101–516, $2,230,000, for new fixed guideway systems, to be distributed as follows:

$2,230,000, for the Cleveland Dual Hub Corridor Project.

Public Law 101–164, $1,247,000, for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities: *Provided,* That in distributing the foregoing reduction, obligational authority remaining unobligated for each project identified in the joint explanatory statements of the committees of conference accompanying such Act shall be reduced by fifty per centum.

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 801. Of the funds provided in Public Law 103–331 for the Department of Transportation working capital fund (WCF), $8,000,000 are rescinded, which limits fiscal year 1995 WCF obligational authority for elements of the Department of Transportation funded in Public Law 103–331 to no more than $85,000,000.

SEC. 802. Of the total budgetary resources available to the Department of Transportation (excluding the Maritime Administration) during fiscal year 1995 for civilian and military compensation and benefits and other administrative expenses, $20,000,000 are permanently canceled.

CHAPTER IX

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $100,000 are rescinded.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

(RESCISSION)

(TRANSFER OF FUNDS)

Of the funds made available for construction at the Davis-Monthan Training Center under Public Law 103–123, $5,000,000 are rescinded. Of the funds made available for construction at the Davis-Monthan Training Center under Public Law 103–329, $6,000,000 are rescinded: *Provided,* That $1,000,000 of the remaining funds made available under Public Law 103–123 shall be used to initiate design and construction of a Burn Building in Glynco, Georgia.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $160,000 are rescinded.

BUREAU OF THE PUBLIC DEBT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–123, $1,500,000 are rescinded.

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $1,490,000 are rescinded.

EXECUTIVE OFFICE OF THE PRESIDENT

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $171,000 are rescinded.

FEDERAL DRUG CONTROL PROGRAMS

SPECIAL FORFEITURE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $13,200,000 are rescinded.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(LIMITATIONS ON AVAILABILITY OF REVENUE)

(RESCISSION)

Of the funds made available under this heading for ''New Construction'' in Public Law 103–329 for Bullhead City, Arizona, a grant to the Federal Aviation Administration for a runway protection zone, $2,200,000 are rescinded; for Hilo, Hawaii, Consolidation, $12,000,000 are rescinded: *Provided,* That of the funds made available under this heading for ''New Construction'' in Public Law 103–123 for Sierra Vista, Arizona, U.S. Magistrates Office, $1,000,000 are rescinded; for Wheeling, West Virginia, Federal Building and U.S. Courthouse, $35,861,000 are rescinded: *Provided further,* That of the funds made available under this heading for ''New Construction'' in Public Law 102–393 for Nogales, Arizona, U.S. Border Patrol Station, $2,000,000 are rescinded; for Atlanta, Georgia, Centers for Disease Control, site acquisition and improvements, $25,890,000 are rescinded; for Atlanta Georgia, Centers for Disease Control, $14,110,000 are rescinded; for Newark, New Jersey, Parking Facility, $9,000,000 are rescinded; for Seattle, Washington, U.S. Courthouse, $11,548,000 are rescinded: *Provided further,* That of the funds made available under this heading for ''New Construction'' in Public Law 102–141 for Charlotte Amalie, Saint Thomas, United States Virgin Islands, U.S. Courthouse Annex, $2,184,000 are rescinded: *Provided further,* That of the funds made available under this heading for ''New Construction'' in Public Law 102–27 for Washington, District of Columbia, General Services Administration Headquarters, $13,000,000 are rescinded: *Provided further,* That of the funds made available under this heading for ''Repairs and Alterations'' in Public Law 103–329 for Walla Walla, Washington, Corps of Engineers Building, $2,800,000 are rescinded: *Provided further,* That of the funds made available under this heading for ''Repairs and Alterations'' in Public Law 103–123 for District of Columbia, Central and West Heating Plants, $5,000,000 are rescinded.

OPERATING EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $2,065,000 are rescinded.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $2,792,000 are rescinded.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $3,140,000 are rescinded.

CHAPTER X

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $50,000,000 are rescinded: *Provided,* That this amount is to be taken from the $771,000,000 earmarked for the equipment and land and structures object classifications, which amount does not become available for obligation until August 1, 1995.

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $156,110,000 are rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

NATIONAL HOMEOWNERSHIP TRUST DEMONSTRATION PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $50,000,000 are rescinded.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, $5,733,400,000 are rescinded: *Provided,* That of the total rescinded under this heading, $690,100,000 shall be from the amounts earmarked for the development or acquisition cost of public housing; $1,157,000,000 shall be from amounts earmarked for the modernization of existing public housing projects pursuant to section 14 of the United States

Housing Act of 1937; $2,694,000,000 shall be from amounts earmarked for rental assistance under the section 8 existing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the United States Housing Act of 1937, which shall include $100,000,000 from the amounts made available for new programs within the rental assistance earmark in Public Law 103–327; $15,000,000 shall be from amounts provided for the Family Unification program; $465,100,000 shall be from amounts earmarked for the preservation of low-income housing programs; $90,000,000 shall be from amounts earmarked for the lead-based paint hazard reduction program; $186,000,000 shall be from amounts earmarked for housing opportunities for persons with AIDS; $70,000,000 shall be from the amounts earmarked for special purpose grants in Public Law 102–389 and prior years; $39,000,000 shall be from amounts recaptured during fiscal year 1995 or prior years; $34,200,000 shall be from amounts provided for lease adjustments; and $287,000,000 of amounts recaptured during fiscal year 1995 from the reconstruction of obsolete public housing projects.

CONGREGATE SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, $37,000,000 are rescinded.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $404,000,000 are rescinded.

SEVERELY DISTRESSED PUBLIC HOUSING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, $523,000,000 are rescinded.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, $32,000,000 are rescinded.

YOUTHBUILD PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $38,000,000 are rescinded.

HOUSING COUNSELING ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $38,000,000 are rescinded.

FLEXIBLE SUBSIDY FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, and excess rental charges, collections and other amounts in the fund, $8,000,000 are rescinded.

NEHEMIAH HOUSING OPPORTUNITIES FUND

(RESCISSION)

Of the funds transferred to this revolving fund in prior years, $19,000,000 are rescinded.

HOMELESS ASSISTANCE

HOMELESS ASSISTANCE GRANTS

Of the funds made available under this heading in Public Law 103–327, $297,000,000 shall not become available for obligation until September 30, 1995.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, $349,200,000 are rescinded.

INDEPENDENT AGENCIES

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $500,000 are rescinded.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $124,000,000 are rescinded.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $210,000,000 are rescinded: *Provided*, That this amount is to be taken from the $386,212,000 which is earmarked to be available for obligation for the period September 1, 1995 through August 31, 1996.

ENVIRONMENTAL PROTECTION AGENCY

RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $14,635,000 are rescinded.

ABATEMENT, CONTROL, AND COMPLIANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $4,806,805 are rescinded.

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and prior years, $25,000,000 are rescinded.

WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 for wastewater infrastructure financing, $3,200,000 are rescinded, and of the funds made available under this heading in Public Law 103–327 and prior years for drinking water state revolving funds, $1,300,000,000 are rescinded.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $38,000,000 are rescinded.

CONSTRUCTION OF FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–389, for the Consortium for International Earth Science Information Network, $27,000,000 are rescinded.

MISSION SUPPORT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, for administrative aircraft, $1,000,000 are rescinded.

NATIONAL SCIENCE FOUNDATION

ACADEMIC RESEARCH INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $131,867,000 are rescinded.

CORPORATIONS

FEDERAL DEPOSIT INSURANCE CORPORATION

FDIC AFFORDABLE HOUSING PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $11,281,034 are rescinded.

TITLE III GENERAL PROVISION

DENIAL OF USE OF FUNDS FOR INDIVIDUALS NOT LAWFULLY WITHIN THE UNITED STATES

SEC. 30. (a) IN GENERAL.—None of the funds made available in this Act may be used to provide any direct benefit or assistance to any individual in the United States when it is made known to the Federal entity or official to which the funds are made available that—

(1) the individual is not lawfully within the United States; and

(2) the benefit or assistance to be provided is other than search and rescue; emergency medical care; emergency mass care; emergency shelter; clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services; warning of further risks or hazzards; dissemination of public information and assistance regarding health and safety measures; provision of food, water, medicine, and other essential needs, including movement of supplies or persons; or reduction of immediate threats to life, property, and public health and safety.

TITLE IV

SUPPLEMENTAL APPROPRIATIONS

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for salaries and expenses of the Food Safety and Inspection Service, $9,048,000.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

For an additional amount for salaries and expenses of the Agricultural Stabilization and Conservation Service, $10,000,000.

COMMODITY CREDIT CORPORATION FUND

(TRANSFER OF FUNDS)

Notwithstanding any other provision of law, no funds of the Commodity Credit Corporation in excess of $50,000,000 for fiscal year 1995 (exclusive of the cost of commodities in the fiscal year), may be used to carry out the Food for Progress Act of 1985 (7 U.S.C. 1736o) with respect to commodities made available under section 416(b) of the Agricultural Act of 1949. The additional costs resulting from this provision shall be financed from funds credited to the Corporation pursuant to section 426 of Public Law 103–465.

CHAPTER II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

RELATED AGENCY

UNITED STATES INFORMATION AGENCY

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'', $7,290,000, for transfer to the Board for International Broadcasting.

CHAPTER III

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

DEBT RESTRUCTURING

DEBT RELIEF FOR JORDAN

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, as amended, of modifying direct loans to Jordan issued by the Export-Import Bank or by the Agency for International Development or by the Department of Defense, as authorized under subsection (a) under the heading ''Debt Relief for Jordan'', in title VI of Public Law 103–306, $50,000,000.

CHAPTER IV

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to the family trust of Dean A. Gallo, late a Representative from the State of New Jersey, $133,600.

BOTANIC GARDEN

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

Of the funds made available until expended by transfer under this heading in Public Law 103–283, $3,000,000 shall be transferred to the appropriation ''Architect of the Capitol, Capitol Buildings and Grounds, Capitol Complex Security Enhancements'', and shall remain available until expended.

CHAPTER V

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

(TRANSFER OF FUNDS)

Section 341 of Public Law 103–331 is amended by deleting ''and received from the Delaware and Hudson Railroad,'' after ''amended,''.

CHAPTER VI

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

In the paragraph under this heading in Public Law 103–329, delete ''of which not less than $6,443,000 and 85 full-time equivalent positions shall be available for enforcement activities;''.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

In the paragraph under this heading in Public Law 103–329, delete ''first-aid and emergency'' and insert ''short-term'' before ''medical services''.

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(TRANSFER OF FUNDS)

In the paragraph under this heading in Public Law 103–329, delete ''$650,000,000'' and insert ''$640,000,000''.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

In the paragraph under this heading in Public Law 103–329, in section 3, after ''$119,000,000'', insert ''annually''.

UNITED STATES MINT

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

In the paragraph under this heading in Public Law 103–329, insert ''not to exceed'' after ''of which''.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(TRANSFER OF FUNDS)

Of the funds made available for the Federal Buildings Fund in Public Law 103–329, $5,000,000 shall be made available by the General Services Administration to implement an agreement between the Food and Drug Administration and another entity for space, equipment and facilities related to seafood research.

OFFICE OF PERSONNEL MANAGEMENT

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE BENEFITS

For an additional amount for ''Government payment for annuitants, employee life insurance'', $9,000,000 to remain available until expended.

TITLE V

RESCISSIONS

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

PUBLIC LAW 480 PROGRAM ACCOUNTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $20,000,000 for commodities supplied in connection with dispositions abroad, pursuant to title III of the Agricultural Trade Development and Assistance Act of 1954, as amended, are rescinded.

CHAPTER II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $19,500,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $2,000,000 are rescinded.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317 and prior appropriations Acts, $20,000,000 are rescinded.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $14,617,000 are rescinded.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $3,000,000 are rescinded, of which $2,000,000 are from funds made available for activities related to the implementation of the Chemical Weapons Convention.

UNITED STATES INFORMATION AGENCY

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $5,000,000 are rescinded.

RADIO CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading, $6,000,000 are rescinded.

CHAPTER III

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEBT RESTRUCTURING UNDER THE ENTERPRISE FOR THE AMERICAS INITIATIVE

(RESCISSION)

Of the funds made available under this heading in Public Law 102–391, $2,400,000 are rescinded.

ECONOMIC SUPPORT FUND

(RESCISSIONS)

Of the unobligated balances of funds available under this heading from funds provided in Public Law 103–306, $7,500,000 are rescinded.

Of the unobligated balances of funds available under this heading from funds provided in Public Law 103–87, $20,000,000 are rescinded.

Of the unobligated balances of funds currently available under this heading, including earmarked funds, from funds provided in Public Law 102–391 and prior appropriations Acts, $15,475,000 are rescinded.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–306, $5,000,000 are rescinded.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(RESCISSIONS)

Of the unobligated balances of funds available under this heading from funds provided in Public Law 103–306, $17,500,000 are rescinded.

Of the unobligated or unexpended balances of funds available under this heading from funds provided in Public Law 103–87 and Public Law 102–391, $30,200,000 are rescinded.

CHAPTER IV

LEGISLATIVE BRANCH

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $187,000 are rescinded.

TITLE VI
GENERAL PROVISIONS

SEC. 301. None of the funds made available in any appropriations Act for fiscal year 1995 may be used to issue, implement, administer, or enforce any executive order, or other rule or order, that prohibits Federal contracts with companies that hire permanent replacements for striking employees.

SEC. 302. Hereafter, the requirement pursuant to section 18(b)(3) of the United States Housing Act of 1937, for the provision of an additional dwelling unit for each public housing dwelling unit to be demolished or disposed of under an application submitted by a public housing agency under section 18(a) of such Act, shall not apply to any such application approved by the Secretary of Housing and Urban Development in fiscal year 1995 or in any prior fiscal year: *Provided*, That no such application submitted by a public housing agency to implement a final order of a court issued, or a settlement approved by a court, before the effective date of this public law, shall be affected by this paragraph.

SEC. 303. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency to impose or enforce any requirement that a State implement trip reduction measures to reduce vehicular emissions.

SEC. 304. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency to impose or enforce any requirement that a State implement an inspection and maintenance program for vehicular emissions.

SEC. 305. The Congress finds that the 1990 amendments to the Clean Air Act (Public Law 101–549) superseded prior requirements of the Clean Air Act regarding the demonstration of attainment of national ambient air quality standards and eliminated the obligation of the Administrator of the Environmental Protection Agency to promulgate a Federal implementation plan under section 110(e) of the Clean Air Act for the South Coast, Ventura, or Sacramento areas of California. Upon the enactment of this Act, any Federal implementation plan that has been promulgated by the Administrator of the Environmental Protection Agency under the Clean Air Act for the South Coast, Ventura, or Sacramento areas of California pursuant to a court order or settlement shall be rescinded and shall have no further force and effect.

SEC. 306. EMERGENCY TWO-YEAR SALVAGE TIMBER SALE PROGRAM.

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

(1) The term ''emergency period'' means the two-year period beginning on the date of the enactment of this section.

(2) The term ''Federal lands'' means—

(A) lands within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)); and

(B) public lands, as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(3) The term ''land management plan'' means—

(A) a land and resource management plan (or, if no final plan is currently in effect, a draft land and resource management plan) prepared by the Forest Service pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) for a unit or units of the Federal lands described in paragraph (2)(A); or

(B) a land use plan prepared by the Bureau of Land Management pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), or other multiple-use plan in effect, for a unit of the Federal lands described in paragraph (2)(B).

(4) The term ''salvage timber sale'' means a timber sale for which an important reason for entry includes the removal of disease- or insect-infested trees, dead, damaged, or down trees, or trees affected by fire or imminently susceptible to fire or insect attack. Such term also includes the removal of associated trees or trees lacking the characteristics of a healthy and viable ecosystem for the purpose of ecosystem improvement or rehabilitation, except that any such sale must include an identifiable salvage component of trees described in the first sentence.

(5) The term 'Secretary concerned' means—

(A) with respect to Federal lands described in paragraph (2)(A), the Secretary of Agriculture; and

(B) with respect to Federal lands described in paragraph (2)(B), the Secretary of the Interior.

(b) TWO-YEAR EMERGENCY PROGRAM OF SALVAGE TIMBER SALES FOR FEDERAL LANDS.—

(1) SALVAGE TIMBER SALES REQUIRED.—Using the expedited procedures provided in subsection (c), the Secretary concerned shall prepare, advertise, offer, and award contracts during the emergency period for salvage timber sales from Federal lands to satisfy the volume requirements of paragraph (2).

(2) SALVAGE TIMBER SALE VOLUMES.—The salvage timber sales sold under this subsection during the emergency period shall contain the following total timber volumes (programmed or otherwise):

(A) For Federal lands described in subsection (a)(2)(A)—

(i) not less than 3,000,000,000 board feet during the first year of the emergency period; and

(ii) not less than 3,000,000,000 board feet during the second year of the emergency period.

(B) For Federal lands described in subsection (a)(2)(B)—

(i) not less than 115,000,000 board feet during the first year of the emergency period; and

(ii) not less than 115,000,000 board feet during the second year of the emergency period.

(3) USE OF SALVAGE SALE FUNDS.—To conduct salvage timber sales under this subsection, the Secretary concerned may use salvage sale funds otherwise available to the Secretary concerned.

(c) EXPEDITED PROCEDURES FOR EMERGENCY SALVAGE TIMBER SALES.—

(1) SALE DOCUMENTATION.—For each salvage timber sale conducted under subsection (b) to meet the minimum salvage timber sale volumes specified in paragraph (2) of such subsection, the Secretary concerned shall prepare a document that combines an environmental assessment under section 102(2) and implementing regulations of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(E)) and a biological evaluation under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)) and other applicable Federal law and implementing regulations. The environmental assessment and biological evaluation must consider the environmental effects of the salvage timber sale and consider the effect, if any, on threatened or endangered species. In lieu of preparing a new document under this paragraph, the Secretary concerned may use a document prepared pursuant to the National Environmental Policy Act of 1969 before the date of the enactment of this section, a biological evaluation written before such date, or information collected for such a document or evaluation if the document, evaluation, or information applies to the Federal lands covered by the proposed sale.

(2) TIME PERIODS FOR, AND REPORTING OF, SALES.—

(A) FIRST YEAR.—For salvage timber sales conducted pursuant to subsection (b) during the first year of the emergency period, the Secretary concerned shall—

(1) offer sales which contain fifty percent of the total timber volume required pursuant to subsection (b)(2)(A)(i) or (b)(2)(B)(i), as the case may be, within the first 3 months of the year; and

(2) offer sales which contain the remaining volume required pursuant to subsection (b)(2)(A)(i) or (b)(2)(B)(i), as the case may be, evenly distributed throughout the remainder of the year.

(B) SECOND YEAR.—For salvage timber sales conducted pursuant to subsection (b) during the second year of the emergency period, the Secretary concerned shall—

(1) offer sales which contain fifty percent of the total timber volume required pursuant to subsection (b)(2)(A)(ii) or (b)(2)(B)(ii), as the case may be, within 15 months of the date of enactment of this Act, and

(2) offer sales which contain the remaining volume required pursuant to subsection (b)(2)(A)(ii) or (b)(2)(B)(ii), as the case may be, within the remainder of the year.

(i) Each Secretary shall report to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate 90 days after the date of enactment of this Act and on the final day of each 90-day period thereafter throughout the emergency period on the number of sales and volumes contained therein offered during such 90 day period and expected to be offered during the next 90 day period.

(ii) SPECIAL RULES FOR SECOND YEAR SALES.—The Secretary concerned may begin salvage sales intended for the second year of the emergency period before the start of the second year if the Secretary concerned determines that the preparation, advertisement, offering, awarding, and operation of such sales will not interfere with salvage timber sales required during the first year of the emergency period.

(3) DECISIONS.—The Secretary concerned shall design and select the specific salvage timber sales to be offered under subsection (b) on the basis of the analysis contained in the document or documents prepared pursuant to paragraph (1) to satisfy the applicable volume requirement in subsection (b)(2) within the applicable schedule specified in paragraph (2).

(4) SALE PREPARATION.—The Secretary concerned shall make use of all available authority, including the employment of private contractors and the use of expedited fire contracting procedures, to prepare and advertise salvage timber sales under subsection (b) to meet the applicable schedule specified in paragraph (2). The provisions of section 3(d)(1) of the Federal Workforce Restructuring Act of 1994 (Public Law 103–226) shall not apply to any former employee of the Department of the Secretary concerned who received a voluntary separation incentive payment authorized by such Act or accepts employment pursuant to this paragraph.

(5) COST CONSIDERATIONS.—Salvage timber sales undertaken pursuant to this section shall not be precluded because the costs of such activities are likely to exceed the revenues derived from such activities.

(6) EFFECT ON OTHER LAWS.—The documents and procedures required by this section for the preparation, advertisement, offering, awarding, and operation of any salvage timber sale subject to subsection (b) shall be deemed to satisfy the requirements

of all applicable Federal laws (and regulations implementing such laws) including but not limited to:

(A) The Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.).

(B) The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(C) The National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(D) The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(7) EFFECT OF SALVAGE SALES.—The Secretary of Agriculture shall not substitute salvage timber sales conducted under subsection (b) for planned non-salvage timber sales.

(8) EFFECT ON JUDICIAL DECISIONS.—The Secretary concerned may conduct salvage timber sales under the authority of this section during the emergency period and the first year after the end of the emergency period notwithstanding any decision, restraining order, or injunction issued by a United States court issued before the date of the enactment of this section.

(d) REFORESTATION OF SALVAGE TIMBER SALE PARCELS.—The Secretary concerned shall plan and implement reforestation of each parcel of land harvested under a salvage timber sale conducted under subsection (b) as expeditiously as possible after completion of the harvest on the parcel, but in no case later than any applicable restocking period required by law or regulation.

(e) ADMINISTRATIVE REVIEW.—Salvage timber sales conducted under subsection (b), and any decision of the Secretary concerned in connection with such sales, shall not be subject to administrative review.

(f) JUDICIAL REVIEW.—

(1) PLACE AND TIME OF FILING.—A salvage timber sale to be conducted under subsection (b) shall be subject to judicial review only in the United States district court for the district in which the affected Federal lands are located. Any challenge to such sale must be filed in such district court within 15 days after the date of initial advertisement of the challenged sale.

(2) EFFECT OF FILING ON AGENCY ACTION.—For 45 days after the date of the filing of a challenge to a salvage timber sale to be conducted under subsection (b), the Secretary concerned shall take no action to award the challenged sale.

(3) PROHIBITION ON RESTRAINING ORDERS, PRELIMINARY INJUNCTIONS, AND RELIEF PENDING REVIEW.—No restraining order or preliminary injunction shall be issued by any court of the United States with respect to any decision to prepare, advertise, offer, award, or operate a salvage timber sale pursuant to subsection (b). Section 705 of title 5, United States Code, shall not apply to any challenge to such a sale.

(4) STANDARD OF REVIEW.—The courts shall have authority to enjoin permanently, order modification of, or void an individual salvage timber sale if it is determined by a trial on the merits that the decision to prepare, advertise, offer, award, or operate such sale was arbitrary and capricious or otherwise not in accordance with applicable law (other than those laws specified in subsection (c)(6)).

(5) TIME FOR DECISION.—Civil actions filed under this subsection shall be assigned for hearing at the earliest possible date and shall take precedence over all other matters pending on the docket of the court at that time except for criminal cases. The court shall render its final decision relative to any challenge within 45 days from the date such challenge is brought, unless the court determines that a longer period of time is required to satisfy the requirement of the United States Constitution. In order to reach a decision within 45 days, the district court may assign all or part of any such case or cases to one or more Special Masters, for prompt review and recommendations to the court.

(6) PROCEDURES.—Notwithstanding any other provision of law, the court may set rules governing the procedures of any proceeding brought under this subsection which set page limits on briefs and time limits on filing briefs and motions and other actions which are shorter than the limits specified in the Federal rules of civil or appellate procedure.

(7) APPEAL.—Any appeal from the final decision of a district court in an action brought pursuant to this subsection shall be filed not later than 30 days after the date of decision.

(g) EXCLUSION OF CERTAIN FEDERAL LANDS.—

(1) EXCLUSION.—The Secretary concerned may not select, authorize, or undertake any salvage timber sale under subsection (b) with respect to lands described in paragraph (2).

(2) DESCRIPTION OF EXCLUDED LANDS.—The lands referred to in paragraph (1) are as follows:

(A) Any area on Federal lands included in the National Wilderness Preservation System.

(B) Any roadless area on Federal lands designated by Congress for wilderness study in Colorado or Montana.

(C) Any roadless area on Federal lands recommended by the Forest Service or Bureau of Land Management for wilderness designation in its most recent land management plan in effect as of the date of the enactment of this Act.

(D) Any area on Federal lands on which timber harvesting for any purpose is prohibited by statute.

(h) RULEMAKING.—The Secretary concerned is not required to issue formal rules under section 553 of title 5, United States Code, to implement this section or carry out the authorities provided by this section.

(i) AWARD AND RELEASE OF PREVIOUSLY OFFERED AND UNAWARDED TIMBER SALE CONTRACTS.—

(1) AWARD AND RELEASE REQUIRED.—Notwithstanding any other provision of law, within 30 days after the date of the enactment of this section, the Secretary concerned shall act to award, release, and permit to be completed in fiscal years 1995 and 1996, with no change in originally advertised terms and volumes, all timber sale contracts offered or awarded before that date in any unit of the National Forest System or district of the Bureau of Land Management subject to section 318 of Public Law 101–121 (103 Stat. 745).

(2) EFFECT ON LAND MANAGEMENT PLANS.—Compliance with paragraph (1) shall not require or permit any change in any land management plan in existence on the date of the enactment of this Act.

The CHAIRMAN. The bill will be considered for amendment under the 5-minute rule for a period not to exceed 10 hours.

No amendment to the amendment in the nature of a substitute made in order as original text shall be in order unless printed as an amendment to H.R. 1158 or H.R. 1159 in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 6 of rule XXIII before March 14, 1995. Those amendments will be considered as having been read.

It shall not be in order to consider an amendment proposing to increase the net level of budget authority in the bill.

It shall not be in order to consider an amendment proposing to redistribute budget authority within the net level of budget authority in the bill except within a chapter of the bill or, in the case of a title of the bill not organized by chapters, within such title. Any such amendment or any amendment thereto shall not be subject to a demand for a division of the question.

Debate on each amendment to the amendment in the nature of a substitute and any amendments thereto shall be limited to 30 minutes.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. LIVINGSTON

Mr. LIVINGSTON. Mr. Chairman, I offer amendment No. 68, the Roybal-Allard amendment, an amendment that the committee will support.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LIVINGSTON: Page 50, strike line 16 through 21.

Page 54, line 18, strike ''$38,000,000'' and insert ''$75,000,000''.

The CHAIRMAN. Under the rule, the gentleman from Louisiana [Mr. LIVINGSTON] will be recognized for 15 minutes in support of the amendment, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, I am delighted to yield 5 minutes to the gentlewoman from California [Ms. ROYBAL-ALLARD].

Ms. ROYBAL-ALLARD. Mr. Chairman, H.R. 1158, in its current form, includes a number of harmful rescissions that specifically target the most vulnerable segments of our Nation's population. These proposed rescissions disproportionately affect seniors and the disabled, among others, but barely touch the billions of dollars annually allocated for corporate subsidies.

My amendment attempts to bring balance to the rescission package by restoring $37 million in funding for fiscal year 1995 to implement one of the most important supportive services programs administered by HUD: The Congregate Housing Services Program.

The Congregate Housing Services Program has successfully prevented or delayed the institutionalization of thousands of frail seniors and persons with disabilities by providing vital, nonmedical services. These services include meals, transportation, and personalized assistance to bathe and dress, get in and out of bed, and to access wheelchairs. The program also funds the retrofitting of individual dwelling units and the renovation of facilities for supportive services that enhance independent living. The $37 million to be restored by this amendment would provide services to over 8,200 elderly and handicapped persons throughout the country.

The restoration of congregate housing services funding would be offset by an equivalent reduction in NASA's Civilian Science, Aeronautics, and technology development research programs that are specifically designed to aid U.S. commercial aircraft firms. These systems-oriented research programs to maintain commercial airline sales should be a private, rather than a public responsibility. Think tanks ranging from the Cato Institute to the progressive policy institute have agreed that government-sponsored research programs should be basic and primary, not industry-specific. Furthermore, the Congressional Budget Office has targeted the NASA programs for possible elimination in its March 1995 report entitled ''Reducing the Deficit: Spending and Revenue Options.''

The congregate Housing Services Program is strongly supported by housing advocates throughout the Nation, as well as the American Association of Retired Persons because it improves the quality of life for the most needy of older and disabled Americans and facilitates independent living. The average elderly program recipient is a frail, older woman in her mid seventies, living alone with an income of less than $10,000 a year.

The Congregate Housing Services Program is a proven, cost-effective mechanism to fund these important supportive services for seniors and the disabled. The benefits of congregate housing services for recipients receiving home care is only 25 percent of the average cost of institutional care.

Congregate housing is a real lifeline for many elderly and disabled tenants trying to avoid unnecessary confinement in expensive institutions such as nursing homes. Without congregate housing services, many elderly and disabled persons could end up in institutions like nursing homes because many have no families and can't take adequate care of themselves.

Mr. Chairman, I urge an ''aye'' vote on the Roybal-Allard amendment.

Mr. LIVINGSTON. Mr. Chairman, I appreciate the gentlewoman's statement and look forward, since she has gotten a chance to offer this amendment, to her support on the bill.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, as you know and as Ms. ROYBAL-ALLARD knows, we have discussed this problem very seriously and in depth. There is no question the services to the elderly and the handicapped under this program have worked very well in many instances. In some instances we have serious concern about the management of these programs.

□ 1545

Indeed, what we are doing here or were doing here was to accept the President's recommendation of rescinding this program as we try to reexamine all of the handicapped services throughout the housing programs. But in the meantime, because of the seriousness of the difficulty and because we do not know exactly where we should be going in the final numbers on this program and because I do have some questions about the way the gentlewoman would pay for it by way of cutting NASA, with reservation, I nonetheless am willing to consider the gentlewoman's argument and I will accept the amendment.

I have discussed it with my ranking member as well.

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

Mr. LEWIS of California. I yield to the gentleman from Ohio.

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

The gentleman and I have discussed it, and I commend the chairman of the subcommittee for accepting the gentlewoman's amendment. I concur in the reasons for acceptance of it. I think it is a good amendment.

Mr. LEWIS of California. Mr. Chairman, I congratulate the gentlewoman for bringing it to our attention in this serious way, and we accept the amendment.

Mr. LIVINGSTON. Mr. Chairman, I have no further requests for time, and I assume the gentleman from Wisconsin has no requests for time either.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. LIVINGSTON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment No. 26.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY: Page 48, strike lines 10 through 24.

Page 54, line 18, strike ''$38,000,000'' and insert ''$24,110,000''.

Mr. LIVINGSTON. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The point of order is reserved.

The gentleman from Wisconsin [Mr. OBEY] is recognized for 15 minutes in support of his amendment.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, this amendment would restore the much needed funding for veterans' health care facilities and equipment. It restores $206 million for veterans' health care and provides for an identical offset in NASA's science, aeronautics, and technology account.

The total NASA budget is $14.4 billion so this amendment cuts only 1.4 percent of the NASA budget so that we can afford better health care for veterans.

Mr. Chairman, there is little debate that this funding for veterans' health care is needed. This amendment restores funding to build six critically needed VA outpatient clinics and to replace worn-out medical equipment at VA facilities. Each of these clinic projects has been carefully considered and authorized. They are an essential part of the VA's effort to move away from costly inpatient care to delivering cost-effective outpatient care.

This shift will provide better care for more veterans at lower cost to taxpayers.

As I stated, the amendment provides for offsetting rescissions in NASA's science, aeronautics, and technology account. Total 1995 funding for this account is $5.9 billion, and it includes several unauthorized programs that are either new starts at a time when we can ill afford new starts or received large increases in 1995.

While these NASA programs undoubtedly have merit, we do have to make tough choices. So I ask my colleagues, what is more important, authorized projects to improve veterans' health care or unauthorized projects such as building new rockets and satellites? The clear choice must be veterans.

In fact, the cuts are in two programs: The advanced space transportation program and the veterans' small satellite technology program. The cuts would be sufficient to provide for the offset of $206 million. Funding for these two programs total $224 million, $18 million more than necessary for the offset.

The advanced space transportation program is funded at $162.1 million, and it is aimed at developing a reuseable launch vehicle to replace the space shuttle. This program is unauthorized. It was not thoroughly debated in either the authorization or appropriation committee. It is high risk, and it is extremely expensive.

The advanced small satellite technology program also is unauthorized. Despite that, this program received a budget increase of 400 percent.

Let me repeat that, 400 percent, from $12.5 million in 1994 to $61.9 million in 1995. How in the world can we afford to increase funding for satellites by 400 percent when we cannot afford better health care for our veterans?

Mr. Chairman, I know that there are several Members on the other side who will argue that they plan to offer different amendments that restore the VA funding with offsets in the national service program. I find that appalling in that it would force us to choose between serving our veterans and providing education for our children and needed services for our communities.

Let me say to my colleagues, this amendment provides a fairer offset for restoring the veterans' funding. The amendment cuts only 1.4 percent of the NASA budget. In contrast, the Stump-Solomon alternative would result in total rescissions of 72 percent of the national service budget. That would

devastate the national service program and break our promise to thousands of young people who are serving our communities across this country.

Mr. Chairman, the amendment sets the right priorities. It restores funding for veterans' health care. It prevents devastating cuts in the National Service Program, and it cuts NASA's budget, again, by only 1.4 percent.

I urge the adoption of this amendment.

The CHAIRMAN. Is the gentleman from Louisiana [Mr. LIVINGSTON] opposed to the amendment?

POINT OF ORDER

Mr. LIVINGSTON. Mr. Chairman, I am opposed to the amendment, and I insist on my point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. LIVINGSTON. Mr. Chairman, I make a point of order against the gentleman's amendment because it seeks to amend a paragraph previously amended.

In the ''Procedures in the U.S. House of Representatives,'' chapter 27, section 27.1 states the following:

> It is fundamental that it is not in order to amend an amendment previously agreed to. Thus the text of a bill perfected by amendment cannot thereafter be amended.

Mr. Chairman, this amendment seeks to amend text previously amended and is therefore not in order.

I respectfully ask the Chair to sustain my point of order.

The CHAIRMAN. Does any Member desire to be heard on the point of order?

Mr. OBEY. Mr. Chairman, I do.

The CHAIRMAN. The chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I would urge the gentleman to withhold on his point of order for a very simple reason. Absent the rule which was adopted, the amendment of the gentlewoman from Connecticut [Ms. DELAURO] would have been in order as an amendment to the previous amendment that was brought up by the gentleman from Louisiana.

The gentleman from Louisiana brought up the original amendment, the Roybal-Allard amendment, obviously under the rule, in order to preclude the gentlewoman from Connecticut [Ms. DELAURO] from offering the amendment to restore funds for veterans.

I think this is an example of how the rules are being used to establish a very unfair situation, which precludes Members from offering amendments which otherwise would be perfectly in order.

I would concede the gentleman's point of order, but I would suggest that this is just another indication of how cynical the overall rule was which was adopted by this House an hour ago.

Mrs. BROWN of Florida. Mr. Chairman, Republicans have become Robin Hood in reverse. They steal from the poor to give to the rich.

I support the DeLauro amendment to H.R. 1158 because Republicans do not care about the vulnerable in our society—the very young and the elderly.

The Republican method for raising money to give to the rich is to rescind funding for authorized projects such as the VA ambulatory clinics. They do not do this for humane reasons. They want to steal the clinics and give a tax break to persons that make over $100,000.

Give me a break. What kind of nonsense is this? It is Republican tricksters using old ideas from the 1980's—ideas that got us into this mess. If we do what Republicans want—destroy programs that help people, increase defense spending irrationally and give the rich tax breaks—we will end in economic ruin. It did not work in the 1980's and will not work now.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order?

If not, under the precedents recorded at section 31 in chapter 27 of Deschler's Procedure, the point of order of the gentleman from Louisiana [Mr. LIVINGSTON] is sustained.

For what reason does the gentleman from Florida [Mr. YOUNG] rise?

Mr. YOUNG of Florida. Mr. Chairman, I offer amendment No. 75.

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state it.

Mr. OBEY. Mr. Chairman, since the amendment that was called up on the Democratic side was ruled out of order, does that mean that the recognition for amendments now reverts to the majority side, or does it still stay on this side?

The CHAIRMAN. It is the discretion of the Chair. Does the gentleman from Wisconsin seek recognition to offer an amendment?

Mr. OBEY. Mr. Chairman, yes.

Mr. Chairman, I will withhold. Could I inquire which amendment the gentleman is planning to bring up?

Mr. YOUNG of Florida. Mr. Chairman, this is amendment No. 75, which restores the veterans' appropriation.

Mr. OBEY. Mr. Chairman, we might as well continue with the charade.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Chairman, I offer amendment No. 75.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment offered by Mr. YOUNG of Florida: Page 48, strike lines 10 through 24.
>
> Page 53, line 13, strike ''$210,000,000'' and all that follows through line 17 and insert ''$416,110,000 are rescinded.''.

The CHAIRMAN. The gentleman from Florida [Mr. YOUNG] is recognized for 15 minutes in support of his amendment.

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state it.

Mr. OBEY. Mr. Chairman, it is my understanding that no one will be opposed to this amendment. Under those circumstances, is it possible under the rule to reach an understanding about sharing of time so the amendment may be discussed?

The CHAIRMAN. That is possible. The gentleman may also, by unanimous consent, request that time if there is no other Member standing in opposition.

Mr. YOUNG of Florida. Mr. Chairman, the gentleman does not have to make a unanimous consent request. I will be very happy to share the time. What I would like to do is yield myself 5 minutes, 5 minutes to the gentleman from California [Mr. LEWIS], and 5 minutes to the gentleman from Arizona [Mr. STUMP].

The CHAIRMAN. Without objection, the gentleman from Wisconsin [Mr. OBEY] is recognized for 15 minutes that the Chair would otherwise set aside for opposition.

There was no objection.

Mr. OBEY. Mr. Chairman, I thank the Chair.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Mr. Chairman, the amendment called up restores the funding for the Veterans' Administration military care facilities. And the amendment No. 75 was actually filed by the gentleman from Arizona [Mr. STUMP], the chairman of the Committee on Veterans' Affairs, and the chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON].

Amendment No. 80, which is one that I had filed at the same time, is identical, so I called up No. 75 and I am going to yield most of the time to the gentleman from California [Mr. LEWIS] and the gentleman from Arizona [Mr. STUMP].

I just briefly want to say that today we are dealing with the Contract With America. At the same time when we talk about veterans issues and veterans medical care, we are talking about America's contract with veterans. One hundred thirty years ago this month, just outside this Chamber, just prior to the end of the Civil War, President Lincoln made that commitment. And he said, ''Let us strive on to finish the work we are in,'' and he said, ''to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and for his orphan.'' Those words are engraved in the walls of the Department of Veterans Affairs headquarters downtown as a reaffirmation of that commitment to our veterans. In keeping with that commitment to America's veterans, we offer this amendment today.

The amendment I offer today makes good on that contract with our veterans, one that predates Lincoln's words with its origins in the Plymouth Colony in 1636 and later the Continental Congress in 1776. Our Nation has always provided for the needs of those who

have come to the defense of our Nation, first by providing pensions for those disabled in battle, and beginning in 1811, by providing medical care. In fact the United States is acknowledged to have the world's most comprehensive system for providing assistance for veterans.

Today we honor our Nation's veterans by providing them with the finest medical care available. Unfortunately, in States such as Florida, which I have the privilege to represent, where the population of veterans continues to grow rapidly, and where veterans facilities provide service to thousands of other veterans visiting our State, the need for veterans medical care far outpaces our ability to provide services.

To address this problem, the Department of Veterans Affairs recommended to Congress last year the establishment of a number of relatively low-cost outpatient clinics that could expand the services available to veterans with inpatient hospital care. Because of or booming veterans population, the Department of Veterans Affairs recommended, and the Congress included funding for, two outpatient clinics in Florida, and four others elsewhere in our Nation.

These are urgently needed projects to provide for the immediate health care needs of our aging veterans population. In testimony before the Appropriations Committee last year, the Department of Veterans Affairs talked of the need for the outpatient clinic at Gainesville to replace the almost 30-year-old facility there, which is more than 35-percent space deficient. Space is so restricted there that a converted hallway serves as an emergency room to treat veterans.

The Orlando outpatient clinic and nursing home will replace leased space which was sized for a caseload half of what is being handled by VA personnel there. This project will not only move the VA out of the current undersized lease space, but it will take advantage of a tremendous opportunity to renovate the hospital at the Orlando Naval Training Center to not only provide much needed primary and preventive care, but also to meet the long-term needs of our veterans.

My amendment also will restore $50 million for the VA's medical equipment account, an account which the Secretary tells me already has a backlog of $800 million in needed purchases. This equipment ensures that veterans have access to and are receiving the most up-to-date treatment using the most advanced medical technology and equipment available in our Nation today. We should expect our veterans to receive no less.

Mr. Chairman, as provided for by the rule, my amendment would fully offset the cost of restoring these rescissions by increasing the committee's recommended rescission for the AmeriCorps.

The 103d Congress approved legislation establishing a national service corps over my objection. In voting against this legislation, I told my colleagues that our Nation should not be creating new and costly programs with growing long-term financial requirements at a time when we are trying to reduce Federal spending and eliminate wasteful and unnecessary programs.

Our Nation has a long and rich history of volunteering to help our neighbors in need. We do not need a new Federal program to pay Americans to volunteer, especially with Federal funds that will squeeze the resources available for higher priority needs such as caring for our Nation's veterans.

Mr. Chairman, our veterans are the finest national service corps that has ever served our country. We should honor them today by adopting this amendment to make good on our contract to provide our veterans in their greatest time of need.

Mr. Chairman, the gentleman from Arizona [Mr. STUMP], the gentleman from California [Mr. LEWIS], the gentleman from New York [Mr. SOLOMON], and myself jointly offer this amendment in the hopes that the House, as the gentleman from Wisconsin [Mr. OBEY] has suggested, will consider it posthaste.

Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. LEWIS] to manage the rest of our time.

The CHAIRMAN. Without objection, the gentleman from California, [Mr. LEWIS] is recognized for the balance of the 15 minutes in support of the amendment.

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I thank the gentleman for yielding this time to me.

I would like to speak to the House as to how we have come to this position on this amendment.

The committee is faced with some very, very serious difficulties interplaying between a variety and mix of serious programs under its jurisdiction. Members know that we had the responsibility for VA medical care funding. They also heard discussion already about housing rescissions in this package. There are problems in EPA, et cetera. They cut across the board of some 22 agencies.

As we looked at the question of was there room for any rescissions relative to the VA medical care, one recognizes initially that there are $17 billion in our bill that involve mandatory spending on those programs. Above and beyond that, there is $19.5 billion approximately in discretionary spending. It was our judgment that at least the House might consider looking at the bill they passed in appropriations for last year and rescinding the add-ons that took place in the Senate.

Frankly, the reason for those rescissions was not that we were targeting the specific building that was involved but, rather, we wanted to get the whole veterans discussion to conference with the Senate to decide what kind of new direction we should take in these programs that would do two things:

First, improve the quality and the efficiency of care to our veterans throughout our VA medical system. But second, to try to save some money in this category of spending as well, recognizing that if we are ever going to be able to balance this budget, everybody is going to have to participate. In this instance, we were attempting to make certain by way of the conference that whatever rescissions took place among veterans would be done fairly.

Having said that, the gentleman involved in this amendment have been very persuasive. The gentleman from Arizona [Mr. STUMP] indeed, the gentleman from Louisiana [Mr. LIVINGSTON] the gentleman from New York [Mr. SOLOMON] all have been extremely helpful. The gentleman from Florida [Mr. YOUNG] especially within our committee has been helpful. So with that we are essentially moving to replace the $206 million which was a rescission for veterans and in turn the funding that would counterbalance that restoring of money will come out of specific programs within CNCS that we, too, will discuss further as we move towards conference.

□ 1600

In the meantime, I believe that the work that has been done by the chairman, the gentleman from Arizona [Mr. STUMP], especially has been most productive in this connection. I look forward to working with him regarding veterans' affairs in the months ahead.

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

Mr. YOUNG of Florida. I yield 5 minutes to the gentleman from California.

The SPEAKER pro tempore. Without objection, the gentleman from california, Mr. LEWIS, now controls the time.

There was no objection.

The gentleman from Arizona [Mr. STUMP] is recognized for 5 minutes.

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

Mr. STUMP. Mr. Chairman, let me say from the very beginning that I greatly appreciate the support that I received from the subcommittee chairman, the gentleman from New York [Mr. SOLOMON]. The gentleman from Florida [Mr. YOUNG], subcommittee chairman of the Committee on Appropriations, and the subcommittee chairman are to be commended for the job they have done in bringing this to the floor. I also want to thank my cosponsor, the gentleman from New York, GERRY SOLOMON, for what he has done.

Mr. Chairman, we are offering an amendment which sets forth a simple choice in Federal funding priorities. First, it strikes $206 million in cuts from V.A. medical care and construction accounts. Second, the amendment offsets an identical amount from the Corporation for National and Community Service.

The members of the Committee on Appropriations have done an extremely difficult task in bringing this rescission bill to the floor. They decided supplemental spending will be paid for, and they have done that. Unfortunately, the V.A. cuts included in H.R. 1158 are medical equipment purchases to the tune of $50 million, and outpatient construction projects for $156 million.

Mr. Chairman, these accounts are some of the highest priorities of my committee. The Committee on Veterans' Affairs' highest priority for this

year is going to be to reform eligibility standards for health care. We strongly believe that Congress should not cut funding for V.A. outpatient clinics while unobligated balances remain in a program such as AmeriCorps. AmeriCorps pays so-called volunteers to perform services that millions of Americans already do without seeking any financial reward.

In fiscal year 1994, volunteers contributed a total of over 14 million hours of their time over 92,000 regularly scheduled volunteers. Of the 20,000 AmeriCorps volunteers in the field today, over one-fourth are working in either Federal or State agencies. This is not a priority, Mr. Chairman. This is not even volunteerism.

Mr. Chairman, as I said at the onset, I believe the Stump-Solomon amendment, along with the gentleman from Florida [Mr. YOUNG] and the gentleman from California [Mr. LEWIS], presents a simple choice for Federal spending priorities. I believe this choice is crystal clear, and hope all Members will support our veterans over AmeriCorps, and also will support this amendment to final passage.

Current statutory requirements dictate a counterproductive bias in favor of costly inpatient treatment for veterans.

Cutting VA outpatient construction would be a tremendous setback to the Veterans' Affairs Committee's policy initiatives favoring a more rapid shift to outpatient care.

We strongly believe Congress should not cut funding for VA outpatient clinics and medical equipment while unobligated balances remain in a program such as AmeriCorps.

AmeriCorps pays so-called volunteers to perform services that millions of Americans already do without seeking any financial reward.

The Department of Veterans Affairs Voluntary Service [VAVS] is in its 48th year of service to this Nation's hospitalized veterans in VA health care facilities.

In fiscal year 1994, VAVS volunteers contributed a total of over 14 million hours of their time mostly from 92,534 regularly scheduled volunteers.

It is hard to think of a better example for America's youth than this program of true volunteers performing services to our veteran's without the expectation or need for financial reward.

AmeriCorps targets the same population group for its members as the military services, and they both use educational benefits as a major incentive.

In testimony before the House National Security Committee on March 7, 1995, the Marine Corps stated that in fiscal year 1994, the Marines did not achieve their enlistment contracting goals for recruiting.

For the first quarter of fiscal year 1995, all services failed to meet requirements for new enlistment contracts.

DOD's awareness and attitude study is the measurement tool for estimating the propensity of American youth to join the military.

Fiftysix percent felt AmeriCorps and other programs were better ways to get money for college than joining the military.

AmeriCorps is hurting military recruiting, and will be a much larger problem for recruiting if it is allowed to expand.

Rather than promoting American's desire for smaller and more efficient government, AmeriCorps is channeling its participants into Federal and State bureaucracies.

Of the 20,000 AmeriCorps volunteers in the field today, over one-fourth are working in Federal or State agencies.

This is not a priority.

This is not volunteerism.

Mr. Chairman, as I said at the outset, I believe the Stump-Solomon amendment presents a simple choice for Federal spending priorities.

I believe the choice is crystal clear and hope all Members will support our veterans and vote for this amendment.

ORGANIZATIONS SUPPORTING STUMP-SOLOMON AMENDMENT TO RESTORE VETERANS PROGRAM CUTS WITH AMERICORPS REDUCTIONS

Paralyzed Veterans of America.
AMVETS.
Air Force Association.
Air Force Sergeants Association.
Association of Military Surgeons of the US.
Association of the US Army.
Commissioned Officers Association of the US Public Health Service, Inc.
Chief Warrant & Warrant Officers Association of US Coast Guard.
Enlisted Association of the National Guard of the US.
Fleet Reserve Association.
Jewish Reserve Association.
Marine Corps League.
Marine Corps Reserve Officers Association.
Military Chaplains Association of the USA.
National Association for Uniformed Services.
National Guard Association of the US.
National Military Family Association.
Naval Enlisted Reserve Association.
Naval Reserve Association.
Navy League of the US.
Non Commissioned Officers Association.
Reserve Officers Association.
The Retired Enlisted Association.
The Retired Officers Association.
US Army Warrant Officers Association.
US Coast Guard Chief Petty Officers Association.
United Armed Forces Association.

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

Mr. STUMP. I am happy to yield to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. I thank the gentleman for yielding to me.

Mr. Chairman, we know what this amendment does. As the former ranking member on the Committee on Veterans' Affairs for a number of years, I can say that these outpatient clinics, especially with the aging veteran population we have in America, will save this Government money in the long run.

The reason we are taking the offsets from the National Service Corps is because of something that happened on this floor 2 years ago, when the National Service Corps legislation first came to the floor. I offered an amendment at that time which would not allow the funds for the National Service Corps to come out of the 602(b) allocations of the Department of Veterans Affairs, HUD, and independent agencies. Instead, they would come out of the education and labor 602(b) allocations, as it should be.

I was assured by the Democrat then-chairman of the Education & Labor Committee that my amendment would be supported in conference, and it would stay there is the legislation. Unfortunately, when that bill went to conference, the chairman of the Committee on Education and Labor did not support my amendment. It was dropped.

What we are doing today, Mr. Chairman, is sort of a get-even. What should have been done 2 years ago is going to be done today. Once this amendment is adopted, it means that any future funding for the National Service Corps whether funding the corps is good or bad, and I think it is bad—veterans programs will not compete with the National Service Corps for Federal funds at a time when the existing appropriated funds for veterans barely cover the health benefits of those citizens.

On top of undermining military recruiting, ruining the true spirit of volunteerism, creating a new and costly bureaucracy, and serving less than one-half of 1 percent of the population, this National Service Program will steal the funds from veterans' hospitals, veterans' families, and veterans' benefits.

That is what I said 2 years ago. That is exactly the problem we are correcting today. That is why Members should support this amendment here today with a unanimous vote of this Congress.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is recognized for 15 minutes, and controls the time under his unanimous-consent request.

Mr. OBEY. Mr. Chairman, I yield myself 6 minutes.

PARLIAMENTARY INQUIRY

Mr. LEWIS of California. Parliamentary inquiry, Mr. Chairman.

POINT OF ORDER

Mr. YOUNG of Florida. Point of order, Mr. Chairman.

I want to make a point of order that the gentleman's unanimous consent to have 15 minutes was not acted upon, because I yielded to him 5 of my 15 minutes.

The CHAIRMAN. Subsequently the Chairman put the request for unanimous consent and there were no objections.

The gentleman from Wisconsin [Mr. OBEY] is recognized for 15 minutes, and controls 15 minutes.

PARLIAMENTARY INQUIRY

Mr. YOUNG of Florida. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Florida for his parliamentary inquiry.

Mr. YOUNG of Florida. Mr. Chairman, does that mean that the 5 minutes that I yielded to the gentleman from Wisconsin [Mr. OBEY], we can recapture that for our side?

The CHAIRMAN. That would certainly be the case.

Mr. OBEY. Mr. Chairman, I would like to explain the situation that we are in. We have heard two Republican speakers now talk about how outrageous it is that the contract with veterans is being broken by this legislation.

I want to point out, it is the gentleman's side of the aisle that tried to break the contract. They produced a bill which cut veterans' programs by $200 million. Democrats did not. Those folks did.

We then tried to correct it in the Committee on Appropriations. We offered an amendment that would have restored a number of programs, including full restoration for the veterans' programs. Every single Republican in the Committee on Appropriations voted against that restoration.

Now they are out here trying to pose for political holy pictures with the veterans, and trying to pose as the great defenders of the American veterans.

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

Mr. OBEY. No, I will not. I would like to finish my statement. I have had a tough time getting this time. You will have your time.

Mr. OBEY. As I was saying before I was rudely interrupted, Mr. Chairman, what we now have is Republicans desperately trying to climb back on board in support of veterans' causes. So now what they have first done is to preclude the gentlewoman from Connecticut [Ms. DELAURO] from offering her amendment to restore the veterans' program, and then what they have done instead is to have the gentleman from Florida [Mr. YOUNG] now offer an amendment which restores the funds that the gentleman from Mississippi [Mr. MONTGOMERY] wanted to get protected last week. But what you are doing now, you had to look and find a place that was the single most insulting place for the President that you could find—to restore the funds—and that is what you have done, by going after AmeriCorps.

Mr. Chairman, I see a Republican gentleman shaking his head here. It is too bad. I can remember when the President, regardless of party, was regarded as ''Our President,'' not ''your President.'' It is really too bad when I see the lack of respect on the floor of this House for the institution, of the presidency, or other political institutions.

What we have now at stake is: instead of looking for ways to reach accommodation with the President, the Majority party is looking for a way to find the most insulting possible way to restore the funds for veterans, while sticking it to the President of the United States on the program that is one of his highest priorities. There is a Republican gentleman here nodding his head, saying yes, that is what they are trying to do.

That, Mr. Speaker, is in my view cynical. I regret it, but I would suggest that the Members of this side of the aisle be a good deal bigger in their response to this issue than we are getting from that side of the aisle. I think we ought to accept this amendment, recognizing full well that there are extreme partisan motivations behind it, but also indicating that we will not let those extreme partisan motives get in the way of our trying to stick to the deal which we made with veterans to support these programs.

therefore, I am going to support this amendment, even though I think that it is a lousy choice which they have given us. The gentlewoman from Connecticut [Ms. DELAURO] would have given us a much better choice because she would have taken it out of the nice fat NASA budget which could well sustain a hit. But no, that involves pork in Members' projects, in Members' districts, again. Therefore, they do not want to take it out of pork. They want to take it out of the White House's political hide.

I think President Clinton is big enough to absorb it. I think we are, too. I would urge that Members support the amendment.

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

Mr. OBEY. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Chairman, I have worked for years and years with the gentleman from Arizona [BOB STUMP], who has the best interests of the veterans at heart, an honorable man, and the gentleman from Mississippi [SONNY MONTGOMERY], who has been a pillar for the veterans in this country for many, many years.

I would just like for somebody to tell me, we talked about priorities, why did this program in the first place come under the axe for the rescissions? What was the rationale that was used to cut these programs for the veterans, that forces us into this situation, into a political situation? Why did it not have a higher priority than to be under the Rescission Act to start with?

Could anybody answer that question for me?

Mr. OBEY. The gentleman will recall when this issue was before the committee, that at the time of these cuts it was being admitted fully on the Republican side these cuts were going to finance their tax cuts. What they wanted to do was gouge veterans in order to free up their nice big tax giveaways for corporations and the folks who are making more than $100,000 a year.

Now the heat has gotten too bad and they want to run for cover a little bit, but they still want to do it in a very partisan way. I think that is regrettable, but I do not think we should let that stand in the way of restoring funding for veterans' programs.

Mr. HEFNER. I thank the gentleman, Mr. Chairman.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. BUYER].

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

Mr. Chairman, I do remember being on the House floor and yielding to the gentleman from Wisconsin [Mr. OBEY] in the past, and it was with great disappointment to hear that he would consider it rude to request the return.

I would say to the gentleman from Wisconsin, about partisanship, these cuts of $206 million, I remember he was the former chairman of the Committee on Appropriations. It was that 1993 budget, that tough vote that occurred on this floor that only passed by one vote, that cut $2.5 billion out of veterans' programs.

Therefore, do not be coming to the House floor and saying ''Gee, what is going on right now?'' The President's budget that he just sent to us cuts an additional $3 billion, so President Clinton is personally responsible for $5.5 billion in cuts in veterans' programs.

So I would say to my colleagues on this side that now all of a sudden want to bash on this side, read the budget. If you read the budget and read the fine print, look on page 128 and come back and talk with me.

Mr. Chairman, let me say, first, why these things need to be restored. They need to be restored because we want to bring the VA into the 1990's. You do that by moving to the outpatient clinics. It is very, very important that we do that.

Why AmeriCorps? I do not know about this political stuff that is going on now. I am speaking as someone who has knowledge with regard to the military.

That knowledge with regard to the military, Mr. Chairman, when those of us that talked about the AmeriCorps and the problems it is going to have upon a volunteer military, if you support a volunteer military, then you want to be very careful about the pool from which we recruit. It impacts upon the propensity of those who are in the pool from the age of 18 to 25, and what impact it has.

If there is another program out there that gives benefits that far exceed that of the Montgomery GI bill for a 2-year enlistee who completes his or her term, they are eligible for $2,960 per year. Compare that to AmeriCorps, 2-year service, educational benefits, 1 year, they will receive $4,725 per year plus health care.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute and 30 seconds.

Mr. Chairman, I would simply point out that the gentleman may squawk all he wants about the President's budget. The bill we have before us is H.R. 1158. The name that is on the front page, the sponsor of that bill, is the gentleman from Louisiana, one Mr. LIVINGSTON. Last time I looked, he was not President. He is the Republican

chairman of the Committee on Appropriations.

He is the fellow sponsoring the bill making the recommendation to cut veterans by $200 million.

The subcommittee recommendation, came out of the HUD Subcommittee. The chairman of that subcommittee is the gentleman from California [Mr. LEWIS]. Last time I looked, he also was not the President. He was the Republican chairman of the subcommittee who recommended $200 million in veterans' cuts.

Mr. Chairman, let us be straight, here, folks. You can talk all you want about some other vehicle, some other bill. The fact is, you are the ones who are recommending cutting veterans. Now you are running like scared rabbits to change it. I do not blame you. This should not be here in the first place.

□ 1615

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. STOKES], the distinguished ranking member of the HUD subcommittee.

Mr. STOKES. I thank the distinguished ranking member of the full Appropriations Committee for yielding time to me.

Mr. Chairman, let me say that I want to associate my remarks with his remarks in the well a few moments ago. The rule that we are proceeding under today really points out the real hypocrisy of what we now see in terms of this amendment. As was stated by the gentleman from Wisconsin [Mr. OBEY], at the full Committee on Appropriations I offered the amendment which would have restored the full $206 million to the Veterans account.

Just as he stated, the vote in the full committee was 29–22 defeating my amendment, strictly along party lines. All the Republicans voted against restoring the money to the Veterans account. All of the Democrats voted for it.

Yesterday I appeared before the Committee on Rules. I once again asked for permission to make my amendment in order. The gentleman from Wisconsin [Mr. OBEY] appeared there, also asked the Committee on Rules to make my amendment in order to be able to restore all the funds to the Veterans account. We presented a budget-neutral amendment, and yet that amendment was not made in order.

It is interesting that we come to the floor now and the Republicans now want to restore this funding. The problem is and the hypocrisy of it is shown in the fact that they want to take it from AmeriCorps, which is a program which is part of the national effort to engage Americans in community-based service while in exchange for this service making funding available for educational opportunities for those persons making a substantial commitment to service.

I do not think that our Nation's veterans really want the Congress to deny these young people these opportunities just because of the shortsightedness that we see here today. In fact, it is interesting that AmeriCorps funding is available to veterans organizations to complement their efforts to serve their Members. This includes a wide range of support services.

While I will vote for the amendment, I just think that it points up the hypocrisy that is occurring on our floor here today.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. MCCOLLUM].

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

Mr. MCCOLLUM. Mr. Chairman, I rise to support this amendment that restores funding, among other things, for Orlando's VA clinic.

Mr. Chairman, I rise today in support of the amendment offered by Mr. STUMP and Mr. YOUNG of Florida to H.R. 1158, fiscal year 1995 emergency appropriations for disaster relief, and rescissions. This amendment calls for a restoration of the $206.1 million in cuts to the Department of Veterans Affairs. To offset this cost the amendment would rescind an additional $206.1 million from the Corporation for National and Community Service.

The restoration of monies to the Department of Veterans Affairs for medical construction projects and supplies is in the best interest of our American veterans and taxpayers. We cannot afford to neglect these needs. In Florida alone, where the veteran population is presently growing at the net rate of approximately 3,000 per month and where we have the oldest median aged and the most disabled veterans in the nation, the proposed out-patient clinics are sorely needed.

The six proposed out-patient clinics affected by the rescission in H.R. 1158 represent the shift on the part of the VA from expensive, inefficient hospital care to cost-effective, efficient outpatient clinic care. In Orlando, in particular, the savings to taxpayers would be substantial where we could consolidate three separate facilities presently operating and paying annual rents totaling $405,000.00 per year.

What the Stump amendment calls for is to replace the VA rescissions is an additional cut in the Corporation for National and Community Service by $206.1 million. The major program in this Corporation is AmericCorps which is little more than another federal jobs program. Just last year, taxpayers paid over $24.8 billion on 154 such employment and training programs. The average cost of a single AmeriCorps ''member'' to the taxpayer is $30,000.00. Touting a goal of promoting volunteerism in this country, it probably does more to undermine this very worthy aim by paying people to do something millions of people already do without financial reward.

Mr. Chairman, I would ask that serious consideration be given to the priorities we set. Ours should certainly be the American veterans. And this is in the best interests of both our veterans and our taxpayers.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. STEARNS].

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

Mr. STEARNS. Mr. Chairman, I rise today in support of the Stump-Solomon amendment to H.R. 1158.

This rescissions bill goes a long way toward bringing some fiscal responsibility to the Federal Government. The cuts made in H.R. 1158 exemplify the Republicans' commitment to downsize the Government and reduce our national debt. I fully support the efforts to rescind appropriated funds as a step in the right direction.

However, the rescission of moneys allocated to the Department of Veterans Affairs for the health administration and for construction of ambulatory care facilities is a mistake. There are many other programs far more deserving of spending cuts than medical care for America's veterans.

I commend Chairman STUMP and Chairman SOLOMON for their amendment. They understand that the VA provides services absolutely essential to the well-being of our Nation's Veterans. Their amendment recognizes the importance of VA programs and prompts the right question: Which is more important, medical care for veterans or AmeriCorps—a multimillion dollar boondoggle that pays young people for an activity they used to do out of a sense of the common good.

As one who offered an amendment before the Rules Committee that would have done the same thing as Stump-Solomon—with the one difference that it would have offset the VA restoration with funds from the Environmental Protection Agency's construction budget—I lend my support to this worthy amendment. America's veterans deserve at least this much.

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

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

Mr. FOX of Pennsylvania. Mr. Chairman, I am proud to rise in support of the amendment offered by Chairman STUMP and Chairman SOLOMON to restore vital veterans' funding.

The proposed rescission of $206 million from Veterans Affairs will take away the VA's ability to construct six desperately needed outpatient clinics. These outpatient clinics would improve access to vital, cost-effective care in areas where more than 1.2 million veterans reside. The cuts in VA medical funding would hurt the VA medical population, which, as compared to the general veterans population, is more often single, older, disabled, and form a minority group.

The proposed rescission also cuts $50 million from medical equipment funding in the VA health care system, which has a backlog of $800 million in essential medical equipment purchases. The VA is already deferring maintenance and renovation projects to sustain current operations.

It is our duty to provide those who fought to defend our freedom with the services of a grateful Nation. It is a shame that we would even consider delaying much-needed repair, construction, and medical services to our veterans. I call upon my colleagues to support the Stump-Solomon amendment in order to restore essential funding to our veterans health care system. A yes vote on this amendment is

the only way to honor our commitment to those who served their country in time of need.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia [Mr. BATEMAN].

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

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

Mr. Chairman, I rise in support of the amendment, and I strongly support its adoption. My project in Hampton, VA, has been 10 years in its formulation and is desperately needed.

Mr. Chairman, I rise today to discuss the proposed rescission of vital construction projects at six veterans medical centers. These projects are extremely important and should have their funding restored by this committee.

One of those projects, an outpatient facility at the VA medical center in Hampton, VA, represents the culmination of 10 years of planning and would replace two buildings constructed around 1910. The Hampton center was established in 1870 as the southern branch of the National Home for Disabled Volunteer Soldiers and is one of the oldest VA medical centers in the country. Working in outdated buildings with make-shift accommodations, the VAMC Hampton provided service to more than 171,000 outpatients in 1993. The space available is only half that needed for such a workload. The personnel perform exemplary service given the conditions, however, significant delays often occur because hallways and lobbies serve as waiting areas and work flow is inefficient. In many cases, veterans must visit different buildings sprawled across the center's 85 acres for various services. Often, because of their age those buildings cannot accommodate the handicapped patients who need treatment.

As I stated, the center has been planning a clinical addition for more than 10 years. The final plan, which was approved by the VA central office and funded in the fiscal year 1995 VA/HUD appropriations bill, would replace the two outdated buildings mentioned earlier and provide for a new building able to accommodate the workload the center must handle. The addition would be connected to the main hospital and would house all outpatient functions. This project is essential for the VAMC Hampton to be able to continue to provide high quality medical care to the growing veteran community in the Hampton Roads area.

Mr. Chairman, I am troubled by the fact that the Appropriations Committee eliminated the Hampton clinic and five other badly needed facilities simply because they were included in President Clinton's health care reform plan and are therefore thought to be of dubious merit. That is simply incorrect. These critical projects were taken out of the politics surrounding health care reform as part of a bipartisan effort to ensure that we considered them on their own merits. Let me submit to my colleagues that an overwhelming majority in both chambers specifically authorized each of these outpatient clinics. It makes no sense to revisit that wise decision now.

I recognize that we need to reduce Federal spending, but how can anyone come to this floor and say to veterans, ''I know you fulfilled your promise to the government and people of the United States but we just can't fulfill the promises we have made to you.'' The veterans of our country deserve better.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. BILIRAKIS].

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

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

Mr. Chairman, today I rise in strong support of the Young-Stump-Solomon amendment to H.R. 1158.

Since coming to Congress, I have repeatedly supported efforts to cut Federal spending and I will continue to do so. But as a member of the House Committee on Veterans' Affairs, I was extremely disappointed that the Committee on Appropriations rescinded $206 million from the Department of Veterans Affairs' fiscal year 1995 budget. Over the years, increases in Federal spending on veterans programs have not kept pace with increases for other programs. Consequently, the needs of our veterans exceed the VA's available resources. These rescissions will only magnify the problems currently confronting the VA health care system.

The proposed rescission eliminates construction funds for six VA outpatient clinics—two of which are in my home State of Florida. Florida already lacks the resources needed to adequately care for its veterans population. As a result, I frequently—too frequently—hear from veterans who are not able to receive treatment at VA medical facilities. In addition, every year, thousands of veterans travel south to spend the winter in Florida. These ''snowbirds'' place an extra burden on an already overtaxed system.

The elimination of the Tampa/Orlando and Gainesville ambulatory care centers means that once again Florida's veterans will be forced to forgo badly needed treatment. How can I tell the veterans of my district—brave men and women who just by serving put their lives on the line in service to their country—that they are not entitled to adequate health care?

In addition to the devastating effect these cuts will have on Florida, I am also concerned because of the long-term impact they will have on the overall VA health care system. Like the private sector, the VA is shifting from more expensive inpatient care towards ambulatory care in outpatient facilities. In fiscal year 1994, the VA had 26.3 million outpatient visits.

This shift to outpatient care would provide better health care to a larger number of veterans for the maximum return on funding dollars. Unfortunately, the six construction projects eliminated in the rescission bill are ambulatory care centers which are intended to improve medical care access to areas where more than 1.2 million veterans reside.

These are exactly the types of projects the Veterans' Affairs Committee has urged the VA to build. The cuts also undermine priority committee legislative initiatives for VA eligibility reform. We must give greater priority to ambulatory care projects to improve service to veterans on a more cost-effective basis.

H.R. 1158 also cuts $50 million in unobligated funds from medical equipment funding. The VA health care system already has an $800 million backlog of essential medical equipment purchases due to chronic underfunding. In fact, VA medical facilities are diverting their medical equipment funding to pay for current operations—sacrificing the future to pay for the present. Additional cuts are unjustified.

The Stump-Solomon amendment offsets the restoration of the VA funding by cutting back a lower priority program—Americorps. Why should we reduce funding for Americorps?

The purpose of that program is to promote national and community service. Americorps participants are not volunteers but federally funded employees. Full-time Americorps volunteers will receive a $7,400 annual stipend, plus $9,450 toward payment of higher education debts over 2 years.

Over one-quarter of the 20,000 Americorps personnel in the field today work directly for Federal or State bureaucracies. Another 2,934 volunteers are assigned to State government agencies and State-funded agencies.

There are already at least 23 existing volunteer programs throughout six Federal agencies at a cost to taxpayers of $1.3 billion. Currently $575 million is appropriated for Americorps and the program plans to spend another $8 billion over a 5-year period. During a time in our Nation's history when Congress is even contemplating cuts in veterans programs, Americorps is a costly and unnecessary expense.

The women and men who answered the call to duty deserve more than empty gestures and rhetoric about their service. Their life threatening sacrifices must be rewarded at a level beyond whatever else this Congress determines to be valuable. Whatever else, our veterans should come first. We cannot forget those who sacrificed for our Nation's security.

I urge my colleagues to vote for the Stump-Solomon amendment.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. BARR).

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

Mr. BARR. Mr. Chairman, I rise in support of this amendment in support of our veterans.

Mr. Chairman, it is an honor to stand here today and support this vital amendment. After receiving the 1995 rescissions list I was deeply troubled to find that over $206 million was targeted for cuts from the Veterans Administration budget. Mr. Chairman, this rescissions package is about priorities, and there are few more important than our veterans who have served our country so honorably.

It is the obligation of Congress to protect the rights and services of our veterans. I personally have the greatest respect for those who sacrificed so much to insure America's freedom. This amendment is an important step because cutting $156 million in funding for six new V.A. outpatient clinic projects and $50 million from V.A. medical equipment funding is not in the best interests of America's veterans or taxpayers.

It is shameful for the current White House administration to send a budget to the Congress with $8 billion in AmeriCorps spending and nothing to address Veteran's eligibility requirements. The administration's budget fails

to address the dire situation our VA hospitals are currently facing.

Mr. Chairman, AmeriCorps is nothing more than another Federal make-work program. Last year, taxpayers forked over $24.8 billion on 154 different employment and training programs. We do not need yet another Federal jobs program. With 20,000 participants in 350 projects around the Country, AmeriCorps is larger after just 5 months than the Peace Corps at its height.

This is a critical time for veteran's services. The V.A. is doing its part to provide more efficient and cost-effective service through shifting from more expensive inpatient care toward ambulatory care in outpatient facilities. V.A. cuts also undermine priority Committee legislative initiatives for V.A. eligibility reform.

Again Mr. Chairman, this rescissions package is about priorities, and when the decision is between the veterans of this nation and a pet pork project, the decision is easy. Our veterans must prevail and these funds must be restored.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I think it is critical that we restore funding for much needed VA outpatient clinics so that I will vote for this outrageous amendment. But I find it unconscionable that this amendment offsets this restored funding by making further cuts to the already hard-hit national service program. It is appalling that this amendment forces us to choose between serving our veterans and providing college education for our children and needed services to our communities and a program, national service, that is working all over this United States. This is nothing more than a pointed and a personal attack on the President of the United States, and I want to say to the American public that the pawns in this game are the 20,000 young people who will be sent home in the middle of their year of service.

The offset in my amendment would have made a cut of just 1.4 percent in the NASA budget rather than this 72 percent cut in the national service budget. But thanks to the Republican gag rule, I could not offer my amendment on the floor of this House, the people's House, so that we have been gagged at every step of the way, and that is wrong.

Let me tell my Republican colleagues that the veterans are not likely to forget that you cut $206 million from their projects, and neither will the young people of this country or their parents forget what you have done to their children today.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume to respond to the gentlewoman.

It is very important for the House to understand where we come from regarding this specific proposal for refunding the veterans programs that were formerly set for some rescission. The fact is that AmeriCorps is a program that began in 1994. At that point in time, the President funded the proposal at $365 million. The following appropriations year, before the young people involved were even in place, it was raised by $210 million, more than a 50 percent increase.

The President would have us in the 1996 year take the program up to $800 million. Shortly it would be another billion-dollar program. During all of this time, the program has not been evaluated indepth. There is little question that it is time we begin to stop this process of creating a brand new idea, a whim of somebody's, putting it in place and watching it go to billions and billions of dollars over the years.

There is no doubt at all as we review this program it may deserve some funding, but indeed it deserves careful review before we go down this pathway.

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

Mr. LEWIS of California. I yield to the gentleman from North Carolina.

Mr. HEFNER. I am all for this amendment for the veteran. I asked the question while ago, and the gentleman from Wisconsin [Mr. OBEY] answered it for me. I wanted you to answer it. Why was the program cut in priorities? Why was it cut to start with?

Mr. LEWIS of California. Reclaiming my time, if the gentleman had been on the floor earlier, we did explain that in some depth.

Mr. HEFNER. Would the gentleman explain it again?

Mr. LEWIS of California. I will be glad to respond. The fact is that our veterans programs involve approximately $38 billion of spending across the country. Many of us are concerned that within those medical services, many of our veterans are disserved. they receive inefficient service, they stand in lines, they are not being treated in those programs the way they should. The only way to get above that is to shake the programs at their foundation. So all we did out of a $38 billion program was to suggest a cut of $200 million so that we could take it to conference to discuss these programs further. It was clearly the intent of the committee to review those programs in depth. It is about time the new minority recognized that these programs have not worked nearly as well as they should in the past. And that was the reason, to take the programs to conference and evaluate how we can do the job better.

Mr. HEFNER. Good story, JERRY. Stick with it.

Mr. LEWIS of California. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Chairman, something is really wrong when we as a Congress have provided better benefits to illegal immigrants than we have to people who have served this country, people who have fought and sacrificed for this country. Something is wrong when benefits for a volunteer program are more important than medical assistance for our veterans. We have cut our programs across this country and we need to direct our priorities at this time to those veterans who have served this country. I speak in strong support of this amendment.

Mr. Chairman, something is wrong when we as a Congress have provided better benefits to illegal immigrants than to people who have served, fought and sacrificed for this country. Something is wrong when benefits for a volunteer program are more important than medical assistance for our veterans.

Today, we propose a cut in a volunteer program that has pay and perks. Today, we have tough choices. Today, in central Florida we have over 150,000 veteran patient visits to a veterans outpatient clinic that was designed for 50,000.

Now the VA Administrator is threatening to abandon plans to continue the conversion of our former Naval Training Center Hospital to a veterans outpatient clinic. Now we have a choice: benefits to our veterans or benefits to volunteers.

I urge my colleagues to support this amendment, make tough choices today and support our veterans and their well-deserved medical services.

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

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would just like to point out that if we are talking about how these projects actually get evaluated, if we are talking about real pork that is in these bills, let's talk about where this $206 million is getting spent. The VA requested 11 projects for $206 million. Only five got funded. Somehow three projects that were not even included on the list got put in in the conference.

The first one in the district of the gentleman from Arizona [Mr. STUMP] came in, it was not ranked, the VA when they did the arithmetic said it was worth $25 million, and $41 million got put in the conference committee.

The second one in Tennessee was not even listed as one of 67 projects, got put in in the conference committee in the district of a high-ranking member of the Republican Party.

The third in Kansas, in Mr. DOLE's State, was ranked No. 18 and mysteriously moved up to No. 3.

You talk about pork. The pork is in this bill.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume in responding one more time to one of my colleagues who to say the least was somewhat outrageous in his excess. The fact is that the rescission that was proposed initially essentially said that the House-passed appropriations bill from last year was the bill we wanted to support. The rescissions involved add-ons on the Senate side. If there was pork involved, perhaps it was Senate pork. But indeed we decided to eliminate the Senate adds so that we could have a healthy discussion in conference with the Senate. There is no doubt that as we go forward with this

$38 billion in spending, if we will shake up departments like HUD, like Veterans, there is little question that we can improve the way we deliver these services to Americans across the country.

If the gentleman from Massachusetts is satisfied with the way many veterans are served by standing in lines half the day, then the gentleman is welcome to that satisfaction. It is my view that it is time we shake these departments in a fashion that causes them to pay attention to those we want to serve as human beings, not just as people with numbers on their forehead.

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

The CHAIRMAN. The committee will rise informally in order that the House may receive a message from the President.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. THOMAS) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

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

The SPEAKER pro tempore. The Committee will resume its sitting.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE AND RESCISSIONS FOR FISCAL YEAR 1995

The Committee resumed its sitting.

Mr. OBEY. Mr. Chairman, I yield 45 seconds to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I rise in support of the amendment, but opposed to the choices.

Greek history gives us the term pyrrhic victory, meaning that one army found against another and won but was so weakened by the time that it won that it could not go on to fight other battles.

This choice pitting veterans programs which we need to fund, and I will support, and I hope we accept this amendment, pitted against AmeriCorps, which does not have pork, which is at the grassroots, which Speaker GINGRICH signed a letter supporting AmeriCorps, a program run out of the University of Notre Dame last year.

We should not be pitting these programs against each other. Why not cut the CIA's $28 billion budget $206 million? Why not section 936 of the Tax Code? Better choices should be in order.

Mr. OBEY. Mr. Chairman, I yield 45 seconds to the gentleman from California [Mr. FILNER].

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

Mr. Chairman, I ask unanimous consent to substitute for the amendment the restoring of the full $206 million for the Veterans budget without any offsetting cut.

The CHAIRMAN. The Chair has no amendment in writing.

Mr. FILNER. Do you want to force us to choose between——

Mr. SOLOMON. Regular order, Mr. Speaker. Let's get some order around here.

Mr. FILNER. I have the time.

The gentleman from California [Mr. CUNNINGHAM] wants to force us to choose through his objection between the veterans and service opportunities for our young people.

□ 1630

I think this is hypocrisy.

The CHAIRMAN. The gentleman's unanimous-consent request was out of order. The gentleman is recognized for debate only.

Mr. FILNER. Mr. Chairman, there is obviously a new game being played in Washington. It is called bait and switch. The rules are simple. Propose massive and irresponsible budget cuts and then 2 weeks later stand up in front of the TV cameras and claim you are fighting to restore the very cuts you have initiated.

I am tired of this hypocrisy, Mr. Chairman. We should not be having choices between our veterans and our opportunities for our young people.

Regular order in this Nation is not being followed by this budget.

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SOLOMON. Mr. Chairman, if Members are going to be yielded 45 seconds at a time, are they not supposed to stick to the 45 seconds and not carry it to a minute and one-half?

The CHAIRMAN. The gentleman is correct.

Mr. SOLOMON. Then let us abide by the rules of the House.

Mr. OBEY. Mr. Chairman, I yield three-quarters of a minute to the gentleman from Puerto Rico [Mr. ROMERO-BARCELÓ].

Mr. ROMERO-BARCELÓ. Mr. Chairman, I move to restore the rescission of $206 million for veterans affairs, but I question the wisdom of trying to take the money away from a program that is a yearly program, an expenditure program. When we take $206 million out of Americorps we are actually taking $1 billion away in 5 years.

I think the reasonable proposal was made here by the gentlewoman from Connecticut who proposed that capital expenditure programs be substituted by another capital expenditure program in NASA for projects that have not even been authorized.

I ask the leadership of the other side of the aisle to reconsider on their conditions. It is unfair to take a capital expenditures program and offset it with expenditures in the regular program because it is 5 times in 5 years the savings that you take.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi [Mr. MONTGOMERY].

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

Mr. Chairman, I say to my colleagues whether they like it or not this is a raid on veterans programs. And what concerns me is later on the budget will be coming out; how much are they going to cut the veterans programs? How much is the appropriations going to come back and cut veterans programs gain?

I reluctantly will support the amendment, but I do not think this is the right way to do it. I asked for a clear amendment earlier and I did not get it, so I thank the gentleman for giving me this time.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] has 1 minute remaining and the gentleman from California [Mr. LEWIS] has 1 minute remaining.

Mr. OBEY. Mr. Chairman, I yield myself my remaining time, and I would simply say this in closing: I urge Members to vote for this amendment. But I would also urge Members to recognize the cynical situation that is presented to us by the majority party. The fact is that it is their party who proposed the $200 million cut in veterans funding in the first place. They have now chosen to prevent us from restoring that money by going to a more benign source such as the bloated NASA budget. Instead they want to go after the domestic volunteer program.

It is a lousy choice but I think the record is clear that the Democratic Party intends to keep its commitment to veterans no matter what the political machinations on the other side of the aisle.

I urge support for the amendment, misguided though half of it is.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

Mr. LEWIS of California. Mr. Chairman, I yield the final 45 seconds to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Chairman, the last comment of the gentleman from Wisconsin [Mr. OBEY] was probably the most correct one. This is an issue of policy. Do not allow politics to overtake policy and try to think of other reasons. I am one who gave the suggestion that this should be taken out of Americorps.

Listen to some of the testimony before the Readiness and Personnel Subcommittees of the House National Security Committee.

The Marine Corp Sargeant Major testified that for the first time since 1980 the Marine Corp missed its fiscal year 1994 recruiting goals.

If we look at DOD's fall 1994 Youth Attitudes and Awareness Survey, after hearing about Americorps, 47 percent

of the prospects would rather consider Americorps over service in the United States military.

Just yesterday Lieutenant General Shoup testified the propensity to enlist now is the lowest it has been in 10 years and it has fallen 39 percent amont 16- to 21-year-olds.

The facts speak for themselves.

The CHAIRMAN. The gentleman from California [Mr. LEWIS] has 15 seconds remaining.

Mr. BONIOR. Mr. Chairman, in a year when our nation is recognizing the great contribution of our World War II veterans, we must redouble our commitment to those who have served our country—not renege on the promises we made to them.

America owes a tremendous debt to all of our veterans and their families. At a time when many of our veterans need more health care services, the House is considering a rescission package that originally would have cut $206 million for medical equipment and medical facilities for veterans. Specifically, there were proposed cuts of $50 million from medical equipment for our ill-equipped Veterans Hospitals, and $156 million from construction projects for veterans facilities. Those cuts say to our veterans: ''You were there when we needed you, but now that you need us we've forgotten you.''

In order to restore the $206 million, the Republicans are forcing cuts to be made in other programs. This Nation's veterans should not be arbitrarily placed in competition with other federal programs in order to fund new spending initiatives. Veterans are entitled to advanced medical care, compensation for disabilities, benefits for families and freedom from government redtape—they must not be forced to compete for scarce federal resources.

We must never forget the promises remade to our veterans and their families. We must maintain and improve the quality of care they receive. Our nation is proud of our veterans, and they have earned our gratitude and respect. We must keep the commitment our country has made to them.

Mr. FLANAGAN. Mr. Chairman, I rise in support of the Stump amendment to H.R. 1158.

This amendment provides us with a chance to maintain the commitment to our veterans that we entered into when they chose to give of themselves for us.

The $206 million this amendment would restore to the Veterans' Affairs budget is vital to providing our veterans with more modern outpatient care and catching up with the current backlog of essential medical equipment purchases. Without this money, the VA would not be able to provide improved, more cost-effective outpatient-based medical services to areas servicing over 1.2 million veterans. Furthermore, the VA would not be able to meet existing healthcare system equipment needs.

Our Nation's veterans deserve our highest priority. It is hardly fiscally irresponsible to oppose this rescission. In fact, the funds in the Stump amendment promote fiscal responsibility.

Last year, VA hospitals provided care for 26.3 million outpatients. This amendment would allow for the construction of six desperately needed outpatient clinics. Without them, the VA would have to continue to rely on expensive inpatient care, when outpatient visits can provide our veterans more modern and cost-effective assistance. These clinics are fundamental to our commitment of providing our veterans with the best care available. Outpatient clinics provide better care to a larger number of veterans for maximum return on the dollar.

This $206 million recession is not in the best interest of America's veterans. I urge my colleagues to support the Stump Amendment and show America's veterans that we are committed to providing them with the care they deserve.

Mr. MINETA. Mr. Chairman, I must rise in opposition to the amendment.

The choice presented to us in this amendment is unnecessary, unwise and, in my opinion, represents a distortion of the debate over our Federal budget priorities. Beyond the requirements of the current rule of debate, there is no reason for this House to pit health services for our Nation's veterans against a program to encourage our young people to devote themselves to community service.

It is a false choice, dictated by the unjust rule under which we are considering this bill, and I will vote ''present'' on the amendment.

Mr. EVERETT. Mr. Chairman, I rise in strong support for the Stump amendment to restore funding to the veterans programs that have been cut in this bill. As a nation, we have asked veterans to put their lives in harms way to preserve our freedom. Many have given the ultimate sacrifice, and many more have suffered severe and debilitating injuries that they carry with them each and every day. As a nation, we have also asked these veterans to take cut, after cut, after cut to fund the modest programs to provide adequate health care. They have always responded ''we'll do our fair share.'' Mr. Chairman, there is enough fat existing in the Federal Government that other programs should be cut before we ask the veterans of America to make yet another sacrifice.

The amendment before us restores $206 million needed for VA outpatient clinics and essential medical equipment purchases. These clinics will provide outpatient services at a much lower cost than if these services were delivered from a large hospital. The medical equipment cut of $50 million would only add to the $800 million backlog in needed medical equipment that already exists.

In order to restore these funds to the VA, the amendment reduces funding from Americorp. In my opinion, Americorp shouldn't be in existence at all. It's another example of a big, unnecessary Federal program that is a nice idea, but unwarranted in the wake of our budget problems. Furthermore, Americorp, which was created by the National Service Act, undermines and trivializes military service as a form of duty to country. Not only does Americorp provide these paid-volunteers the same educational benefits as military personnel under the GI bill, but the military member must pay $1,200 into this fund. The paid volunteer pays nothing into the Americorp fund.

Mr. Chairman, this amendment restores necessary and important funding to the VA and offsets these costs with prudent cuts from an unnecessary Federal program. Let's do the right thing and support the veterans of America; vote yes on the Stump amendment.

Mr. LEWIS of Kentucky. Mr. Chairman, I rise today in support of the Stump amendment to this rescission package.

Let me explain why. First of all, the Stump amendment does not lessen this package of much-needed reductions. We'll pay for it by reducing what American taxpayers are forced to shell out for a Federal volunteer program, AmeriCorps.

The rescissions bill is still a $17 billion blow to big government—and a $17 billion victory for the American taxpayer.

Mr. Chairman, a conservative view of the Federal Government's role holds that there aren't really that many things the Federal Government needs to be involved in.

Most Americans don't believe that everything good has to come from a Washington politician or bureaucrat.

We should all realize that a monstrous, expensive Federal Government is threatening our way of life.

But among the chief missions only the Federal Government can fulfill is that of national security. And Mr. Chairman, an effective military demands that we take proper care of the men and women who have put their lives on the line for our country.

It also happens to be the honorable thing to do. But we have not always done so in the past.

The military is not an easy way of life—even in peacetime.

Service men and women usually have little choice over their duty station. They spend months at sea, or in a tent—away from their loved ones.

And if we go to war, they can be ordered to the front lines to possibly lay down their lives for our country.

Of course, even in peacetime, the military can be a dangerous profession.

Mr. Chairman, the 104th Congress must do a better job of taking care of our active duty and retired military personnel.

We began to address the needs of our active duty service men and women with the National Security Restoration Act.

The Stump amendment will save $156 million for veterans and help us address their needs.

The sad fact is that America has often betrayed its veterans in the past. How many of the brave men and women of Operation Desert Storm are sick and don't know why?

Thousands of young men and women in the prime of their lives—many of them reservists—don't have the energy to return to work.

We owe it to them to see that they're taken care of.

We are cutting dozens of big government programs today, Mr. Chairman—many of which are duplicated elsewhere, or filled with waste, fraud and abuse.

But I suggest now is not the time to turn away from the needs of our men and women in uniform.

Mr. Chairman, I will vote ''yes'' for the Stump amendment today. And I urge my colleagues to devote some of their energy in the future to taking better care for those who have taken care of us.

Mr. PETRI. Mr. Chairman, I rise in support of this amendment. It came as no surprise to anyone that one of the few programs President Clinton proposes to increase in his recently released budget is his pet project, AmeriCorps. But does this program really warrant the kind of unwavering support the President would have us give it?

We keep hearing that this is one program that works because the volunteers themselves and the communities they assist seem happy with it. But why shouldn't they? The communities receive services that are paid for by the Federal Government rather than local taxpayers. As for the AmeriCorps participants, they receive a stipend of $7,500 and $4,700 in educational credits for 1,700 hours of work which is a little more than 10 months at 40 hours a week for—quote—volunteering. In 1995 the program is expected to spend over $24,000 per volunteer. Supporters will cry foul at the use of that number since it includes administrative costs and the average participant doesn't receive that amount. But the President claimed in his State of the Union Address that the program is ''changing the way government works because there's no bureaucracy at all.'' We are spending $24,000 per volunteer. If there is no bureaucracy and the volunteers don't get it all where is the money going?

Clearly the fact that those who benefit from a Federal program are happy with it does not prove its worth to the taxpayers. So what other ways do we have to evaluate the program? The President says that the program will rekindle the spirit of community and mutual cooperation. This is a example of the belief that if the Government doesn't do it, it doesn't happen. The President ignores the 80 million Americans—about a third of the population—who currently volunteer their time for no compensation. I assert that they represent a spirit of community or sacrifice more than do the 47,000 AmeriCorps volunteers who are compensated. The volunteers across this Nation didn't & don't need a Government program to encourage them to give of their time to make their community a better place.

Another problem with taxpayer financed volunteerism is that many activities which are just fine for someone truly volunteering his or her time, are inappropriate when Government funding is involved. That's surely true of political protest and advocacy—activities which are supposedly prohibited for AmeriCorps by law. We have probably all heard by now about the protests sponsored by the Association of Community Organizations for Reform Now—ACORN—which prevented our Speaker from addressing a lunch sponsored by the National Association of Counties. The National Service program has hired 42 volunteers for ACORN at a cost of over $1 million. National Service supporters point out that the volunteers were not involved in the protest, but we must ask why a service program is giving money to an organization the main function of which is political advocacy in the first place. Furthermore, according to the Los Angeles Times, Americorps volunteers in San Francisco's Summer of Safety program were used to organize a protest against last year's crime bill's ''three strikes and you're out'' provision. Americorps denies that this happened but the journalist who wrote the article stands behind her story. Is this a proper use of federally funded volunteers?

Proponents also like to paint the program as a way to help young people pay for college. But the cost of one Americorps participant would pay for seven Pell grants. Moreover, you don't have to be in economic need to participate in Americorps. Why are we paying for the education of students whose parents may be wealthy or who themselves may have high after-school incomes while many low-income people cannot afford to send their kids to college? If our current student aid programs are not meeting the need, we should change those programs, not try to do it through the back door of Government jobs program.

The President is ignoring the obvious; Government cannot program true volunteerism and cannot mandate acts of charity. This program undermines the volunteer spirit it was intended to foster.

We have heard a great deal about the importance of the veterans programs this rescissions bill seeks to cut. Well, we would all like to increase funding for any justifiable program. I don't want to cut veterans either. But it is time to be responsible. If veterans programs are to be restored we should make the cuts elsewhere and the national service program, which duplicates other Government programs and private efforts, compromises true volunteerism, and puts Federal tax dollars to questionable uses, is a good place to start.

Mr. JONES. Mr. Chairman, the fiscal year 1995 rescissions bill cuts approximately $206 million from the Department of Veterans Affairs. The money will be taken from the Veterans Health Administration, which provides important services to our Nation's veterans. American veteran's have earned their health care through blood and sacrifice and deserve better. Mr. Speaker, our Nation's veterans should be honored for their heroic deeds, not punished. How can we expect the military to protect us when we don't honor the contract we made with our veterans? I support the Stump amendment which would restore the $206 million to the Department of Veterans Affairs.

Mr. LEWIS of California. Mr. Chairman, I simply rise to ask the Members to support what is now the Stump-Lewis-Young-Solomon—and even Obey—amendment.

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

The CHAIRMAN. All time has expired.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 382, noes 23, answered ''present'' 27, not voting 2, as follows:

[Roll No. 239]

AYES—382

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

Thompson	Waldholtz	Wicker
Thornberry	Walker	Wilson
Thornton	Walsh	Wise
Thurman	Wamp	Wolf
Tiahrt	Ward	Wyden
Torkildsen	Waters	Wynn
Torricelli	Watts (OK)	Young (AK)
Towns	Weldon (FL)	Young (FL)
Traficant	Weldon (PA)	Zeliff
Upton	Weller	Zimmer
Volkmer	White	
Vucanovich	Whitfield	

NOES—23

Abercrombie	Hall (OH)	Sabo
Bentsen	Johnston	Serrano
Conyers	Mfume	Shays
Dellums	Miller (CA)	Stark
Doggett	Moran	Torres
Fattah	Owens	Visclosky
Frank (MA)	Payne (NJ)	Watt (NC)
Gonzalez	Pelosi	

ANSWERED ''PRESENT''—27

Becerra	Hilliard	Schroeder
Beilenson	Kaptur	Studds
Berman	Lofgren	Tucker
Clay	Markey	Velazquez
Collins (IL)	Martinez	Vento
Eshoo	Mineta	Waxman
Farr	Reynolds	Williams
Fields (LA)	Roybal-Allard	Woolsey
Flake	Rush	Yates

NOT VOTING—2

Collins (MI)	Cubin

□ 1657

Mr. STARK and Mr. HALL of Ohio changed their vote from ''aye'' to ''no.''

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

Mrs. SCHROEDER, Messrs. MARTINEZ, REYNOLDS, and RUSH, Mrs. COLLINS of Illinois, and Messrs. CLAY, HILLIARD, VENTO, and YATES changed their vote from ''aye'' to ''present.''

Mr. DEFAZIO and Mr. WARD changed their vote from ''present'' to ''aye.''

Ms. PELOSI changed her vote from ''present'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment, amendment No. 13, which is 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. YATES: Strike section 307 (page 14, line 17 and all that follows through line 24 on page 27).

The CHAIRMAN. The gentleman from Illinois [Mr. YATES] is recognized for 15 minutes.

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

Mr. LIVINGSTON. Mr. Chairman, I rise in opposition and ask for time on the amendment.

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] will be recognized for 15 minutes in opposition.

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

□ 1700

Mr. YATES. Mr. Chairman, this is an amendment to strike the so-called Taylor amendment. The Taylor amendment is a timber lobbyist's dream. It deals with salvage sales, and under its definition the salvage amendment will salvage our forests. Among the phrases in the amendment's definition of salvage are the following: the removal of associated trees imminently susceptible to fire, insect attack.

The Bureau of Land Management noted in a recent memo, quote, the definition of salvage timber sale is too broad; speaking of the Taylor amendment it is too broad, and is more or less a license for unregulated timber harvest.

What does this amendment do? It almost doubles the cutting of timber from our national forests over the amount cut last year. At the same time it suspends all environmental laws protecting the preservation of our forests.

On the question of how much will this cost the government, Mr. Chairman, the sky is the limit. As stated in the amendment, the language of the amendment itself, quote, salvage timber sales undertaken pursuant to this section shall not be precluded because the costs of such activities are likely to exceed the revenues derived from such activities. This could mean the government is required to unload much of the new timber even if it has to give it away. These sales are called deficit timber sales, money losers which are most frequently salvaged timber sales.

I say to my colleagues, once you peal away the misrepresentation of rhetoric, you realize that this amendment literally suspends every law governing management of the public forests, including those that protect fish, wildlife, water quality, and recreation and the jobs that depend on such critically important forest resources.

But this amendment does not stop there. It turns off judicial due process in standing court cases by overturning every past court decision in the country that protects timber sales. It bars public comment on these timber sales and eliminates administrative appeals.

Legislative committees in both the house and the Senate are now considering this question: Why should we permit a quick fix in an appropriations bill for a 13-page legislative amendment? The rules of the House which prevent legislation from being included in the appropriations bills should be sustained in this instance.

Mr. Chairman, I urge support of my amendment which will strike the Taylor amendment from the bill.

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

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. REGULA], chairman of the subcommittee of the Committee on Appropriations.

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

Mr. REGULA. Mr. Chairman, members of the committee, in 1989 a 2-by-4, 8 feet long, was $1.75. Today that same 2-by-4 is $3.02

Now what that means is that as young people in America want to achieve the American dream of owning a home, they are going to pay an extra 5 to $7,000 more for timber.

The point of that is that let us take advantage of this salvage. It is salvaged timber. It is diseased, burned; it is not live trees.

There are three reasons we need to do this, and one is that these trees are a threat and fire hazard because, if they stay there, they fall over and become fuel for a forest fire that will hit living trees.

Second, we need to clean the land so that it can be regenerated. Part of the money that is earned by these salvage sales will be used to replant, reforest, the land so that the wildlife will have habitat in the future and there will be timber available in the future. Timber is a resource, but it is also a crop.

Third, Mr. Chairman, it is important that we salvage these burned and diseased trees that can be made into lumber like this if we do it within 2 years. Otherwise it rots, and it is no longer useful, no longer in the condition that can be made available for home building and for the things that we use timber for.

For all of those reasons I think it is important that we get this salvage, harvest it, clean up the land, regenerate it for future generations, and I would point out that this is only a 2 year bill. It terminates at the end of 2 years for the simple reason that we have to do it or the trees will no longer be of the quality that can be used for saw logs.

So I urge the Members to reject this amendment, leave the language in that is in.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, for too long the extremes in the debate over western forest management have dominated the stage. On one side there are those who oppose any timber harvests in our public lands, even if it is necessary to improve forest health and reduce the risk of catastrophic fires. On the other side there are those who would treat our national forests as little more than industrial tree farms, sacrificing even the most basic environmental protections in the interests of short-term profit.

Last summer's western fires provided a hint of what may lie ahead. Catastrophic fires, unlike the low intensify fire regime that has been the historical norm, could devastate habitat for many declining and threatened species, including Columbia Basin salmon populations. An ecologically sensitive program of thinning. Controlled burning and salvage logging is essential to restore forest health across millions of acres in the West. If done with care, such a program could improve forest

conditions while providing the secondary benefit of increased fiber supplies for our region's mills.

Mr. Chairman, I would have liked to offer a balanced alternative to this proposal today, but the Republican leadership would not allow it. The issue should never have been brought to the floor in this fashion. Salvage and forest health should be properly debated in the committees with jurisdiction and expertise and not written by special interests in the back rooms out of the public eye.

This proposal lacks even the most basic environmental protections for steep, unstable slopes, fragile soils, critical riparian habitat, even wild and scenic rivers. It defines what is to be harvested as dead, dying, diseased or associated with the large stands of green timber to be harvested.

I have legislated salvage before, but I did it properly in my first term in Congress. I played a major role in resolving a salvage controversy at least as contentious as the forest debate now raging here in Congress. The Silver Fire burned and erodes this area of the Siskiyou National Forest, long defended by environmental activists. That salvage was successfully done without harm. We could do the same across the Western United States if we were given the chance to offer a proper amendment.

Mr. Chairman, for too long, the extremes in the debate over western forest management have dominated the stage. On one side, are those who oppose any timber harvest on our public lands, even if it is necessary to improve forest health and reduce the risk of catastrophic fires. On the other side, there are those who would treat our National Forests as little more than industrial tree farms, sacrificing even the most basic environmental protections in the interests of short-term profit.

In my first term in Congress, I played a major role in resolving a salvage controversy at least as contentious as the forest health debate now raging in Congress. The Silver Fire burned in a roadless area of the Siskiyou National Forest long defended by environmental activists. The industry wanted to extend a road into the area and engage in wholesale salvage of dead and green timber. I was able to mediate an agreement that prevented new road building and green timber harvest, but allowed a significant amount of helicopter salvage of burned timber.

Neither the industry nor the environmental community were entirely happy with the agreement we reached. But today the Silver Fire salvage stands as an example of environmentally sound salvage that had the additional benefit of providing a significant volume of timber.

Today, I once again find myself somewhere between the extremes. On one side are those who oppose any thinning and salvage logging in the fire and pest-stricken forests of the West. On the other side are those who would throw all environmental protection out the window, and maximize timber production under the guise of a sound salvage program. Neither side has it right.

Forests across the West are in the grip of an ecological crisis of unprecedented proportions. The forest health crisis is the result of long term drought and a century of human impacts in the form of fire suppression, timber harvesting, and the introduction of foreign pests, to name a few. The result is that millions of acres of public forest are in the worst shape they've ever been, victim to disease, insect infestation, and fire.

Fire suppression has played a big part in undermining forest health. Controlling wildfires in forests where frequent, low intensity fires historically kept vegetation sparse has allowed a huge build-up of dense understory vegetation to take place. One study on the Boise National Forest in Idaho found that tree density on one site was about 29 trees per acre for the 300-plus years before 1906. Today on the same site, tree density has increased to 533 trees per acre and the species composition has changed from predominantly Ponderosa pine to predominantly Douglas Fir.

Last summer's Western wildfires provided a hint of what may lie ahead. Catastrophic fires, unlike the low-intensity fire regime that has been the historical norm, could devastate habitat for many declining and threatened species, including Columbia basin salmon populations.

An ecologically sensitive program of thinning, controlled burning and salvage logging is essential to restoring forest health across millions of acres in the West. If done with care, such a program could improve forest conditions, while providing the secondary benefit of increased fiber supplies for the region's mills.

We need legislation to help expedite a response to the forest health crisis in the West. But a sound salvage and forest health program needs some environmental safeguards. Unfortunately, the Taylor-Dicks amendment contains none. The Taylor-Dicks amendment would allow logging in Wild and Scenic River corridors and sensitive riparian and roadless areas, with no restrictions based on slope or soil conditions. Its definition of salvage is so broad that it opens the door to wholesale logging in the region's remaining old growth forests and roadless areas. This is not the balanced approach to forest management that most Oregonians want to see.

By setting an arbitrary minimum timber sale level, while prohibiting any environmental considerations on the part of the Forest Service, the Taylor-Dicks salvage amendment guarantees that sensitive salmon streams will be damaged, roadless areas will be opened up to commercial timber harvest, and areas that are simply unsuitable for timber management will be logged. This is a proposal that lurches from one unacceptable extreme to the other. That's why I will vote against this proposal and hope we have the opportunity to craft a salvage bill that gets the job done while protecting the values that Oregonians share.

I would have liked to offer a balanced alternative to this proposal today, but the Republican leadership wouldn't allow it. The issue should never have been brought to the floor in this fashion. Salvage and forest health should be properly debated in the committees with jurisdiction and expertise, not written by industry lawyers in backrooms out of the public eye.

So I am faced with two unacceptable choices—an extreme salvage program with no environmental safeguards or the status quo, which is simply not getting the job done.

It bears stating that the Forest Service is moving ahead with a salvage program, though slowly. The agency plans to offer at least 1.4 billion board feet of salvage in each of the next 2 years. Assistant Secretary Lyons tells me they could offer even more if Congress would appropriate more money for sale preparation and other related activities. But this salvage bill contains no additional money for sale preparation.

Oregonians, by and large, support policies that protect our environment and quality of life, without sacrificing our state's economic well-being. I hope to have an opportunity in the weeks ahead to offer a balanced Oregon alternative to the extreme log-it-at-all-costs salvage approach offered here today. I believe I'll have the support of most of my state's citizens when I do so.

Mr. LIVINGSTON. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. TAYLOR], the sponsor of the amendment and a distinguished member of the subcommittee.

Mr. TAYLOR of North Carolina. Mr. Chairman, in 2 minutes I can tell my colleagues several things about this. First of all, it will restore forest health. Most of the things that have been said about it so far just are not true. Scientists recognize that the forests are undergoing a serious ecological decline because of a lack of management. Fire disasters, unnatural species compositions, disease, insect infestation; all of these are threatening the forest health, and this legislation which has been worked out with professionals, it has been worked out in consulting with the Forest Service, as many people as we could find to try to alleviate this emergency were brought in in this short period of time, and it is an emergency. Even the chief of the Forest Service, Mr. Chairman, has said we need to increase our salvage cutting for forest health.

Second, there are tens of billions of dollars of revenue coming to the Treasury, or millions of dollars of revenue coming to the Treasury. It is not a loss. CBO scored it $37 million last year. FPA says it could be as much as $650 million. So it is a very positive revenue producer.

Third, it will stabilize the cost of homes. It will create jobs, and that is why the home builders, and realtors and many others are supporting this. It will create thousands of jobs all across this country in a much needed area, putting timber in the pipeline, and that is why the Teamsters Union supports it. It is why the Western Council of Industrial Workers supports it, the United Paperworkers International Union supports it, the United Brotherhood of Carpenters supports it, the International Association of Machinists and the Association of Western Paperworkers, because these are men and women who make the livings of this country and recognize that this will produce jobs, and they are endorsing this amendment in this legislation.

Mr. Chairman, it is an opportunity for us. It is an opportunity for us to

provide forest health and to provide a good amendment to this bill.

Mr. Chairman, I rise to address the provisions of section 307 of H.R. 1159, a measure co-authored by myself and Mr. DICKS, and supported strongly by a number of our colleagues on the Appropriations Committee and on the authorizing committees with jurisdiction.

I wish to outline the intent of the provision, and the direction we have provided to the agencies affected for two reasons. First, I wish to be sure that the requirements of the provision are not misrepresented as the debate over this bill continues to the other body. Second, and perhaps more importantly, I wish to provide clear direction to the implementing agencies, and do everything possible to assure that the agencies understand, and can execute the direction we have provided.

To this latter end, the authors of section 307 have met several times with U.S. Forest Service Chief, Jack Ward Thomas, and his staff since the provision imposes most of its requirements on the Forest Service. The Chief and his staff have been quite helpful in reviewing the terms of section 307, suggesting modifications to assure that these requirements are technically correct, and evaluating the Forest Service's technical and operational capability to meet the requirements of section 307, including the volume targets for timber salvage. As a forester by training, I am very sensitive to saddling our Federal agencies with mandates that they are not able to implement.

Based upon our discussion with Chief Thomas it is the clear understanding of the authors of section 307 that—aside from the question of whether the Clinton administration agrees with the goals of section 307 as a matter of politics and policy—the Forest Service can implement the provision of section 307 in a fashion that meets the timber salvage targets contained in this section. Today, I have sent a letter to Chief Thomas which I will include in the RECORD at the end of this statement. In this letter, I review with the Chief the intention of the authors of section 307 and our expectations about Forest Service implementation of the measure. I have asked the Chief for a prompt response so that, if there is any difference in interpretation, this can be reviewed during Senate consideration of the bill and any necessary adjustments can be made. If the measure passes both bodies and is signed into law, we expect appropriate implementing actions to carry out a clear congressional intent which is, itself, grounded in an understanding of agency capabilities.

Now let me review the terms of section 307. Section 307 would provide authority and direction to the Secretaries of Agriculture and the Interior to conduct a 2-year emergency salvage timber sales program on lands of the Forest Service and the Bureau of Land Management [BLM]. The purpose of this one-time, short duration congressional mandate is to eliminate the extraordinary backlog of dead and dying trees on Federal lands in all regions of the country. This backlog has been created by the alarming decline in forest health and the unprecedented scale of wildfires over the last 2 years. Without an accelerated and dedicated response from the land management agencies in planning and conducting these emergency salvage timber sales, the decaying trees will soon lose any commercial value, thereby preventing harvesting and the timely accomplishment of reforestation and other restoration activities on the affected lands.

The two Secretaries are directed to offer a sufficient number of salvage timber sales during the 2-year emergency period following enactment to ensure that a minimum of 3-billion board feet is sold each year on Forest Service lands and 115-million board feet is sold each year on BLM lands (subsec. (b)(2)).

These volume targets were derived after extensive discussion with the Forest Service and BLM. The Forest Service targets were established after consultation with the Agency's field offices. They are statutory mandates that represent reasonable progress toward reducing the backlog of dead and dying timber on our Federal forests. The agencies have indicated that it is within their capability to achieve these targets and thereby improve the health of our Federal forests under the terms of section 307.

A timber sale qualifies as a salvage timber sale that can be offered under the provisions of section 307 only if an important reason for the sale is the removal of diseased or insect-infested trees; dead, damaged, or down trees; or trees affected by fire or imminently susceptible to fire or insect attack. Removal of associated trees for the purpose of ecosystem improvement or rehabilitation can occur if the sale has an identifiable component of trees to be salvaged. (Subsec. (a)(4).)

Salvage timber sales are to be offered whether or not revenues derived from the sales are likely to exceed the sales' costs (subsec. (c)(5)). In conducting the sales, the Secretaries are authorized to use salvage sale funds otherwise available to them (subsec. (b)(3)). But the Secretaries are not to substitute salvage timber sales under section 307 for planned non-salvage sales (subsec. (c)(7)).

Section 307 does not permit any salvage timber sales on specifically protected lands, namely areas designed by Congress as units of the National Wilderness Preservation System, any roadless areas in Colorado or Montana which were specifically designated by acts of Congress by geographical name or map reference as Wilderness Study Areas, any roadless areas recommended by the Forest Service or BLM for wilderness designation in their most recent land management plans, and areas where timber harvesting for any purpose has been specifically prohibited by a specific statutory provision. This proscription does not include any prohibition in any regulation, land management plan, agency guidance, research study, or settlement agreement which purports to rely on general statutory authority (subsec. (g)(2)).

This last distinction is important because we do not, even by inference, want to prohibit application of this section in areas where the agencies on their own have restricted timber harvesting. This includes agency initiatives such as the timber sale screens on the Eastside of the Cascades and the California Spotted Owl Report, the following environmental assessment, and the pending draft Environmental Impact Statement. Whether and to whatever extent the agencies choose to restore the forest health by scheduling salvage sales in such areas, they are still bound to meet the salvage targets in subsection (b)(2) of this section.

In order to ensure that the sales are conducted in a timely manner, section 307 requires the two land management agencies to follow certain schedules, expedited procedures, and reporting requirements. The schedule for offering timber sales requires that sales for at least 50 percent of the volume each agency is directed to make available in the first year must be offered in the first 3 months after enactment, and sales for at least 50 percent of the volume each agency is directed to make available in the second year must be offered within 15 months after enactment. Sales for the remaining 50 percent of the volume required each year can be spread evenly throughout the remaining 9 months of the year. (Subsec. (c)(2).) To track compliance with this schedule, the Secretaries are required to report to Congress every 3 months throughout the 2-year emergency period on the sales and volumes offered during the last 3-month period and expected to be offered during the next 3-month period (subsec. (b)(2)).

To meet this schedule, the Secretaries are admonished to use all available authority in preparing and advertising the salvage timber sales. This includes use of private contractors, and applying the type of expedited contracting procedures used to fight fires to the tasks of advertising and preparing salvage sales. To augment the available personnel, section 307 authorizes employment of former employees who received voluntary separation incentive payments under the Federal Workforce Restructuring Act of 1994 (P.L. 103–226) without applying the provisions of Section 3(d)(1) of P.L. 103–226. (Subsec. (c)(4).)

Sale procedures are expedited by the requirement that each Secretary prepare a single document analyzing the environmental effects of each salvage sale. The level of analysis in this consolidated environmental analysis document is to be that normally contained in an environmental assessment (not an environmental impact statement) under the National Environmental Policy Act [NEPA] on the environmental impacts of the sale generally and in a biological evaluation under the Endangered Species Act [ESA] on any specific effects the sale may have on any endangered or threatened species. (Subsec. (c)(1).) The language of this provision is explicit that these are the only document and the only procedure required from an environmental standpoint to comply with existing laws and regulations (subsec.(c)(6)). For example, the agency does not have to prepare a Finding of No Significant Impact under NEPA, nor consult with the Fish and Wildlife Service or National Marine Fisheries Service under the ESA after completing the consolidated environmental analysis document. Nor is an agency bound by any existing documents. On the other hand, if a NEPA document or a biological evaluation is already prepared for any particular sale by the date of enactment, a consolidated environmental analysis document need not be prepared for that sale. (Subsec. (c)(1).)

Each Secretary is to make the decisions on a sale's configuration and whether to offer the sale on the basis of the consolidated environmental analysis document. The Secretary may decide to not offer the sale or to reduce the size of the sale for an environmental reason grounded in the consolidated environmental analysis document, but he must then determine if he can meet the applicable volume requirement on schedule. If he determines he cannot, he must substitute another sale or

sales with volume equal to the shortfall. (Subsec. (c)(3).)

The Secretary's decision, based on that consolidated environmental documentation, is deemed to satisfy all applicable environmental and land management laws (subsec. (c)(6)). This means, for example, that the Secretary cannot be sued for violation of the Clean Water Act, the provisions of the National Forest Management Act concerning species' viability, unsuitability, or consistency with the resource management plans, or the jeopardy or take standards of the Endangered Species Act. Furthermore, as indicated, a sale can be offered that does not comport with a resource management plan, or interim guidelines, or management directives. This provision is both reasoned and consistent with the one-time, emergency nature of section 307. Few if any such plans, guidelines, screens, or other agency guidance contemplated the dramatic decline in forest health and consequent unprecedented wildfires. Section 307 does not excuse long-term compliance with such agency guidance; instead, it permits only a one-time divergence therefrom. Without such temporary divergence, the very wildlife and other resources that the guidance is intended to protect may be destroyed or damaged, thereby rendering the guidance ineffective for the longer term. Finally, a sale can be offered even if it would be barred under any decision, injunction, or order of any federal court (subsec. (c)(8)).

Expedited procedures continue to apply after the decision to offer a salvage timber sale. Section 307 bars an administrative appeal of any sale decision (subsec. (e)). This allows challengers to go directly to court and hastens a final disposition of the challenge—a disposition timely enough to permit the sale and harvesting of dead and dying timber if the court ultimately determines that the sale is legally valid.

Finally as to expedited procedures, in language borrowed verbatim from previously enacted law (section 318 of Public Law 101–121), section 307 sets deadlines for challengers for filing and appealing lawsuits challenging salvage timber sales (15 days and 30 days, respectively) (subsec. (f)(1) and (7)) and for the district courts to decide the lawsuits (45 days, unless the particular court decides a longer period is necessary to satisfy Constitutional requirements) (subsec. (f)(5)). To protect challengers, the section requires that each challenged timber sale must be stayed by the appropriate agency for the same 45-day period in which the court hears and decides the case (subsec. (f)(2)). With a mandated automatic stay, restraining orders or preliminary injunctions are unnecessary and, therefore, are barred (subsec. (f)(3)).

A court is free to issue a permanent injunction against, order modification of, or void an individual salvage timber sale if it determines that the decision to prepare, advertise, offer, award, or operate the sale was arbitrary and capricious or otherwise not in accordance with law (subsec. (f)(4)). As the sale is deemed by law to satisfy the environmental and land management laws (subsec. (c)(6)), the challengers must allege and prove to the court under this standard that the sale was arbitrary or capricious under, or violates a specific provision of section 307.

The Secretaries' duties do not stop after the salvage timber sales are sold; they are directed to complete reforestation of the lands as expeditiously as possible after harvesting but no later than any periods required by law or the agencies' regulations. This last requirement is every bit as important as the rest of the section because it completes the forest restoration process and highlights the authors' commitment to sound forest stewardship.

Section (i) of section 307 addresses another related timber supply problem of an emergency nature. In this case, the emergency involves government liability for failure to perform the terms of a contract.

Previously-offered timber sales in the Northwest cannot be operated due to administrative delays and reviews. Many of these sales were mandated by Congress in Section 318 of the Department of Interior and Related Agencies Appropriations Act, Fiscal Year 1990, Pub. L. 101–121; others were offered in fiscal year 1991 and some more recently. Many of these sales were awarded to purchasers years ago; the government will have to pay tens of millions of dollars in contract buyouts if these sales were cancelled. Other sales were auctioned years ago but never awarded; in some cases the agencies rejected bids well after the auction due to administrative reviews and delays and changing standards. This is the case even though the preponderance of these sales were approved for harvest in the Record of Decision accompanying the President's Pacific Northwest Forest Plan, as not jeopardizing the continued existence of any of the numerous species of wildlife considered by that plan. The government will forego $207.8 million in timber receipts if these sales are not operated.

Subsection 307(i)(1) frees up all these sales, saving the government over one hundred million dollars in buyout claims, generating the $207.8 million in revenues and immediately providing substantial amounts of timber for mills hurt by Federal supply reductions. It applies to all national forests and BLM districts that were subject to section 318 of the Department of Interior and Related Agencies Appropriations Act, fiscal year 1990, Pub. L. 101–121; it applies throughout fiscal years 1995 and 1996, or longer as necessary, notwithstanding any other provision of law; and it requires full compliancy by the agencies within 30 days of the date of enactment of the section. It directs the award of all unawarded sales as originally advertised, whether or not bids on a sale previously rejected, and it directs the release of these sales and all other awarded sales in the affected area so that all the sales can be operated to completion, on their original terms, in fiscal years 1995 and 1996.

Subsection (i)(2) provides that agency compliance with this section will not provide a legal basis for a court to block an existing agency management plan, or to order an agency to change an existing plan. It leaves in place all other grounds unrelated to this section that may exist for any person to challenge an agency plan for any reason. It does not affect pending cases challenging agency plans for reason unrelated to this section.

CONGRESS OF THE UNITED STATES,
Washington, DC, March 15, 1995.

Dr. JACK WARD THOMAS,
Chief, U.S. Forest Service,
Department of Agriculture,
Washington, DC.

DEAR CHIEF THOMAS: We write to continue our important dialogue on the emergency forest health amendment contained in Section 307 of HR 1159. This amendment has bipartisan support in the House, and will shortly be considered in the Senate when that body takes up HR 1159.

We thank you and your staff for the technical assistance you provided to us as we developed the provision. While we understand the Administration has yet to take a position on the measure, we nevertheless appreciate the nonpartisan assistance the Forest Service provided to make sure that the amendment is drafted in a technically and legally sound fashion. We are sensitive to the need to avoid saddling our federal resource management agencies with mandates that cannot be implemented on the ground.

To this end we request one more review by your resource specialists and attorney advisors of the final language of Section 307. Enclosed is the final language and a floor statement we made during House consideration explaining our intent in writing this amendment. We want to ensure that the amendment can be implemented in a manner that brings salvage timber to the marketplace as quickly as possible within the environmental process provided.

We would like your review to assure that your specialists agree that the language would have the on-the-ground effect that we intend. Alternatively, if this is not the case, we would like to know which provisions are problematic, why this is the case, and what technical changes would better accomplish our purposes.

Let me be clear that we are not asking whether the Administration, the Agency, or you support the amendment or agree with its intent. We respect any difference of opinion you might have with specific requirements. Nevertheless, we need to be sure that we have a common understanding that our intent is implementable under the term of amendment. If the amendment is passed by both Houses of Congress and signed by the President we will expect full implementation of its terms.

Since the bill is being taken up in Subcommittee in the Senate next Wednesday, we will need your response by Monday, March 20. We apologize for the short notice, but we are victims of the legislative schedule.

We appreciate your continuing assistance and cooperation on this matter.

Sincerely,

CHARLES H. TAYLOR,
Member, U.S. Congress.

DON YOUNG,
Chairman.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MILLER].

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Chairman, I rise in strong support of the Yates amendment to strike the Taylor Timber Salvage Language. We have all heard the old adage that you have to spend money to make money but the timber salvage provisions of H.R. 1159 turn this into a case where we will be spending money to lose money. Nominally, CBO shows that such sales will bring in $134 million, a far cry from the $1 billion in receipts proponents were touting just 2 weeks ago. The other side of the CBO analysis which bill proponents will not be speaking about is that salvage is direct spending, and thus the money goes right back out.

The taxpayer loses under the Taylor Salvage Language because whatever profitable

sales there are will subsidize the many below cost sales that are not only needed but required to achieve the unrealistic cut in excess of 6 billion board feet called for in the bill. Further, since the estimates of revenue do not even count such significant costs as purchaser road credits the treasury will never see a dime from these sales.

Looking at savage from the question of forest health, what kind of perverse logic says that to make our forests healthy, we have to suspend not just every environmental law but every law dealing with forestry management and administrative procedure. What little judicial review there is in the bill, is made meaningless since all salvage actions are deemed to satisfy APPLICABLE LAW. Not content with this the Taylor Language goes on to USURP the role of the judiciary by lifting existing injunctions, prohibiting future injunctions, and dictating to the court when and how it may consider appeals.

Proponents of the salvage provisions have taken a complex forestry issue and boiled it down to a simple solution. That is to fight fire and insects with chainsaws. It is a discredited policy that is being resurrected under the guise of an emergency.

Is the Taylor Salvage Language forest health or hype? If proponents are truely interested in forest health, why are they mandating a specific, but unrealistic, cut? The answer is that this amendment is all about the cut and the notion that a dead tree is a wasted tree. Proponents both inside and outside of Congress who for years advocated fire suppression at any cost are now seeing that cost. But instead of owning up to it, they view it as an opportunity to bypass sound science and management and embark on a cutting frenzy. The use of thinning, pruning and prescribed burns are not even considered because that would diminish the all-driving cut.

This whole notion reminds me of the General in the Vietnam War who said they had to destroy a village to save it. That is what we are dealing with here. Look where this cut will come from. In their rush to get the Taylor Language out, proponents would open designated national wild and scenic river corridors to logging. In what appears at a minimum to be a serious oversight but perhaps is a devious design, wilderness study areas in Montana and Colorado are protected but not in Idaho.

The vast amount of logging will occur in roadless areas and we are not talking about helicopter logging here. No, the widely scattered nature of fire and infestation means that heavy equipment will be brought in to punch scores of new roads with machinery roaming over a forest floor disturbed by fire and highly susceptible to damage.

If we are serious about forest health, and we should be, the Taylor amendment is the wrong answer. It has no place in this bill both from a procedural and policy standpoint. The Taylor Salvage Language is a bad deal for the taxpayer and the environment. I urge adoption of the Yate's amendment to strike this ill-conceived language from the bill.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, let me draw your attention to something that I do not think the sponsors of this legislation intended, but it will happen under this salvage sale. As my friends know, timber harvest and road building is not allowed in wilderness areas. In the last Congress this House voted by 300 votes in favor of a bill to designate a million and a half acres of wilderness in Montana. Now although that bill did not become law, although the Senate went along with most of it, there just were not enough days left in the session for it to become law. Although it did not become law, this bill before us today allows timber harvesting and road building in one million of those acres.

Mr. Chairman, neither Republicans, nor Democrats, would intend that, that one million acres in Montana, the last best place that we all agree should be wilderness, is now going to be harvested if this bill becomes law. The bill is poorly written.

□ 1715

Mr. LIVINGSTON. Mr. Chairman, I am happy to yield two minutes to the gentleman from Washington [Mr. DICKS], a distinguished member of the committee.

Mr. DICKS. Mr. Chairman, I want to stand and strongly support this legislation. In the Pacific Northwest, we have seen harvest levels reduced by almost 95 to 100 percent over the last 4 years. We have been under a court injunction. At the same time, we have had blowdown, we have had burned timber, bug-infested timber that could be salvaged, and we could take that and sell it and bring money into the Treasury at a time when housing prices for lumber are sky high. It has added $5,000 to $7,000 per house because of the shortage of lumber.

Mr. Chairman, I would urge my colleagues to stick with the committee. The committee almost unanimously approved this amendment, and we did it with environmental sensitivity. Every sale has to have an environmental assessment. Every sale has to have a biological opinion. If they violate that, you can still go to the Federal Court for an injunction.

What we tried to do was expedite the process. Why? Because dead, diseased, dying, bug-infested logs only last for 2 or 3 years, and then they are gone. So if we went with the normal process, we would simply not get to it.

What are we doing here? We are not raping anything or tearing anything apart. We have said we will not go into wilderness areas. What we are doing is doing this in a very responsible way, that will restore forest health. The ecologists have looked at this and said this is a good way to go. There are 18 to 21 billion board feet of it laying out there over the country. The administration wants to do 3 billion. We are saying go out there and try to do 3 additional billion, or one-third. So two-thirds of it is going to be left, dead, dying, diseased on the ground for the ecosystem, for the bugs, to help the spotted owl recover, and all those other good things.

But this is good common sense. We need the lumber, we need the chips for our pulp and paper mills. This is an amendment that makes sense. We ought to bipartisanly back it and help out an industry that has been badly hurt over the last 4 years.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I have the highest respect for the gentleman from North Carolina, but this is simply not the way to do business. When we walked into the full Committee on Appropriations markup, we received a copy of the Taylor amendment for the first time. The amendment was over one dozen pages long and included portions that were handwritten. There were no hearings on the amendment by the authorizing committee nor the Committee on Appropriations. For years we Republicans have told Democrats who did this often that this was not something that we would countenance. Here we are, in power, and now doing it on our side.

This is not part of the Contract. We do not have to vote on it in the first 100 days. It ought to go to hearings. It ought to be considered very carefully. It is not simply a good way to do business.

I am also concerned about the substance of the amendment. The amendment overturns past court decisions, limits the power of courts to review Federal agency actions, and waives or puts on a fast track necessary environmental studies or surveys.

If the Taylor language truly promotes the long-term health of the forest, why must we waive the ability of the courts and the public to guarantee that our environment enforced management laws are being upheld. This is going to cost the taxpayers hundreds of millions of dollars. I urge Members to oppose the Taylor language and to support the amendment of the gentleman from Illinois [Mr. YATES].

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the gentleman from Alaska [Mr. YOUNG], the distinguished chairman of the Committee on Natural Resources, the authorizing committee, to speak to the emergency nature of this bill.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, let us look at this amendment. This is the amendment to try to harvest dead, dying, dead trees. Double adjective. These trees burned last year. If we do not harvest them, they are rotted, they cannot be used, they are a waste. And it appalls me when I hear Mr. PORTER saying this overturns court decisions, et cetera, et cetera. These are not live trees. These are burnt trees, 16 billion board feet standing, and all we are asking is for 3 billion board feet this year and 3 billion board

feet next year. That is all we are asking, to keep some of our American people working. There is no work for these mills, for the sawmills, for the people that make their living here, if we cannot have trees, and we stopped cutting live trees because of action of this Congress and the courts.

It is time that we pass this Taylor amendment and this legislation. We did have hearings. There was a long, protracted hearing of a whole day. We heard from those people who are not only working, but from the biologists, that said for the health of the forest we must harvest these trees. Let us stand with the committee.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. STUDDS].

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

Mr. STUDDS. Mr. Chairman, I rise in support of the Yates amendment to strike section 307 or H.R. 1159. This provision is legislation and should never have been included in an appropriations bill.

Section 307 would double the amount of salvage timber cut on Federal lands and increase total logging on Federal lands by more than one-third. Salvage timber is ostensibly harvested to prevent dead and dying timber from rotting and going to waste, while reducing the risk of disease and fire. But this amendment goes well beyond that. It will condemn healthy timber because it sets a salvage quota that is twice the amount requested to be harvested by the Forest Service, broadens the definition of what constitutes salvage timber, and will allow logging on thousands of acres of old growth timber set aside by court order. This undermines forest health and rational timber lands management.

If the proponents of section 307 are as concerned about forest health as they claim, why does this legislation waive numerous environmental laws and administrative review, and severely restrict judicial review of timber sales? The answer is that many of these sales would not pass muster under the appropriate review. In a rush to sell off public assets and under the guise of forest protection, the proponents will run roughshod over the Constitution and the law. Of course by now, this is becoming somewhat mundane.

Proponents argue that this provision raises revenue. But under the peculiarities of scoring, the value of the assets is not considered. The Government can sell a tree worth $100 for $5 and that is counted as a receipt of $5. Moreover, the Congressional Budget Office's scoring of this provision does not include the millions spent yearly to build roads and to prepare timber sales. The scoring process notwithstanding, salvage sales do not benefit the taxpayer because most of the receipts that they do produce go to mandatory spending programs, much of it to hold even more salvage sales.

Rising interest rates always depress new home starts. This in turn depresses timber prices. Timber prices are driven by home sales, not the other way around. So tying the ability of Americans to own homes to the price of lumber is at best misleading. Dumping billions of board feet of timber onto the market under these conditions will further depress timber prices and will guarantee a poor return for the taxpayer on the sale of their assets.

Behind the rhetoric, section 307 is a subsidy for special interests that will harm the environment, and it has no place on a rescission bill. I urge the House to support the Yates amendment.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I thank the distinguished gentleman for the time.

Mr. Chairman, it is really a shame that this issue is having to be debated in this way before the House of Representatives, because had we wished to put together a thoughtful, well-considered, informed piece of legislation to deal with what is a real problem, I am sure we could have done it. This is not such a piece of legislation.

Salvage. We incant that word as if it can be used to finesse fundamental definitional and practical problems in this bill. This is not just about salvage timber. It goes far beyond that. There was no attempt to frame a bill that really fits both reality and practicality.

Where did the 3 billion board feet a year number come from? We have no evidence that BLM or the Forest Service is really going to be able to accommodate that. The gentleman from Illinois already pointed out this was dropped on us in appropriations with no warning and no ability to really engage in thoughtful consideration.

But, above all, the other gentleman from Illinois, the chairman of the Committee on the Judiciary who is sitting in the back of the Chamber, ought to be particularly exercised. This provision completely runs over regular judicial process. It did not go through the gentleman's committee for any kind of review. Although it pays lip service about availability of judicial review, as a practical matter, there is absolutely no way any citizen in this country will have access to any process that enables a review of these timber cuts.

All environmental review, all judicial review, for all practical purposes, is gone. It cannot be accomplished, given the constraints that have been put in this amendment.

This is going to cost this country in untold ways. Among others it has a below-cost timber sale provision in it, notwithstanding CBO scoring. I would predict we are going to come back in a couple of years and find that, again, the harvest has cost more than it has brought in by a large measure.

This provision is an affront to sound environmental policy, it is an affront to sound forest management, it is an affront to sound judicial process.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the gentlewoman from Nevada [Mrs. VUCANOVICH], a valiant member of the Interior Subcommittee.

Mrs. VUCANOVICH. Mr. Chairman, I rise in opposition to the amendment offered by Mr. YATES.

In my own State of Nevada, 6 years of drought have produced large areas of dead and dying trees and other accumulated fuels in Nevada's forested lands. Last summer's wildlife season was the worst in history, and extreme wildlife danger still exists in many of the forested lands in Nevada.

The Lake Tahoe area, for instance, in addition to the drought, has suffered years of insect infestation, resulting in a dangerous overloading of fuels.

The bill before us includes emergency timber salvage provisions that are vital for the health of Nevada's forests, and forests across the West. Unless we take immediate action, the dangerous build-up of fuel for forest fires will continue unchecked, and the 1995 wildfire season may well be the worst yet.

I oppose the amendment offered by Mr. YATES, which would strip these necessary provisions from the bill.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. NETHERCUTT], another distinguished member of the committee, who is also a member of the Interior Subcommittee.

Mr. NETHERCUTT. Mr. Chairman, I thank the chairman for yielding.

Mr. Chairman, I am happy to rise in opposition to the Yates amendment and in support of the Taylor amendment. This is a common sense solution to a very difficult problem that we face out west. I wish that every Member of this body could come through the Copper Butte area of my State and my district and see the devastation of the forest fires that occurred last summer. You would see the timber rotting in the forest and you would see the necessity for this emergency measure.

It is an emergency measure. This is an expedited treatment of the environmental laws and an expedited treatment of an ability to get in and salvage timber that is dying and diseased in the forest, and it is absolutely necessary to protect the areas of my district. It will provide jobs, it will provide money to the Treasury, and it will provide a common sense environmentally sensitive solution to this very grave problem.

I ask the support of this body to oppose the Yates amendment and support the Taylor amendment.

Mr. LIVINGSTON. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Washington [Ms. DUNN].

(Ms. DUNN of Washington asked and was given permission to revise and extend her remarks.)

Ms. DUNN of Washington. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the Emergency Timber Salvage Program in the rescissions bill.

Last year, devastating fires burned almost 1 billion board feet of timber in Washington State. I remember flying home last summer

and seeing the clear blue sky at 40,000 feet clouded with smoke from these fires. As soon as I landed, I contacted friends in eastern Washington who were trying to protect their homes and orchards from fires burning less than a quarter of a mile away from their properties.

Thankfully, the western part of my State did not suffer from those fires. However, we do know about the effect of fires on private lands. Just this year there was a fire in Carbanado, a small community in my district. And the Forest Service representative in the Mount Baker/Snoqualmie National Forest informs me that there is a strong possibility that a fire similar to the ones in eastern Washington could be in our future because of the 200-year fuel load on the ground.

On my side of the mountains, we also have millions of board feet of blown-down timber in need of salvage. Salvage work that could put families back to work doing what they have been doing for generations.

Mr. Chairman, this is not just about salvaging timber. It is about salvaging families, communities, and human dignity. We have the opportunity to give a hand up to people in need, not the mere handout of public assistance.

Further, this issue is also about the health of our forests. Ignoring that concern now will result in larger and more catastrophic environmental tragedies later.

If we do not remove a significant amount of the fire-killed timber, we increase the likelihood that the area will burn again in the very near future. Another burn would destroy more valuable forest resources and wildlife habitat. And once again, we would place human lives and property at risk.

With that in mind, this language simply directs the Forest Service to perform emergency salvage sales during a 2-year period and directs the Bureau of Land Management to perform salvage sales each year for 2 years. These sales would be conducted on Federal lands managed by these two agencies.

The salvage program only involves less than one-third of the total estimated volume of dead, dying, and diseased timber on suitable Federal lands.

Unfortunately, Mr. Chairman, there has been some misinformation accusing the supporters of this program of ignoring, or trying to bypass, the administrative review process required before a sale goes to market.

Nothing—I repeat, nothing—could be further from the truth.

This language streamlines the process in order to allow the agencies involved to expedite these sales over a period of months, instead of years. Right now, many of these sales are locked up in litigation, appeals, and other roadblocks.

What this salvage program provides is the predictability that this process has so sorely missed.

Last and certainly not least, this salvage program will also return money to the Federal Government, up to $620 million.

The timber salvage program presents an opportunity to begin cleaning up our national forests, generating Federal revenues and providing family-wage jobs in affected communities. I strongly support this Timber Salvage Program.

Mr. YATES. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. ESHOO].

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

Ms. ESHOO. Mr. Chairman, I rise in strong support of the Yates/Vento amendment which would strike the timber salvage sales provision in H.R. 1159.

Under the guise of forest health, the salvage timber sale provision would savage our Nation's forests. Not only would the measure throw out all existing environmental safeguards and public oversight, it would result in significant losses to the Federal Treasury.

The provision mandates a minimum cut of 6.2 billion board feet over 2 years—almost doubling the current annual yield from the entire forest system. Even areas studied and proposed as wilderness would be open to logging.

The salvage timber sale provision would negate decades of effort by Congress and the Forest Service to ensure that national forests are managed in an environmentally, socially, and fiscally responsible manner.

And it wouldn't even provide any real savings. According to the Congressional Research Service, ''Salvage timber harvesting generally costs more than the revenues they generate because of lower timber quality and higher operating costs for buyers.''

In fact, this provision would likely cost the Federal Treasury at least $220 million more than the revenues salvage logging would bring in.

Put simply, salvage timber harvesting makes no sense. I urge my colleagues to join me in supporting the Yates/Vento amendment to stop this far-reaching assault on our public forestlands.

Mr. YATES. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Oregon [Ms. FURSE].

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

Ms. FURSE. Mr. Chairman, I rise in strong support of the Yates amendment. I want to quote from a letter I received from the two largest Northwest sports and commercial fishing groups. They represent 100,000 jobs in my area and billions of dollars. They say, ''We oppose the effort to approve sufficiency language and mandate minimum timber harvest levels in the northwest.'' They say, ''It makes no economic sense to harvest timber on the backs of fishermen and the expense of jobs and coastal communities which salmon support. This would be a form of economic suicide.''

Mr. Chairman, I understand that there is a forest health program. It needs to be fixed, but not by bypassing our laws and sacrificing good science. I urge my colleagues to support the Yates amendment.

Mr. LIVINGSTON. Mr. Chairman, I yield one-half minute to the gentleman from Oregon [Mr. BUNN], a member of the Interior Subcommittee.

(Mr. BUNN of Oregon asked and was given permission to revise and extend his remarks.)

Mr. BUNN of Oregon. Mr. Chairman, I think it is about time we bring common sense back into the formula. I have listened to the extremists say if lightning strikes, let the trees burn and ignore the jobs. I think it is totally absurd when we are trying to find a balance, we are trying to maintain a sustainable yield, that we will not take the pressure off the green timber, but instead we have an opportunity to salvage trees that are going to rot if we do not do it. We are simply going to lose 22,000 jobs and deny the opportunity to maintain a sustainable yield. I urge a ''no'' vote on the Yates amendment.

Mr. LIVINGSTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. EMERSON].

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

Mr. EMERSON. Mr. Chairman, I rise in opposition to the Yates amendment and associate myself with the remarks of the gentleman from Oregon.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BRYANT].

(Mr. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Chairman, I urge you to use some common sense here and ask yourself a question: If this bill only relates to burned timber and rotting timber, why was it necessary to suspend every single environmental law which applies to forest, to fish, and to wildlife and recreation in order to pass it? If it applies only to burned and rotting timber, why was it necessary to provide in the bill that it is OK to log and build roads in a wilderness area that is permanently protected?

That is not what this bill is all about. This is no way to go about this. If you can make the case this is necessary, make the case in the authorizing committee. This is an extremely bad amendment.

Finally, if it is such a good piece of common sense, why in the world is it necessary to put a provision in here that says this is OK even if we lose money doing it? What interest do the American people have with permitting the cutting of forests in a situation in which we are going to lose money.

The fact of the matter is, we are suspending every environmental law, letting them log in the wilderness areas, and letting them sell this timber at below cost prices, which is a significant detriment to the American people. I strongly urge you to vote yes for the Yates amendment and oppose this extreme measure.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. RIGGS], a member of the committee, and a distinguished one at that.

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

□ 1730

Mr. RIGGS. Mr. Chairman, I thank the full committee chairman for yielding time to me.

Let me first say to the gentleman from Texas, he obviously has not read the provisions of the Taylor timber salvage amendment.

The Taylor amendment explicitly excludes wilderness areas or those areas under study or consideration for designation as wilderness. This bill is not about ideology. It is about jobs. It is about good productive resources, and it is about making our federal resource lands for fire suppression purposes and the health of the forest land.

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

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

Mr. DICKS. Mr. Chairman, even if it is a salvage sale, we have got to do a complete EIS. That takes 3 years. It takes the Forest Service 3 years to prepare a single sale.

This is an emergency. If we do not do it rapidly, the timber is going to rot and is not going to be useful. That is why we have to do an EA instead of an EIS.

Mr. RIGGS. Mr. Chairman, I thank the gentleman for his comments and his contribution and his efforts, which make it a genuinely bipartisan effort.

I urge my colleagues to defeat the Yates motion to strike. Support the Taylor amendment.

Mr. Chairman, I rise in defense of our National Forests and the hard-working Americans who rely on the forests for their livelihoods. We are facing a national emergency.

A landmark timber salvage amendment is included in H.R. 1159, offered by Representatives CHARLES TAYLOR and NORM DICKS, with my full support. This amendment is about putting people back to work in one of our most important industries.

At a time when many are concerned about exporting jobs, we have a chance to put Americans to work—in an industry owned by Americans, harvesting a product consumed by Americans.

By providing the increased harvesting of salvage timber, we will be providing a product for idle sawmills throughout the country. Since 1987, a total of 51 facilities have closed in California. Twelve of those sawmills were in my district.

We must return to an intelligent, long-term forest management plan that is primarily focused upon forest health. This amendment starts us off in that direction.

This amendment also makes fiscal sense. CBO scored it as a revenue maker. Industry and labor estimate the provision will generate at least $620 million in additional Federal revenues. Local governments will receive another $200 million.

The U.S. taxpayer spent over a billion dollars and 33 lives to fight forest fires last year. These losses could have been drastically curtailed had similar legislation been in place.

This amendment is a win-win proposition. We must not miss out on this opportunity.

Mr. Chairman, our forests are sick and our communities are dying. We must help our people get back to work. We must help our forests regain their productivity and provide a renewable resource for our children and grandchildren to enjoy.

I urge my colleagues to support the Taylor-Dicks amendment.

SIERRA PACIFIC INDUSTRIES,
Arcata, CA, March 14, 1995.

Re: Taylor/Dicks Emergency Salvage Amendment.

Congressman FRANK RIGGS,
Longworth House Office Building, Washington, DC.

DEAR MR. RIGGS: An article in the Times Standard Newspaper on Sunday, March 12, regarding the proposal to salvage the dead timber on our National Forests prompts me to write this letter. The article reports that the large amounts of timber that would be logged from our National Forests as a result of the Emergency Salvage Amendment would decrease the price of private timber to the point that the private landowner could ask the Forest Service for relief under the theory of a ''taking.'' Further in the article Senator(?) Leahy guesses that the G.O.P. has created this situation.

I find it hard to read this kind of reporting without wondering whatever happened to responsible thinking and reporting. I would like you to know that a salvage program on our National Forest is a must. The scare tactic that our National Forests will be overcut as a result of removing the dead material is just not true. In fact years of responsible management of our National Forests has resulted in wood products for our country as well as a healthy National Forest for all of us to use and enjoy.

You and your colleagues know that there are a lot of us here in Humboldt County that want you to support the passage of an emergency amendment to salvage the dead and dying timber on all our National Forests. As you know it will not put an extra amount of timber on the market and result in lower prices on private land. The salvage timber will help maintain existing jobs. I doubt that it will create new jobs, however, because the amounts of timber that will be harvested are far below historical levels once produced under sound forest management practices. The practice of salvaging will help to maintain a healthy forest. You must ask (tell) the National Forest to closely monitor the harvest to assure all salvaged area will be fully restocked with new trees whether they are planted or seed in naturally from the surrounding timber.

The mills in our area will be asked to competitively bid on any salvage timber offered for sale. In the past this process has resulted in jobs for not only woods workers and their families but also for mill workers and support businesses and their families. Our schools will also benefit from the income to the Forest Service because 25% of the money received from the sale of timber goes to the county schools and county road departments. Our mill currently is no longer sawing any National Forest timber due to the fact the Six Rivers National Forest is no longer selling any timber sales. The salvage timber that could be sold from the Six Rivers National will help our sawmill as well as the other sawmills in the local area.

Please support the theory of a healthy National Forest by working for an Emergency Salvage Amendment. Thank you for your time and consideration of this matter.

Very Truly Yours,

RON HOOVER,
Timber Manager.

SCHMIDBAUER LUMBER, INC.,
Eureka, CA, March 14, 1995.

Hon. FRANK RIGGS,
Washington, DC.

DEAR CONGRESSMAN RIGGS: This letter is intended to indicate our STRONG SUPPORT for the Taylor/Dicks Emergency Salvage Amendment.

This amendment will create jobs in our area, and improve Forest Health of increasingly unhealthy public lands.

This amendment is critical to the future of our area and the future of our company. Please make every effort to see that this amendment is attached to the Omnibus Rescission Bill.

Sincerely,

MARK ANDERSON,
Resource Procurement.

BLUE LAKE FOREST PRODUCTS,
Arcata, CA, March 14, 1995.

Hon. FRANK RIGGS,
Congressman, First District of California.

DEAR FRANK: Blue Lake Forest Products employs directly 100 men and women and another 300 jobs in the area are indirectly dependent on the company's operation.

We strongly support the Emergency Salvage Amendment. It means jobs and survival to companies in the hard hit region. The Amendment will raise substantial revenues for the U.S. Government.

The Amendment fosters forest health, as the local Forest Service are full of dead and dying trees. This bill is critical to our company's survival and to local forests, and economic health. We urgently request you and your colleagues to support this amendment.

Very Truly yours,

BRUCE M. TAYLOR,
Owenr Blue Lake Forest Products.

UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA,
Washington, DC, March 10, 1995.

DEAR CONGRESSMAN: On behalf of the 600,000 members of the United Brotherhood of Carpenters and Joiners of America, I am writing to request your support for the timber salvage amendment to the Omnibus Rescission Bill sponsored by Congressmen Norm Dicks (D–WA) and Charles Taylor (R–NC). This measure gives the U.S. Forest Service emergency authority to remove dead, dying, diseased and fire-damaged timber from federal forests.

This amendment addresses two primary concerns of our membership. First, salvage harvests will provide a needed supply of timber to mills where tens of thousands of our members work. Harvest restrictions to protect endangered and threatened species on federal forest land have created a timber supply crisis, particularly in the Pacific Northwest and Northern California. During the past five years, almost 20,000 timber-related workers have lost their job in the region due to the supply crisis. Salvage timber, if removed in a timely manner, can help slow mill closures.

The Dicks-Taylor amendment mandates the Forest Service salvage not less than 3 billion board feet of timber from federal forest in 1995 and 1996. In 1994, the Forest Service salvaged just 1.5 billion board feet nationally. Doubling the salvage amount will

create approximately 22,000 new jobs in forest products and related industries and timber-dependent communities nationwide.

Secondly, removing dead, dying and diseased timber will protect the health of our national forests. The dead and dying timber presents a serious fire hazard—standing as a fuel load across billions of acres of federal forest land. If not removed quickly, diseased timber can infect other trees, jeopardizing the health of the entire forest.

Importantly, this legislation requires salvage sales comply with environmental laws including the Endangered Species Act. It also expedites the judicial review process without undermining the public's right to challenge federal timber sales. This is important because of the brief window of opportunity for obtaining the value of salvaged timber.

It is essential the Congress pass his emergency measure as quickly as possible. In the last five years, an average of 6 billion board feet per year of timber died in national forests. The U.S. Forest Service timber salvage program averaged just 1.8 billion board feet for those years. This means that in the last five years alone, 21 billion board feet of dead timber has accumulated on Forest Service lands. This timber must be removed as soon as possible to reduce the risk of fire and obtain the timber for production before it loses its value.

The Dicks-Taylor amendment provides a rare opportunity for the Congress to provide a ''win-win.'' The amendment will protect the ecological health of our forests and help support the employment base in timber-dependent communities by providing some small amount of timber for milling.

We hope you will support the Dicks-Taylor timber salvage amendment when it comes before the full House for consideration.

Sincerely,

SIGURD LUCASSEN.

SIERRA CEDAR PRODUCTS,
Marysville, CA, March 7, 1995.

Hon. FRANK RIGGS,
U.S. House of Representatives, Washington, DC.

DEAR MR. RIGGS: Our people, our communities and our state need your help convincing Congress to pass the emergency salvage amendment to the Omnibus Rescission Bill.

The amendment would allow the Forest Service to salvage fire damaged and dying timber and return burned forests to healthy forests.

The amendment would provide 6-billion board feet of salvage timber to the harvest and processing industries—a vital step to the renewal of our state's forest products economy.

Salvage work must begin quickly to help prevent another season of catastrophic fires and destruction of our wild life habitat and our emerging timber lands.

Sincerely,

HAL STILSON,
Sierra Cedar Products.

WESTERN COUNCIL OF INDUSTRIAL WORKERS—UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA,
Portland, OR, March 10, 1995.

DEAR CONGRESSMAN: On behalf of the 20,000 members of the Western Council of Industrial Workers, I am writing to urge your support of the timber salvage amendment attached to the 1995 Omnibus Recision Bill. The amendment is sponsored by Congressman Norm Dicks (D–WA) and Charles Taylor (R–NC).

The Dicks-Taylor amendment will help address the national forest health emergency. Over the past five years alone, more than 21 billion board feet of dead, dying and diseased timber has accumulated on federal forests. In my home state of Oregon, foresters estimate that more than half of the national forests are facing a health crisis. The backlog of dead and damaged timber in these forests threatens to infect other trees and serves as kindling for wildfire. The Dicks-Taylor amendment will enable the U.S. Forest Service to conduct emergency salvage sales to remove the damaged, diseased and dead timber.

Additionally, by passing this amendment, Congress can help save the jobs of our members and tens of thousands of other men and women employed in the forest products industry. Salvage timber, harvested in a timely manner, can be milled into forest products. Estimates show the salvage harvest levels called for under the amendment will add 22,900 jobs in forest products and related industries and communities nationwide. At a time of increasing unemployment and mill closures due to harvest restrictions on federal lands in the Pacific Northwest and Northern California, salvage logging can provide an important source of fiber supply to keep mills up and running and workers employed.

The amendment also recognizes the need to implement salvage operations as soon as possible. Because of the brief window of opportunity for obtaining the value of the salvaged timber, the amendment expedites deadlines for filing and appealing lawsuits.

Our members have long been concerned about forest health. The forest is our home. It supplies us with our livelihoods. It's where we raise our families. And it's where we recreate. We believe that with proper care, our national forests can continue to provide for an array of needs. We believe we can—and must—protect forest ecosystems and the economic base of our timber-dependent communities.

This amendment is a sound, moderate approach to help us reach these goals. We urge you to support the Dicks-Taylor amendment as it moves before the full House and join us in our efforts to secure quick passage.

Sincerely,

J.L. PERRIZO,
Executive Secretary.

STANDARD STRUCTURES INC.,
Santa Rosa, CA, March 14, 1995.

Congressman FRANK RIGGS,
Longworth H.O.B., Washington.

DEAR FRANK: The FY '95 Rescission Legislation will be before the House this week. There is an important provision within this legislation that calls for the harvest and sale of 6.2 billion board feet of dead and dying timber from our national forest.

It is very important that this provision stays in the bill. As a manufacturer of engineered wood products, we are in desperate need of additional harvesting that will bring some stability to our business.

This is a win-win provision as it will not only benefit the forest products industry and its employees, but will contribute to the short and long term health of the forests.

Please do all you can, Frank, to oppose any attempt to strip these provisions from the FY '95 rescission bill.

Sincerely,

RICHARD C. CALETTI,
President.

PETERSON TRACTOR CO.,
San Leandro, CA, March 8, 1995.

Hon. FRANK RIGGS,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE RIGGS, I am writing to urge you to support the emergency salvage amendment to the Omnibus Rescission Bill. This is a major first step toward development of a proactive forest health program on federal lands. Of equal importance, it will bring desperately needed jobs to my region again and help stabilize my suffering community.

With Congress cutting programs to trim the deficit, it's noteworthy that you've found a way to increase revenues and provide environmental benefits at the same time.

Last summer, more than four million acres of forests burned, largely because of buildups of dead and dying timber. Over $1 billion was spent to control those fires, and several lives were lost in the process.

The amendment would allow the Forest Service to recover some of the fire-damaged trees, and dying timber elsewhere, through emergency salvage sales. It calls for sales of three billion board feet each year for the next two years. No new money is needed to do this; it's already contained in the salvage trust fund. As a bonus, the amendment would give federal foresters the ability to convert dead, dying and burned forests into healthy young forests for the purpose of stabilizing soils, protecting streams, reducing the risk of catastrophic fire, and developing wildlife habitat.

With so much dead and dying timber threatening the health of our forests, and thousands of jobs at stake, it's impossible to believe that anyone would oppose a bill like this. Actually, there is a group who opposes it: environmental extremists. They don't want national forest timber harvested under any circumstances. They should be ignored, and I encourage you to pass the bill quickly. Salvage work must begin quickly to gain value from already-burned timber and to remove dead and dying timber before it is consumed in this year's firestorms.

Sincerely,

JERRY LOPUS,
Vice President—Sales.

PETERSON TRACTOR CO.,
San Leandro, CA, March 8, 1995.

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U.S. House of Representatives, Washington, DC.

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Sincerely,

ERNIE FIERRO,
Vice President—Product Support.

Mr. LIVINGSTON. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Washington [Mrs. SMITH].

(Mrs. SMITH of Washington asked and was given permission to revise and extend her remarks.)

Mrs. SMITH of Washington. Mr. Chairman, I rise in opposition to the Yates amendment.

Mr. Chairman, this bill is the best news my constituents have heard in a long time—cutting Government and putting people back to work. In the State of Washington, the spotted owl has caused 50 lumber mills to close since 1989, dislocating thousands of workers.

Now, help is on the way. This bill is going to put people back to work in economically depressed areas like Grays Harbor County. A sawmill owner there informed me that this bill will free up enough timber to put 50 people immediately back to work.

This bill is also good news for small timber towns in my district like Morton, Randle, and Packwood. Mills in these towns travel thousands of miles for wood when there is salvage timber right down the road.

Do not be misled by those who claim we are going to harm the environment or small critters if we salvage this timber.

In many cases we are just taking timber that was blown down in storms and has been on the ground for several years just rotting away.

So let us improve the health of our forests and put people back to work at the same time. I urge my colleagues to reject any effort to remove the timber salvage provisions from this bill.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. COOLEY].

Mr. COOLEY. Mr. Chairman, I rise in strong opposition to the Yates amendment. This is an obstructionist move that takes aim at the rural American taxpayer. A vote for the Yates amendment is a vote against the environment and people of this country. A vote for the Yates amendment will make our already sick forests sicker, substantially increase fire hazards and completely waste a valuable resource that can employ thousands of people in a depression community.

A vote on the Yates motion is a ''no'' vote. The Taylor amendment will improve the health of the forest, returning hefty revenues to Uncle Sam and put people back to work.

If your head is screwed on today, as it should be, you will vote ''no'' on the Yates amendment.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DREIER].

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

Mr. DREIER. Mr. Chairman, I am very concerned about environmental quality in this country. I represent an area in southern California that has the highest number of first-stage smog alerts in the Nation.

I have come to the conclusion that we must have a balanced policy. If we look at this issue of restoring forestry health, the need to create jobs and the opportunity to kill and actually salvage dead trees, this is the responsible approach for us to take.

I strongly support the language that is included in this bill. I believe we can bring down the cost of lumber, the cost of housing to people out there who are trying to attain the American dream and maintain environmental quality.

Support the committee position.

The CHAIRMAN. The gentleman from Illinois, Mr. [YATES] has 3½ minutes remaining.

Mr. YATES. Mr. Chairman, I have only one speaker. Did I understand the Chair to say that the gentleman from Louisiana has the right to close?

The CHAIRMAN. That is correct. He defends the committee position.

Mr. LIVINGSTON. Mr. Chairman, I yield a half minute to the gentleman from Wisconsin [Mr. ROTH].

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

First of all, let say that this Taylor amendment is a good amendment. Last year we spent a billion dollars fighting wildfires here in America. But more importantly, we lost 26 good people and millions of acres of forest land.

The past few years have seen a stunning decline in the management of the health of our forests. This amendment will give us a chance to bring some of the health back to our forests.

In the last 5 years we lost 6 billion board feet per year in timber wasted in our national forests.

This is a good, commonsense amendment, the Taylor amendment. I hope Members vote for it.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HERGER].

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

Mr. HERGER. Mr. Chairman, I rise in strong opposition to the Yates amendment. This amendment is anti-forest, anti-taxpayer, and pro-fire.

Last year 375,000 acres of forest in California and 4 million acres nationwide were incinerated by wildfire at a cost of $1 billion of taxpayer money.

This ecological mayhem was caused primarily by the excessive buildup of nature fuels in our forests. Some extreme environmentalists claim that this buildup and the devastation it caused was natural, but to the families of the 33 fire fighters who lost their lives it was an outrageous and needless tragedy.

Mr. Chairman, I have forests in my district that are 60 and 70 percent dead and dying due to insects, disease and 7 years of drought. These forests are fire bombs that will explode in the months ahead unless we act now.

I urge my colleagues to champion our forests, our fire fighters, our taxpayers.

Vote no, no, no to the Yates pro-fire amendment.

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] has 1 minute remaining and may close the debate. The gentleman from Illinois [Mr. YATES] has 3½ minutes remaining.

Mr. LIVINGSTON. Mr. Chairman, I yield one-half minute to the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise in support of the Taylor amendment because actually this amendment did not require hearings necessarily. We are not creating new law. What we are doing is mandating that the Forest Service do whatever already has been passed in law in the Resource Planning Act and the National Forest Management Act.

It is required under those acts that the salvage be kept out of the forest. This bill does not even go far enough, because this last summer we burned 8.135 billion board feet of timber.

Mr. LIVINGSTON. Mr. Chairman, I reserve the right to close.

The CHAIRMAN. The gentleman from Illinois [Mr. YATES] will be closing debate on his amendment.

Mr. YATES. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

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

Ms. PELOSI. Mr. Chairman, I rise in strong opposition to the Taylor amendment.

Mr. Chairman, I rise in support of the amendment offered by Mr. YATES to strike the Taylor provision from the rescissions bill. The committee provision mandating targets for timber salvage sales on our Federal lands simply does not belong in this bill. It is an issue that should have been given ample and careful review by the appropriate authorizing committees.

The timber industry will love this Federal give-away. Under the pretense of saving our forests, the Taylor provision would instead double the amount of logging in our forests and wilderness—to 6.2 billion board feet. Armed with the excuse of removing salvage timber, roads will be built where they should never have existed and forest areas, previously untouched, will bear the new scars of timber industry greed.

The Taylor provision is a back-door attempt to open the floodgates on increased timber harvests. It is bad public policy and should be rejected. I urge my colleagues to support the Yates amendment to strike this excessive provision.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. FARR].

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

Mr. FARR. Mr. Chairman, I rise in support of the Yates-Vento amendment.

Mr. Chairman I rise in strong support of this amendment.

Mr. Chairman, without this amendment we will in one sweep double the cutting of timber from our national forests and virtually suspend all environmental laws protecting our forests.

I urge you to support this amendment to strip the bill of provisions mandating specified levels of timber salvage sales.

The bill would declare a 2-year emergency and direct the Secretaries of Interior and Agriculture to produce a minimum total of 3.115 million board feet of timber per year. Since when does Congress set minimum cuts? Is this an effort to reduce the risk of forest fires or an effort to serve special interest logging companies?

The bill defines ''salvage'' timber to include the removal of live and healthy ''associated trees,'' the removal of insect infested trees and the removal of ''trees immediately susceptible to fire or insect attack.''

Mr. Chairman this bill is a radical and excessive chainsaw solution that requires the Federal Government to cut regardless of environmental impact and regardless of the cost to the American taxpayer.

Vote for this amendment.

Mr. YATES. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in strong support of this amendment. It is high time we began to look at what you have written and what you have done.

The reason this has no place in a rescission bill, this is a budget buster, this particular amendment. That is why we appropriate hundreds of millions of dollars to build timber roads in this country. It is because of amendments like this that we are going to have to devastate, not only what we have to pay out of our pocketbooks, but we are going to have to pay, future generations are going to have to pay with their legacy. Read what you have done.

It protects two States in terms of wilderness: Colorado and Montana, and Montana very little. Idaho is completely open. Any area that is a nonlegislative study area for wilderness is opened up. You suspend the deficit timber sale.

The fact of the matter is, this is just a fig leaf used to cover up to justify action when the authors should get arrested for indecent exposure here, based on what is going on, trying to wrap yourself in forest health. Forest health has more to do than just cutting down trees and trying to blame the wilderness areas for the fires after 100 years of fire suppression.

The proponents of this proposal would like you to believe that it is a win-win scenario, that we would be saving forests in danger of chronic health problems and extracting valuable timber. But this salvage timber sale savages the taxpayer and the national forests.

The substance of the bill points out that forest health is the least of their concerns and the real target is to ignore sound science, due process, to carve up our forests, to harvest regardless of law and cost. This particular measure stands every law right on its head. This is going to be the governing document, not the environmental laws, not the courts, not any type of reasonable due process that exists under current law.

You have really done it with this one. To superimpose, to mandate on the Forest Service and the BLM 6.3 billion boardfeet in the next 2 years in terms of cutting on top of everything else that they are doing, to disregard the courts, to disregard the taxpayer, to disregard everything, and it is a loser. CBO, it points out that it makes money, but they do not count the cost of the roads.

The Congressional Research Service points out that almost every sale is a deficit timber sale under salvage. You say you do not cut green trees, the definition that you put in here cuts out a lot of green trees and provides for a lot of roading in areas that are not roaded today.

This will, in fact, destroy many, many wilderness areas. This amendment deserves to be promoted. This provision of the bill should be knocked out. It has no place in a rescission bill. This is a budget buster, and it ought to be defeated, Mr. Chairman.

Mr. Chairman, I rise in support of the Yates-Vento amendment to strike the timber salvage provision. This provision is an outright assault on our public forests and environmental laws and does not belong in this bill or any rescission proposal because it is a revenue loser. It costs the taxpayer twice—from their wallet and from the destruction of natural legacy. The salvage timber provision not only violates House rules on legislating in an appropriations bill, but arrogantly wraps itself in a label of forest health while savaging the substantive scientific issues involved.

This provision should be labeled for what it is—under the guise of improving forest health this provision would allow timber companies heretofore unfettered access to logging in our national forests suspending all environmental laws, all past Federal court decisions, and all public input. The fig leaves used to cover up, to justify such action, should get the authors arrested for indecent exposure.

Proponents of this provision would like you to believe that this is a win-win scenario, that we would be saving forests in danger from chronic health problems and extracting valuable timber. But not this salvage timber provision which savages the taxpayer and the national forests. The substance of this bill points out that forest health is the least of their concerns and that the real target is to ignore sound science, due process and to carve up our forests to harvest regardless of law and cost.

Roadless areas will be carved up in many States and even areas being proposed and studied for NFS or BLM wilderness would be put to the bulldozer, the saw and the axe with this Taylor policy. The unrealistic goal of 6 billion board feet if enacted would change the face of America's landscape. Like a Third World nation, American exploitation would be our national patrimony for the profit of the few at the expense of the taxpayer and our national legacy.

The definition of salvage timber sales and the arbitrary mandated 6.3 billion board feet number contained in the provision clearly exposes the centerpiece of benefits being yielded to the timber industry. Salvage timber sales are defined so broadly that extensive logging of healthy trees and forests would be fair game. The Bureau of Land Management memo readily points this out: ''This is an obvious attempt to open up areas for timber harvest without regard to environmental safeguards. it would not be necessary to set minimum harvest levels if the intent were to simply remove the trees in need of salvage.''

The National Forest Service [NFS] in fact has a comprehensive plan to address chronic forest health problems based on five primary actions, of which selective harvesting is but one element. However the Forest Service is careful to point out that salvage timber harvesting is not always the best treatment for rehabilitating forests and can be used in context with thinning, species composition, prescribed burning and watershed restoration.

The NFS report asserts: ''Some salvage—harvesting—is desirable, but often salvaging dead and dying trees in and around root disease centers can aggravate the situation and result in increased mortality * * * It should be recognized that salvage alone will do little to enhance forest health. Our ecosystem analysis will determine whether and when salvage should take place.''

Mr. Chairman, I agree that we need to aggressively address chronic forest health problems. But salvage logging has significant impacts on fish, wildlife, soil, and other resources just as in the case of any other kinds of timber harvest. Forest health has been hijacked in this debate. To simply justify this savage/salvage operation—the same old business as usual with Congress feeding the timber company harvest sales figures without regards to science or the facts, is irresponsible. Past sales figures so stressed U.S. forests in even the most productive areas that the courts had to step in and stop the violation of fundamental laws—laws that this slam dunk timber salvage bill overrides and throws out.

Lastly, the September 26, 1994, CRS report on salvage sales should be kept in mind with regard to cost. Notwithstanding some creative CBO scoring on this bill, I quote: ''Salvage sales often cost more than the revenues they can generate because of lower timber quality and higher operating costs for buyers.'' The report goes on to point out that even on revenue generators Treasury loses because by law, 100 percent must be returned to the salvage fund and 25 percent of the value must be paid to State and local governments, that is, the dollars incidentally are permanently appropriated—125 percent spending of 100 percent of the revenue. Now we find out that the Congressional Budget Office [CBO] doesn't even score the costs of timber roads regarding such sales and that the NFS pays out the local revenue up front inconsistent with the law—the taxpayer is left holding an empty bag with the enormous rehabilitation and reforestation tab for yet more hundreds of millions of dollars.

Approving the salvage timber harvest provision in this legislation disregards the science of all environmental laws governing timber harvesting, flies in the face of common-sense budgeting and elemental fairness. I strongly

urge the Members to strike this 14 page legislative timber grab from the bill.

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

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] has the right to close and has 30 seconds remaining.

Mr. LIVINGSTON. Mr. Chairman, I yield such time as he may consume to the gentleman from California, [Mr. DOOLITTLE].

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

Mr. DOOLITTLE. Mr. Chairman, I rise in strong support of the Taylor amendment.

Mr. LIVINGSTON. Mr. Chairman, I yield the balance of my time, 20 seconds, to the gentleman from Washington, [Mr. METCALF].

Mr. METCALF. Mr. Chairman, this 500-year old Douglas fir is a blow down in Washington State. Mr. Carlson tried to buy it for his lumber mill for $10,000 to $20,000. He was refused. Later on, as it deteriorated, it was sold for firewood and the taxpayers got just under $100.

Let us stop this waste and oppose the Yates amendment.

Mr. LIVINGSTON. Mr. Chairman, I would only say that Federal firefighting alone cost $1 billion in 1994 and whoever sent this flier out that says Speaker GINGRICH is for the Yates amendment and against this Taylor amendment is wrong. This is not true.

Mr. RICHARDSON. Mr. Chairman, I rise in support of the Yates-Vento amendment.

As my colleagues know, this amendment would strike provisions in the bill which mandate specific levels of timber salvage sales on Federal lands in fiscal years 1995 and 1996.

The Yates-Vento amendment would maintain common sense in American land use planning. It would strike the bill's dangerous salvage sale provisions and ensure that Congress doesn't allow the raiding of the Treasury and the pillaging of the environment just to hand a bonus check to the timber industry.

Our distinguished colleagues SID YATES and BRUCE VENTO have warned that this provision is a timber lobbyist's dream. But it is more than that. It is a taxpayer's nightmare.

As Mr. YATES noted during last week's markup, no funds will be returned to the Treasury from the salvage sales, since all receipts will go into the Salvage Fund or to individual counties. The loses to the U.S. Treasury will require subsequent supplemental appropriations and new funding to cover the costs.

The bill ignores our current fiscal problems and encourages timber to be cut at any cost, stating in section c(5) that salvage activities ''shall not be precluded because the costs of such activities are likely to exceed revenues derived from such activities.''

This means that even if salvage sales don't make money, they will continue, because Congress has said that protecting the timber industry is more important than protecting the environment or safeguarding the U.S. Treasury.

Perhaps even more incredibly, this provision would waive all Federal laws. By passing this bill unchanged, we would literally be suspending criminal law, conflict of interest limitations, Federal contracting requirements and antifraud provisions, not to mention the rule against obligating Federal funds without authority to do so.

Left unchanged, the bill replaces the rule of law with lawlessness. It says to the American people that Congress cares more about creating a few temporary jobs now than it does about deficit reduction and environmental protection for the future.

During the debate on this bill, we have heard a lot of rhetoric that this salvage authority is desperately necessary to save our forests and ensure forest health.

What we have not heard is that the Forest Service is already conducting an aggressive ''salvage'' program.

In fact, since 1978, the Chief's Annual Reports show that 15 percent of the cut was salvage—a figure representing more than 22 billion board feet!

The Forest Service currently has all the legal authority it needs to carry out an aggressive salvage program within existing law and clearly intends to do just that.

But perhaps my biggest concern with this ill-gotten gains legislation is that the level of logging required by this provision would require massive new road-building in roadless areas and massive clear-cutting.

Both of these practices seriously degrade the environment, including eroding the soil; harming the watersheds downstream; destroying salmon and trout spawning and rearing habitat; threatening watersheds and drinking water supplies and reducing the ability of forest soils to nourish healthy forests.

Mr. Chairman, in all the rhetoric of the debate on this issue, we've heard repeatedly about how the Clinton administration's land use policies have constituted some kind of ''War on the West.''

I would submit that this timber salvage provision is the real war on the West.

Unless we pass the Yates-Vento amendment to strike this industry bonus program, we will deliver a one-two punch to our country: we'll be robbing the Treasury and destroying our environment and the precious natural resources we all cherish.

Mr. Chairman, I did not come to Washington to do that. My constituents sent me here to ensure that we have an environment that is protected, natural resources that will still be around for future generations to enjoy, and a fiscal policy that makes sense.

They did not send me to Washington to vote for legislation dressed up to look like Little Red Riding Hood that's really the Big Bad Wolf.

Vote yes on the Yates-Vento amendment.

Mr. McDERMOTT. Mr. Chairman, I rise in support of the Yates-Vento amendment because it corrects the misguided piece of legislation which sits before us today. Unless changed through the adoption of the Yates-Vento amendment, this rescissions bill will seriously harm America's national forests.

Last week, while the Republican majority was busy cutting and slashing social programs which benefit America's neediest Americans, they got so carried away that they thought they might clear-cut a few trees as well.

Unfortunately, what has been tacked on to this ''rescissions'' bill is a costly environmental disaster known as a timber salvage plan. Although timber salvage is rhetorically pleasing—evoking images of saving rotting trees from their imminent demise, this timber salvage plan is a thinly disguised excuse for unregulated timber harvest in our treasured national forests.

As written, the timber salvage plan would mandate that 6.2 billion board feet be cut from our national forests over the next 2 years. Even more horrifying is that a majority of this astounding sum will come from our Northwest national forests most pristine roadless areas and old-growth remnants.

In order to go in and harvest these trees, the legislation before us today allows an extreme and unjustifiable legal exemption which permits the Forest Service salvage program to operate well beyond Federal laws and environmental regulations for the next 2 years.

I urge my colleagues to oppose this irresponsible environmental policy masquerading as timber salvage before us today and pass the Yates-Vento amendment. Allowing the so called timber salvage plan to pass not only threatens the future of our national forests, it continues Congress' irresponsible assault on our Nation's environmental policy.

Mr. HASTINGS of Washington. Mr. Chairman, I rise in strong opposition to the Yates amendment which attempts to remove the Taylor-Dicks emergency salvage language from this bill.

Throughout the West, the condition of our forests could not be worse. Years of drought and lack of any management activity on these lands led last summer to some of the most devastating wildfires on record. Millions of acres of pristine national forest land were destroyed and 34 lives were lost. If we don't take emergency action, millions more acres will be destroyed and even more lives could be lost during the upcoming fire season.

The Taylor-Dicks language in the bill allows for the immediate harvest of 6.2 billion board feet of dead and dying timber. In addition to providing for healthier forests and more wood for our struggling timber dependent communities, this provision will bring in an estimated $1.5 billion of revenue into the Federal treasury.

Mr. Chairman, the Taylor-Dicks amendment is good for the economy. It is good for the environment. And on top of all that, it is good for deficit reduction. Rarely in this body do we come across a ''win-win-win'' situation. I urge my colleagues to take advantage of this opportunity by voting no on the Yates amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Illinois [Mr. YATES].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 150, noes 275, answered ''present'' 1, not voting 8, as follows:

[Roll No. 240]

AYES—150

Abercrombie	Baker (LA)	Barrett (WI)
Ackerman	Baldacci	Becerra

Beilenson
Berman
Blute
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Durbin
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Filner
Flake
Foglietta
Ford
Fox
Frank (MA)
Frost
Furse
Gejdenson
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Green
Greenwood
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hilliard
Hinchey
Jackson-Lee
Jacobs
Jefferson
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
LaFalce
Lantos
Lazio
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Matsui
McDermott
McKinney
Meehan
Meek
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Moran
Morella
Nadler
Neal
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Porter
Rahall
Reed
Reynolds
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Stark
Stokes
Studds
Thompson
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Wise
Woolsey
Wyden
Wynn
Yates

NOES—275

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Boehner
Bonilla
Bono
Brewster
Browder
Brown (FL)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (LA)
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martinez
Martini
Mascara
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Metcalf
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Saxton
Scarborough
Schiff
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Traficant
Tucker
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED ''PRESENT''—1

Williams

NOT VOTING—8

Collins (MI)
Cubin
Fazio
Gephardt
Herger
Rangel
Schaefer
Seastrand

□ 1800

The Clerk announced the following pairs:

On this vote:

Miss Collins of Michigan for, with Mrs. Cubin against.

Mr. Rangel for, with Mr. Herger against.

Mrs. THURMAN and Ms. BROWN of Florida changed their vote from ''aye'' to ''no.''

Messrs. GREENWOOD, TOWNS, and GILMAN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HERGER. Mr. Chairman, I inadvertently missed the vote on the Yates amendment to strike the timber sales language in the bill. I would have voted ''no.''

AMENDMENT OFFERED BY MR. PORTER

Mr. PORTER. 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. PORTER: On page 23, line 10: strike ''$1,603,094,000'' and insert ''$1,601,850''.

On page 24, line 18: strike ''$3,253,097,000'' and insert ''$3,221,397,000''.

On page 25, line 12: strike ''$82,775,000'' and insert ''$53,925,000''.

On page 26, line 20: strike ''$2,168,935,000'' and insert ''$2,178,935,000''.

On page 29, line 4: strike ''$113,270,000'' and insert ''$148,570,000'' and on line 5: strike ''$105,000,000'' and insert ''$140,000,000''.

On page 29, line 16: strike ''$757,132,000'' and insert ''$747,021,000''.

On page 29, line 18: strike ''$60,000,000'' and insert ''$90,000,000''.

On page 29, line 19: strike ''-D,'' and insert ''-E''.

On page 29, line 20: strike ''$21,384,000'' and insert ''$10,084,000''.

On page 29, line 22: strike all after the semicolon through the semicolon on page 29, line 23.

On page 30, line 20: strike ''$232,413,000'' and insert ''$119,544,000''.

On page 30, line 22: after ''III–A,'' insert ''and''.

On page 30, line 22: strike ''and –E,''.

On page 30, line 23: strike ''$151,888,000'' and insert ''$43,888,000''.

On page 30, line 24: strike ''section''.

On page 30, line 25: strike ''384(c),''.

On page 30, line 25: strike ''$31,392,000'' and insert ''$26,523,000''.

On page 31, line 6: strike ''$83,375,000'' and insert ''$187,475,000''.

On page 31, line 7: after ''IV,'' insert ''part A–1,''.

On page 33, line 11: strike ''$34,742,000'' and insert ''$26,716,000''.

On page 33, line 13: after ''$15,300,000'' strike '', and part VI, $8,026,000''.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that the 30 minutes on this amendment be divided between myself and the gentleman from Wisconsin [Mr. OBEY], the ranking member.

The CHAIRMAN. Is the gentleman from Wisconsin [Mr. OBEY] opposed to the amendment?

Mr. OBEY. No, Mr. Chairman, I am not.

The CHAIRMAN. Is there any Member opposed to the amendment offered by the gentleman from Illinois?

Hearing none, the unanimous-consent request will be accepted without objection.

There was no objection.

MODIFICATION TO AMENDMENT OFFERED BY MR. PORTER

Mr. PORTER. Mr. Chairman, I ask unanimous consent that the amendment be modified to correct three technical errors in the drafting of it, and I have an amendment for that purpose at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Amendment offered by Mr. PORTER, as modified:

On page 23, line 10: strike ''$1,603,094,000'' and insert ''$1,601,850,000''.

On page 24, line 18: strike ''$3,253,097,000'' and insert ''$3,221,397,000''.

On page 25, line 12: strike ''$82,775,000'' and insert ''$53,925,000''.

On page 26, line 20: strike ''$2,168,935,000'' and insert ''$2,178,935,000''.

On page 29, line 4: strike ''$113,270,000'' and insert ''$148,570,000'' and on line 5: strike ''$105,000,000'' and insert ''$140,300,000''.

On page 29, line 16: strike ''$757,132,000'' and insert ''$747,021,000''.

On page 29, line 18: strike ''$60,000,000'' and insert ''$90,000,000''.

On page 29, line 19: strike ''-D'' and ''-E,''.

On page 29, line 20: before ''-G'' and strike ''and''.

On page 29, line 20: strike ''$21,384,000'' and insert ''$10,084,000''.

On page 29, line 22: strike all after the semicolon through the semicolon on page 29, line 23.

On page 30, line 20: strike ''$232,413,000'' and insert ''$119,544,000''.

On page 30, line 22: after ''III–A,'' insert ''and''.

On page 30, line 22: strike ''and -E,''.

On page 30, line 23: strike ''$151,888,000'' and insert ''$43,888,000''.

On page 30, line 24: strike ''section''.

On page 30, line 25: strike ''384(c),''.

On page 30, line 25: strike ''$31,392,000'' and insert ''$26,523,000''.

On page 31, line 6: strike ''$83,375,000'' and insert ''$187,475,000''.

On page 31, line 7: after ''IV,'' insert ''part A–1,''.

On page 33, line 11: strike ''$34,742,000'' and insert ''$26,716,000''.

On page 33, line 13: after ''$15,300,000'' strike '', and part VI, $8,026,000''.

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

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

There was no objection.

The CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

Mr. PORTER. Mr. Chairman, I offer the amendment to correct 12 line items in our portion of the rescission bill, and I said, Mr. Chairman, that when we began our markup, we probably would make some mistakes. I think we did. We have attempted to correct them through this amendment.

It would add back to the National Skill Standards Board $500,000.

To the Women in Apprenticeships program also under the Department of Labor $744,000.

To organ transplantation under the Department of Health and Human Services, $2.45 million, and 3 rural programs under that department, rural outreach at $27.4 million, rural hospital transition grants, $8.5 million, and essential access community hospitals, $1.5 million.

Under the Department of Education, Mr. Chairman, we would add back $28.811 million. Tech prep, $108 million. In each case, in both of those cases, all of the amount that was rescinded.

Arts and education, $6 million.

Library literacy, $8.26 million.

National Institute for Literacy, $4.869 million.

And Reading is Fundamental, $5.3 million.

This would be offset by State unemployment insurance and employment service operations, $31.7 million, which is money that is not needed.

From the $300 million of surplus and Pell grants, $104.1 million.

From the Eisenhower Professional Development line, $30 million.

And from title I, $35.3 million.

I do not believe that there is opposition to the amendment, Mr. Chairman. I would commend it to the Members.

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

Mr. OBEY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I guess this amendment is what I would put in the category of ''Thank You for Small Favors.''

What the subcommittee of the gentleman from Illinois [Mr. PORTER] originally did on this bill is to cut $5.9 billion out of programs such as Healthy Start, Chapter 1. Safe and drug-free schools were eliminated. Education for the homeless was cut in half. Tech prep was cut by $108 million. School-to-work was cut by $25 million. 100,000 State incentive grant scholarships were cut out for college kids. Public broadcasting was cut 10 percent the first year, $60 million the next year, and put on a 3-year route to oblivion. Summer jobs is totally eliminated in both 1995 and 1996. The new program to raise educational standards, Goals 2000, was cut by a large amount. The Eisenhower teacher training program was cut by a very large amount. All in total, $5.9 billion.

In addition, the energy assistance program was ended under which 2 million seniors get help to pay their home heating bills. Even programs like Green Thumb were reduced. Veterans medical care was cut back by $200 million, something which the House has scurried now to reverse today.

Now this amendment out of that $5.9 billion restores $200 million, about 4 percent of the mistake.

It restores that $200 million by making an additional cut in title I. It makes an additional cut in Eisenhower teacher training, and in the Pell grant carryover.

What it does is to restore the cut that was made in homeless kids and to restore $37 million of the cuts that were made in rural health programs.

In the rural health area, it still leaves substantial cuts in the rural outreach program, in the rural hospital transition program, and in the essential access community hospitals program.

I am not very happy about where these cuts come from, but I think that it is hard to object to where they go in the tiny restoration which is accomplished by this amendment, and so I would simply say that I would support the amendment but I think all it does is indicate just how savage some of the reductions and how misguided some of the reductions were that were made in the first place.

I would also note that despite the fact that we were told earlier today by the chairman of the Committee on Appropriations that this bill needed to be supported because there were way too many education programs and way too many job training programs, that this amendment manages to restore 4 of the programs which were eliminated and the elimination for which the Republicans were taking credit just about 2 hours ago, including, I understand, one that has even caught the interest of the speaker, I am happy to say.

So it seems to me that we cannot object to this restoration, but it does in the process of restoration indicate how misguided many of these original reductions were, targeted as they were at kids and senior citizens.

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

Mr. PORTER. Mr. Chairman, I yield 5 minutes to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding me the time.

AMENDMENT OFFERED BY MR. CASTLE TO THE AMENDMENT OFFERED BY MR. PORTER, AS MODIFIED

Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. CASTLE to the amendment offered by Mr. PORTER of Illinois, as modified; Strike the item in the amendment relating to page 29, line 18, of the bill and insert the following:

On page 29, line 18: strike ''$60,000,000, title IV, $481,962,000,'' and insert ''$100,000,000, title IV, $471,962,000,''.

Mr. CASTLE. Mr. Chairman, the effect of this amendment, the numbers are large but the basic effect of what this amendment does is it reduces the Eisenhower Program which I will explain in a minute by $10 million, actually $10 million beyond the $90 million that is already going to be reduced, and it leaves $10 million in the safe and drug-free schools and communities to be used for the DARE program.

That particular program is not a line item program and it is very important, I think, that we establish on the floor here today that the intent of this body is that $10 million which will be left in the safe and drug-free schools and communities program will be used for the DARE Program, a program which I think has generally been viewed as highly successful in virtually every State of the 44 States it is in, of the 50 percent of the school districts across the United States of America which is participated in by many, many tens of thousands of children and which may have had a positive an effect on dealing with the problems of young people using drugs as any other program which I know of in my personal hands-on experience in the drug area.

It also has the benefit of leaving this particular area open as the Senate considers this legislation to show that we consider this to be vitally important. That is the intent of what we do.

The Eisenhower Program which is going to be cut an additional $10 million supports State grants for the professional development activities to address teacher training needs in all the core academic subject areas and indeed that is going to still have some $220,298,000 left when it is all said and done.

□ 1815

So that is the intent of the amendment which is before us.

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

Mr. CASTLE. I yield to the gentleman from Georgia for a moment to discuss the DARE Program.

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

I would just like to say in my hometown, Colquitt County, GA, the DARE Program has been extremely important in our educational system. The program has been in effect for the last 4 or 5 years, during which period of time we have had numerous incidents of the police officers who come into the school being looked upon as role models by the other students. This had led not only to an increase in awareness of the drug situation and alcoholism in our homes, but it also provided many other benefits in the area of child abuse.

It is a program that I am very familiar with, my wife having been a teacher for 25 years in our public school system. It is something that has worked very well; it is something that is needed and I support the gentleman's amendment.

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

Mr. CASTLE. I yield to the gentleman from the Commonwealth of Pennsylvania.

Mr. FOX of Pennsylvania. Mr. Chairman, I too rise to support of the Castle amendment to the Porter amendment because the DARE Program happens to be the best anti-drug, anti-alcohol, pro-student program there is in the United States. It started in Los Angeles County some years ago in the sheriff's department. It is now administered in Pennsylvania through most of our sheriffs departments.

It starts in fifth grade and teaches the refusal skills, leadership skills. It has done more to bring families together, to have students focus on what is really important about learning and leading. It has led to students actually being involved with community policing.

I know in Montgomery County, Pennsylvania, and in fact the Delaware Valley area how important the DARE Program has been, and this amendment is certainly a step in the right direction to underscore for our students, for parents and for teachers that this is the kind of program that the Congress can endorse, the kind of program that America needs, and I fully support this program, which is in support of DARE, which is the drug abuse education program, and I believe the Castle amendment deserves the support of all of our colleagues here in the House of Representatives and I appreciate the opportunity to speak on its behalf.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute and 15 seconds.

Mr. Chairman, I simply want to say I think this amendment indicates just how ludicrous the proposal is which is before us. The bill recommended by the Republican majority eliminates $482 million for drug-free schools, and then it tries in this amendment to restore $10 million of that $482 million reduction.

It pretends that it is going to restore the money for D.A.R.E. But in fact, this amendment cannot restore the money for D.A.R.E. because this money goes out by formula, goes to States and local school districts, and the school districts have the authority to decide how the money is spread out.

So we can pretend, by restoring a tiny $10 million fig leaf, that we are restoring D.A.R.E., but in fact this amendment does no such thing. It merely pretends to do that. And I guess it is sort of in the context of eliminating the entire drug-free school program; it is sort of like burning down the House but keeping the front doormat there as a souvenir; that is about all we have left of the drug-free school program.

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

Mr. VENTO. Mr. Chairman, I rise certainly in opposition to the warped rescission bill that we have before us. I appreciate my colleague from Illinois [Mr. PORTER] and our colleague from Delaware [Mr. CASTLE] attempting to try and mollify and to key dollars to some of the special programs. I know in the homeless youth education program that there is a small program here where he tries to. But I think as we look closely at the what is happening here, we are losing our focus.

A gaping wound is cut and targeted to the Department of Housing and Urban Development, public housing development. In fact, there is a drug rehabilitation program that is targeted for public housing that is eliminated in this rescission bill, and block grants.

The bulk of these programs provide basic housing for Americans in dire need of assistance that virtually prevent and end homelessness for thousands of families and children, and keep our senior citizens in their own homes independent instead of in more expensive nursing homes and dependent.

Mr. Chairman, I would just point out that this measure before us does precious little to deal with the deficit. In fact, as we know, the Republicans plan to use most of it for a tax cut for the well-off. And regrettably, the human deficit that continues to grow, the kids in poverty, the unemployed, the underemployed, the elderly, deeper and deeper the despair grows that pervades their lives; they live in the shadows.

We ought to do better; we can do better. We ought to offer hope. We ought not to be pulling away the very threads that tend to guide these people to a better life and to the people we represent.

Mr. Chairman, while I appreciate the gentleman's effort to try and put out a doormat for these, I think we need real programs and we have had them. I hope in the future we can work for that.

I think it is regrettable we are trying to pass a bill like this. I think 43 percent of the cuts in this program go right at the Department of Housing and Urban Development, at the homeless, at programs that deal with public assistance, and our cities will not be able to absorb those types of cuts in the next 6 months.

Mr. Chairman, I rise in opposition to this warped rescissions bill which cuts $17.1 billion in spending mostly from programs that serve working families, children, the elderly and our Nation's veterans, and uses these cuts—not to cut our deficit—but instead to fund the current California disaster relief and primarily to fund a tax cut for well off Americans. Further, under this rule, which requires that restoration of funds not only be paid for from the same chapter, but only from the programs included in this bill in the first place, the basic inequitable nature of the bill is compounded. Changes are only possible by further cutting the people programs included in the bill before us not the programs that are not included. This is like the starving fighting over a crust of bread.

Let me be clear, I am not opposed to paying for the supplemental assistance to California earthquake victims. I am, however, deeply concerned that we are paying with cuts in programs of those least able to pay. Knowing that the Republicans want these rescinded funds to be used for a GOP contract tax cut for the rich is adding salt to an open wound. Furthermore some of the very programs cut are taking from the California victims themselves. This is nonsensical.

Mr. Chairman, a gaping wound is the cuts targeted for the Department of Housing and Urban Development: Public Housing Development and Modernization, Housing for People with AIDS, Lead-Based Paint, Congregate Services for the elderly, Drug Elimination grants, and Community Development Block Grants are some of the basic programs that this bill targets.

The bulk of these programs provide basic housing for Americans in dire need of assistance. They literally prevent or end homelessness for thousands of families and children and keep our senior citizens in their own homes—independent—instead of more expensive nursing homes—dependent. There is a direct link between housing assistance and homelessness. Reducing Section 8 assistance will affect at least 12,000 homeless families and children who will be forced to stay in shelters or on the street instead of in permanent housing. Some have estimated as many as 63,000 families could be homeless because of this bill before the House today. These numbers are part of an entire picture of the United States which research has shown to have 7 million people in the past 5 years who have been homeless. Increasing homelessness through obliterating housing assistance is wrong. We can't deny the facts. We should not be washing our hands of the issue and withdrawing from a limited commitment.

The fact of the matter is, 43 percent of these rescissions are from programs affecting housing and community development. That is not balanced and not fair. It is a tremendously unfair burden to place upon programs that support working American families, children, the elderly, people with disabilities and the homeless. These cuts are real—very real, not just cuts in bureaucratic bodies. In Minnesota, alone, under the provisions of the total bill we would have an estimated loss of over $296 million. Minnesota would lose 886 Section 8

units, $15.5 million in public housing modernization, $2.8 million in operating subsidies, $4.7 million in Community Development Block Grant funds, and almost $1 million in AIDS housing. These are funds that have been planned for and are an integral part of hundreds of responsible communities' futures. Minnesotans had a right to count on the funding for the last 6 months of this 1995 fiscal year to stay in place.

Other homeless assistance programs under the McKinney Act are decimated by this rescissions bill: job training for homeless veterans, education for homeless children, adult education and literacy, and the McKinney portion of the Emergency Community Services Block Grant. These are not budget busting programs. These are not problem programs—they are working in Minnesota. This elimination serves notice that the unique programs designed to take the necessary step for our most vulnerable citizens today are serving as targets, literally: targets for potshots at programs aimed at alleviating poverty and helping working people help themselves.

Mr. Chairman, several amendments will be offered here today that I will support—amendments to restore what was so irresponsibly cut from vital housing programs and I would urge my Colleagues to support these amendments that will prevent homelessness and the tremendous burden that that represents for people and governments. Unfortunately, because of this gag rule, several more amendments I would have supported cannot be offered.

Referring back to the underlying legislation, another provision which deeply concerns me is the proposal to zero out the funding for the Low-Income Home Energy Assistance Program, otherwise known as LIHEAP. As a Member from one of the coldest States in the Nation, I am alarmed by the potential impact of this ill-advised action.

In 1994, approximately 6.1 million households received aid to help cover heating costs nationwide. Nearly half of these households contain elderly or handicapped persons—often on fixed incomes—and about 80 percent of them earn less than $10,000 a year. Where are these people to turn when they no longer can afford to heat their homes? Where are my constituents in St. Paul to turn when the temperature drops to 15 or 20 degrees below zero and they do not have the money to pay for heating fuel?

The Republican answer to us today is that the States and the utility companies will pick up the tab. Are they so flush with money? Well, the reality of the situation is that this $1.3 billion LIHEAP rescission is literally going to leave families in the cold. The shortfalls in our economy and disparities of incomes today, need programs such as LIHEAP to fill in the gaps.

The atrocious cuts to education contained in this bill counter any pretense of deliberate consideration of public policy. My frustration with the education cuts contained in this bill are not only with the cuts to Minnesota, which are indeed significant—over $14 million—but also with the lack of respect for the children who are our future. Every dollar for education is an investment in the future of this country and our national economy. This bill eliminates the funds used by 94 percent of schools across the country to make schools safer and drug free. This action is not just thoughtless, it is ignorant of the problems and needs and it is this indifference that speaks to an arrogance in this Congress today which doesn't serve the people. This bill cuts funds to assist students striving to meet higher standards for achievements and kills aid that makes college more accessible for thousands of students. At a time when jobs demand more preparation, cutting education funding is indeed a losing proposition. We need to support education as a budget priority and this bill before the House has it backward.

The cuts in summer youth job training and employment programs are illogical and shortsighted. How can we advocate choosing sensible alternatives when indeed none would exist for so many of our urban youth with this program terminated. Young people often choose improper behavior, even illegal activities, and the cost associated with the juvenile justice system pale in comparison to the cost of helping young people prepare themselves for a responsible future. The $210 million cut in the National and Community Service [AmeriCorps] has the same effect of pulling the rug out from under positive opportunities which offer hope for the future for young adults.

Another of President Clinton's priorities, Community Development Financial Institutions [CDFIs], whose development was bi-partisan, has fallen under the rescissions axe. CDFIs could be powerful utilizers of Federal seed capital for private sector community activities that will provide job creation, economic development, and affordable housing opportunities in low- and moderate-income neighborhoods. The cut of their funding before they have even had a chance to prove themselves is grossly unfair.

From the party that claims the high ground on private property rights and management of our National Parks, the cuts contained in this legislation strike me as hypocritical. The rescissions to both the BLM and National Park Service Land Acquisition funds are a perverse infringement on private property rights. Private property owners within parks or the public domain want to sell their land to the Federal Government but this legislation eliminates the funding needed to accomplish such end—in effect, denying property owners such long sought compensation. In addition, my Republican colleagues constantly complain about the inability of the NPS to manage their backlog and yet the first thing they do is to eliminate the funding necessary to carry out commitments—hence compounding the problem. When will we engage in common sense regarding this debate?

Mr. Chairman, I have grave concerns in what these rescissions mean both in themselves and in what they signal as the direction of this Republican Congress. What I am seeing is an erosion in support for working families and an eradication of support for those who cannot make ends meet: all in order to give folks making $200,000 or more a tax break and such tax cut is 30 times more than families making $20 to $30,000 a year. As I said, Minnesota will be out nearly $300 million in the next 6 months if this proposed bill were to become law. These cuts have been narrowly pulled from a small part of the Federal budget, cut from American working families, their housing, their schools, in essence, their hope for a better life.

Mr. Chairman, we have a budget deficit and we have a human deficit. This rescission bill will do little to help the deficit. In fact, the Republicans plan to use it for a tax cut for the well off, and regrettably the human deficit grows, the kids in poverty—the unemployed deeper, and the underemployed. The despair pervades those in the shadow of our society. We ought to be offering hope. This legislation does not acknowledge the reality that the Federal Government must remain a partner for supporting the basic needs of our citizens, and not serve as just an agent to cost shift burdens to State and local governments, and the non-profit sector that is already operating on overload today. I urge my colleagues to oppose this legislation.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. CLAY].

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

Mr. CLAY. Mr. Chairman, I rise in opposition to this rescissions bill.

In my 30-plus years in public service I have never witnessed such a vicious and mindless assault on the Nation's children.

This rescission bill is the clearest demonstration of the cynicism, indecency and greed of a Republican strategy to relieve their rich friends of the responsibility to pay taxes.

They would rather eat their young than cut one penny—one penny—out of defense.

Let the record show: when the Republicans decided to cut spending to pay for their tax cut they went after children, especially disadvantaged children. They went after these children with vengeance.

Nearly two-thirds of the rescissions are in low-income programs—even through they account for only 12 percent of fiscal year 1995 discretionary appropriations. The bill would slash 15 percent of appropriations for low-income programs, while other programs would be cut by only 1 percent.

At a time when we should be investing in our people, this bill reduces funding in education and job training. At a time when we should be addressing important social issues, this bill eliminates funding for the drug free schools program. At a time when politicians praise the value of work, this

bill eliminates the Summer Jobs Program and reduces job training funding. No Mr. Chairman, this bill makes no sense at all.

This bill terminates programs that everyone who cares about our schools tells us, without a dissenting voice, are important.

This bill terminates the Drug Free Schools Program. This bill is the major Federal effort aimed at providing young people with a wide range of drug and alcohol abuse prevention training. By eliminating this program, as this bill does, 39 million students throughout the country will no longer benefit from drug prevention efforts. Almost every school district in the Nation will be affected. This makes no sense at all.

The bill cuts title I funding by $140 million. Title I helps at-risk students improve their reading and math skills and master challenging school work. It is a successful program. Last Congress we worked on a bi-partisan basis to improve it. Yet we all know that not every eligible child receives title I services, even though these services have helped students achieve better in school. Today about 60 percent of eligible title I kids do not receive title I benefits because the program does not have enough funds. What does this bill do? It cuts title I funds. One hundred thousand at-risk kids will be put more at risk by this cut.

Mr. Chairman, I could take all the time allotted to this bill to outline for my colleagues the destruction this bill will cause to children and families across this Nation. The bill eliminates funding for literacy programs for homeless adults; it eliminates money to help schools acquire new technology—the Speaker says that every poor person should have a lap-top computer at home. This bill won't even permit every school to have a computer.

The bill eliminates funding for the Star Schools Program, a program that is vital to rural areas and areas that rely on distance learning as a necessity, not a luxury.

Mr. Chairman, let me close with a brief discussion as to what this bill does to summer jobs. This bill ends the program. Six hundred thousand teenagers won't have summer jobs because of this bill. I have heard from mayors all over the country about what this will mean for their cities. These mayors have decried this elimination of summer jobs. And this has been a bipartisan outcry, from the Republican mayors of Los Angeles and Knoxville to the Democratic mayors of Boston and Philadelphia. They are united in their belief that this cut may be the most illogical cut of all.

This is a bad bill. It will not get any better through the amendment process. I urge my colleagues to reject it.

The CHAIRMAN. The Chair would advise that he would like to put the question on the Castle amendment to the Porter amendment if there are no further speakers. At that time, there will be time remaining on the Porter amendment.

Are there further speakers to be yielded to on the Castle amendment?

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. ROEMER], who wants to address the Castle amendment.

Mr. ROEMER. Mr. Chairman, what this amendment by the gentleman from Delaware [Mr. CASTLE] does, and I will support the Castle amendment, but what it simply does is it moves a terrible bill into the lousy bill category. We have cut $482 million out of drug-free schools.

Now, I applaud the gentleman from Delaware [Mr. CASTLE] for restoring $10 million out of $482 million, and the gentleman from Illinois [Mr. PORTER] for attempting to restore Tech-Prep and a host of other programs, but what they are using as offsets are the Eisenhower professional development program, among others things. We are losing good education programs, cutting proven education programs to help teachers teach better, to help our children learn better, and we are moving them, moving them in a shall game from one program to another.

It is a lousy choice that this bill offers. The gentleman from Nebraska [Mr. BARRETT] and I, a Republican on the other side, offered an amendment last year to restore all of the D.A.R.E. funding. This is $10 million out of $482 million. We need to go a lot further.

The CHAIRMAN. Are there further speakers on Castle amendment?

Mr. OBEY. Mr. Chairman, my understanding is that all the remaining speakers want to address the amendment as well as the underlying amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Chairman, I thank the gentleman for allowing me to address the Committee for 2 minutes. I serve on the Committee on Economic and Educational Opportunities and the restoring of $10 million with the $482 million cut is to small.

Just recently, a Wall Street Journal—NBC poll showed that 79 percent of Americans believe cutting the Department of Education funding is moving in the wrong direction. So that means even restoring $10 million is moving in the wrong direction.

Let us look at what the rescission bill does to education as a whole. As my ranking member now of the committee, the gentleman from Missouri [Mr. CLAY], said, $105 million from Title I of Chapter I funds, in the State of Texas we are losing $9 million out of this bill on just title I alone.

Title I was reauthorized last year, and allowed for more flexibility in our school district and now we are actually cutting it. Drug-free schools, a $481.9 million cut, again, and a $10 million restoration will not go anywhere all over the country to help; it is literally a fig leaf.

Diana Kelly, President of the Galena Park Area Council PTA, stated that eliminating these programs would be catastrophic not only to her district but to our Nation's youth.

Cutting the safe and drug-free schools by $472 million, if this amendment is adopted, is robbing from our kids by providing tax breaks for the wealthy. The tax cut is already out of the Committee on Ways and Means.

Tech-Prep was cut $108 million. Tech-Prep, every witness in our committee this year called by the Republican majority supported Tech-Prep, and yet we are zeroing it out because we are taking away money from current education. Seventy-nine percent of the people say they did not want to cut education funding, yet this House, by thee Republican majority, is doing that.

This represents the Goals 2000, which was many years in the making by President Bush and now President Clinton, is actually being cut $142 million. This is not the way the American people want us to go.

Mr. PORTMAN. Mr. Chairman, I reserve my time at this point.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Mr. Chairman, I rise in opposition to the underlying bill, the rescission package in total, and also to the Porter amendment and the Castle amendment to it.

Page after page of misguided and misplaced budget priorities, when the Federal Government already distributes such a small amount to education programs, to be standing here talking about $200 million in education programs we want to cut makes no sense, unless we are not concerned about the next generation and we are only focusing on the next election.

□ 1830

I would challenge all of my colleagues to think clearly abut what it is that we are saying about where this future of this country lies. We need to invest in education, invest in the young people of our Nation, and I would hope, even though I know that it will not be the case, that some of my colleagues on the other side of the aisle will eventually wake up and see the light. If they fail to see the light, I would hope that the American public one day soon will have them feel the heat.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Ms. SLAUGHTER].

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

Mr. Chairman, there has been enough tragedy in all of these rescission bills to go around.

I see a very great bright spot in what the gentleman from Illinois [Mr. PORTER] is doing today.

In the United States there are anywhere between 750,000 and 1 million

homeless children every single day. In any of the education bills that we have, none of the money applies to them, because they are not in school. A few years back with some wisdom we put together a bill here to educate the homeless children, to give them transportation, a piece of paper and pencil to write with.

We have reduced the number of homeless children not in school with this bill from 50 percent to 18 and continuing to go down. To take this program out was the height of stupidity. We are not going to be able to compete with the next century if we have children uneducated, unhealthy, and unskilled.

I am delighted to support the Porter amendment, because the homeless children in this country who have absolutely no voice but what we can muster in this House will have an opportunity to continue a program.

It is not their fault they are homeless. Their mothers and fathers are out of work because we failed somehow to create jobs in this country. But I want to thank the gentleman from Illinois [Mr. PORTER] for including the homeless children in this bill.

Mr. OBEY. Mr. Chairman, I yield 1 minute, the remainder of my time, to the gentleman from New Jersey [Mr. ANDREWS].

Mr. ANDREWS. Mr. Chairman, I thank the ranking member for yielding.

I do want to rise in support of the efforts of my friend and colleague, the gentleman from Delaware [Mr. CASTLE], but I wish we had been given a different choice here.

I think he is absolutely right when he wants to restore $10 million to the highly successful DARE program. Some of us though would have liked to have paid for that by taking money, for example, out of the operation and maintenance account of the Southeastern Power Administration, $13 million. I offered an amendment that would have let us pay for this kind of program that way, but because of the rule we are under, we are not permitted to do that.

Having to pay for this out of programs that help in the continuing education of teachers is a tragedy. Nevertheless, I will join my colleagues in supporting the amendment offered by the gentleman from Delaware [Mr. CASTLE], but again, remind the majority they have cut off debate where it really should happen here.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, again, I thank the gentleman from Illinois for yielding. I will be very brief.

But essentially I do believe that the Porter amendment does a lot to reinstate some funds that needed to be reinstated as has been already set forth on this floor today. But I would also point out that the amendment which I have prepared for the DARE program, I believe by the discussion we have had today, will go to the DARE program.

I understand some of the objections which have been raised by some of my colleagues concerning where the cuts have to come from. We are limited by the rule with respect to that. But I would hope that everybody would understand that this is one program which is almost universally recognized as having been successful across the United States of America in fighting drugs. For that reason, I hope we can support both the Castle amendment and the underlying Porter amendment.

Mr. PORTER. Mr. Chairman, I have no further speakers on this amendment.

I reserve the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Delaware [Mr. CASTLE] to the amendment offered by the gentleman from Illinois [Mr. PORTER], as modified

The amendment to the amendment, as modified, was agreed to.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Chairman, I would be prepared to offer at this time, if it were appropriate, an amendment relating to saving the summer youth program. Unfortunately, some of the items have been precluded by the rules of the House that are being applied to a rescission bill that normally are applied to appropriations, which are not rescission bills. That is creating great difficulty.

The gentleman from Illinois [Mr. PORTER] and the gentleman from Delaware [Mr. CASTLE] have already preempted in essence the particular sections except for one on the amendment 42 which I had filed at the desk at the appropriate time on Monday, and what is left is page 25, line 23, where we could at the appropriate time after this, if that is not precluded, strike $682,282,000 and insert $582,282,000.

I would like to see a lot of this problem solved in conference. I think there is an overwhelming feeling in this House, in fact, many of the leaders on authorizations and Appropriations have said just that to me, to do something to restore the summer youth program. The fact is it was removed at 1:30 a.m. in the morning when I suggest some of the individuals might not have known what they were doing.

This is very vital for urban America. The school superintendent in Long Beach, my home city, has endorsed it even though I was taking funds from various education programs.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

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

Mr. FRANK of Massachusetts. I would just say, my friend, if the gentleman does not like so much what is here, then one good way to deal with that would be to vote against it, and maybe if the gentleman does not like the rule because he is precluded, a good thing would have been to have voted against the rule. I think to vote for a restrictive rule and then vote for the bill which makes all of these cuts and then to lament them is very puzzling.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. PORTER], as modified, as amended.

The amendment, as modified, as amended, was agreed to.

AMENDMENT OFFERED BY MR. MURTHA

Mr. MURTHA. Mr. Chairman, I offer an amendment, amendment No. 53.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MURTHA: Add the following Section to the end of the bill:

''SAVINGS TO BE USED EXCLUSIVELY FOR DEFICIT REDUCTION

''SEC. 302. An amount equal to the net budget authority reduced in this Act is hereby appropriated into the Deficit Reduction Fund established pursuant to Executive Order 12858 to be used exclusively to reduce the Federal deficit: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.''

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MURTHA] will be recognized for 15 minutes.

Does any Member rise in opposition to the amendment?

Mr. LIVINGSTON. Mr. Chairman, I request allocation of half of the time.

The CHAIRMAN. Without objection, the gentleman from Louisiana [Mr. LIVINGSTON] will be recognized for 15 minutes.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. MURTHA].

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

Mr. Chairman, today I want to rise in support of deficit reduction, and I think it is important to go back and look from a historical perspective of what I am trying to do and what I think is important.

If we are going to pass a budget resolution, I am convinced it is absolutely essential that we show we are going to make the spending cuts first. I do not think, based on my years here in Congress, it is possible to cut taxes and at the same time balance the budget. I am convinced that when President Reagan came to office, he believed he could balance the budget in the 8 years that he was here. I am convinced that President Bush believed that he could balance the budget in the 4 years that he was here, and even before that, President Carter talked about balancing the budget.

Because of the tax cut we implemented during the Reagan administration, the deficit got larger. Now, it was not that Congress did not cooperate,

and it was not that the President and the Congress did not want to balance the budget. There were all kinds of efforts during that period of time.

Probably the most important single thing that happened was that entitlements increased substantially during this whole period. During the period of time that, the 12 years, almost every single appropriation bill that was sent to the Congress was reduced by the Congress, and the Presidents, President Reagan and President Bush, signed those bills. We worked out a compromise, and yet the national debt grew. It grew from $1 trillion to $4 trillion.

What I am saying today and what I am trying to impress upon the Members who have been advocating a tax cut is that first we ought to focus on the deficit and try to put the savings that we get from rescissions like this, and by the way, some of these rescissions I agree with, and some of them I do not agree with, but we ought to take the savings from these rescissions and put them against the deficit.

Most of the cuts that were made in the budgets that were sent to us were made in defense, and they were forced by the fact that there was no place else to go. It was defense against domestic programs, and we cut about $155 billion in a 12-period from defense. All of us believed that we were cutting the right amount at the right time. We had budget resolutions which passed, usually partisan budget resolutions, but in the end the bills passed in a bipartisan manner. Democrats and Republicans voted for them.

I am proud to say that the members of the Defense Appropriations Subcommittee have reduced the size of the military after the cold war and after the Berlin Wall came down in a way that we retained a world class military. The Chief of Staff of the Army just testified before Chairman YOUNG and the Defense Appropriations Subcommittee today and talked about how good the Army is compared to after the Vietnam war, after the Korean war, and after World War II. It could be better. It is about an 8 on a 1-to-10 scale is what he testified today.

And as I look down the road and as I worry about the possibility of a tax cut versus deficit reduction, I see defense competing with critical domestic programs. I see Social Security and Medicare and all of those programs overwhelming defense, and I do not think there is any way that we can keep that from happening.

I am concerned that Members with less experience that do not recognize or realize the difficulty we have gone through and the work that we have done, and we were probably the only committee in the House over those 12 years that actually made a reduction; everybody else might have made cuts in increases, but we in Appropriations made actual reductions in budget requests from the President, and we struggled with those budget requests, trying to make sure the funding priorities went to readiness, to quality of life, and I think that Desert Storm shows exactly what happened.

For instance, when Desert one went down in 1980, we had a very inept force, a force that was hollow, a force without training, a force with poor equipment. Half the combat aircraft of this country were deadlined because of lack of spare parts, and when that operation went in 1980, we went to the desert with only four or five helicopters. We lost a number of people. We could not even effect a rescue of our diplomats who were captured by the Iranians. And yet a decade later, in 1991, we pulled off Desert Storm, a magnificent operation.

So through this period when we made all of these cuts in defense, we actually were able to build our quality force, went to an all-volunteer force, put a GI bill in place, put new equipment in their hands, and it culminated with an operation where we had a very minimal loss of casualties and a phenomenal military success.

So I believe very strongly we have to be careful. We should send a message to the country that we are interested in deficit reduction first, and this is a policy statement that I believe the Congress should make, and I would hope that Members on both sides would support this as the goal. Obviously after that, after we make the spending cuts, after the deficit is reduced, we can look at the possibility of tax cuts.

□ 1845

So, Mr. Chairman, I feel very strongly about it, and I would hope that Members in this House on both sides of the aisle would support my amendment to emphasize deficit reduction rather than tax cuts.

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

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

Mr. Chairman, I want to say that the gentleman from Pennsylvania [Mr. MURTHA] was an outstanding chairman of our Defense Subcommittee, of the Committee on Appropriations. He has done yeoman service for this Congress over the years. He has got a good amendment. I support it, and I appreciate his cooperation with us in this bill, and I certainly hope that he will be voting for the bill on final passage.

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

Mr. MURTHA. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. VISCLOSKY].

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

Mr. VISCLOSKY. Mr. Chairman, on March 10, 1995, Mr. LIVINGSTON, chairman of the Appropriations Committee, along with the Mr. PORTER, Chairman of the Appropriations Subcommittee on Labor, HHS, sent a letter to every Member of the House of Representatives. The letter states:

> We are writing to seek your support for the Appropriations rescission bill recently reported by the Committee on Appropriations.
>
> We are all committed to a program that will redress the decades of financial irresponsibility that has left our children and grandchildren saddled with over $4 trillion in debt. The $17 billion in reductions in this bill are a down payment on this major undertaking; a first step in setting our fiscal house in order. . . .

Well, if the two chairmen really mean this, and if the Republican leadership agrees, they will vote to pass the amendment before us now. It is the only way to ensure these rescissions really reduce the deficit. It mandates that all savings in the bill be applied to the deficit.

As it stands now, this bill, and that letter, are a fraud. The $12 billion in ''so called'' savings in this legislation are not destined for our children and grandchildren. They are destined to offset new tax cuts.

And these tax cuts are not for kids. Just yesterday, the Republicans announced their tax plan which abolishes the alternative minimum tax. This means a return to the pre-1986 tax days where hundreds of corporate giants including Sears Roebuck, Texaco, Boeing, General Dynamics, Dun and Bradstreet, and J.P. Morgan and Company, could play the system and pay no taxes whatsoever. Zero.

Just think about it: today, we cut programs our kids depend on; tomorrow, we force our kids to pay for corporate tax cuts. Some legacy.

Two months ago, over-two thirds of the House of Representatives voted to add a balanced budget amendment to the Constitution. Regardless of what happened in the Senate, it is our obligation to behave as if that amendment were law.

Because I voted for the balanced budget amendment, I supported these rescissions in full Committee, even though I did not necessarily agree with the cuts.

Rescissions are not easy. Coming up with $17 billion in cuts is agonizing. The Majority rejected school lunch, Women Infants and Children, and other children's programs.

But if our budget crises forces us to make these awful cuts, it is imperative that we give our children a better future—as Mr. LIVINGSTON and Mr. PORTER suggest.

If this amendment fails, instead of coming through for our kids, we will be sticking it to our kids. I urge my colleagues support the Murtha amendment and give our children and grandchildren a real down payment on deficit.

Mr. DINGELL. Mr. Chairman, I rise in support of the amendment offered by my good friend from Pennsylvania, Mr. MURTHA. My colleagues on the other side of the aisle—under great pressure—have now agreed to permit his amendment requiring that the balance of

the cuts in the bill be used for deficit reduction. The bill currently allows money not needed for last year's California earthquake to be set aside for tax cuts that primarily benefit the wealthiest Americans and corporations.

As my good friend and colleague from Wisconsin said earlier, this bill is a charade. That is why I will not dignify it by voting for the ''either/or'' amendments forced upon us by the closed rule.

While I view the Murtha amendment as a positive change, I regret that the process by which we are considering this flawed legislation is such a disgrace. It stifles responsible efforts to improve a rescissions package that takes direct aim at our children, veterans and elderly poor.

As we have seen throughout the day, the restrictive arrangement we are operating under has forced Members to choose between important issues like caring for veterans, providing adequate housing for seniors and educating our children. It has also placed the defense budget, which represents close to half of the discretionary budget, off limits. Star wars, contracting cost overruns, and low priority or questionable defense programs are preserved in full.

While I am supporting the Murtha amendment which places deficit reduction above financing tax cuts for the wealthy, I still have serious problems with the bill. The responsibility for drawing down the deficit is being placed squarely on the backs of those Americans who need our help most. This is occurring at a time when steps are being taken to make the wealthy better off. I can't help but ask two questions; ''Are we going to focus on slashing programs which help the poor to reduce the deficit?'', and ''How do my colleagues plan to finance the $189 billion in tax cuts scheduled to come before the House next week?''

I believe the rescissions now being proposed by my Republican colleagues provide a very clear answer to these questions.

Money to improve the quality of medical care available to our veterans is being cut. This is being done despite the fact that the projected veterans population requiring health care services will far surpass available facilities in the future.

The Low-Income Heating Assistance Program is being terminated. This vital program helps two million elderly households and better than 3 million low income families meet their home heating needs each year. Without it these families will be forced to make difficult choices between heat and other basic necessities such as food and medicine. Today it is supposed to be 70 degrees in Michigan. After my friends on the other side of the aisle are finished, we all better hope that next winter is just as mild.

Cuts from housing programs will leave 14,500 seniors homeless. Another 530,000 elderly households will have the security and quality of their housing severely impaired as a result of these changes.

The Women, Infants, and Children Program, and the Healthy Start Program which provide nutrition supplements and valuable prenatal care to mothers are also being cut.

The Safe and Drug Free Schools Program is being terminated despite recent studies showing that drug use among students is on the rise. I find it very surprising that my colleagues would propose this cut less than one week after former First Lady Nancy Reagan stressed to a House subcommittee the importance of educating our young people on the harms of drugs.

Other valuable programs to construct schools and enhance their technologies are being terminated.

Programs to help move disadvantaged children from school to the world of work have also been put on the chopping block. The elimination of the Summer Youth Employment Program will translate to more than 600,000 lost opportunities for high risk youths. Funds are also being stripped from the Youth Job Training, Job Corps and School to work programs.

At a time when we are preparing to consider the issue of welfare reform, we should not terminate or reduce funding for valuable programs that expose our young people to the dignity of work.

The rescissions package before us clearly represents bad legislation. However, I commend my colleague from Pennsylvania for offering a measure to correct a defect in this bill that runs counter to the strong desire of the American people to see the deficit reduced. Regrettably, the Members on this side of the aisle are barred from offering amendments to ensure that we proceed in a responsible fashion. I urge my colleagues to support this amendment and to vote against the bill.

Mr. ROEMER. Mr. Chairman, I rise in support of the Murtha amendment. This amendment is essentially the same as one that I had printed in the CONGRESSIONAL RECORD that I had intended to offer. However, my amendment was not made in order.

While I do not support many of the rescissions in this package because they are targeted on programs that benefit children, youth, the elderly, veterans and others in need of assistance, I believe that if we are going to rescind funds for programs, those funds should be used for deficit reduction and not used to pay for tax cuts for wealthy Americans.

I recently introduced House Resolution 94 which calls on Congress to make deficit reduction a top priority. Clearly, we need to cut spending if we want to get our fiscal house in order and there are certainly many programs on the books currently that we don't need or can't afford, such as the $10 billion space station. Unfortunately, that program was not targeted for a cut in this legislation. I am pleased that the Murtha amendment requires the net budget savings under this bill go to the Deficit Reduction Fund established by Executive Order 12858 and used exclusively for deficit reduction.

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

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 421, noes 1, answered ''present'', not voting 12, as follows:

[Roll No. 241]

AYES—421

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
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NOES—1

Williams

NOT VOTING—12

Bateman
Collins (MI)
Cubin
Ehrlich
Fazio
Gephardt
Gibbons
Mfume
Payne (NJ)
Rangel
Wilson
Yates

□ 1912

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

So the amendment was agreed to.

The result of the vote was announced as above recorded.

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

On behalf of the minority, Mr. Chairman, I wanted to rise and thank the chairman and the majority for their consideration. We had a meeting and a lot of our people were not here, and you extended the time to afford them the opportunity to vote on this amendment. I wanted you to know that on this side of the aisle we very much appreciate it. I thank the chairman for his actions.

AMENDMENT OFFERED BY MR. DE LAY

Mr. DELAY. Mr. Chairman, I offer amendment No. 29 which was printed in the RECORD.

The CHAIRMAN. the Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DELAY: On page 25, line 5 strike ''$16,072,000'' and insert ''$19,572,000.''

The CHAIRMAN. The gentleman from Texas [Mr. DELAY] will be recognized for up to 15 minutes in support of his amendment. Is there a Member rising in opposition to the amendment?

Mr. OBEY. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is allocated 15 minutes for debate.

The gentleman from Texas [Mr. DELAY] is recognized for 15 minutes.

□ 1915

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

Mr. Chairman, frankly, I am somewhat disappointed that I have to offer this amendment today. But because OSHA is so intent on flouting the will of this Congress in an effort to add to its own regulatory enforcement empire, I must do so.

My amendment rescinds an addition $3.5 million from the OSHA rescission already contained in this bill. This would force OSHA to cease its activities on the promulgation of an ergonomics standard that is paternalistic in concept and a menace in its implementation.

Ergonomics is a fledgling science devoted to redesigning workplaces to better fit workers. By focusing on work spaces and stations, tools and equipment, lighting, typewriter keys and telephones, ergonomics as a practice affects virtually every aspect of American Businesses, both large and small. There is no consensus in the scientific community over risks or remedies of implementing or failing to implement ergonomic policies.

There is certainly no consensus that a Federal ergonomics standard can actually have any positive impact on work place health or safety.

OSHA, however, with little regard to cost, is bound and determined to press forward with what is by their own admission likely to be the most expensive, most far-reaching rule ever promulgated by the agency. It has been estimated that this rule would cost $21 billion to implement.

As has been repeated on this floor, speaker after speaker, before any regulations are imposed, there ought to be good science establishing the risks requiring the regulation, as well as the benefits justifying the new regulatory burden. That is why this House passed H.R. 450, H.R. 9, and H.R. 1022.

OSHA's proposal on this standard involved the imposition of billions of dollars on the private sector and a radical new level of government intrusion into work places and work practices without any scientific support.

The intent of OSHA to ignore and undermine the will of this House in reforming the regulatory regime of the Federal Government is quite clear by the agency's own statements in just the recent days.

I would like to share with my colleagues a quotation from the head of OSHA's ergonomics standards team which appeared in this Monday's papers:

If the legislation says the moratorium runs through December the 31st, our anticipation is that we would get the proposal out January the 1st, unless it says, do not work on an ergonomics standards or go to jail. If it only says we cannot publish the proposal, we can continue to work on it.

OSHA's express intention to do business as usual in this area sends a very clear signal that the discipline Congress is seeking to bring to Federal regulatory agencies will not come easily. This amendment seeks to impose a fiscal discipline where it is clear that other forms of discipline will be ignored.

I appreciate Members supporting my amendment.

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

Mr. OBEY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, Frank Luntz, the Republican pollster, sent a memo to the Republican party leaders. In that memo he said: ''Look, whenever you are talking about cuts for these programs, do not talk about the program because programs have friends. So simply talk about the bureaucrats.'' That is what is happening here. This amendment is being presented as though it is a discipline for bureaucrats.

Let me tell my colleagues what happens. When they continue to cut back at OSHA the way they have done in this bill and the way they want to intensify it by this amendment, you assure that people are going to be injured and you assure that people are going to die.

Now, when my father ran a floor covering business many years ago, I worked with him in it for 7 years. I worked with asbestos products. Johns-Manville had known since 1939 that asbestos caused cancer. The first time I knew about it is the first day I served on the Labor-HEW Appropriations Subcommittee, and I walked in here and I listened to the NIH person testifying. And they told us that 40 percent of British shipyard workers who had worked with asbestos had contracted mesothelioma and were dead.

Now, mesothelioma is a form of cancer. So I think I have a pretty good idea of what is going to get me eventually, especially because I was a heavy smoker in those days. And back when I was laying that floor covering and working with asbestos products, we did not have an agency called OSHA to protect workers. And the official position of the U.S. Government with respect to worker health was: ''We do not give a damn!'' That was the official position.

Today, thanks to a very fine Republican Congressman from Wisconsin, Bill Steiger, who was the father of the OSHA provisions, we have an agency charged with the responsibility to protect worker health and safety. And sometimes it does a lousy job of it, and sometimes it does a darn good job of it.

But I will tell Members something. You talk about unhappiness with the

ergonomics standards that they are going to develop. I cannot tell you how many times I have walked through plants or offices and run into women who have had devices on their wrists and I have said: ''What happened to you?'' They said, ''I just had carpal tunnel surgery.'' I said, ''What is the matter?'' They said, ''Well, you know how it is working at terminals all day long.'' Those women are working mothers most of them. And they need our concern.

Now, the gentleman is worried because he says the ergonomics standard is going to be very expensive. Of course it is. Because right now the lack of protection for workers on standards like that is causing them an immense amount of health problems, and health problems cost money. So now we are told, oh, we ought to support another cut in OSHA because the majority whip does not happen to like the agency or does not happen to like the standard.

I would suggest, I read the story in the Washington Post 2 or 3 days ago, discussing how lobbyists for big business were crawling all over the office of the majority whip when they were preparing the strategy to go after regulation, and the gentleman may be proud of it. I was appalled. I was appalled.

He can laugh if he wants. I would not want to go to my district and brag about the number of lobbyists working in my office to supervise the work that I was performing. And so if you want to go ahead, this just makes a rotten bill a little bit worse. So go ahead.

If you do not want to have workers protected from things like carpal tunnel syndrome, go ahead. Vote for this turkey of an amendment. But recognize that according to OSHA's own estimates, at least 2,500 more people will be injured because of the budget reductions provided by this amendment.

If you do not like what OSHA does in specifics, correct their mistakes. Do what some of us have done. Work to try to see to it that you get proper training and education for those inspectors. But do not require an agency to cut back on its whole operation because you do not want some more workers to be protected from things like carpal tunnel syndrome.

It is a stupid amendment.

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

Let me just respond to the protector of bureaucrats. First off, what we are after is good science and good regulations based on good science, and the gentleman probably does not know that there is two kinds of asbestos: The asbestos that comes from Africa that is harmful and asbestos that comes from America. And after some billions of dollars were spent in attacking the asbestos problem, we find out that if you leave it alone, it is not dangerous and you do not tear it out and spend billions of dollars.

So the gentleman from Wisconsin has no idea what he is talking about and exactly what we are talking about is good science and good regulation based upon good science here. We have an agency that does not care about good science. It is amazing, people will die because we will not have ergonomics.

Ergonomics talks about gripping 10 pounds, pinching more than two pounds, twisting and bending the neck like this. Somebody is going to lose their life because there is some OSHA regulation about how many times you can twist your neck?

So, Mr. Chairman, the great majority leader in this House said it better than anything: the Democrats used to be the party of the only thing to fear is fear itself. Now they are the only party, they are the party that all they have to offer is fear itself.

Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. NORWOOD].

Mr. NORWOOD. Mr. Chairman, I rise very proudly to support the amendment of gentleman from Texas, [Mr. DELAY]. I do so for two reasons:

The first reason that I support this amendment is I find it absolutely unbelievable that we allow a federal agency to absolutely disregard what this House wants done. When they sit over there and laugh at us when we say that we want a moratorium on their rules and regulations and they are just going to figure out a way to get around it, I think we need to speak to them.

Ergonomics is a fancy term for designing jobs and tools to fit the physical and psychological limits of people. In general, that is a good idea. But if you look at what OSHA does, assuming they pass the new ergonomic rules and they can be adopted simply by issuing a public comment period without the messiness of having congressional approval, employers will be required to continuously survey and fix jobs deemed risky by OSHA.

The list of jobs is virtually unlimited in this country. These activities can cause or aggravate more than 160 musculoskeletal and nervous system disorders from a back pain to joint pain to a neck pain to tendinitis.

Joe Dear, the assistant labor secretary who heads OSHA, tries to rationalize the upcoming ergonomics rule this way. He says, ''We clearly intend to propose a regulation whose benefits justify the cost.'' In other words, OSHA claims that its rules will result in huge savings from reduced injuries and increased productivity.

Mr. Chairman, that is a wishful claim at the very best and one more time they are not using good science at OSHA. Too little is known about preventing neuromuscular conditions to justify mandates.

Mr. Chairman, the answer for us today is very simple. If OSHA couldn't hear us when we voted for a regulatory moratorium, maybe we need to speak a little louder. If OSHA couldn't hear us when voted for cost-benefit and risk assessment legislation, maybe we need to shout. Mr. Chairman, perhaps OSHA will hear us when cut back on their funding; maybe then they will pay attention to the direction we are taking federal regulators. I sincerely doubt they will listen, but this is a first step we need to take. Mr. Chairman, I urge my colleagues to support the DeLay amendment.

□ 1930

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. PORTER], the chairman of the subcommittee.

Mr. PORTER. Mr. Chairman, I rise in very reluctant opposition to my leaders' amendment.

As chairman of the subcommittee that funds OSHA, I do not believe that it is possible, by offering an amendment to cut $3.5 million out of the salaries and expenses account at OSHA, that we are going to be able to get at the regulation dealing with ergonomics. We may be able to make a statement that way, but the effect of the amendment will be to take the salaries and expenses account that is, after being amended in the subcommittee markup down to the fiscal 1994 level, below that level.

In making the mark, I might say to the gentleman from Texas [Mr. DELAY], we did not touch salaries and expenses in any line item in our bill because we felt that that would be unfair. We are well into and mostly through the fiscal year. Even people who work for the government have a right to know that they are going to have a job and be able to afford to educate their children for the rest of the fiscal year. We just did not think that it was fair to them to put them in a position where a rescission would cut off their livelihood, very possibly, in the middle of the fiscal year, so we did not cut it.

Mr. Chairman, I might well agree with the gentleman's assessment of the regulation, but I do not think this is the proper way to get at it. I think it is unfair to Federal employees.

For those reasons, Mr. Chairman, I do reluctantly oppose the amendment.

Mr. DELAY. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, in the past, I have accused OSHA of being an agency out of control. Today, we have a good example of why that is true.

How bad is the ergonomic regulation OSHA is drafting? You do the math. According to the compensation insurance industry, cumulative trauma disorders cost employers approximately $1 billion per year.

On the other hand, OSHA's ergonomic regulations will easily be the most expensive they have ever promulgated—more expensive than their blood-born pathogen rule, more expensive than their asbestos standard, even more expensive than their proposed $8 billion indoor air regulation.

Still, the regulation might be reasonable if the size of the problem matched the costs. Is that the case? No.

Cumulative trauma disorders make up less than 4 percent of all work-related injuries and diseases that resulted in missed work.

OK. What about the science? To reduce the cost to employers, will OSHA be able to draft tight regulations which give employers specific guidelines and references. No.

Simply put, there is no scientific support for a national ergonomic standard. Everyone agrees that cumulative trauma disorders are a problem, but no one knows where the threshold between safety and injury lies—not medical doctors, not the Center for Disease Control, not even OSHA bureaucrats.

But that does not deter OSHA. As in the past, they are determined to plow ahead where no reasonable agency would tread.

The woman in charge of writing this new standard, Barbara Siverstein, told Forbes Magazine that despite the death of science, OSHA will ''take some sort of a performance based approach to reducing exposure to those things that we know increase your risk of musculoskeletal disorders.''

What Barbara says is true. It is possible to establish performance based standards to prevent repetitive motion traumas. I will establish one right now: Don't work, don't type, don't do any heavy lifting, never strain yourself, and try to avoid breaking out in a sweat.

The solution is somewhere between having a work place where no one works and a work place where something gets done. Unfortunately, neither Barbara nor anyone else knows where that point lies.

Mr. Chairman, the American people sent us to Washington to get the federal government off their backs and out of their lives. Support the DeLay amendment, rescind the $3.5 million from OSHA, and reign in an out-of-control agency.

Mr. OBEY. Mr. Chairman I yield 2 minutes to the gentleman from New York [Mr. OWENS].

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

Mr. OWENS. Mr. Chairman, I rise in total opposition to H.R. 1158. H.R. 1158 represents wasteful, inefficient, illogical, and barbaric legislation. It is naked power exercised by the Committee on Appropriations, which has held no hearings, no site visits, and is in no way knowledgeable about what they are doing in this area, or any other area where they have promoted these rescissions.

The Department of Labor will stand behind the facts and figures that I cite here. The Secretary of Labor, Elizabeth Dole, a Republican, the Secretary of Labor, Lynn Martin, a Republican, started the ergonomics studies. They started the process, to be continued by a Democrat, but all three have gone through a deliberative process based upon the facts that they see.

Disorders for cumulative trauma, like carpal tunnel syndrome, have increased at epidemic rates, up 770 percent in the past decade. In 1993 more than 300,000 cases of repeated trauma disorders were reported. The overall problem of musculoskeletal disorders, including back injuries, is much bigger, more than 3 million cases a year.

The economic costs of these disorders is huge. The workers' compensation costs associated with musculoskeletal disorders is $20 billion a year.

Mr. Chairman, 56,000 people die every year form accidents on the job or from illnesses contracted on the job, 56,000 people die every year, which is as high as the number of people who are killed in all of the Vietnam War. You can check the facts and figures with the Department of Labor.

Over the 20-year history, the more than 20-year history of OSHA, we have saved millions of lives and avoided millions of injuries to workers. OSHA is a deliberative agency, based very much on scientific evidence and the use of information. This process, with the Committee on Appropriations legislative force, is not a deliberative process, it is a barbaric process.

Mr. Chairman, I rise in strong opposition to H.R. 1158. This bill would cancel $17.1 billion in previously appropriated funds, more than 99 percent of which represent investments in the American people. In return, what will the American people get? If they are low-income, working class Americans, they will get next to nothing; but if they are lucky enough to be among the few percent of Americans making more than $100,000 a year, then they will get a windfall. That is because the Contract With America is bloated with tax breaks for the wealthiest Americans, and my distinguished colleagues on the other side of the aisle are pressing forward with this rescissions package to pay for this pork—pork which is considered to be nothing but fatty, gristly meat when served on a plate to the Nation's poor, but somehow is magically transformed into protein-laden filet mignon when served on fine china to the Nation's rich.

Let me illustrate how the tax breaks in the Contract With America are a boon for the rich but a boondoggle for the poor. Under the proposed capital gains tax cut, 76 percent of the tax cut, or $10.6 billion, would go to those individuals making more than $100,000 a year. Moreover, a corporate executive making more than $200,000 a year would personally gain more than $3,800, while a family earning between $20,000 and $30,000 a year would gain a mere $5.52—not even enough to put a t-shirt on a child's back.

So we can see that all of the promises being made by Republicans—that people will be rewarded for getting off welfare, working hard, and playing by the rules—are illusory. Now let us take a look at all of the benefits which the American people will have to sacrifice so that the Republicans can spoon-feed the fat-cat freeloaders who belly-up to the Government trough.

To give the corporate executive his $3,800 capital gains tax benefit, the American people will lose 1.2 million jobs for at-risk youth during the next two summers. These jobs provide young adults with the money they need to purchase clothes and supplies for school. They also provide lasting gains in employment and purchasing power.

To give the corporate executive his $3,800 capital gains tax benefit, the American people will lose nearly 30,000 AmeriCorps members participating in the National Service program. That will be a tragic loss for communities which are benefiting from AmeriCorps' services, and an even greater loss for middle class families struggling to meet the costs of college tuition for their children.

To give the corporate executive his $3,800 capital gains tax benefit, the American people also will lose $105 million in assistance to their local school districts and, more specifically, services for 100,000 at-risk children which are designed to help them achieve the highest academic standards.

To give the corporate executive his $3,800 capital gains tax benefit, the American people additionally will lose violence and drug prevention programs for 39 million students due to the elimination of the Safe and Drug-Free Schools Program. And nearly $175 million will be stripped away from GOALS 2000 Education Reform, robbing 4,000 schools and thousands of parents of the resources they need to improve the education of our Nation's children.

As a result of this bill, New York alone will be hit with $1.6 billion in spending cuts. New York will lose $107 million in education funding; $540 million for public housing; $164 million for home heating for low-income people; and more than $160 million for job training and assistance for at-risk youth, displaced workers, and senior citizens.

The Grand Old Party [GOP] likes to present itself as the party of opportunity for those Americans who are willing to work. Clearly, that is more fiction than fact, for the wolf is disguised in sheep's clothing. Opportunity to the Republican Party means opportunity not for those who work the hardest, but for those who have the highest incomes. Opportunity to the Democratic Party, on the other hand, means opportunity for everyone, particularly American families who cannot make ends meet and work their way out of poverty despite working long hours at back-breaking jobs.

Mr. Chairman, because I prefer to reward individuals for the strength of their character and work ethic instead of the size of their wallet, I must vote against H.R. 1158, and urge every Member of this body to do the same.

The CHAIRMAN. The Chair will advise that the gentleman from Texas [Mr. DELAY] has 5½ minutes remaining, the gentleman from Wisconsin, [Mr. OBEY] has 6 minutes remaining, and the gentleman from Wisconsin has the right to close, since he is defending the committee's position.

Mr. DELAY. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Chairman, I rise in support of the DeLay amendment. In spite of what the opposition says, no one ever died of ergonomics. Today we have the opportunity to say no to the runaway Federal regulators.

Earlier this year, in a bipartisan vote, the House passed H.R. 450, which placed a moratorium on all new Federal regulations until December 31, 1995. The passage of this bill and other regulatory reforms was intended to send a signal to Federal departments

and agencies to end the production and implementation of countless regulations that strangle competitiveness and economic growth.

However, one agency did not get the message, OSHA. Earlier this week, one of the top bureaucrats at OSHA's ergonomics team indicated that the agency will be pushing forward with plans to establish an ergonomics rule, blatantly flouting the will of Congress.

Plainly, OSHA wants to continue the practice of business as usual. As chairman of the Subcommittee on Work Force Protection of the Committee on Economic and Educational Opportunities, the subcommittee with jurisdiction over OSHA issues, let me tell the Members that the proposal on ergonomics is one of the broadest and most expansive health and safety regulations in recent times.

An ergonomics rule has the potential of devastating business and altering every job in America. Let us not forget that the rationales for the ergonomics regulation is not based on sound and strong scientific evidence.

There is a clear choice before us today. A vote against the DeLay amendment will signal Federal bureaucrats, particularly those in OSHA, that the business of issuing needless burdensome regulation should continue. A vote for the DeLay amendment will tell OSJA that it cannot impose a new socially-engineered workplace policy, which will literally affect every American worker, unless it is based on sound scientific and cost analysis.

Vote for the DeLay amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. LOWEY].

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. Mr. Chairman, let us be very clear what this is all about. As a member of the committee, there is no question in my mind that the Republican majority just wants to get rid of OSHA. This is just a downpayment in putting OSHA on the chopping block.

There is no question about it. Let us also make it very clear that there is no reason for this to be a partisan issue. In fact, this rulemaking was started under a Republican administration. Former Secretary of Labor Elizabeth Dole made the decision to develop an ergonomics rule in 1990. Secretary of Labor Lynn Martin initiated the rulemaking with the request for comments in 1992. What they want to do is just to stop all discussion and stifle any debate.

Mr. Chairman, this should proceed so there can be careful, thoughtful consideration by employers, workers, unions, and others that can have input on this important rule. This ergonomics rule has not even been proposed right now. I suggest that we vote down this amendment so we can proceed in an orderly fashion.

Mr. DELAY. Mr. Chairman, I am glad to yield 2 minutes to my friend, the gentleman from Florida [Mr. MICA], a champion against regulations.

Mr. MICA. Mr. Chairman, during the debate on regulatory reform, I spent a great deal of time on the floor. I had a chance to re-read the Constitution, in this little pocket edition of the Constitution. In the back of this booklet is the Declaration of Independence.

If Members have not read it in a while, I recommend it. It states forth the reasons why this country sought its independence from the King, the oppressive King. Let me read one line here in the Declaration of Independence.

It says ''He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.'' This is exactly what Washington, DC, has done, and what this agency has done.

OSHA has driven our employees out of business, it has harassed our businesses, and operates in conflict with the principles of the Constitution. In fact, our employers and our business men and women in this country are guilty until proven innocent.

Here is another regulation that will send swarms of new officers into our workplaces, harass our people who are trying to create jobs, keep jobs in this country, and make sense out of an agency that is totally out of control.

Pass this amendment and send OSHA a message that this rule and OSHA's oppressive actions must stop.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

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

Mr. Chairman, I rise in very strong opposition to this amendment. Let us call this amendment what it is, another mean-spirited Republican attempt to harm working people in this country.

First, it is ''Let us depress wages, let us not increase the minimum wage.'' Then it is ''Let us destroy Davis-Bacon. We cannot have prevailing wages.'' Now it is ''Let us destroy the health and the welfare and the safety of America's workers.''

For shame, majority, for shame. The fact is that OSHA saves lives. OSHA improves workers' health. OSHA's enforcement programs improve safety. Safe workplaces save dollars. OSHA's job is far from done. Each year, 56,000 workers still die from work-related accidents and illnesses.

The fact of the matter is that working people in this country, the people that built this country, the people that continue to build this country, need protections, and OSHA provides those protections. We ought to stop the mean-spirited Republican assault on working people in the United States.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. COYNE].

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

Mr. COYNE. Mr. Chairman, this amendment does nothing to improve the bill before us, and I strongly oppose the rescission package before the House today.

This $17.3 billion cut in Federal domestic programs represents an attack on children, the poor, veterans, and the elderly. Nearly two-thirds of this bill's rescissions are from programs to assist children, low-income families, or the elderly poor. Low-income Americans across our country will feel the pain of these cuts but these cuts will hit especially hard in America's cities.

Communities in Pittsburgh and other major U.S. cities will suffer a major reduction in Federal funds for a range of basic human service programs. Urban programs account for 78 percent of the cuts in this package. The result will make life harder for hard working Americans who are already struggling to make ends meet.

Who will not be hurt by these cuts? The Defense Department will not lose one cent under the Republican majority's rescission package.

They have even denied Democratic Members the ability to restore funding for child nutrition or any other human service program by reducing any part of the $262 billion defense budget.

The Republican majority's rescission package would cut $88 million from the Department of Health and Human Services' health resources and services account. This cut will cut $10 million in funding for the Healthy Start Program that is helping to reduce infant mortality. My community of the first 15 U.S. cities to receive a Healthy Start Program and has already seen an 18 percent reduction in its infant mortality rate as a result. The lives of 18 babies have been saved in our area's Healthy Start Program area.

The elimination of all funding for LIHEAP—the Low-Income Home Energy Assistance Program—will hit 50,000 households in my congressional district alone. Seniors and low-income residents in the Pittsburgh area will lose $9.5 million in LIHEAP funds needed to help them pay their heating bills this winter.

This rescission package turns a cold shoulder to the children of my district. A total of $1.6 billion will be cut from education programs. The Republican majority's bill would eliminate every cent of funding for the Drug-Free School Program. Our city schools alone will be denied $500,000 needed to fight illegal drug use in our schools. The Republican majority also says ''no'' to our area's youth who want to get a job. The elimination of all funding for the Summer Youth Jobs Program will deny 900 Pittsburgh area teens a chance to learn job skills by working this summer.

Seniors housing accounts for 40 percent of the $7 billion cut from Federal housing programs. Cuts in Federal housing programs—including a $15 million cut in the budget for our local housing authority—will hurt seniors and other low-income residents who depend on Federal housing assistance.

Veterans at Pittsburgh's VA hospitals will also be affected by a $206 million cut in VA medical programs. These cuts will take place even while our country prepares to celebrate the 50th anniversary of V–E Day. This cut in VA medical programs is an outrageous way to

commemorate veterans who fought to defeat fascism during World War II.

Why are we making these cuts? The Republican majority needs to slash domestic programs for the poor to pay for $189 billion in tax cuts. Many of those tax cuts will benefit upper incomes Americans; for example, 75 percent of the capital gains tax cuts will go to individuals with incomes above $100,000.

Mr. Chairman, the Republican majority's rescission package is too severe. It slashes Federal funding for children, seniors, veterans, and low-income families most in need. It protects the Defense Department budget and asks nothing from the most affluent in our society. I urge my colleagues to oppose this bill.

Mr. DELAY. Mr. Chairman, I have no other requests for time.

Mr. OBEY. Mr. Chairman, I was told by the Chair I have the right to close. I have only one closing speaker.

The CHAIRMAN. Is the gentleman from Texas [Mr. DELAY] yielding back the balance of his time?

Mr. DELAY. Mr. Chairman, if the gentleman is going to close, I will use the rest of the time myself.

The CHAIRMAN. The gentleman from Texas [Mr. DELAY] is recognized for the remaining 2 minutes.

Mr. DELAY. Mr. Chairman, what we are seeing here is a desperate attempt on the part of the minority to protect the status quo and what has been going on for the past 40 years.

□ 1945

They want to continue spending and the joy ride that they have been on for the last 40 years, and they want to protect the bureaucrats that have been oppressing American citizens for a very long time. That is what this amendment is all about, is to stop the bureaucrats and stop what is going on.

I have been collecting horror stories about regulations for every year that I have been in Congress, and the most horror stories come from OSHA. OSHA is an oppressive agency, an agency that steps way beyond its bounds and way beyond the intent of the legislation.

When we had a decisive vote in this House to send a message to OSHA and other regulations that we want regulations based on good science, what did OSHA do? They decided to run off and continue operating as usual.

Under these standards of ergonomics, slouching in a chair could be a hazard, or someone holding a phone between their shoulder and their neck could be a hazard. In Australia, when ergonomic standards were adopted in the early 1980's injury rates increased. Workers' compensation costs increased by as much as 40 percent in some industries. And a single company lost more than $15 million in a 5-year period due to increased production costs.

All we are saying is:

''OHSA, heed our message. Step back, look at what you are doing. Use good science, good studies to do what you are doing but if you're not going to get the message,'' then the best way to get a bureaucrat's attention is to cut their central office.

That is what this amendment does. It goes right to the heart of the bureaucracy and cuts $3.5 million right out of the heart of OSHA. If OHSA does not get this message, we will come back on an appropriations bill and send them another message.

It is time the bureaucrats in this town got the message. America is fed up. I appreciate the Members' support for my amendment.

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

The CHAIRMAN. The gentleman from Wisconsin is recognized for 3 minutes.

Mr. OBEY. Mr. Chairman, what a joke we just heard. We were just told that it is the Democrats who are protecting the status quo and yet it is the gentleman from Texas who is offering the amendment that is preventing the agency from moving off the status quo to protect people who are getting injured every day in the workplace.

Come on, get off it. Give me a break.

This amendment is paraded as the device by which you stop the ergonomic study. In fact, this amendment has no way of stopping the ergonomic study. It does not do that. All it does is cut 3 million additional dollars out of OSHA, and the gentleman is nodding in agreement. All that will do is cut the number of consultations which OSHA can provide businessmen so that businessmen can find out how to correct problems without being inspected, and all it does is also cut out their ability to provide needed high visibility inspections.

Now he says he wants OSHA to follow good science.

I ask a question: Where do you think you are likely to find that good science? From the neutral officials in OSHA who are charged with the legal responsibility to protect American workers? Or from the horde of lobbyists which the Washington Post described just last week as being all over the gentleman's office as he was preparing the anti-regulation barrage that we got hit with last week?

I think you know the answer to that one. With all due respect, if I am looking for good science, I am not going to go to the Fortune 500 list of lobbyists they talked about in that Washington Post article just 2 days ago.

This amendment is just like the tax cuts this party is trying to push. They are trying to push capital gains tax cuts and give three-fourths of the benefits to people who make more than 100,000 bucks a year. They are trying to repeal the requirement that every American corporation that is a big one and makes money at least pays some taxes. They want to go back to the good old days when you do not even require the Fortune 500 corporations to pay taxes. Why then we should be surprised that they offer an amendment which says to workers, ''Forget it, baby, we're interested in your bosses but not you''?

I think this amendment perhaps ought to be passed. It is a perfect example of what the Republican party has come to stand for. It is a perfect symbol for how bad this bill is. So vote for it. You are going to pass it, you have got the votes, but you ought to be ashamed of yourselves.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN. This will be a 17-minute vote.

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

[Roll No. 242]

AYES—254

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cunningham
Danner
Davis
de la Garza
DeFazio
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goss
Graham
Greenwood
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand

Sensenbrenner	Stockman	Walker
Shadegg	Stump	Walsh
Shaw	Talent	Wamp
Shays	Tanner	Watts (OK)
Shuster	Tate	Weldon (FL)
Sisisky	Tauzin	Weller
Skeen	Taylor (MS)	White
Skelton	Taylor (NC)	Whitfield
Smith (MI)	Tejeda	Wicker
Smith (NJ)	Thomas	Wilson
Smith (TX)	Thornberry	Wolf
Smith (WA)	Tiahrt	Young (AK)
Souder	Traficant	Young (FL)
Spence	Upton	Zeliff
Stearns	Vucanovich	Zimmer
Stenholm	Waldholtz	

NOES—168

Abercrombie	Gordon	Neal
Ackerman	Green	Oberstar
Andrews	Gunderson	Obey
Baldacci	Hall (OH)	Olver
Barcia	Hamilton	Owens
Barrett (WI)	Harman	Pallone
Becerra	Hastings (FL)	Pastor
Beilenson	Hilliard	Payne (NJ)
Berman	Hinchey	Pelosi
Bishop	Holden	Petri
Boehlert	Hoyer	Pomeroy
Bonior	Jackson-Lee	Porter
Borski	Jacobs	Rangel
Boucher	Jefferson	Reed
Brown (CA)	Johnson (SD)	Reynolds
Brown (FL)	Johnston	Richardson
Brown (OH)	Kanjorski	Rivers
Bryant (TX)	Kaptur	Roukema
Cardin	Kennedy (MA)	Roybal-Allard
Clay	Kennedy (RI)	Rush
Clayton	Kennelly	Sabo
Clement	Kildee	Sanders
Clyburn	Kleczka	Sawyer
Coleman	Klink	Schroeder
Collins (IL)	LaFalce	Schumer
Conyers	Lantos	Scott
Costello	Levin	Serrano
Coyne	Livingston	Skaggs
Deal	Lofgren	Slaughter
DeLauro	Lowey	Spratt
Dellums	Luther	Stark
Deutsch	Maloney	Stokes
Diaz-Balart	Manton	Studds
Dicks	Markey	Stupak
Dingell	Martinez	Thompson
Dixon	Mascara	Thornton
Doggett	Matsui	Thurman
Dooley	McCarthy	Torkildsen
Doyle	McDermott	Torres
Durbin	McHale	Torricelli
Engel	McKinney	Towns
English	McNulty	Tucker
Eshoo	Meehan	Velazquez
Evans	Meek	Vento
Farr	Menendez	Visclosky
Fattah	Mfume	Volkmer
Fields (LA)	Miller (CA)	Ward
Filner	Mineta	Waters
Flake	Minge	Watt (NC)
Foglietta	Mink	Waxman
Ford	Moakley	Weldon (PA)
Furse	Mollohan	Williams
Gephardt	Moran	Wise
Gilman	Morella	Woolsey
Gonzalez	Murtha	Wyden
Goodling	Nadler	Wynn

NOT VOTING—12

Collins (MI)	Frost	Johnson, E.B.
Cubin	Gejdenson	Lewis (GA)
Fazio	Gibbons	Solomon
Frank (MA)	Gutierrez	Yates

□ 2007

The Clerk announced the following pair:

On this vote:

Mrs. Cubin for, with Miss Collins of Michigan against.

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

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer amendment number 13 originally printed by the gentleman from Oklahoma [Mr. BREWSTER].

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY: At the end of the bill, add the following new title:

TITLE IV—DEFICIT REDUCTION LOCKBOX

DEFICIT REDUCTION TRUST FUND

SEC. 4001. (a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the ''Deficit Reduction Trust Fund'' (in this title referred to as the ''Fund'').

(b) CONTENTS.—The Fund shall consist only of amounts transferred to the Fund under subsection (c).

(c) TRANSFERS OF MONEYS TO FUND.—For each of the fiscal years 1995 through 1998, the Secretary of the Treasury shall transfer to the Fund amounts equivalent to the net deficit reduction achieved during such fiscal year as a result of the provisions of this Act.

(d) USE OF MONEYS IN FUND.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amounts in the Fund shall not be available, in any fiscal year, for appropriation, obligation, expenditure, or transfer.

(2) USE OF AMOUNTS FOR REDUCTION OF PUBLIC DEBT.—The Secretary of the Treasury shall use the amounts in the Fund to redeem, or buy before maturity, obligations of the Federal Government that are included in the public debt. Any obligation of the Federal Government that is paid, redeemed, or bought with money from the Fund shall be canceled and retired and may not be reissued.

DOWNWARD ADJUSTMENTS IN DISCRETIONARY SPENDING LIMITS

SEC. 4002. (a) IN GENERAL.—Upon the enactment of this Act, the Director of the Office of Management and Budget shall make downward adjustments in the discretionary spending limits (new budget authority and outlays) specified in section 601(a)(2) of the Congressional Budget Act of 1974 for each of the fiscal years 1996 through 1998 by the aggregate amount of estimated reductions in new budget authority and outlays for discretionary programs resulting from the provisions this Act (other than emergency appropriations) for such fiscal year, as calculated by the Director.

(b) OUTYEAR TREATMENT OF RESCISSIONS.—For discretionary programs for which this Act rescinds budget authority for specific fiscal years, the Director of the Office of Management and Budget shall include in the aggregate amount of the downward adjustments under subsection (a) amounts reflecting budget authority reductions for the succeeding fiscal years through 1998, calculated by inflating the amount of the rescission using the baseline procedures identified in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROHIBITION ON USE OF SAVINGS TO OFFSET DEFICIT INCREASES RESULTING FROM DIRECT SPENDING OR RECEIPTS LEGISLATION

SEC. 4003. Reductions in outlays, and reductions in the discretionary spending limits specified in section 601(a)(2) of the Congressional Budget Act of 1974, resulting from the enactment of this Act shall not be taken into account for purposes of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

The CHAIRMAN. Pursuant to the rule, the gentleman from Wisconsin [Mr. OBEY] will be recognized for 15 minutes. Is there a Member standing in opposition to the Obey amendment?

Mr. LIVINGSTON. Mr. Chairman, I ask unanimous consent to be recognized for the extra 15 minutes.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to be recognized for 15 minutes in the face of no opposition being voiced. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, since I am calling up this amendment on behalf of the gentleman from Oklahoma, Mr. BREWSTER, who is the real author of the amendment, I yield 2 minutes to the gentleman from Oklahoma [Mr. BREWSTER].

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

Mr. BREWSTER. Mr. Chairman, I offer this amendment today with my good friends MIKE CRAPO, DAVID MINGE, and GLEN BROWDER, and thank them for working with me on this lockbox amendment.

I will keep my statement brief since I know there are many amendments made in order today.

Mr. Chairman, this amendment represents a subject that is very important to me, and other Members of this House. The subject is deficit reduction.

Constituents around the country sent a strong message to Washington last November. Americans sent their Representatives to Congress to first and foremost—reduce the Federal deficit.

For most of us in Congress, our contract is with our constituents—not a President, party or any interest group. All recent polls show that the vast majority of Americans are wanting to see Congress keep their word and cut the deficit.

With this said, it certainly surprises me that this appropriations bill was reported out of committee with nearly $12 billion in 1995 spending cuts that do not go toward deficit reduction. The point is that these cuts do not result in real savings.

The Brewster-Crapo-Minge-Browder lockbox amendment will ensure these cuts go only to deficit reduction. This amendment will take the net savings in the bill—the $17 billion rescissions, minus the expenses of the emergency supplemental portion of the bill—and put them in a deficit reduction lock box. It prohibits using these funds for anything except reducing the deficit, and it also requires the budgetary caps be lowered for the outyears.

Mr. Chairman, I will be candid about my feelings on this bill. There are many difficult cuts in this bill. There are programs eliminated that are very valuable to my State of Oklahoma. However, Mr. Chairman, it took 200 years to reach a $1 trillion debt and since 1980 we have added almost $4 trillion more debt.

I have discussed with my constituents over the last few months the seriousness of the Federal debt. They don't like many of these cuts either. But, these hard-working, honest citizens are willing to once again sacrifice in order to reduce our deficit.

But, Mr. Chairman, I can tell you they will not support these cuts if the savings go for anything other than deficit reduction. Quite frankly, Americans do not have a lot of trust in Congress right now. Let us start changing that today, and give them the deficit reduction they have asked for.

Mr. Chairman, I urge the Members of this House to support the Brewster-Crapo lockbox amendment.

Mr. LIVINGSTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Idaho [Mr. CRAPO], the cosponsor of this worthwhile amendment.

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

Mr. Chairman, I appreciate the opportunity to get up and talk further about the lockbox. The deficit reduction lockbox is an idea that is introduced with a much broader scope than just this bill and which I am sure we will talk about a lot in the future as we address the questions about how we must develop a budget system that truly reduces our deficits in this country.

With regard to this bill, however, I think it addresses one of the significant concerns that we have heard again and again and again. The argument being made is that, well, we should not be using this money for tax cuts, we should be using this money for deficit reduction. And it appears that we are getting into this continuous debate as to whether it is better to have deficit reduction or tax cuts, deficit reduction or tax cuts.

This will make it clear once and for all that we will make the necessary deficit reduction that we have called for in the Contract With America. And I believe that we are going to be able to go forward in future actions and find the necessary cuts for tax cuts.

But this bill will put into place a mechanism now that hopefully we can use in the future as we address other budgetary problems to assure that there is a lockbox mechanism that helps us to achieve deficit reduction.

One thing that I hope it does is clarify the debate so that there will be no more objection to the questions about this bill going to deficit reduction. We have stated that in an earlier debate, in an earlier vote today on the amendment brought by the gentleman from Pennsylvania [Mr. MURTHA], and this amendment provides the enforceable mechanism to make it happen with certainty.

If we are concerned about deficit reduction, this bill will make it happen, and I do not think that those who have debated against this bill can now say there is no reason to support it.

This makes it clear we are working for deficit reduction, and we will make deficit reduction a reality.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. MINGE].

□ 2015

Mr. MINGE. Mr. Chairman, the cuts in this rescission bill are devastating, WIC, jobs for youth in the summer, fuel assistance for low-income Americans, foster care and adoption services, student loan programs, housing for low-income Americans, local water treatment costs for programs mandated by Congress.

Can we justify the cuts for these programs in order to finance tax cuts for the more affluent members of our communities and increased military spending? Absolutely not.

Going further, we have a convoluted budget-cutting process. In my opinion, there are criteria for deficit reduction. We would not simply say that it is deficit reduction to plan to shave $200 billion off interest on the national debt. That is not realistic.

We need to have, if we are going to impose deficit reduction on the American people, shared sacrifice. We should not be balancing the budget on the backs of the poor, the veterans, and children.

Where are the cuts in the weapons systems that the Defense Department does not want? Where are the cuts in programs for those of us with higher incomes?

We are cutting the most vulnerable first. This stands our proud heritage of fairness on its head. At the very minimum, let us assure low-income Americans, students, and local communities that their disproportionate sacrifice goes for deficit reduction.

I urge you to vote for this amendment. It mandates real deficit reduction. It locks in the savings for 1995 and for years to come.

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

Mr. Chairman, we have heard a lot of speeches about how the savings in this bill, which will amount to roughly $11 billion net, will go to pay for the Contract or whether it will go to pay for tax cuts for the rich and the wealthy, notwithstanding the fact that three-quarters of the tax advantages of the Contract go to people earning $75,000 a year or less.

But all of that notwithstanding, considering the Murtha amendment, which has already passed almost unanimously, and this amendment, which I expect will pass, the fact is the savings that we have reaped with this fiscal year 1995 rescissions bill will go to help pay off the deficit, and I think that is a significant achievement.

So I rise in support of this particular amendment, and I hope that all of the supporters of the amendment who will cast their votes in favor of the amendment will likewise vote for final passage of the bill when it is all over. I challenge them to do so.

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

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. BROWDER].

Mr. BROWDER. Mr. Chairman, we will vote in just a minute. I rise to support the Brewster amendment.

This deficit-reduction lockbox dedicates rescissions to deficit reduction. The American people have told us loudly and clearly that they want us to reduce the deficit first. The American public is rightly skeptical when we turn to budgetary gimmicks to pay for our wish lists, whether it is tax cuts or new benefits programs.

It was in the spirit of representing those concerns that we developed the lockbox, and it is our desire to reassure the American public that deficit reduction comes first.

Mr. Chairman, this amendment is an example of how bipartisan support moves us toward deficit reduction and a balanced budget.

I urge support of all of our Members for this amendment.

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

Mr. FOX of Pennsylvania. Mr. Chairman, I rise just to say finally this amendment will, in fact, give everyone the chance to put the money into deficit reduction that all of our families want and all of our children want. That is certainly an amendment I would ask for a unanimous vote for.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Chairman, my constituents and the American people have voiced their priorities to cut spending and cut the deficit. Rescissions are difficult. Cutting spending is difficult, hard-fought, and often painful. But the American people are willing to cut spending, even their own benefits, if those spending cuts reduce the deficit.

The American people become upset when they find out a cut really does not reduce spending but it is simply shifted to other types of spending or to tax cuts.

In hearings in the Committee on the Budget we asked the people, ''What would you rather have, the tax cut or devote all of the spending cuts to deficit reduction?'' Overwhelmingly they asked to reduce the deficit.

This amendment sets up the mechanism to insure that a cut is a cut, and it will reduce the deficit.

I urge adoption of the Brewster amendment.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I rise in support of the lockbox Brewster amendment. The gentleman from Oklahoma [Mr. BREWSTER] and I have been

working on this concept for 2 years, and it is gratifying to see it come finally to the floor.

In my judgment the lockbox amendment makes a very bad bill a little bit less worse. At the very least, the lockbox will guarantee that the spending cuts go to deficit reduction, not corporate tax breaks.

I will bet most Americans would be shocked to learn that without this amendment that the gentleman from Oklahoma and his colleagues deserve great credit for in persevering, not one dime of this rescission bill would have gone to deficit reduction, not a single dime.

The original intent of this bill was to guarantee such things like General Dynamics and Mobil and other billion-dollar, profit-making corporations pay no taxes to pay for the repeal of the alternative minimum tax.

Thanks to the gentleman from Oklahoma, thanks to the lockbox, that is not happening, and this, my colleagues, is what the lockbox was devised for.

When we get on the floor and say we are cutting, we should not find that money being used to spend for something else or, more importantly, to reduce taxes. This amendment will make sure that happens. It will make sure that the promise that has been made by so many to the American people that we are serious about deficit reduction does not just become words but it becomes actions.

I, for my part, still think the cuts in this bill are unfair and skewed against the poor, against the elderly, against the working people, and against urban areas.

It is small consolation, but some consolation at least, that the money that we are using for these cuts will go to deficit reduction, not tax breaks.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I have said many times that this bill, this amendment, and this concept have many fathers and one mother. As its mother, I was proud to help the gentleman from New York [Mr. SCHUMER] and others attach it to the 1993 budget bill, and I was happy to stand with the gentleman from Idaho [Mr. CRAPO] and others last week to propose it as a mechanism to use in our appropriations process.

I trust, as we did before, we will again work together in the future to adapt it to more spending cuts in this House. I support it here because it means that the cuts we will make through this bill will be devoted to deficit reduction. That is right. It is fair.

With the failure of the balanced budget amendment, the lockbox concept becomes all the more crucial, and spending cuts in the 104th Congress that are devoted to deficit reduction, start today.

I urge support for the amendment.

Mr. OBEY. Mr. Chairman, I hear the gentleman on the other side of the aisle shouting ''Vote, vote.'' They are the ones who imposed this rule. I think we have a right to use the time granted under it.

Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Chairman, I support the Brewster amendment, but I want to make it clear it does not correct the irresponsibility in the provisions of the Contract With America on deficit reduction, because of the way that the proposal for the tax cut will be coming to the floor, and there is still going to be pressure on programs on our most vulnerable in order to finance a tax cut for the most wealthy.

In the next 5 years all of us hope we will be doing a lot more than deficit reduction that would be in this lockbox. If we do not cut $188 billion more, which is that the tax cut will take out of the Treasury, if we do not get $188 billion despite the fact we might have some money in the lockbox, the deficit will continue to grow. So this lockbox will not protect us from making sure that our programs that affect our children that we are cutting, that those dollars will, the fact, go to reducing the deficit if we do not address how we are going to finance the $188 billion.

This tax cut goes to the most wealthy.

Mr. OBEY. Mr. Chairman, I yield 4 minutes, the remainder of my time, to the gentleman from Illinois [Mr. DURBIN]

Mr. DURBIN. Mr. Chairman, I yield to the gentleman from Maryland [Mr. WYNN]

Mr. WYNN. Mr. Chairman, I would like to thank the gentleman for yielding.

Mr. Chairman, this a good amendment that makes a bad bill better.

I am appalled at these cuts. I understand we have tough decisions to make, but I find it ironic that the people that say we need more people working and people need to pull themselves by their bootstraps want to cut off the bootstraps. They cut adult job training. They cut summer jobs. They cut job training programs.

But what made it so appalling was that they would make these cuts affecting the disadvantaged only to give to the rich. Under this bill, the wealthiest 2 percent of this country would get 30 percent of the tax breaks. The wealthiest, the people with over $100,000, would get 50 percent of the tax breaks.

This amendment corrects that. At least we see money going into deficit reduction, as it should be.

Perhaps the poor will benefit from lower interest rates. Perhaps the poor will benefit from not having to pay as much in debt service, and we can put some of that money back, but clearly we should not be making these draconian cuts to give money to the wealthy.

They say, well, they will find that money elsewhere to do the tax cut. Maybe so, but I submit that now the average American can ask the question, ''Who is getting the tax break?'' I think when they see who is getting the tax break, they will reject this approach.

I am pleased to support this amendment. I think it is moving in the right direction. It makes a bad bill better.

Mr. DURBIN. I want to thank my colleague from Oklahoma and his friends for offering this amendment, because it brings some sanity to what we are trying to do this evening.

The chairman from Louisiana has been speaking to us in subcommittee for the last several weeks about what we are going to do with all the money we are saving tonight, all the money we are saving by cutting these programs. The chairman has given several different explanations.

I think tonight finally we are down to one simple explanation: About $5 billion or so is going to disaster relief, primarily in California. The remainder is going to go to deficit reduction.

This is a new development. All of you who are following the contract, punching out the holes, there is a question tonight about the Republican tax plan. All of a sudden this tax plan that they love so much they are walking away from. Why would they walk away from a tax cut? Could it be the publicity that they have been getting, as Americans take a closer look at the Republican tax cut and find out that the benefits are, once again, under the Republican plan going to a privileged few?

Take a look at the capital gains tax cuts. If you happened to be making less than $100,000, the Republicans have in store for you 26 dollars and 5 cents. But if you happen to be one of those families making over $100,000, guess what the Republicans have to offer you, $1,223, too much money for the people who do not need it.

But where do they come up with this money? They come up with it by cutting critical programs, absolutely critical programs that are important for people all around America.

□ 2030

Mr. DURBIN. We are talking about education dollars, money that should be going for safe and drug-free schools. Instead, they would cut the program to give tax breaks to wealthy people.

What else do they do with their tax cut plan? They end up saying that a lot of corporations in America, who otherwise would pay nothing, are going to continue to pay nothing, go back to the 1986 days before the alternative minimum tax. The Republican tax cut plan says that wealthy, profitable corporations should not pay their fair share.

Well, tonight, ladies and gentlemen, there has been a late breaking story. The Republicans have been reading their own publicity. They have been looking at the reaction across America and they are having second thoughts about this tax cut plan.

I thank the gentleman from Oklahoma [Mr. BREWSTER] and his friends for bringing some sanity to this process. If we have to cut critical programs, let us at least do it in the name of deficit reduction. This lockbox amendment may stop a few of my Republican friends, but not in lockstep.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 418, noes 5, not voting 11, as follows:

[Roll No 243]

AYES—418

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

NOES—5

Miller (CA)
Nadler
Rahall
Waters
Williams

NOT VOTING—11

Collins (MI)
Cubin
Davis
Dooley
Gibbons
Johnson, E. B.
Lewis (GA)
Moran
Talent
Torkildsen
Yates

□ 2047

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ROGERS

Mr. ROGERS. Mr. Chairman, I offer amendment No. 6.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROGERS: Page 8, line 24, strike ''$19,500,000'' and insert ''$9,500,000''.

Page 9, line 11, strike ''$20,000,000'' and insert ''$30,000,000''.

MODIFICATION OF AMENDMENT OFFERED BY MR. ROGERS

Mr. ROGERS. Mr. Chairman, at the behest of the original offeror of the amendment, I ask unanimous consent that the amendment be modified by the form the gentlewoman from Maryland [Mrs. MORELLA] has placed at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification of amendment offered by Mr. ROGERS: Strike ''$9,500,000'' and insert ''$16,500,000''; and strike ''$30,000,000'' and insert ''$23,000,000''.

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

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

There was no objection.

The CHAIRMAN. Without objection, the modification is agreed to.

There was no objection.

The text of the amendment, as modified, is as follows:

Amendment offered by Mr. ROGERS, as modified:

Page 8, line 24, strike ''$19,500,000'' and insert ''$16,500,000''.

Page 9, line 11, strike ''$20,000,000'' and insert ''$23,000,000''.

The CHAIRMAN. The gentleman from Kentucky [Mr. ROGERS] will be recognized for 15 minutes. Does a Member rise in opposition to the amendment?

Mr. OBEY. Mr. Chairman, I do not rise in opposition. I doubt that there is any Member in opposition, but I would again like to work out an understanding on the sharing of the time.

The CHAIRMAN. Does the gentleman wish to ask unanimous consent to take the 15 minutes in opposition?

Mr. OBEY. Yes, Mr. Chairman.

The CHAIRMAN. Without objection, the gentleman from Wisconsin [Mr. OBEY] will be recognized for 15 minutes.

There was no objection.

The CHAIRMAN. The gentleman from Kentucky [Mr. ROGERS] is recognized for 15 minutes.

Mr. ROGERS. Mr. Chairman, this amendment is offered by the gentlewoman from Maryland.

I yield 6 minutes to the gentlewoman from Maryland [Mrs. MORELLA] to explain the amendment and its modification.

Mrs. MORELLA. Mr. Chairman, the amendment that I am offering would reprogram some of the cuts in chapter 2 of H.R. 1159. The amendment would restore $3 million that would otherwise be rescinded from the research budget of the National Institutes of Standards and Technology, an equal offset of $3 million is made against the State Department account for acquisition and maintenance of buildings abroad. This

$3 million amendment would partially restore the proposed 19.5 billion that would be rescinded from the NIST laboratory funding account.

This represents the lab's core functions, including its basic science and mission-related research.

I first of all wanted to thank the gentleman from Kentucky [Mr. ROGERS] for working closely with me on this issue. We are all operating under severe budgetary constraints at the current time. I know that the gentleman from Kentucky is very appreciative of the role that NIST plays in the Nation's overall competitiveness.

I look forward to working with him and the ranking member in the future on these issues. He has always been a good friend both to me and to NIST.

NIST, Mr. Chairman, is one of the premier research and technical agencies of the Federal Government. It is a nonregulatory agency whose one overriding mission is to promote economic growth by working with industry.

NIST's mission is to develop and apply technology, measurements and technical standards. The benefits of NIST activities are enjoyed throughout the country, wherever quality and competitiveness in manufacturing are valued.

For over 100 years, governments have recognized the importance of measurement standards for economic growth. That is why virtually every industrial nation has the equivalent of a NIST.

Even in the Middle Ages, commerce within a city or town depended upon having a standard pint, a standard yard and standard bushel. Today, manufacture of world-competitive computer chips and memory devices requires the use of measuring techniques accurate to less than a ten-thousandth of an inch. Measurements this precise require the development of whole new measuring technologies, and that is where NIST research comes into play.

NIST laboratory programs receive $265 million in funding for fiscal year 1995. This level of funding reflected a careful weighing of proprieties by Congress and the administration, taking account of the evolving needs of our manufacturing industries.

NIST laboratories still account for less than one half of 1 percent of the Federal R&D budget. These recent increases in the NIST budget come after decades of neglect, decades during which, as we all know, American industry suffered and an almost fatal decline in its manufacturing competitiveness.

I submit, Mr. Chairman, that there is no other place in the Government than NIST where dollars invested will reap such large gains for the economy. NIST creates and nurtures the measurement infrastructure that allows industry to speak the same language. Without measurement standards, industry would be doomed like the proverbial Tower of Babel to fall down in disarray.

Let me offer one example of how NIST laboratory programs benefit all of our constituents. Every year in America, doctors perform over 7 million diagnostic procedures using radiopharmaceuticals. In fact, these procedures are given to fully one fourth of all hospital patients. Heart patients, for example, often receive a thallium-201 stress test which allows doctors to actually see damaged portions of the heart muscle without ever breaking the skin.

The market for radio pharmaceutical preparations now approaches $1 billion annually. Patients and care-givers alike have a right to expect that these radioactive materials have been properly measured and standardized. It is a matter of safety, foremost, but also good medicine and good business practice.

NIST services are essential in each step of the process that I have outlined. It provides first the measurement standards that everyone can use; second, the protocol, so that instruments can be properly adjusted and calibrated; and third, the crucial standard reference materials for instrument testing.

I want to make one point very clear. The functions that NIST performs are not optional for the government. It is not a matter that if we drop these programs the private sector will take up the slack. Development of measurement standards is costly and research intensive, but most importantly, development of these standards is not in the economic interest of any one company. That is why we critically need NIST and why NIST programs need to be fully funded.

Furthermore, it is not a matter that we can develop these standards, place them gingerly under a bell jar, as it were, leave them there for an eternity. We are approaching a very difficult budgetary environment.

I do not undertake a further offset against the State Department buildings account in a light or cavalier fashion, but I think that the $3 million is not going to hurt them that much.

The proposed rescissions to NIST programs this year are quite significant. I know that my good friend, in restoring this $3 million, will look to the future NIST budget for fiscal year 1996. I look forward to working with him, and I wanted this body to hear something about how important NIST is.

I thank the gentleman.

Mr. OBEY. Mr. Chairman, I yield 7 minutes to the gentleman from Indiana [Mr. ROEMER].

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

Mr. ROEMER. Mr. Chairman, I rise in support of the gentlewoman's amendment. I rise not to debate the merits of moving several million dollars from the State Department construction account to the NIST program, which I support, but more so to talk about the limited rule that we have here for us to make this decision in a host of other areas.

Abraham Lincoln once said, ''As the times are new, we must think anew and act anew.''

This is certainly a new idea, to pay for a natural disaster with offsets in the budget. I support that. But when you do that, I think you have to provide equity and judiciousness and the opportunity to restore programs that are important to many Members in Congress with offsets from other cuts.

Take, for instance, WIC, Women, Infants and Children. It is cut $25 million in this bill.

□ 2100

That is a program that President Reagan and President Bush supported. That should not be cut. We should have the opportunity to offer amendments to restore that.

Mr. Chairman, I offered five amendments in the Committee on Rules. Only one was ruled in order. Drug-free schools to keep our children out of harm's way and off drugs, where in every one of our newspapers we are reading about children in the first grade in my district bringing a gun to school. Drug-free schools money was $482 million. We have cut that by $472 million in this bill.

Finally, Mr. Chairman, heating for senior citizens, heating for senior citizens in the cold Northwest and in the Midwest, we have cut that by $1.3 billion.

Mr. Chairman, I am all for making cuts. I offer amendments to cut the space station each year however, let us have the opportunity under a fair rule to cut these programs like the CIA, with $28 billion a year; like Section 936, that allows us to send money down to Puerto Rico, to move jobs out of this contiguous United States.

They debated the A to Z bill when they were in the minority. Let us debate cuts A to Z. This bill is A to B. We are not given the opportunity to get into half the cuts we want to get into.

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

Mr. ROEMER. I am happy to yield to the gentleman from New Jersey.

Mr. ANDREWS. Mr. Chairman, my friend, the gentleman from Indiana, is right in saying that our colleague, the gentlewoman from Maryland [Mrs. MORELLA], has come up with a creative way to save a program she cares about. We were not given a similar opportunity to offer alternatives to spending cuts that we care about.

I want to repeat something my friend, the gentleman from Indiana said, Mr. Chairman. This rescission bill in front of us will totally eliminate grants to senior citizens that help them pay their heating bills.

Mr. Chairman, many of us would like to have put that money back in the budget and pay for it by taking money away from the S&L bailout for the Resolution Trust Corporation. We cannot do that. We would have liked to have

put money back in the budget and paid for it by considering something under another bill, the cancellation of a $50 million loan from the United States to the Kingdom of Jordan. We cannot do that under this bill.

Some of us would have liked to have put that senior citizen money back into the budget and paid for it by cutting some of the money to the power administrations, the TVA and some of the other subsidies around the country. We are denied the opportunity to do that by the procedure under which we are operating here.

Mr. Chairman, the gentlewoman from Maryland is to be congratulated for her creativity, but all the creativity in the world would not have given us a chance to vote on the changes I just made.

Mr. Chairman, I believe we did not get the chance because the leadership on the other side knows that we would win if we got a chance to offer those amendments.

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

Mr. ROEMER. I am happy to yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, we have heard a lot about waste and bureaucracy. Let us talk about waste. Do Members know what waste is? $10 billion on the space station. Helping senior citizens heat their homes in Vermont in the winter time is not waste. Do you know what waste is? Corporate welfare and subsidies for large corporations and wealthy individuals, that is waste. Drug prevention programs for high schools and elementary schools in this country, that is not waste. That makes good sense.

Do people really think it is waste to put money into the WIC program so we can provide decent nutrition for pregnant women and their children? Is that waste? That is not waste. Keeping the CIA funded at almost the same level as in the cold war, that is waste.

Mr. ROEMER. Mr. Chairman, I would continue along this path that we are debating here and say that it is equally shameful, not only not to provide us the opportunity to cut some of this waste and some of this pork, but to then pit great programs one against the other.

First of all, the opportunity for us to support our veterans, which I just did, and restore $206 million to make sure our veterans get access to outpatient care is a great expenditure of money.

However, then to turn around and say the only way you can do that is to cut AmeriCorps and tell 18- and 19- and 20-year-olds that they cannot teach in schools in the South, or they cannot help in terms of cleaning up the environment in the West, or they cannot help in terms of great programs where they volunteer and serve and get into careers to help different Americans throughout the country, is a real travesty in this country.

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

Mr. ROEMER. I am happy to yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I appreciate the gentleman making that point. As the gentleman knows, that amendment was supported overwhelmingly. It was supported by many of us who feel very, very strongly, as the gentleman has just articulated, the importance of AmeriCorps. That vote had nothing to do with AmeriCorps, although under the rule, as the gentleman points out, that was the way they found to fund that particular restoration. I think the gentleman makes a good point. We are certainly going to revisit that.

Mr. ROEMER. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. ANDREWS].

Mr. ANDREWS. Mr. Chairman, I think one of the unwritten clauses with the Contract With America is that there will be free, open, and honest debate, regardless of party affiliation. Tonight is the night the Contract With America was breached. We are all watching it tonight.

Mr. ROGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I rise in favor of the amendment of the gentlewoman from Maryland [Mrs. MORELLA]. I am delighted she was able to work it out with the chairman of the subcommittee, because I think what she is doing here is something which does advance the cause of science and technology in the country, because she is helping to fund a core program that increases U.S. competitiveness in those areas.

I could not help but be somewhat amused by what we just heard form the fear caucus and the look-back caucus here a couple of minutes ago. The gentlewoman has done exactly what the rule permits, and the rule permits under all circumstances out here on the floor, that she found a way to bring her amendment to the floor, to fund it within the right account.

Some people on the other side call that clever. Fine. That is part of what the legislative process is about. She has done a very good job of it. She deserves to be congratulated for doing that.

Others could have done exactly the same thing. They just do not like the idea that they have to obey the rules. What they want to do is to be able to reach into all kinds of areas and pull out, and what do we hear that they want to pull out, they want exactly the opposite direction from the gentlewoman. They want to kill and cut science and technology programs in order to fund social welfare programs.

Mr. Chairman, it seems to me that that is something that the American people might want to think a little bit about, whether or not we ought to cut the science and technology efforts of this country in order to increase the amounts of money going for largely social welfare programs.

Mr. Chairman, in the past few weeks what we have seen happening in this country is an understanding developing among the American people that what has gone on in Washington over the last several years is absolutely immoral; that we have brought about a situation where our children and our grandchildren are going to pay massive bills of debt that we are racking up because we want to feel good, because we want to be politically correct, because we want to be able to say that ''we care for you'' and we are going to dish out government money that we do not have and pile it on the debt of our kids.

Mr. Chairman, I simply suggest that if we are going to spend some of this money, it ought to be spent as the gentlewoman wants to spend it, increasing American competitiveness, advancing the cause of science and technology, so that in fact in the future our kids have something solid that we have created, so that they have some new economy, some new kinds of jobs that we have created out of the competitiveness that we brought about.

Mr. Chairman, what I hear from the other side is that that is not what they want to do. They want to cut these programs so we can make people more dependent, create more social welfare, and do it in the wrong way. I think that is a very, very disturbing trend, and it is probably the reason why the rules of the House are the way they are.

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

Mr. WALKER. I am happy to yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I would just say to the gentleman two things. One, I will give the gentleman from Pennsylvania [Mr. WALKER] an opportunity not to re-spend the cut from the space station later this year on social welfare programs, but to put it to the deficit. That is a program that is tens of billions of dollars over budget.

Mr. WALKER. Mr. Chairman, the gentleman and I have debated. Reclaiming my time——

Mr. ROEMER. Could I just make my second point, Mr. Chairman? The gentleman yielded.

Mr. WALKER. Sure.

Mr. ROEMER. The second point is that the gentleman used the rules in this Chamber as a member of the minority, or objected to those rules when they were not fair, in instances like A to Z.

I assume the gentleman signed the discharge petition for A to Z to get a full debate on cuts.

Mr. WALKER. Sure.

Mr. ROEMER. Now we do not have the opportunity on the floor.

Mr. WALKER. We are having a full debate now.

Mr. ROEMER. We are restricted by the rule as to what we can cut.

Mr. WALKER. Mr. Chairman, it is a much fuller debate then we usually got out of appropriations bills brought out of the committee.

Mr. ROEMER. First, it was a restrictive rule brought to the floor.

Mr. WALKER. Mr. Chairman, under the rules, it is my time.

I would say to the gentleman that the fact is that when supplementals were brought out in the past, we did not even pay for them. We were not given an opportunity on the floor to find a way to pay for them.

What we have here is a rather unique new procedure under the contract, where we are actually saying ''Maybe we ought not fund our emergencies by piling it on as debt.'' We have a rather remarkable new thing out here on the floor, right here, where we are stopping the piling on of debt.

I know the gentleman is complaining about that. The gentleman would prefer——

Mr. ROEMER. I am not complaining about that.

Mr. WALKER. That what we do is come out here and kill space station, so he gets his social welfare money. I think that probably is a major mistake.

The gentleman never has liked space station because he does not think that space station creates new technology. I happen to believe it does. In fact, the President and his administration, Mr. GORE today, I talked to him on the phone, he was against those NASA cuts, because he feels as though that is a contributor.

The gentleman is out of touch with his own party and out of touch with, I think, the direction of the Congress.

Mr. ROEMER. That is helpful in some degree.

Mr. WALKER. That may be.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, I thank the ranking minority Member for yielding time to me.

Mr. Chairman, back on the ranch, with regard to the amendment offered by the gentlewoman from Maryland [Mrs. MORELLA], I rise in strong support of the amendment. It would restore $3 million of the $19.5 million in cuts for the internal laboratory research programs at the National Institute of Standards and Technology.

For the record, Mr. Chairman, I would support a full restoration of that funding. I know the gentlewoman from Maryland was very interested in doing that also, and worked very hard on it. This was the compromise she was successful in achieving. I congratulate her for that.

Before going on to talk a little bit about these programs and why we should support the Morella amendment, Mr. Chairman, I would like to note that I deeply regret that the offsets in this amendment are coming from the State Department's Foreign Buildings account.

This is a big account, there is no question about it, but this account provides funds for over 12,000 facilities valued at over $10 billion. Right now, we have a $400 million plus backlog of facility maintenance and repair projects for our decaying facilities overseas.

Mr. Chairman, this account has already taken two cuts as a result of the rescission process. It is a big account, an easy account to cut. However, it would really be penny-wise and pound foolish, because we are building up a great liability that we are going to have to address. And we have already cut $20 million in this bill and $28 million as a result of the Senate's action on the defense supplemental.

I simply want my colleagues to know that continued hits in this account jeopardize our foreign buildings, as well as our new embassies.

Mr. Chairman, I hope we would refrain from the temptation to cut this account simply because of its size, and slow outlay rate. While I regret this account is where we are getting the money to offset this amendment, I do support very strongly the NIST laboratories. They develop measurement techniques, testing methods, standards, and other types of infrastructural technologies and services that provide a common language needed by industry in all stages of commerce.

They respond to the present and anticipated needs of U.S. industry and set priorities based on close consultation with industry.

Mr. Chairman, to this end, this $19.5 million cut proposed in the rescission package would have a profound impact on U.S. industry's ability to compete in the worldwide high technology markets.

There are two reasons why this cut would be particularly devastating. First, historically, up until a couple of years ago, the NIST labs were getting about half of their budget from other agencies in contract services. In other words, they were contracting out their services and those contracts were supporting NIST employees.

The increases we see in the budget requests, and it has rightly been pointed out that NIST's internal laboratories have received increases, since that time represent a shift from this type of funding to a straight appropriation. They was a good reason for this.

Mr. Chairman, this change gives the labs more stability to plan their activities from year to year. This has become increasingly important as industries become more sophisticated and technology changes more quickly. It is important for NIST to be able to set its own agenda, to have a budget which supports its FTEs.

Second, it allows NIST to target resources to high priority areas, like advanced manufacturing and biotechnology and information technology.

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

Mr. MOLLOHAN. I am pleased to yield to the gentleman from Colorado, a distinguished member of the subcommittee.

□ 2115

Mr. SKAGGS. I thank the gentleman for yielding. I just want to reinforce what the gentleman from West Virginia [Mr. MOLLOHAN] has been saying. We debate something that comes to us, and I appreciate the gentlewoman's bringing this to the floor, under the bureaucratic sounding title of Internal Laboratory Research and Members' eyes gloss over.

It is important to understand the real consequences of the work being done under this particular part of the National Institutes. We are talking about semiconductor microcircuitry research, materials, science research, a whole range of things that constitute a critical ingredient in any well-informed and sensible national competitiveness strategy. It is a vital part of the administration's efforts to really boost civilian research and secure an economic future for this country.

Mr. MOLLOHAN. We are supportive of the gentlewoman's amendment.

Mr. ROGERS. I only have one speaker remaining, and I think it is our right to close; is that correct, Mr. Chairman?

The CHAIRMAN. The gentleman is correct.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, that simply gives me an opportunity while we are on this subject to take my remarks one step further.

I would like to speak more broadly to all the proposed rescissions in the commerce technology programs, both in this bill and in the rescission package accompanying the defense supplemental. I want to go on record as strongly opposing these proposed cuts in the advanced technology program, in the manufacturing extension program, and in the Office of Technology Policy. Of course it is relevant to comment on these cuts because the NIST internal labs support the other commerce technology programs.. This is part of the reason why we desperately need this funding.

According to the charts contained in the World Competitiveness Report of 1994, the United States ranks 28th, behind Japan, Germany and all of our other major competitors in the percentage of government funding allocated to non-defense research and development. We rank fifth in total expenditure of R&D as a percentage of our GDP, and 19th in real growth of private sector R&D investment.

Let's face it. Our competitors are heavily investing in programs similar to the commerce civilian technology initiatives. They are pouring funding into research and development of precompetitive generic technologies. They are funding programs similar to MEP, and we are just beginning to understand the importance of that.

Consequently, Mr. Chairman, I particularly regret the cuts in the rescission packages to those external civilian technology programs.

Again, Mr. Chairman, I appreciate the time allocated and urge the support of the Morella amendment.

Mr. OBEY. Mr. Chairman, I have one other request for time. How much time do I have remaining?

The CHAIRMAN. The gentleman has 1 minute remaining.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, under the general rules of germaneness here and since I will not get a chance to talk about this elsewhere, I want to say a little bit about HUD.

We are hearing a lot and a lot in this bill beats up on HUD, and I want to acknowledge, HUD has been badly run, because from 1981 to 1989 under Ronald Reagan, the Secretary of HUD was Samuel Pierce, and rarely in the history of America under that Republican administration has any Federal department been run so incompetently and corruptly at the same time. They rarely did anything at all and when they did anything, it was likely to be crooked. The problem we now have is that the poor people in this country are going to be penalized by savage cuts in HUD which are a consequence in part of mismanagement of that Republican rule.

With Samuel Pierce having presided under Ronald Reagan over the most corrupt administration and the most inept in recent memory, it is a very cruel thing now to penalize the poor people today, and so these cuts in HUD which are being justified by HUD mismanagement are a clear case on the part of the Republican Party of killing your parents and claiming justification because you are an orphan.

Mr. ROGERS. Mr. Chairman, I yield myself the balance of the time.

The CHAIRMAN. The gentleman from Kentucky [Mr. ROGERS] is recognized for 4½ minutes.

Mr. ROGERS. Mr. Chairman, let me explain simply what the gentlewoman's amendment does. The 1995 appropriations act out of our subcommittee included $265 million for the National Institute of Standards and Technology's internal laboratory research programs. That amount was $40 million over the fiscal 1994 figure, an 18 percent increase, and deservedly so, because these labs do a wonderful job.

The committee rescission in this bill that is pending before us would rescind $19.5 million from that amount and reduce the 1995 figure to $245.5 million for fiscal 1995. That is still a 9.5 percent increase over the 1994 level, even after the rescission is taken.

The NIST internal program will not lose money. They will just simply get as much of an increase as the 1995 bill had given them. They will still be able to employ more people, even with this rescission.

The gentlewoman from Maryland has made a very powerful case to this gentleman and the gentleman from West Virginia [Mr. MOLLOHAN], the ranking minority member on our subcommittee, of the importance of the NIST program over and again to us.

I have to compliment the gentlewoman from Maryland [Mrs. MORELLA] for her tremendous persuasiveness about the effectiveness of NIST and its programs. She has convinced us that it would be wise to cut back on the rescission in a fairly modest way but a significant way.

This amendment she offers would restore $3 million to the NIST internal research program to enable them to continue the build-up that was started a few years ago to bolster our Nation's ability to compete by transferring technology to our Nation's industries and businesses.

I do not think anyone in this room needs to be convinced of the efficacy of the NIST programs. This is one of the government's good programs. These are dedicated scientists and economists and people who understand business and exports. These laboratories at NIST already have a 90-plus-year history of working closely with small and large companies coupled with a reputation for neutrality and technical excellence.

That is why NIST was selected by the Congress in 1987 and 1988 to tackle added assignments. Today we provide services through four major programs that make up a portfolio of technology-based tools:

One is the competitive advanced technology program which provides cost-shared awards to industry to develop high-risk technologies.

Two, a grassroots manufacturing extension partnership helping small and medium size companies to adopt new technologies.

Three, a strong laboratory effort planned and implemented in cooperation with industry and focused on infrastructural technologies.

And, four, a quality improvement program associated with the Malcolm Baldridge National Quality Award.

The NIST laboratories are an invaluable asset of our government in assisting American companies to be more competitive in the world market.

Unfortunately, Mr. Chairman, we do not have enough money in our bill to do all we would like to do. The monies that we restore tonight we will have to find in 1996 in order to keep these added employees on the line. None of us can guarantee that. We have got a tough year coming up in 1996. But for the moment, the gentlewoman from Maryland's amendment has been persuasive.

I want to again congratulate her on being able to convince a number of us to restore this amount of money to the NIST program.

I reluctantly have agreed to the amendment, and I will be voting for the Morella amendment and urge our colleagues to do the same.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. ROGERS], as modified.

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

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote. A recorded vote was ordered.

The CHAIRMAN. This will be a 17-minute vote.

The vote was taken by electronic device, and there were—ayes 419, noes 8, not voting 7, as follows:

[Roll No. 244]

AYES—419

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)

Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—8

Abercrombie
DeFazio
Hefley
Hostettler
Johnston
Manzullo
Rohrabacher
Scarborough

NOT VOTING—7

Collins (MI)
Cubin
Foglietta
Gibbons
Johnson, E. B.
Lewis (GA)
Yates

☐ 2143

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

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

☐ 2145

AMENDMENT OFFERED BY MR. CRANE

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

The CHAIRMAN. Has the amendment been printed in the RECORD?

Mr. CRANE. Yes, it has, Mr. Chairman.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CRANE: page 33, line 20, strike ''$47,000,000'' and insert ''$112,000,000''.

Page 33, line 22, strike ''$94,000,000'' and insert ''$215,000,000''.

The CHAIRMAN. The gentleman from Illinois [Mr. CRANE] will be recognized for 15 minutes.

Is there any Member standing in opposition to the amendment?

Mr. OBEY. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] will be recognized for 15 minutes.

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

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

Mr. Chairman, Speaker GINGRICH has indicated that he would not recognize further funding for the Corporation for Public Broadcasting after 1998, and as a result, we are on a course that is designed to totally defund the public contribution to public broadcasting. It is a, relatively speaking, minimal contribution right now, and it will be zeroed out.

But in the interim, what I am arguing is that my amendment would do this in a way that enables those people to make adjustments as they face that final decline of Government money involvement in public broadcasting. They would do this in a more rational way.

The proposal in the legislation before us is mild up front. In 1995, it is a 15-percent cut, a 30-percent cut in 1996, but then they are faced with a 70-percent reduction in their funding the year that it is terminated. My proposal, Mr. Chairman, would, instead, make it 33 percent, 33 percent, and 33 percent, and I would argue, Mr. Chairman, that that is a better way to approach the resolution to this problem than is currently contemplated.

The CPB funding, one must recognize, is a very small percentage of total funding for public broadcasting. As I indicated earlier, it is roughly 15 percent that comes from Federal appropriations to fund public broadcasting. We are talking about the Corporation for Public Broadcasting, not public broadcasting. Public broadcasting will continue, and my argument is there are ways in which it can be assured of a continuation for those programs that those people who are constant viewers, say, of public broadcasting, they can be assured that they will still continue to receive those services.

There will be some adjustments, however, and those adjustments are dictated in part by economic reasons, and that has been a part of the argument advanced by Speaker GINGRICH when he says by 1998 the Government taxpayers will no longer be involved in this process.

I think it is important for our colleagues to understand that from 1975 until the present the funding for the Corporation for Public Broadcasting, the public funding, has risen by 500 percent, 500 percent since 1975. And even if you are looking at constant dollars, the fiscal year 1995 appropriation is more than three times higher than 20 years ago.

Telecommunications is very different than it was in 1967 when CPB was created. The functions of public broadcasting, namely, education, entertainment, diversity, access, and so forth are now duplicated in other entities such as cable, direct satellite, VCR's, public-access shows. CPB provides only one block of programming, while cable provides hundreds.

Some say that we need CPB because many do not get cable, the main source of diversity. However, the answer to that problem is to encourage access to cable, not to subsidize public broadcasters. Many public TV stations themselves are now redundant. CPB estimates that 58 percent of Americans receive at least two or more public TV stations. In the greater Chicago area, for example, my hometown, there are as many as four access stations, and New York has four. Washington, DC, has three; Kansas City, for example, has two.

Public broadcasting funds should go to rural stations where the need for access and diversity is most acute. If the CPB were truly the philanthropic organization it claims to be, cuts in its budget would not lead to the end of small stations. Instead, it would end big stations where consumers have a number of choices.

Barney was created by the Lyons group. Founder Sheryl Leach and her partner were listed as one of Forbes magazine's highest-paid entertainers with 1993 to 1994 earnings of $84 million. The Lyons group has the licensing agreement with Hasbro and a theme park at Universal Studios theme park in Orlando.

Barney avoided extinction with the help of a $2 million grant from the CPB and public broadcasting. ''What we didn't realize is that exposure is so important,'' said Barney creator Sheryl Leach. After public broadcasters provided exposure, Barney became an institution.

The Wall Street Journal reported that despite Barney's $1 billion in gross revenues and Leach's $84 million earnings, almost nothing goes to CPB. In total, according to the Wall Street Journal, the CPB earned $317,000 from product licensing fees in 1991.

Mr. Chairman, I would urge my colleagues to recognize that we are not talking about ending public broadcasting. What we are talking about is ending that minimal Federal Government involvement in this process that is not necessary, not in any way, shape, or

form, to guarantee that public broadcasting continues.

And we know, for example, that there are alternative ways to meet that marginal void of the 15-percent taxpayer contribution to the process that has perpetuated this with escalating costs to the taxpayers and minimal return.

I would urge my colleagues to support the amendment.

Mr. OBEY. Mr. Chairman, I yield 1¾ minutes to that noted defender of Big Bird, the gentlewoman from New York [Mrs. LOWEY].

Mr. CRANE. Mr. Chairman, I yield 50 seconds to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I rise in very strong opposition to the Crane amendment to impose further cuts on the Corporation for Public Broadcasting.

In fact, had the rule not be so restrictive, I would have offered my own amendment to cut those cuts even further rather than increasing them.

The House Republican leadership has launched an all-out attack against the Corporation for Public Broadcasting as wasteful government spending and as culturally elite. This amendment hastens the planned demise of the Corporation for Public Broadcasting and reveals very clearly the extremist agenda of the Republican majority.

If you oppose violence in the media, you will oppose this amendment. Public broadcasting, Sesame Street, Prairie Home Companion, and other public programming provide an alternative for preschoolers, families, elderly Americans who want to avoid the violence of too much of commercial broadcasting. If you disagree with the Republican leadership claim that public broadcasting represents a subsidy for the culturally elite, you will oppose this amendment.

Nearly half of public broadcasting's audience are middle-income-family individuals. Calling public broadcasting culturally elite is an insult to the millions of hard-working, middle-class Americans who watch public television or listen to public radio. If you oppose the commercialization of public broadcasting, you will oppose this amendment.

You will oppose this amendment, because opponents of public broadcasting seek to privatize public broadcasting and allow commercial interests to take it over. The fact is public broadcasting could not support itself solely through revenues from its successful shows and should not support itself through commercials.

I strongly urge my colleagues to oppose the Crane amendment.

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

Mrs. LOWEY. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Chairman, I have not suggested the content. What I have suggested is that we are going to terminate public financing of public broadcasting by the year 1998, and all that my amendment does is to do that in a staggered way where those people can make easier adjustments than to take a 70-percent hit in their total budget in 1997. Mine is 33, 33, 33, so they can make the adjustments to the cutbacks. And the other point is it is not cultural elitism that I have argued about.

Mrs. LOWEY. I would just like to thank the gentleman for clarifying my statement even further. In fact, what this amendment does do, as you suggest, is hasten the demise of public broadcasting, because, in fact, you are increasing from 15 to 36 percent the cuts in 1996 and from 30 percent to 68 percent the cuts in the following year. So you are hastening the demise of public broadcasting, and I thank you for your clarification.

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume for one final rebuttal. My point is that is a gentler adjustment time frame than what is proposed under the legislation, because if you make marginal cuts this year and marginal cuts next year, and then you come in and you savage them totally in that final year, that is a bigger adjustment than my proposal offers.

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

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois [Mr. PORTER], the distinguished subcommittee chairman.

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

Mr. Chairman, as well-intentioned as this amendment might be, I believe that it would very much undermine the efforts of the subcommittee and the committee to graduate public broadcasting off the Federal subsidy, and we believe that we are making great progress in that regard.

□ 2200

Mr. FIELDS of Texas, the chairman of the authorizing subcommittee, and I met with officials of CPB, NPR, and PBS within the last 2 weeks, and we had I think a very, very productive meeting and understanding that our intention was that CPB become independent of the Federal subsidy, that they work on a plan that would provide for alternative revenue streams, and that they work also to incorporate a concept of graduation from subsidy for member stations who do not need it within their plans and to reduce or eliminate station overlap, of which there is some involved, particularly on the television side.

We believe that the cuts that we proposed are very substantial, 15 percent next year and 30 percent the following year. We believe that it allows them adequate time to adjust to the concept of coming off the Federal subsidy, and we believe very strongly that the Crane amendment would undermine these efforts.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I, of course, rise in strong opposition to the Crane amendment to increase the cut in the Corporation for Public Broadcasting. But do not let the Crane amendment distract us from what is really happening here today, because this rescission bill advanced by the Republican majority has huge cuts in the Corporation for Public Broadcasting: $47 million for this next year, and $94 million the year beyond.

So any words of support for CPB in opposition to Mr. CRANE, Members should demonstrate their support for the Corporation for Public Broadcasting by voting against this bill in final passage to eliminate these huge cuts that are already there.

Mr. CRANE in his remarks said people who do not have cable should get it. We should increase access to cable. What will that do? Increase access for our children to more sex and violence on television. Cable television, even if people can afford it, which they cannot, is no substitute for educational TV, which reaches 99 percent of our households. Our society benefits immensely from the unique educational services CPB provides that stretch across age, sex, gender, and ethnic boundaries.

Make no mistake, this rescission bill has serious cuts in the Corporation for Public Broadcasting. If you support it, you will vote against this whole bill in the end, because then you will be truly standing up for the Corporation for Public Broadcasting.

Another point our colleague has made is that if you eliminate public funds, it is still public. That cannot possibly be true.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. BOEHLERT].

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

Mr. BOEHLERT. Mr. Chairman, I rise in strong opposition to the Crane amendment.

Mr. Chairman, it strikes me as a bit odd, at a time when we are concerned about universal access to the internet, to laptop computers, to an array of educational technologies, to be talking about eliminating access to the one educational technology that is available to everyone already: public broadcasting.

I am old enough to remember in the 1950s, when broadcast television was hailed as the Nation's salvation, offering endless educational and entertainment possibilities—possibilities that did not seem outlandish in the medium's ''golden age.'' And yet by the 1960s, Newton B. Minow famously surveyed the broadcasting landscape and saw nothing but a ''vast wasteland.''

So in the 1990's, as the commercial media become ever more competitive, they reach reflexively for the lowest common denominator of flashy, empty programming, often laden

with violence and sex. It is in the public interest that quality alternatives be offered that the market is slow to provide. The Federal funding in public broadcasting is minimal, and I see no reason we should poor mouth our way into an impoverished culture.

Public broadcasting survives, and must survive, to meet real, legitimate, unmet public needs. It is a resource we need more than ever, and I urge my colleagues to vote against rescinding appropriations for the Corporation for Public Broadcasting.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, this amendment is part of the Republican campaign for the dumbing down of America. First, they killed the fairness doctrine so Americans no longer hear both sides of an issue. Then the Republicans invested heavily in right wing radio and TV, so that Americans get a steady diet of Rush Limbaugh and the world according to Professor GINGRICH. Now they wanted to kill public broadcasting.

My Republican colleagues live in fear that Americans will hear more than their narrow side of the political debate. It is ironic that my Illinois colleague, who railed against the freedoms destroyed by communism, is anxious to silence the free exchange of ideas on public broadcasting.

The Republicans should not be afraid of information and balanced debate. In many foreign nations, this kind of exchange of ideas is called the American way of doing things.

Now, let me reinforce what the gentlewoman from California said. Voting against Mr. CRANE's amendment does not make you a friend of public broadcasting. Keep in mind that the underlying bill, this rescission bill, cuts the heart out of public support for public broadcasting.

Those who are standing here opposing his amendment, to say that they are friends of public broadcasting I think a lot of us know better. The bottom line is this: If we are going to keep a free and open exchange of ideas in this country, we have to be subscribing to, supporting personally, and providing some Government support, yes, for public broadcasting, both radio and TV. Oppose the Crane amendment and oppose this bill.

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

Mr. Chairman, I assume that free exchange is on Barney and Sesame Street that he is talking about, and that is characteristic of the other side of the aisle. But let me tell you something: Lyon's Group and Children's TV Workshop are grossing about $2 billion a year through the exposure of Barney and Sesame Street. Now, why do they not, because of that free advertising, permit a little flow-back to replace any component part of national public broadcasting that is coming from the taxpayers.

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

Mr. CRANE. I yield to the gentlewoman from California.

Ms. PELOSI. The gentleman knows, of course, what somebody grosses is not necessarily——

Mr. CRANE. Mr. Chairman, reclaiming my time, to be sure. I said gross income. But my point is that when you are looking at $2 billion a year in gross income, for goodness' sake, our contribution that we are talking about is inconsequential by comparison.

Ms. PELOSI. If the gentleman will further yield, the gentleman is on the Committee on Ways and Means, a great leader on that committee. Could the gentleman give us some idea of how much of tax write-offs the commercial television stations get each year, how much the taxpayer subsidizes their operations.

Mr. CRANE. Infinitely preferable to do it in the private sector than the public sector.

Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I rise in support of this amendment. I am amazed from what I just heard from this other side of the aisle. They said we have to have Government-subsidized broadcasting at taxpayers' expense to counter what you are hearing from the free enterprise system; that you have to have Government to get out a public propaganda message instead of listening to what is on news programs or public information programs from free enterprise.

That is a socialist approach. I reject it. If you want education programming, you have got that in private sector already. Look at the Learning Channel, the Discovery Channel, the Arts and Entertainment Channel, C–SPAN, Spanish Network, Weather Channel, Headline News, CNN; then the other commercial stations. You do not need Government to give your side of the story whenever the free enterprise system says something.

I reject that notion. That shows what is really going on. Public broadcasting should be paid for by voluntary members of the public that want to contribute, not tax money.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, the free enterprise system does not work to serve the children of our country. ABC, CBS, NBC, and Fox combined have on 8 hours of children's television per week, total. PBS, starting at 6:30 each morning with Sesame Street through 6:30 every night with Bill Nye, the Science Guy, puts on 10 to 12 hours a day, 60 or so hours a week, of children's television.

Now, just so you will know the facts, ladies and gentlemen of the other side of the aisle, there are 70 million children in the United States. Of those 70 million, 33 million of them live in homes without any cable. The only channels they can turn to are ABC, CBS, NBC, Fox, or the other independent stations. There is no children's television on it.

Now, if you want these children to be able to compete in a post-GATT, post-NAFTA world the way I do, I voted for it, we have a big deal with these kids. We are letting the low-end jobs go and are going to try to target the information-age jobs.

If you take off the only channel on television that provides mothers of children that come from the low income areas with the informational and educational skills which they need, then you are dooming our country to a society where all the welfare reform in the world will never make it possible for these children to have the skills that make it possible for them to hold the jobs in your so sacred private sector that you cut their one link to it that the public is providing them.

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] has 4 minutes remaining; the gentleman from Wisconsin [Mr. OBEY] has 7¼ minutes remaining, and is entitled to the right to close since he is defending the committee position.

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

Mr. MORAN. Mr. Chairman, as a father of a 5-year-old and a 3-year-old, I got to tell you that when you rely only upon the commercial sector to produce programming that is in their interest, you do sacrifice quality and content.

I doubt any of you have the opportunity to watch the kinds of shows that are put on on Saturday mornings or during the morning on weekdays. But the reality is that the only quality is that which you get on public broadcasting. What you get on the commercial networks is full of gratuitous violence, it has no qualitative content to it. There is a reason why the Corporation for Public Broadcasting has been maintained. It is because there is a vast difference between what it produces and what the commercial networks produce. And it all comes down to where the motivation is. The motivation for the Corporation for Public Broadcasting is to produce the highest quality programming, to appeal to our best instincts, and that is what we got and that is what we should keep.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Chairman, this rescissions package is a joke, worse than what you see on the various cable TV networks. This rescissions package guts public corporation television. It guts summer jobs, it guts housing for people who need it. And let me say this: I resent the Members of the other side of the aisle calling us socialists. We simply stand here for working Americans. Public television is free television, and it is television for our children.

What you are asking us to do is take from the Old Testament Solomon's rule

where he asked the mothers who gave birth to two babies how they would resolve who would get the one baby that lived. When they could not resolve it, one mother said cut the baby in half. The other mother said no, let the other mother take the baby because I love the baby too much.

We love our children. We will not let you put us in the Solomon's choice. Republicans can cut the baby in half. Democrats want to keep the baby alive because we love our children. Support the Public Broadcasting Corporation.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, I want to appeal to those of you who find more sense in being reasonable than to be idealogues. You know, there is a place for public television and a place for public radio, and it is indeed both in the urban and rural areas. I represent rural America, and it is refreshing to know there is a source of information that is not only qualitatively and quantitatively superior, but also is subjective and has an opportunity to advance learning.

This is in the American interest that we support it. It is not to suggest that we are any less caring about free enterprise, but it is to suggest we see value in having the Americans support it because it enhances not only the education advancement, but it enhances the American way. It makes sense.

Mr. Chairman, I appeal to the other side to not only defeat this amendment, but to know that you must defeat the whole bill itself.

Mr. CRANE. Mr. Chairman, I yield 30 seconds to the distinguished gentlewoman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. Mr. Chairman, I want to thank the gentleman, but I think I heard something that was false. It is not free. My five grandkids are going to get the bill. We are spending $200 million a year. It is not free. You are charging to each of my grandkids every month a debt they cannot pay, and it is not free. And if we do not pay attention right now, you are taking away their future, because you think it is free.

□ 2215

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

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

This is once again another instance of mean-spirited Republican budget cuts. It really never ceases to amaze me how mean-spirited and radical the Republican party has become. When I left this morning, my 16-month-old son was watching Barney. My kids have grown up on Sesame Street. I said this morning, Don't kill big bird.

Let me tell you something: 40 percent of American families do not get cable television. So if we lose public broadcasting, 40 percent of America cannot see public broadcasting and these kinds of shows. Do we want our kids to be exposed to the sex and violence in commercial television? Do we really want our kids to be exposed to all these commercials?

For $1 every $1 that is put in of public funds, $6 in the private sector are generated. This is an example of the public/private partnership that works. This money that the Federal Government puts forth is less than $1 for every American person.

If it ain't broke, don't fix it. It ain't broke. Public TV works. Vote against this mean-spirited amendment and vote against the mean-spirited rescission package.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, we heard the previous speaker equate public broadcasting with socialism. I think that kind of laid it bare. There is no secret out here anymore. This is an amendment from the far right wing of the Republican party, this doubling of cut for the Corporation for Public Broadcasting really goes by name. It is called extremism.

Look, the mainspring of your party and the mainspring in the middle of your party, neither want to see the cuts doubled to the Corporation for Public Broadcasting, and neither your middle or ours or the middle of America believe the Corporation for Public Broadcasting is akin to socialism.

This amendment represents the far extreme right wing of your party.

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

Mr. Chairman, I have to explain again to my colleagues on the other side of the aisle, CPB, the Corporation for Public Broadcasting, the public taxpayer-financed component of public broadcasting, will be gone by 1998. All my amendment does is phase that cut in in a way where they can make the adjustment easier than is otherwise prescribed under the legislation before us.

It is a 33, 33, 33 percent cut instead of waiting until 1997 and taking a 70 percent hit on their whole budget.

It is history, guys. Open your eyes up. We are talking about letting the private sector run it as it always should have.

Mr. Chairman, I yield 1 minute to my distinguished colleagues, the gentleman from Texas [Mr. FIELDS]. With all due respect, we have a gentleman's disagreement.

Mr. FIELDS of Texas. Mr. Chairman, I want to thank the gentleman from Illinois for yielding time to me, because I rise in reluctant opposition to the amendment at this time.

I think our position as Republicans first of all should be in support of public broadcasting. I think there is a niche for public broadcasting on the information superhighway. I do not believe there should be $1 of Federal money spent in the future when it comes to authorization or when we get to the next round of appropriations, I will support the gentleman from Illinois.

But I am now in a gentleman's agreement with CPB, with PBS, and with NPR, trying to find a solution to this problem, because I honestly believe there is a need for public broadcasting. But again, do not misunderstand me, particularly on this side of the aisle, in the future, we should not spend Federal money.

We can have a transitional time of commercial advertising. Then we can use the spectrum and through new technology allow compression that allows them to move into a new era.

So reluctantly, I oppose the amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the distinguished chairman of the Committee on Appropriations, the gentleman from Louisiana [Mr. LIVINGSTON].

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

My colleagues, the hour is late. The fact is the gentleman from Illinois [Mr. PORTER] and the members of the subcommittee have done a good job. They called for a 15 percent cut in 1996 for CPB and a 30 percent cut in 1997. I think that is adequate. That gets us on the right track.

Next year we can deal with this matter in the appropriations process in the normal time sequence. But I think that we ought to leave this bill intact as it is.

I sympathize with my friend from Illinois. I share his goals as one who has been personally attacked, practically, and caused hardship by my own public TV station. But I believe that we should deal with this at the proper time.

I urge the committee, the whole committee to support the work of the Committee on Appropriations. Vote against the Crane amendment and sustain the work of the committee.

Mr. CRANE. Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts [Mr. TORKILDSEN] who has a gentleman's disagreement with me.

Mr. TORKILDSEN. Mr. Chairman, I thank the gentleman from Illinois for graciously yielding time to me.

I, too, disagree with the amendment. I think public broadcasting does have a role in our country. Commercial broadcasting is fine for what it does, but it does not have the educational component that public broadcasting has.

So I would ask members of my party to please vote against this amendment. I think we need public broadcasting to continue that education for preschoolers, but also for adults, programs that we would not see otherwise.

I thank the gentleman from Illinois for yielding time to me and ask that the amendment be voted down.

Mr. Chairman, I rise in strong opposition to this amendment. Further cuts in public broadcasting will not only devastate public television and radio systems, but it will also severely

hamper the discussion already taking place about the future of public broadcasting.

Faced with the current $141 million reduction, about 30 stations would merge or go dark by 1998 and another 30 stations would have to shut down local operations by 2000.

This debate is about the value we place on public education. Public broadcasting is education for preschoolers; it's hands-on classroom materials for teachers; it's a way to earn a GED or college credits from home. The guiding principle of commercial broadcasting is clearly profit. For public television, the guiding principle is education.

Cable has certainly added to the television menu, but only for those who can afford its high prices. Basic cable costs around $25 per month. That is simply too high a price for millions of Americans, and as a result nearly 40 percent continue to go without. Public television reaches 99 percent of the nation.

The public broadcasting industry and Congress are currently discussing the future role of public broadcasting for America. Draconian cuts would hamper these talks and prevent any thoughtful resolution for this issue. I urge my colleagues—even those who would like to end Federal funding for public broadcasting—to vote against this amendment.

Mr. CRANE. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, Government ought to do what it has to do, not what it would like to do. We would all like to play Walter Annenberg or Lorenzo de Medici and be patrons of the arts. If we are serious about getting the deficit down, we can no longer do the things that are luxuries, that are nice and pleasant.

Let us go to the foundations. Let us go to the wealthy people who subsidize the arts, museums. Let them subsidize public broadcasting. It is good. It is worthwhile, but we have to borrow money to pay our bills. We can get by without this. We ought to fund it.

The CHAIRMAN. The gentleman from Illinois [Mr. CRANE] has ½ minute remaining, and the gentleman from Wisconsin [Mr. OBEY] has 1¼ minutes remaining.

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

Let me just say in conclusion, we are not talking about ending public broadcasting. Eighty-five percent of public broadcasting is privately funded. We are talking about a minuscule contribution from our grandchildren who are going to inherit the debt that we are running up right now.

I say it is time to get Government out of public broadcasting. It can survive and it can continue to provide the worthwhile services it has in the past.

I urge support for my amendment.

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

Mr. Chairman, this amendment is irrelevant. The Republicans have already decided to kill public broadcasting. This is simply a late-night sideshow to enable the reluctant dragons of the GOP Gingrich gang to get off the hook. That is all it is.

I never want to hear another lecture about family values from the Republicans in this House. I just heard someone on that side of the aisle, on the Republican side of aisle say our kids could not afford the money we are spending on public broadcasting. What our kids cannot afford is the garbage that passes for entertainment on commercial television. That is what our kids cannot afford.

This is a debate between family values and commercial values. And when you kill the only kind of television that gives young kids a decent opportunity to see something other than the garbage that passes for national network television, what you do is abandon them to the commercial marketplace. You abandon them to the commercial market forces. You say, ''Values out the window, dollars come first.'' I do not think this country wants that.

Mr. RICHARDSON. Mr. Chairman, this bill indiscriminately cuts programs of great importance to millions of elderly, poor, and young Americans.

This bill reduces funding for important services like the Corporation for Public Broadcasting.

Now we are considering an amendment which further cuts funding for CPB.

CPB plays an important role in educating our young and keeping a vast part of our society informed.

This bill, already cutting CPB's funding by 15 percent, will have direct and negative consequences for children, rural areas, and minorities. This amendment will devastate public broadcasting.

My colleagues on the other side argue that CPB can be privatized, that the proliferation of cable has surpassed public television, or that CPB can survive through advertising, or from the profits from Barney and Sesame Street.

CPB cannot be privatized because there is nothing to privatize. CPB has no assets, it is not a business.

CPB is a grant making organization whose constituents are not-for-profit TV or radio stations.

Cable does not replace public broadcasting. Ninety-nine percent of Americans have access to public broadcasting. Only about 60 percent of Americans receive cable programming.

Public broadcasting is free and all Americans have access. Cable is expensive and it does not serve all homes.

By law public broadcasters are prohibited from advertising. Public broadcasters cannot sell air time for products or services.

Finally, public broadcasters receive only royalties from Barney the Dinosaur and Sesame Street. Last year these royalties were $20 million and most of that went back into expensive educational programming.

America's children, rural citizens, and minorities stand to lose the most. Urge my colleagues to oppose this amendment.

Mr. JOHNSON of South Dakota. Mr. Chairman, while I find many aspects of this rescission bill cold-hearted and callous, particularly where the children of this country are concerned, I rise today on behalf of all my constituents in South Dakota—young and old—to express my strong opposition to the Rohrabacher and Crane Amendments which further gut funding for the Corporation for Public Broadcasting. I simply cannot stand by and watch this heartless trouncing of an entity that has brought laughter, insight, and thought into the homes of countless South Dakotans and people all across this country.

This rescission bill already strips CPB of much needed funding. Given these new funding limitations, CPB must now make decisions about which programs will remain, what staff must be cut, and which stations will receive less funding. Any additional funding cuts to this invaluable resource will dramatically and negatively affect millions of people in this country. At a time when commercial broadcasting is bringing an excess of sex, violence, and just plain schlock into our homes, we simply cannot afford to lose public broadcasting—the one source of quality programming that we have.

Pulling the plug on public broadcasting hurts all of us, from those living in small rural communities to those surviving in inner city high rises to those residing in senior centers. For many people in South Dakota and across this country, public broadcasting is the only source of quality television and radio programming.

Nearly 40 percent of American households do not have cable television. In my home state of South Dakota, nearly 60 percent do not have cable. Public television and radio are often the only source of world and national news to millions of Americans. It plays a vital role in thousands of communities. Rural States such as South Dakota will be particularly hard hit by the proposed cuts and any additional cuts—25 percent of South Dakota Public Broadcasting funds come from CPB. Don't kid yourself or the American people. Our states will not be able to pick up the slack when the gutting process begins.

No one is opposed to having CPB look more aggressively for ways to profit from their occasional commercial success or to find ways to trim the fat from their overhead. But any attempt to make public broadcasting survive solely on its ability to the commercially successful should be thrown out the window.

I intend to do what it takes to ensure this senseless slashing ends. Enough is enough. No more endangering Big Bird. No more silencing Lawrence Welk. No more gutting.

Mr. GEPHARDT. Mr. Chairman, this week, House Republicans are pushing for cuts in many of our most crucial commitments to children, the elderly, pregnant women, and veterans, largely to pay for a capital gains tax cut that benefits those at the very top of the economic ladder. I believe these cuts are a grave mistake, because they punish those who are truly in need to help those who have few needs at all.

But there is one proposed cut that truly strikes at every single American, and that is the wrong-headed proposal to slash funding for the Corporation for Public Broadcasting—wounding public television and radio out of sheer partisan enmity.

Public television and radio perform a crucial public service, because they bring extremely high-quality, educational and informational programming into the homes of countless millions of Americans. These programs help young children to learn and to grow, and offer thought-provoking analyses of the world around us—programs that enrigh the minds and enhance the debate of the country at

large. I am proud to consider myself a viewer and listener—as are so many Americans.

Perhaps that is why I have been flooded with letters from the people of St. Louis, beseeching me to defend the Corporation for Public Broadcasting, and especially KWMU and KETC, from these draconian cuts. Educators, psychologists, doctors, parents, and teachers, concerned community members from the 3rd Congressional District have all joined together in this cause. They know that public television and radio offer a depth and perspective that commercial outlets simply do not and cannot.

In the most fundamental sense, the airwaves belong to the American people. A handful of partisan Republicans may not like P.B.S., but the vast majority of American families do. I urge my colleagues to defeat any and all efforts to weaken this cultural source of thought, opinion, and entertainment in America.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Illinois [Mr. CRANE].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 72, noes 350, not voting 12, as follows:

[Roll No 245]

AYES—72

Archer
Armey
Baker (CA)
Barr
Bartlett
Barton
Boehner
Bryant (TN)
Bunning
Burton
Buyer
Canady
Chabot
Christensen
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
DeLay
Dickey
Doolittle
Dornan
Dreier
Emerson
Flanagan
Funderburk
Hancock
Herger
Hilleary
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Kasich
Kingston
Largent
Lewis (KY)
Linder
Manzullo
McIntosh
Neumann
Norwood
Paxon
Pombo
Rohrabacher
Roth
Royce
Salmon
Sanford
Sensenbrenner
Shadegg
Shuster
Smith (WA)
Solomon
Souder
Stearns
Stenholm
Stockman
Stump
Tate
Thornberry
Vucanovich
Walker
Weldon (FL)
Weller
Zimmer

NOES—350

Abercrombie
Ackerman
Allard
Andrews
Bachus
Baesler
Baker (LA)
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TX)
Bunn
Burr
Callahan
Calvert
Camp
Cardin
Castle
Chambliss
Chapman
Chenoweth
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (IL)
Conyers
Costello
Coyne
Cramer
Crapo
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnston
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lightfoot
Lincoln
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Markey
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Serrano
Shaw
Shays
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Spence
Spratt
Stark
Stokes
Studds
Stupak
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Waldholtz
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff

NOT VOTING—12

Chrysler
Clay
Collins (MI)
Cremeans
Cubin
Gejdenson
Gibbons
Johnson, E. B.
Lewis (GA)
Martinez
Rangel
Yates

☐ 2243

Mr. HEFNER and Mr. GOSS changed their vote from ''aye'' to ''no.''

Mr. LARGENT and Mr. KASICH changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

☐ 2245

AMENDMENT OFFERED BY MR. ROHRABACHER

Mr. ROHRABACHER. 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. ROHRABACHER: Page 20, line 5, strike ''$18,650,000'' and insert ''$23,450,000.''

The CHAIRMAN. The gentleman from California [Mr. ROHRABACHER] will be recognized for up to 15 minutes.

Is there a Member standing in opposition? Is the gentleman from Wisconsin [Mr. OBEY] in opposition?

Mr. OBEY. Yes, I am, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin will also be recognized for up to 15 minutes.

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

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

First, Mr. Chairman, I would like to apologize to some Members to whom earlier I stated that I would probably not be introducing this particular amendment, realizing that after the full discussion that we had on the Corporation for Public Broadcasting because of the last amendment, that this body did not need to spend another half-hour debating the Corporation for Public Broadcasting, I decided not to introduce my amendment on the Corporation for Public Broadcasting but instead decided to offer an amendment dealing with a piece of waste in the budget which I feel that would probably be more worth our time to talk about, rather than having another half an hour debate on the Corporation for Public Broadcasting.

Earlier in the day that was not my intent but, Mr. Chairman, the purpose of this amendment is to endorse the original decision made by the Interior subcommittee to include $4.8 million for the mild gasification plant in Illinois in this rescission package, a decision that was reversed in full committee.

The subcommittee had many sound reasons for not wanting this project financed. First, this is a program that the Department of Energy has left out of its budget requests since fiscal year 1993. The DOE requested this project be terminated in fiscal year 1994. Nevertheless, earmarked appropriations were made in 1994 and 1995. Arguments to the contrary, scientific justification be damned, the earmarks were made.

I am now chairman of the authorizing subcommittee, and I can tell Members, although coal gasification as a substitute for oil may have made sense in an era of high oil prices, both the Department of Energy and the National Academy of Sciences now agree that it has no practical value at the level of projected oil prices through the year 2010.

In addition, this project will duplicate other gasification projects already undertaken by the Department of Energy in West Virginia and Wyoming.

Furthermore, we are likely to come to the day when our other advanced technologies will replace the need for traditional coke-making altogether. As for power generation, this program has no value. Both the Department of Energy and the National Academy of Science agree that advanced gasification systems for power generation should have a higher priority than this mild gasification project which is aimed at producing a coal-based substitute for oil.

Mr. Chairman, when even the bureaucrats are saying that a project like this is unneeded, you know that what we are talking about is wasteful Government spending.

The timing on this rescission is also important. These are unobligated funds. Although construction is imminent at this moment, I am assured that the Department of Energy can stop this project now at no additional cost, saving the taxpayers almost $9 million over the life of the project.

If we act now, we will be saving $9 million over the life of this project. If we wait instead and do not include this in the rescission bill, and we wait for the fiscal year 1996 budget process, we will have lost our opportunity for real savings, construction will have started, and we will not be able to recoup millions of dollars.

I can assure Members of this, being the chairman of the authorizing subcommittee. We have no intention of authorizing this project for 1996, but if we wait for that, we have waited too long and millions of dollars will have been wasted.

I know that some people may argue, ''We're not talking about a lot of money when we are talking about $4 million to $10 million.'' But that is the problem. For far too long, we have let these pet projects slip through while decrying the budget deficit and waste in Government. Here is our chance to show that in the 104th Congress, it is not business as usual. This project is pure pork, it is not justified by science, it is not justified by economics, it is not justified by need. What got it through the system was politics.

Today is a new day and there are different powers in place, political powers in place in Washington who will not put up with the type of decisionmaking that was made during the last session. Earmarking projects that even bureaucrats say is wasteful spending will not cut it anymore.

And, yes, a ''yes'' vote on this amendment is a vote against earmarks and a small but important step towards fiscal sanity and a balanced budget.

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

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, I would like to at least clarify a few facts here. Could I have the attention of the gentleman from California.

Is the gentleman from California aware of the fact that this project was the result of a competitive solicitation by the Department of Energy and not a congressional earmark?

Mr. ROHRABACHER. If the gentleman will yield, the Department of Energy has requested that we terminate this project. Let me make that very clear. This is officially a request of the Department of Energy.

Mr. DURBIN. Let me reclaim my time. The gentleman has said repeatedly this is an earmark, this is pork. In fact it is not. It is the result of a competitive solicitation by the Department of Energy. It is not in my district but it is in my State and it is not only important to my State, it is important to a number of Midwestern States. We are talking about the use of high-sulfur coal which is becoming less popular and less commercial because of the Clean Air Act. The effort being made here is to find an environmentally safe way to use this coal.

Could I ask the gentleman from California another question. Does the gentleman know how much the total project costs?

Mr. ROHRABACHER. $19 million.

Mr. DURBIN. I believe it is $21 million. I would like to ask the gentleman, does he know how much the Federal Government has already put into this project before this year?

Mr. ROHRABACHER. I am told by the Department of Energy that the funds have not been expended and that $9 million has been spent and that we can save $10 million by acting now.

Mr. DURBIN. I think the gentleman's information is incorrect. It is a $21 million project. We have put in $12 million. It will take roughly $9 million to finish. Twenty percent is being provided by the State of Illinois and by private sources. I am sure the gentleman is not aware of the fact, but if we close down the project, if we stop now, if we do not spend another penny to finish it, the $8 million or $9 million to finish it, it will cost us $3.1 million to close down the project.

Here is what we are faced with. We either spend $8 million to finish the project, do the research and see if it helps, or we spend $3 million to close it down.

Mr. Chairman, I am sure the gentleman from California faces his own challenges in his State and we will be addressing some of those. We face a challenge in the Midwest because of the Clean Air Act. We have abundant coal resources which cannot be used under the Clean Air Act. We are desperately, desperately trying to find ways to use these coal resources to reduce our dependence on foreign energy. This research project, the result of a competitive bid through the Department of Energy, is an effort to find an environmentally safe way to produce form coke to help the steel industry. We have seen the coal industry in my home State of Illinois decline dramatically in the last few years. We have gone from 20,000 plus coal miners to 7,000 or 8,000. We are trying to find responsible ways to use this resource.

In the committee, the gentleman is correct, I restored the funds for this project by cutting other funds. There were setoffs made for every dollar that we are putting in this project. I hope the gentleman will reconsider his amendment. I hope he understands that to stop now and not move forward with the $8 million necessary to complete this project will still cost the taxpayers $3 million to close it down. It makes a lot more sense to finish the research, move forward, find new energy resources and reduce our dependence on foreign energy.

Mr. ROHRABACHER. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

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

Mr. Chairman, there is a lot that we have to decide to do on the basis not just of whether things have merit but whether or not they have priority given the situation that we are in. This is a project that has some merit to it. It is a decent project, but it is of lower priority than other ongoing gasification efforts. This is not the only place that we are looking at how to gasify coal. There is a project in West Virginia. There are a number of places where we are looking at how to do this.

The question we have to ask ourselves in the House tonight is whether or not we want to go ahead spending money on what is a project of lower priority. The information I have is that the $12 million referred to by the gentleman in fact is $9 million, about $9.2 million of money that was invested by the Federal Government and another $3.7 million that was invested by industry, but we have some ongoing spending that has to go forward and that is the question that the gentleman from California has raised, as to whether or not we ought to continue to spend money for this project which with the merit that it has is of low priority.

These are the kinds of projects that we have to begin to think about in the Congress as we consider science. Science in the Federal Government's priorities ought to be toward a lot of those basic science missions that only some of the Federal research labs can do. This is the kind of thing that industry ought to be doing if industry wants to survive. Industry is contributing to this but industry is also expecting us

to come up with the bulk of the funding. The gentleman from California who is chairman of the Subcommittee on Energy who is in charge of these research programs is bringing to you an amendment that suggests that maybe this is a lower priority effort that we ought not continue to fund. I support the gentleman's amendment. I think he is on the right track.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. POSHARD].

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

Mr. Chairman, I rise in opposition to this amendment from the gentleman from California [Mr. ROHRABACHER]. I know it is getting late and I will try to keep my remarks short. But I do want to give Members a little bit of the history behind this mild gas conversion project.

□ 2300

I live about 4 miles from where the research is taking place on this project. It is a DOE bid solicitation from 1991 because of this fact: When we passed another Federal regulation in this body, the Clean Air Act, the entire high-sulfur coal industry in this country, which I represent a great part in the State of Illinois, others here from Pennsylvania, Ohio, West Virginia, Virginia, and other places represent other coal fields, suddenly came under attack from our inability to come into compliance with these new clean air regulations.

Folks, try to understand this. The most plentiful energy supply source that we have in this entire country is not oil, it is certainly not solar, it is coal, and in particular high-sulfur coal.

In these eight or nine respective States of which I speak, we have the most plentiful energy resource in this country, enough high-sulfur coal to run the entire energy needs of this Nation for 300 solid years. With all of the known oil reserves in the entire world we have barely 30 years of those reserves left. If we truly want to provide a low-cost energy resource for the future of this country, then what we need to do is put the money into the technology to help us find a way to desulfurize the coal. That is what the mild gas conversion project will help us do. It was solicited by the Department of Energy, not by any Member in this body. It is barely into its third year now and we need to complete it.

We just ask for the money to go forward in making this project prosperous.

Ladies and gentlemen, let me point out one other significant fact here: This research goes to clean up an energy source that is mined by some of the poorest people in this country. Sixty-Five percent of the mines in my district are closed now as a result of the Clean Air Act. Unless we can develop the appropriate technology to serve these people, people who are working in those mine fields and who now are unemployed, their children have nothing left for the future, they do not have a job left. Are Members telling me we cannot invest another $2 million in a $1,600 billion budget to help poor people find a way to go back to work in the mines? Is this that important?

Help us out here; help the miners who go down into the belly of the Earth every day and serve the needs of this Nation. We need this project. Help us out.

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

Mr. Chairman, that was a very emotional appeal but the fact is there are many facts that were incorrect in the presentation.

Yes indeed, the Department of Energy did solicit on this project in 1991. Shortly thereafter, within a few years after that, it was determined that this was a totally worthless project. The Department of Energy solicited my office, solicited this Member to come here and prevent this money from being wasted.

The fact is, yes, there is some experimentation that needs to be done on coal gasification. The Department of Energy's position is this is not that project. This is a wasteful project that if we terminate right now, which we have the chance to do, we will be able to save $9 million dollars.

The experts, the scientific experts, BOB WALKER, the chairman of the Committee on Science, myself who is the chairman of the authorizations subcommittee, are telling Members this will not be authorized next year, if we do not eliminate the spending now we will have committed, it will have already been committed, as the process goes on the money will have been wasted.

The Department of Energy, let me note this, says whatever comes out of this project will not be worth the investment because of low oil prices until the year 2010. This money is a total waste, it is going down one big black hole.

the gentleman may be very well intended, he may love his constituents, but the money is wasted; it is not a good expenditure.

We have to make priority decisions here. When we have all of the experts telling us it is not a good project, we should cut our losses and save the taxpayers $9 million dollars.

That is what this is about. I ask my colleagues to join me.

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

Mr. OBEY. Mr. Chairman how much time do I have remaining?

Mr. Chairman. The gentleman from Wisconsin has 8 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Chairman, just in response to the gentleman from California, I can only tell the gentleman that we have letters here from the Department of Energy going back to the very beginning of this project and so on. To my knowledge, the Department of Energy has not told us at this point in time that they do not any longer want this project.

Mr. ROHRABACHER. Mr. Chairman, if the gentleman will yield, is he sure he is aware of the Department of Energy' position?

Mr. POSHARD. We have a letter here from the Governor of the State of Illinois, Governor Jim Edgar who is a Republican governor and form the leadership in the Republican governor and from the leadership in the Republican governor and from the leadership in the Republican State legislature, both Senate and House, who do not want this project terminated because they know what it means to the high-sulfur coal industry and the future of this industry.

So we are not speaking here in a partisan way. That is a very bipartisan concern of the people back in Illinois to help this country with respect to the high-sulfur coal industry.

Mr. ROHRABACHER. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Texas, Mr. SAM JOHNSON.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I remember 2 years ago when we were arguing over the superconducting super collider and you guys gave the same argument against Texas. We had the same research from the departments that this was the greatest project in the world, and it definitely had and would produce results. And you know what, we stopped it, and it has 3 billion Federal dollars in it and a billion Texas dollars in it to close it down.

This is a little project. I do not see any reason that we should keep trying to find out how to fix coal.

And I also remember in Texas a few years back when the Department of Energy made us switch from gas, natural gas, clean-burning natural gas to coal, and we now see coal going from Montana to Texas in 100 train carloads every day.

You know what, it is not clean. We need to stop this pork.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] has the right to close.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. NEY].

Mr. NEY. Mr. Chairman, I rise to oppose this amendment. I want to talk about fixing coal. Coal was fix, high-sulfur coal was fixed by this Congress and the White House with the passage of the Clean Air Act. They fixed it all right, because a half a billion dollar study commissioned for 10 years by this government showed that what the Clean Air Act was going to do to coal was not going to solve the problems of

the rings in Los Angeles, but did anybody pay attention, at least the majority of the votes on both sides of the aisle? No.

So what we are trying to do is hold on to what we have, which is very little in the Ohio coal fields or in the Midwestern coal fields or Pennsylvania coal fields. We have very little left.

If Members want to debate whether it is $3 million spent to keep the project, or whatever the economic figure, coal jobs produce 6 to 1, for every coal miner that works, we have 6 spinoffs. So we are going to pay, if we want to look at economics, one way or another as more people lose their jobs, good paying jobs, we are going to pay in welfare, in unemployment and in reduction of monies to schools. But these projects have merit because we are not going to try to recreate the coal industry. What is out there, that is shot, is shot. We are trying to just simply hang on to the very little bit that we have.

□ 2310

And I want to also tell you, to mention the factor of oil. If we want to count on oil, and oil is great for the country, our production of oil, remember past embargoes of oil? Remember upheavals in the Mideast? Those types of situations can mean the price of oil, and I thank my colleague who reminds me we fought a war over oil. We had an embargo years ago in this country over oil.

Tomorrow morning the Strait of Hormuz can be shut off, and 90 percent of the Western World's oil is gone.

So we have got to preserve what we have. That is all we are asking through the coal fields is to simply preserve what we have left.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. COSTELLO].

Mr. COSTELLO. Mr. Chairman, the hour is late. I am sure that all of the Members, realizing this is the last vote, we want to go home, but let me just reiterate a few points that were made earlier by some of my colleagues on both sides of the aisle, in particular the gentleman from Illinois [Mr. DURBIN] and the gentleman from Illinois [Mr. POSHARD].

You know, we are always talking about partnerships as opposed to the Federal Government putting up all the money for projects. This is truly a partnership between the private sector, the State of Illinois, and the Federal Government. Let me also say that I think the gentleman from Illinois [Mr. POSHARD] referred to the fact that the Governor of Illinois, a Republican Governor, sent a letter to our delegation saying that he realizes that we need to cut the Federal budget, but this is a priority project for the State of Illinois.

The State is willing to put up the money and do their part.

Let me also say that if this rescission goes through this evening, we are not talking about rescinding $4.8 million, we are talking about killing this project. This is a project that is under construction right now.

I am sure that the gentleman from California, in fact, very few of the Members who spoke on this issue, other than me and the gentleman from Illinois [Mr. POSHARD] and the gentleman from Illinois [Mr. DURBIN], have been actually to the coal park, to the construction site. I can tell you the project is under construction.

If you rescind this money this evening, the project is dead. If, in fact, the project is not rescinded and we go forward with this appropriation, it will be completed.

Let me close by saying that the gentleman from Illinois [Mr. DURBIN] referred to the fact that it would take $3 million to close the project down, and I would ask Members to keep that point in mind.

The State of Illinois is willing to do their part. The Republican Governor and the Republican legislature, they are willing to put the money up. It is a good project.

I rise in opposition to the amendment, and ask my colleagues to vote against the Rohrabacher amendment.

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

Mr. Chairman, we have a chance tonight, ladies and gentlemen, to save $9 million. That is what this is all about. I am sorry for keeping us all here for this small sum of $9 million.

I will tell you this much: These choices, and you have heard lots of great arguments of why we should spend money on this mild coal gasification program, I will tell you that in the next 6 months we will be hearing lots of arguments about why this or that program should be financed out of our budget. There will be many, many decisions that we will face that will be much tougher than this.

This is a very easy decision. In 1994 the administration, the Department of Energy, and the official position of this administration was that this program was not worth the money and that it should be terminated. That was the official budget request of the administration, and the fact is that this has got through; the reason why it got through at all this far is because last year the chairman of the subcommittee that made the decision came from Illinois, and we passed on to a program that is duplicative. The same type of research is being done elsewhere in Wyoming. It is being done in Wyoming and West Virginia, and the Department of Energy is adamant in that it will never come up with an energy source that is economical.

Thus, all the money will be a waste, and they have asked us to terminate it.

I ask you to join me in saving $9 million.

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

Mr. OBEY. Mr. Chairman, I yield the balance of my time, 3 minutes, to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, as a member of this side of the aisle that supported the superconducting super collider, I thought it might be appropriate to answer the gentleman from Texas who asked the question why we should not support the amendment offered by the gentleman from California.

I think the real answer is that this program, clean coal technology program and the incredible investment we have in it over the years producing good results, allows us to burn coal cleanly. He rightly notes that natural gas is a clean-burning fuel.

We are the Saudi Arabia of coal, if you will. We have coal reserves in the ground that can guarantee energy independence into the future.

I support multiple fuel use; I support multiple, flexible, fuel use policy in this country, and I think that is the best way for us to achieve energy independence around the world in whatever circumstances.

Keeping using that incredible reserve of coal is to keep going to fruition with the clean coal technology program, a program in which we have invested, as the gentleman rightly points out, considerable amounts of money. I hope he would see the advantage of supporting coal, as I see the advantage to supporting oil and gas and always have, and lament the fact that the superconducting super collider was terminated, as a matter of fact.

I would also say to my friend from California that in a piece of legislation where California is benefiting mightily, it is a bit disconcerting to have a cut targeted so regionally when under this bill domestic discretionary is being hit, domestic discretionary being used from across the country and gathered up and targeted to help our friends in California.

I would urge my colleagues to oppose this amendment.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 142, noes 274, not voting 18, as follows:

[Roll No. 246]

AYES—142

Allard	Bilbray	Chambliss
Andrews	Bono	Christensen
Archer	Brown (OH)	Coble
Armey	Brownback	Coburn
Baker (CA)	Bryant (TN)	Collins (GA)
Baker (LA)	Bunning	Combest
Barr	Burr	Condit
Barrett (WI)	Burton	Cooley
Barton	Camp	Cox
Bass	Canady	Crane
Bereuter	Chabot	Cunningham

Danner
Davis
DeLay
Doggett
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ensign
Forbes
Franks (NJ)
Funderburk
Gallegly
Ganske
Gekas
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hoke
Hostettler
Hunter
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kasich
Kelly
Kingston
Klug
Latham
Lightfoot
Lincoln
Linder
LoBiondo
Longley
Luther
Martini
McCrery
McHugh
McInnis
McIntosh
Meehan
Metcalf
Minge
Moorhead
Myrick
Nethercutt
Neumann
Norwood
Nussle
Parker
Paxon
Petri
Pombo
Portman
Quillen
Ramstad
Riggs
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Smith (MI)
Smith (WA)
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Thornberry
Thurman
Tiahrt
Torricelli
Upton
Vucanovich
Walker
Wamp
Weldon (PA)
White
Wolf
Zeliff
Zimmer

NOES—274

Abercrombie
Ackerman
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barrett (NE)
Bartlett
Bateman
Becerra
Beilenson
Bentsen
Berman
Bevill
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Bryant (TX)
Bunn
Buyer
Callahan
Calvert
Cardin
Castle
Chapman
Chenoweth
Chrysler
Clayton
Clement
Clinger
Clyburn
Coleman
Conyers
Costello
Coyne
Cramer
Crapo
Cremeans
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doyle
Durbin
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Fowler
Fox
Frank (MA)
Franks (CT)
Frelinghuysen
Frisa
Frost
Furse
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Hastert
Hastings (FL)
Hefner
Hilliard
Hinchey
Hobson
Holden
Horn
Houghton
Hoyer
Hutchinson
Hyde
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Largent
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lipinski
Livingston
Lofgren
Lowey
Lucas
Maloney
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy
McCollum
McDade
McDermott
McHale
McKeon
McKinney
McNulty
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Myers
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Porter
Poshard
Pryce
Quinn
Radanovich
Rahall
Rangel
Reed
Regula
Reynolds
Richardson
Rivers
Roberts
Rogers
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Spratt
Stokes
Studds
Tanner
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornton
Torkildsen
Torres
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Waldholtz
Walsh
Ward
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wise
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)

NOT VOTING—18

Clay
Collins (IL)
Collins (MI)
Cubin
Dixon
Ford
Gejdenson
Gibbons
Johnson, E. B.
Lantos
Lewis (GA)
Martinez
Rose
Solomon
Stark
Waxman
Williams
Yates

□ 2335

Mr. MANZULLO, Ms. MCKINNEY, and Messrs. KIM, MANTON, and REYNOLDS changed their vote from ''aye'' to ''no.''

Mr. GANSKE and Mr. STUPAK changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. LIVINGSTON. Mr. Chairman, I congratulate the chairman for an outstanding job.

Mr. OBEY. Mr. Chairman, we on this side of the aisle would also like to congratulate the Chair on his fairness and firmness today.

Mr. LIVINGSTON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KIM) having assumed the chair, Mr. BEREUTER, 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. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes, had come to no resolution thereon.

PERMISSION FOR CERTAIN COMMITTEES AND SUBCOMMITTEES TO SIT ON TOMORROW DURING THE 5-MINUTE RULE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit tomorrow while the House is meeting in the Committee of the Whole House under the 5-minute rule:

Committee on Agriculture;

Committee on Banking and Financial Services;

Committee on Commerce;

Committee on Economic and Educational Opportunities;

Committee on Government Reform and Oversight;

Committee on International Relations;

Committee on National Security;

Committee on Resources;

Committee on Science;

Committee on Small Business;

Committee on Transportation and Infrastructure; and

Committee on Veterans' Affairs.

Mr. Speaker, it is my understanding that the minority has been consulted and that there is no objection to these requests for all of these spectacularly named new committees.

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

There was no objection.

□ 2340

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 1, UNFUNDED MANDATE REFORM ACT OF 1995

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all points of order against the conference report on the Senate bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local, and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes, for failure to comply with the provisions of clause 3 of rule XXVIII be waived.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 73, TERM LIMITS CONSTITUTIONAL AMENDMENT

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–82) on the resolution (H. Res. 116) providing for consideration of the joint resolution (H. J. Res. 73), proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives, which was referred

to the House Calendar and ordered to be printed.

PERSONAL EXPLANATION

Mr. MFUME. Mr. Speaker, I was unavoidably delayed at the White House and not on the floor to be recorded on rollcall vote 241. Had I been here, I would have voted present.

DECLARATION OF NATIONAL EMERGENCY IN RESPONSE TO ACTIONS AND POLICIES OF THE GOVERNMENT OF IRAN AND ISSUANCE OF EXECUTIVE ORDER REGARDING CONTRACTS WITH IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–46)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed.

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)) and section 301 of the National Emergencies Act (50 U.S.C. 1631), I hereby report that I have exercised my statutory authority to declare a national emergency to respond to the actions and policies of the Government of Iran and to issue an Executive order prohibiting United States persons from entering into contracts for the financing of or the overall management or supervision of the development of petroleum resources located in Iran or over which Iran claims jurisdiction.

The Secretary of the Treasury is authorized to issue regulations in exercise of my authorities under the International Emergency Economic Powers Act to implement these prohibitions. All Federal agencies are also directed to take actions within their authority to carry out the provisions of the Executive order.

I am enclosing a copy of the Executive order that I have issued. The order is effective at 12:01 a.m., eastern standard time, on March 16, 1995.

I have authorized these measures in response to the actions and policies of Iran including support for international terrorism, efforts to undermine the Middle East Peace Process, and the acquisition of weapons of mass destruction and the means to deliver them. We have worked energetically to press the Government of Iran to cease this unacceptable behavior. To that end we have worked closely with Allied governments to prevent Iran's access to goods that would enhance its military capabilities and allow it to further threaten the security of the region. We have also worked to limit Iran's financial resources by opposing subsidized lending.

Iran has reacted to the limitations on its financial resources by negotiating for Western firms to provide financing and know-how for management of the development of petroleum resources. Such development would provide new funds that the Iranian Government could use to continue its current policies. It continues to be the policy of the U.S. Government to seek to limit those resources and these prohibitions will prevent United States persons from acting in a manner that undermines that effort.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 15, 1995.*

PERSONAL EXPLANATION

Mr. BARR. Mr. Speaker, due to the fact that my pager failed earlier today, I missed a vote to cut committee funding by 30 percent. That vote was rollcall No. 236. Had I been able to vote, I would have voted yes in support of the cuts and consistent with my support, expressed earlier this year, with our congressional reform votes of January 4, 1995.

TERM LIMITS

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

Mr. METCALF. Mr. Speaker, today's growing support of term limits is a recognition of Lord Acton's dictum, power corrupts and absolute power corrupts absolutely.

Over 25-years ago I introduced a bill launching the fight for term limits. As a Washington State Senator, I saw that long-term service concentrates power in the hands of a few and reduces effective representation by the majority of any legislative body.

Mr. Speaker, our representative system is based on the concept of a citizen Congress where people serve a limited time and then return home to live under the laws they have made.

My State has passed and I support a 6-year term limit. Seventy-five percent of the people all around this Nation have decided that limiting terms will best allow them full representation in Congress.

By passing congressional term-limit laws in the States, they have given us a mandate.

Pass a term limit amendment for the Congress, as the Congress passed a term limit for the Presidency.

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 Illinois [Mr. GUTIERREZ] is recognized for 5 minutes.

[Mr. GUTIERREZ addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. BATEMAN] is recognized for 5 minutes.

[Mr. BATEMAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BECERRA] is recognized for 5 minutes.

[Mr. BECERRA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. TAYLOR] is recognized for 5 minutes.

Mr. TAYLOR of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

Mr. OWENS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

EXPLANATION OF INABILITY TO SUPPORT CURRENT RESCISSION BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. FRANKS] is recognized for 5 minutes.

Mr. FRANKS of Connecticut. Mr. Speaker, I am for dismantling the Great Society programs and the Roosevelt New Deal, but I do not believe that the solution is merely to cut, cap, or pass the buck to the States. No, we cannot legislate on appropriation bills, but we have yet to offer alternatives as Republicans.

Mr. Speaker, I have struggled to support the rescission bill. As a loyal Republican with one of the highest conservative ratings, and with a strong desire to reduce our deficit, I want to support this bill, but I regrettably, Mr. Speaker, cannot in its present form. It troubles me that cuts, caps, and passing the problems off to the States, the Pontius Pilate approach to governing, a policy that we have taken of late, seems to disproportionately affect the elderly, women, African-Americans, and other minorities, veterans, and children.

Approximately 90 percent of the appropriation cuts have come from only 2 of the 13 appropriation subcommittees. The rule confines amendments to the same two areas. Where is the fairness?

It saddens me, when discussions rescissions, that the weakest links in our chain are the first to be affected. In the past I have proudly supported the amendments of the gentleman from Indiana [Mr. BURTON] to cut appropriation bills by 1 percent or 2 percent across the board. It was fair.

Now, Mr. Speaker, I ask every Member to put aside the logic of how the cuts are not really cuts, or how the people receiving the benefits are not truly going to be hurt. How ridiculous. To a degree, it is as disingenuous as some Members referring to the health care self-insurance tax break legislation as a bill to help small business people before the vote, and then bragging about how it was the first salvo against affirmative action after the vote.

□ 2350

Hoodwink is a term that comes to mind.

Mr. Speaker, I am for reducing our deficit, I am for helping our urban areas. For example, I believe that welfare dollars going to able-bodied and non-elderly recipients should be given in the form of loans, with the recipients being required to pay back or work off a portion if not all of the loan. This change would allow us to derive a significant sum of money each year that would help us reduce our deficit.

Just as important, Mr. Speaker, it would force all people to understand that they will no longer get something for nothing. It represents a true end to welfare.

Summer jobs. Instead of just eliminating the program, let's replace it with something better, like tax credits to employers who hire indigent youngsters.

And housing, Mr. Speaker. Cutting public housing by nearly 25 percent without a better solution is truly an enigma.

It has been said that we must be concerned with our children's future. No one will argue with that position. But for the less fortunate children in America, they are merely concerned about getting past tomorrow.

Oh, yes, it does get worse. We are telling the most despondent and the most vulnerable people in our society that we have changed our minds on having certain programs. When asked what are we offering instead at this time, the answer is, ''Nothing.'' Yet we want these highly vulnerable people to believe in our system. It is a sad message, Mr. Speaker. It is a sad message. It is truly a classic example of adding insult to injury. We should strive to improve our Nation by strengthening our weakest link, not by crushing it.

The SPEAKER pro tempore (Mr. KIM). Under a previous order of the House, the gentleman from Texas [Mr. PETE GEREN] is recognized for 5 minutes.

[Mr. PETE GEREN of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana [Mr. FIELDS] is recognized for 5 minutes.

[Mr. FIELDS of Louisiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

FORMER CONGRESSMAN ARTHUR WINSTEAD DIED IN MISSISSIPPI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I rise today to share with my colleagues the sad news of the death of our former colleague from Mississippi, Arthur Winstead. He died in Jackson, MS, on March 14 at the age of 91.

Arthur Winstead served with great distinction in the U.S. House of Representatives from 1943 to 1965. He was a member of the Armed Services Committee and had a big hand in helping U.S. servicemen as they returned and readjusted to civilian life after World War II. He also had a great interest in education and was instrumental in bringing vocational education schools in Mississippi.

I now represent the congressional district that Arthur served for so well over those 22 years. He was replaced in 1965 by Prentiss Walker and when Prentiss ran for the U.S. Senate in 1966, I was elected to fill the open seat. We continued to stay in touch over the years. He always gave me sound, common sense advice and had an ability to quickly analyze a problem and find a solution. I considered Arthur Winstead a close friend.

He is survived by his wife, Edna B.; a son, Arthur Winstead, Jr., and two grandchildren. Funeral services will be in Meridian and burial will be at Cedar Lawn Cemetery in his hometown of Philadelphia, MS.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

[Ms. JACKSON-LEE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. MENENDEZ] is recognized for 5 minutes.

[Mr. MENENDEZ addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. OLVER] is recognized for 5 minutes.

[Mr. OLVER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. RUSH] is recognized for 5 minutes.

[Mr. RUSH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. NEAL] is recognized for 5 minutes.

[Mr. NEAL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. SHAYS] is recognized for 5 minutes.

[Mr. SHAYS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. HASTINGS] is recognized for 5 minutes.

[Mr. HASTINGS of Washington addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. HOSTETTLER] is recognized for 5 minutes.

[Mr. HOSTETTLER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. TALENT] is recognized for 5 minutes.

[Mr. TALENT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Tennessee [Mr. FORD] is recognized for 5

minutes as the designee of the minority leader.

[Mr. FORD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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

[Mr. HOKE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HALL of Ohio (at the request of Mr. GEPHARDT), on March 14, on account of family business.

Miss COLLINS of Michigan (at the request of Mr. GEPHARDT), for today after 2:30 p.m., on account of illness.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. GEPHARDT), for today after 7:45 p.m., on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MFUME) to revise and extend their remarks and include extraneous material:)

Mr. GUTIERREZ, for 5 minutes, today.

Mr. BECERRA, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. PETE GEREN of Texas, for 5 minutes, today.

Mr. FIELDS of Louisiana, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Ms. JACKSON-LEE, for 5 minutes, today.

Mr. MENENDEZ, for 5 minutes, today.

Mr. OLVER, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

(The following Members (at the request of Mr. BARR) to revise and extend their remarks and include extraneous material:)

Mr. MILLER of Florida, for 5 minutes, today.

Mr. TAYLOR of North Carolina, for 5 minutes, today.

Mr. FRANKS of Connecticut, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MFUME) and to include extraneous material:)

Mr. SERRANO.

Mr. CLYBURN.

Mrs. THURMAN.

Mrs. KENNELLY.

Mr. MANTON.

Mr. TORRICELLI.

Mr. MONTGOMERY.

Mr. DELLUMS.

Mr. HAMILTON in three instances.

Mr. WILLIAMS.

Mr. MEEHAN.

Mr. MCDERMOTT.

Mr. GEPHARDT.

Mrs. MALONEY.

Mr. FRANK of Massachusetts.

Mrs. MEEK of Florida.

Mr. REED.

Mr. BRYANT of Texas.

Mr. BONIOR.

Mr. MFUME.

Mr. HILLIARD.

Mr. PALLONE.

Mrs. LINCOLN.

Ms. KAPTUR.

Ms. LOFGREN.

(The following Members (at the request of Mr. BARR) and to include extraneous matter:)

Mr. CAMP.

Mr. CLINGER.

Mr. PACKARD.

Mr. DICKEY.

Mr. SMITH of New Jersey.

Mr. ENSIGN.

Mr. CRANE.

Mr. DAVIS.

Mr. DELAY.

Mr. BURTON of Indiana.

Mr. PORTER.

Mr. HASTINGS of Washington.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 377. An act to amend a provision of part A of title IX of the Elementary and Secondary Education Act of 1965, relating to Indian education, to provide a technical amendment, and for other purposes

ADJOURNMENT

Mr. FRANKS of Connecticut. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Thursday, March 16, 1994, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

547. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a draft of proposed legislation entitled, ''Iraq Claims Act of 1995''; to the Committee on International Relations.

548. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation entitled, ''Pipeline Safety Act of 1995,'' pursuant to 31 U.S.C. 1110; jointly, to the Committees on Transportation and Infrastructure and Commerce.

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. ARCHER: Committee on Ways and Means. H.R. 483. A bill to amend title XVIII of the Social Security Act to permit Medicare select policies to be offered in all States, and for other purposes; with amendments (Rept. 104–79, Pt. 1). Ordered to be printed.

Mr. ARCHER: Committee on Ways and Means. H.R. 1134. A bill to amend title XVIII of the Social Security Act to extend certain savings provisions under the Medicare Program, as incorporated in the budget submitted by the President for fiscal year 1996 (Rept. 104–80, Pt. 1). Ordered to be printed.

Mr. ARCHER: Committee on Ways and Means. H.R. 1157. A bill to restore families, promote work, protect endangered children, increase personal responsibility, attack welfare dependency, reduce welfare fraud, and improve child support collections (Rept. 104–81, Pt. 1). Ordered to be printed.

Mr. GOSS: Committee on Rules. House Resolution 116. Resolution providing for consideration of the joint resolution (H.J. Res. 73) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives (Rept. 104–82). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MCCOLLUM (for himself, Mrs. VUCANOVICH, Mr. COBLE, Mr. BRYANT of Tennessee, Mr. SCHIFF, Mr. HEINEMAN, Mr. CHABOT, and Mr. BARR):

H.R. 1240. A bill to combat crime by enhancing the penalties for certain sexual crimes against children; to the Committee on the Judiciary.

By Mr. MCCOLLUM:

H.R. 1241. A bill to improve the capability to analyze deoxyribonucleic acid; to the Committee on the Judiciary.

By Ms. PRYCE (for herself, Mr. PARKER, Mr. MCINNIS, Mr. LINDER, Mr. BAKER of California, and Mr. OXLEY):

H.R. 1242. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to repeal the provisions relating to the use of asphalt pavement containing recycled rubber; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS (for himself and Mr. DEUTSCH):

H.R. 1243. A bill to require the President to notify the Congress of certain arms sales to Saudi Arabia until certain outstanding commercial disputes between United States nationals and the Government of Saudi Arabia are resolved; to the Committee on International Relations.

By Mr. BRYANT of Texas:

H.R. 1244. A bill to amend title 17, United States Code, to identify the author of a theatrical motion picture as a physical person for purposes of noneconomic interests in that work; to the Committee on the Judiciary.

By Mr. CASTLE:

H.R. 1245. A bill to amend the Congressional Budget Act of 1974 to provide for budgeting for emergencies through the establishment of a budget reserve account, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FIELDS of Louisiana:

H.R. 1246. A bill to amend the Electronic Funds Transfer Act to require fee disclosures by operators of electronic terminals at which electronic fund transfer services are made available to consumers; to the Committee on Banking and Financial Services.

H.R. 1247. A bill to require property and casualty insurers to provide written notification to insurance applicants and policyholders of decisions to refuse to issue or to cancel or refuse to renew an insurance policy; to the Committee on Commerce, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts (for himself, Mr. CONYERS, and Mr. BRYANT of Texas):

H.R. 1248. A bill to amend the Lanham Act to require certain disclosures relating to materially altered films; to the Committee on the Judiciary.

By Mr. GREENWOOD (for himself, Mr. CLINGER, Mr. WALKER, Mr. GILLMOR, Mr. ENGLISH of Pennsylvania, Mr. MURTHA, Mr. KANJORSKI, Mr. HOLDEN, and Mr. MCHALE):

H.R. 1249. A bill to amend the Solid Waste Disposal Act to permit States and political subdivisions to control the disposal of out-of-State municipal solid waste within their boundaries; to the Committee on Commerce.

By Mrs. MINK of Hawaii (for herself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BECERRA, Mr. BEILENSON, Mr. BISHOP, Ms. BROWN of Florida, Mr. CLAY, Mrs. CLAYTON, Mr. CLYBURN, Mr. COLEMAN, Miss COLLINS of Michigan, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. DE LA GARZA, Mr. DELLUMS, Mr. ENGEL, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FATTAH, Mr. FIELDS of Louisiana, Mr. FLAKE, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Ms. FURSE, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HILLIARD, Mr. HINCHEY, Ms. JACKSON-LEE, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSTON of Florida, Mr. LEWIS of Georgia, Mr. MARTINEZ, Mr. MCDERMOTT, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. MFUME, Mr. MILLER of California, Mr. MINETA, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PASTOR, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. REYNOLDS, Mr. RICHARDSON, Mr. ROMERO-BARCELO, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABO, Mr. SANDERS, Mrs. SCHROEDER, Mr. SCOTT, Mr. SERRANO, Mr. STARK, Mr. STOKES, Mr. STUDDS, Mr. THOMPSON, Mr. TORRES, Mr. TOWNS, Mr. TUCKER, Mr. UNDERWOOD, Ms. VELAZQUEZ, Mr. VENTO, Ms. WATERS, Mr. WATT of North Carolina, Mr. WAXMAN, Mr. WILLIAMS, Ms. WOOLSEY, Mr. WYNN, and Mr. YATES):

H.R. 1250. A bill to promote self-sufficiency and stability among families receiving aid to families with dependent children by increasing employment opportunities; to increase State flexibility in operating a Job Opportunities and Basic Skills Training Program; to improve the interstate enforcement of child support and parentage court orders; and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Economic and Educational Opportunities, Agriculture, Commerce, the Judiciary, National Security, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JEFFERSON:

H.R. 1251. A bill to amend the Internal Revenue Code of 1986 to permit the tax-free rollover of certain payments made by employers to separated employees; to the Committee on Ways and Means.

By Mrs. LINCOLN:

H.R. 1252. A bill to amend the Federal Water Pollution Control Act to improve stormwater management, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MINETA (for himself, Mr. DELLUMS, Ms. ESHOO, Mr. FARR, Mr. LANTOS, Mr. MILLER of California, Ms. PELOSI, and Mr. STARK):

H.R. 1253. A bill to rename the San Francisco Bay National Wildlife Refuge as the Don Edwards San Francisco Bay National Wildlife Refuge; to the Committee on Resources.

By Mr. RANGEL:

H.R. 1254. A bill to amend the Cuban Democracy Act of 1992 to limit provisions restricting trade in food and to terminate the denial of foreign tax credit with respect to Cuba; to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHIFF:

H.R. 1255. A bill to amend the Clean Air Act to extend the deadline for the imposition of sanctions under section 179 of the act; to the Committee on Commerce.

By Mr. TORRICELLI (for himself, Mr. HINCHEY, and Mr. GILMAN):

H.R. 1256. A bill to authorize the Secretary of the Interior to provide funds to the Palisades Interstate Park Commission for acquisition of land in the Sterling Forest area of the New York/New Jersey Highlands Region, and for other purposes; to the Committee on Resources.

By Mr. PAYNE of New Jersey:

H. Con. Res. 40. Concurrent resolution concerning the movement toward democracy in the Federal Republic of Nigeria; 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. 26: Mr. VENTO, Mr. STUPAK, and Mr. CRAMER.

H.R. 70: Mr. ROBERTS, Mr. SAM JOHNSON, and Mr. WATTS of Oklahoma.

H.R. 120: Mr. CARDIN.

H.R. 359: Mr. WELDON of Florida and Ms. DANNER.

H.R. 399: Mr. WILLIAMS and Mrs. LOWEY.

H.R. 501: Mr. PARKER and Mr. WATTS of Oklahoma.

H.R. 548: Mr. FATTAH.

H.R. 549: Mr. FOLEY.

H.R. 580: Mr. PARKER and Mr. SAXTON.

H.R. 588: Mr. DELLUMS, Mr. SOLOMON, and Mr. TORKILDSEN.

H.R. 609: Mr. WILLIAMS and Ms. NORTON.

H.R. 619: Mr. LEWIS of Georgia.

H.R. 620: Mr. LEWIS of Georgia.

H.R. 660: Mr. MICA.

H.R. 682: Mrs. MINK of Hawaii, Mr. WELDON of Florida, and Mr. HOUGHTON.

H.R. 699: Mr. SKEEN and Mr. YOUNG of Alaska.

H.R. 733: Mr. HOKE.

H.R. 734: Mr. HOKE.

H.R. 757: Mr. UPTON.

H.R. 791: Mr. HOEKSTRA.

H.R. 800: Mr. WHITFIELD.

H.R. 801: Mr. CANADY, Mr. LAHOOD, Mr. MCINNIS, Mr. BILIRAKIS, Mr. BRYANT of Tennessee, Mr. CALVERT, Mr. MCHUGH, Mr. LARGENT, Mr. JOHNSTON of Florida, Mr. WAMP, Mr. COBURN, Mr. WATTS of Oklahoma, Mr. BARRETT of Wisconsin, and Mr. FORBES.

H.R. 804: Mr. METCALF.

H.R. 805: Mr. BONIOR, Ms. WATERS, Ms. MCKINNEY, and Mr. LEWIS of Georgia.

H.R. 820: Mr. BRYANT of Tennessee and Mr. BEVILL.

H.R. 867: Mr. GUTIERREZ, Mr. NADLER, and Mr. OWENS.

H.R. 928: Mr. WICKER.

H.R. 1023: Mr. REYNOLDS and Ms. PRYCE.

H.R. 1047: Mr. BRYANT of Tennessee and Mr. GOODLATTE.

H.R. 1094: Mr. LIPINSKI, Mr. BARRETT of Wisconsin, Ms. DANNER, Mr. GENE GREEN of Texas, Mrs. KELLY, and Mr. ROMERO-BARCELO.

H.R. 1169: Mr. BOUCHER, Mr. GOODLATTE, Mr. YATES, and Mr. DAVIS.

H.J. Res. 8: Ms. PRYCE.

H.J. Res. 76: Mr. INGLIS of South Carolina, Mr. FORBES, Mr. ENGLISH of Pennsylvania, Mr. SOUDER, Mr. GOSS, Mr. LAHOOD, and Mr. ARMEY.

H. Con. Res. 12: Mr. BATEMAN, Mr. BOEHLERT, and Mr. CALVERT.

H. Con. Res. 25: Ms. PRYCE.

H. Res. 28: Mr. DEAL of Georgia, Mr. SCHIFF, Mr. BAKER of Louisiana, and Mr. HERGER.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4

OFFERED BY: MR. ANDREWS

(Page and line numbers correspond to those of H.R. 1214)

AMENDMENT NO. 1, Strike section 301(h) of the bill and insert the following:

(h) PAYMENTS.—Section 658J of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858h) is amended—

(1) in subsection (a)—

(A) by striking ''Subject'' and inserting

''(1) Except as provided in paragraph (2), subject'', and

(B) by adding at the end the following:

''(2) Notwithstanding any other provision of law, the States that have applications approved by the Secretary under section 658E(d) for fiscal year 1996 shall be entitled collectively to receive an aggregate amount of payments equal to $1,943,000,000 for such fiscal year.'', and

(2) in subsection (c)—

(A) by striking ''expended'' and inserting ''obligated'', and

(B) by striking ''3 fiscal years'' and inserting ''fiscal year''.

H.R. 4

OFFERED BY: MRS. COLLINS OF ILLINOIS

(Page and line numbers correspond to those of H.R. 1214)

Amendment No. 2: Page 37, after line 21, insert the following:

''(11) PROHIBITION AGAINST TERMINATION OF ASSISTANCE IF THE UNEMPLOYMENT RATE OF

THE STATE EXCEEDS 10 PERCENT.—A State to which a grant is made under section 403 may not terminate the provision of assistance under the State program funded under this part if the unemployment rate of the State for the fiscal year (for the most recent period for which such information is available) exceeds 10 percent.

H.R. 4

OFFERED BY: MR. REED

(Page and line numbers correspond to those of H.R. 1214)

AMENDMENT NO. 3: Page 107, line 2, strike ''The Secretary'' and insert ''(a) IN GENERAL.—The Secretary''.

Page 110, after line 25, insert the following:

''(b) SUPPLEMENTARY ALLOTMENT.—

''(1) IN GENERAL.—In addition to the amount allotted to a State under each quarterly payment under a grant under subsection (a) for a fiscal year, the Secretary, shall provide a State with a supplementary allotment under such quarterly payment in an amount equal to one percent of the total amount of the allotment of the grant for the State under subsection (a) for such fiscal year for each two-tenths of one percent increase in the average rate of total unemployment in such State (seasonally adjusted) for the preceding 3-month period.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $1,180,000,000 for each of the fiscal years 1996 through 2000.

Page 118, line 20, insert '', except for section 3(b),'' after ''to carry out this Act''.

Page 121, line 13, strike ''section 3'' and insert ''section 3(a)''.

Page 122, beginning on line 19, strike ''section 3'' and insert ''section 3(a)''.

Page 123, line 23, strike ''The Secretary'' and insert ''(a) IN GENERAL.—The Secretary''.

Page 127, after line 20, insert the following:

''(b) SUPPLEMENTARY ALLOTMENT.—

''(1) ENTITLEMENT.—In addition to the amount allotted to a State under each quarterly payment under a grant under subsection (a) for a fiscal year, a State shall be entitled to receive from the Secretary a supplementary allotment under such quarterly payment in an amount equal to one percent of the total amount of the allotment of the grant for the State under subsection (a) for such fiscal year for each two-tenths of one percent increase in the average rate of total unemployment in such State (seasonally adjusted) for the preceding 3-month period. The Secretary shall provide supplementary allotments under this paragraph from the supplementary allotment amount for the fiscal year.

''(2) SUPPLEMENTARY ALLOTMENT AMOUNT.—For purposes of this subsection, the term 'supplementary allotment amount' means $250,000,000 for each of the fiscal years 1996 through 2000.

H.R. 4

OFFERED BY: MR. SALMON

(Page and line numbers correspond to those of H.R. 1214)

AMENDMENT NO. 4: Page 387, after line 10, insert the following:

SEC. 768. LIENS.

Section 466(a)(4) (42 U.S.C. 666(a)(4)) is amended to read as follows:

''(4) Procedures under which—

''(A) liens arise by operation of law against real and personal property for amounts of overdue support owed by an absent parent who resides or owns property in the State; and

''(B) the State accords full faith and credit to liens described in subparagraph (A) arising in another State, without registration of the underlying order.''.

Amend the table of contents accordingly.

H.R. 4

OFFERED BY: MR. STOKES

(Page and line numbers correspond to those of H.R. 1214)

AMENDMENT NO. 5: In section 554(a) of the bill, strike the close quotation marks and the period at the end, and insert the following:

''(E) To assist individuals to obtain employment that satisfies the requirements of this subsection, the State shall—

''(i) collect employment market demand projection data regarding the available supply of jobs and the minimal skills required to perform those jobs provided by relevant local employers; and

''(ii) include in education and training programs made available by the State education and training in the skills required to perform those jobs.''.

H.R. 4

OFFERED BY: MR. TRAFICANT

(Page and line numbers correspond to those of H.R. 1214)

AMENDMENT NO. 6: In section 7(i)(1)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2016(i), as added by section 556 of the bill, insert '', except that each electronic benefit transfer card shall bear a photograph of the members of the household to which such card is issued'' before the period.

H.R. 4

OFFERED BY: MR. TRAFICANT

(Page and line numbers correspond to those of H.R. 1214)

AMENDMENT NO. 7: Page 9, after line 14, insert the following:

''(4) CERTIFICATION THAT THE STATE WILL NOTIFY APPLICANTS OF BENEFITS AND SERVICES.—A certification by the Governor of the State that the State will notify applicants for benefits or services under the State program funded under this part of all such benefits or services for which they are eligible.

H.R. 1158

OFFERED BY: MR. RUSH

AMENDMENT NO. 82: Page 27, strike lines 2 through 6.

H.R. 1158

OFFERED BY: MR. RUSH

AMENDMENT NO. 83: Page 23, line 10, strike ''$1,603,094,000'' and insert ''$546,766,000''.

Page 23, strike lines 23 through 25.

H.R. 1158

OFFERED BY: MR. RUSH

AMENDMENT NO. 84: Page 49, line 15, strike ''$690,100,000'' and all that follows through the semicolon on line 20 (and conform the aggregate amount set forth on page 49, line 14, accordingly).

Page 50, strike lines 22 through 26.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, WEDNESDAY, MARCH 15, 1995 No. 48

Senate

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Lloyd John Ogilvie, D.D., offered the following prayer:

Let us pray:

Almighty God, You have told us through the prophet Isaiah that before we call, You will answer, and while we are still speaking, You will hear. We thank You that prayer begins with You. It originates in Your heart, sweeps into our hearts, and gives us the boldness to ask for what You desire to give. Lord, may the desires of our hearts be honed by Your greater desire for us. Then Lord, grant us the desires of our hearts. Enlarge our hearts until they are capable of containing the gift of Your spirit. In communion with You, surpass our human understanding with Your gift of knowledge, our inadequate judgment with Your wisdom, and our limited expectations with Your vision. May this day be one continuous conversation with You. We ask this not just for our own peace and security, but for our responsibility of leadership. You have placed us in decisionmaking positions of authority. The margin of human error is an ever-present concern. So we yield our minds, hearts, wills, and imaginations to be channels for the flow of Your divine intelligence. Without Your help, we will hit wide of the mark; with Your power, we cannot fail.

Lord, bless the women and men of this Senate with a dynamic dialog with You for the decisive decisions of the day. As You give the day, You will show the way. Grant us wisdom, grant us power for the facing of each hour.

In Your holy name. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

The PRESIDENT pro tempore. 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 of 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 expenditure 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.

The PRESIDENT pro tempore. There will now be 1 hour for debate on the Kassebaum amendment No. 331, to be equally divided between the Senator from Kansas [Mrs. KASSEBAUM] and the Senator from Massachusetts [Mr. KENNEDY].

The distinguished Senator from Kansas, Senator KASSEBAUM.

Mrs. KASSEBAUM. Mr. President, I yield 5 minutes to the Senator from Georgia [Mr. COVERDELL].

The PRESIDENT pro tempore. The distinguished Senator from Georgia is recognized.

AMENDMENT NO. 331

Mr. COVERDELL. Mr. President, I thank my colleague, the Senator from Kansas. I rise in support of her amendment.

I had an opportunity to speak to this issue just yesterday to several assembled journalists. I said one of the striking features about the issue that is before us is how it reminds us of a rather growing pattern of this administration to circumvent the legislative branch. If you think on it, this issue, which is very controversial, has been argued before this Senate repeatedly and the provision that the President is trying to put in place has been rejected here. It has not found acceptance in the people's branch of our Government. So now we find the President trying to accomplish by Executive fiat what the people's branch of Government would not do.

It reminds me of Somalia, of Haiti, of Mexico, and now striker replacement.

Time and time again we see the administration coming for acceptance to the legislative branch, the people's branch, for the impact and reflection of what the American people are arguing or are wishing for. And when that cannot be accomplished, he will just bypass it, circumvent it. I do not think this is going to set very well with the American people as they begin to focus on a pattern of moving around their interests.

I am always taken aback, still. I have been here going into the third year. I still am perplexed by a city that seems to feel that it and it alone can establish the relationships in the free marketplace of this great country. And every time they do it, every time they meddle, invariably the reaction is disruption in the marketplace and the very thing the sound bites suggest we are trying to do, to help workers, as a result is not what happens.

If you destabilize the playing field that has existed between labor and management for the last 50 years, if management has no recourse in terms

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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of hiring a replacement worker if an extended strike takes place, then invariably you are going to have increased consumer costs, you are going to have business decisions to avoid this complexity, you will have businesses that decide this is not the place to build their business. And every time we add to the burden of management and how they build businesses, we make it harder and harder for people to work in their businesses. That is the outcome of this kind of interference in the workplace: less jobs, not more jobs—less jobs, not more protected jobs.

It has to be remembered, you cannot replace a striker today if it is a health-related issue or an environment-related issue. You can if there is an argument about wages that cannot be resolved. Only 3 percent of the work force in all these strikes have ever been replaced in this country.

Management does not want a strike. Management does not want to replace a worker. It is expensive, costly, time consuming, destabilizing.

I can see my time is about up, Mr. President. I support the amendment of the Senator from Kansas. I feel we are intervening in the free marketplace and it will be destabilizing to the work force of our country.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield 8 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, first of all, just so colleagues are clear before they cast this vote after listening to my colleague from Georgia—the Executive order does not resemble Somalia. It represents a lawful exercise of Presidential authority. The Federal Procurement Act, which was enacted by Congress in 1949, expressly authorizes the President to proscribe such policies and directives not consistent with the directives of this act as he shall deem necessary to effectuate the decisions of such act. And from Roosevelt to Johnson to Nixon to Carter to President Bush, we have seen such orders issued.

So let us just be clear as to what is at issue. Second of all, Mr. President, we are, of course, not talking about S. 55, which was on the floor last session. But again, for the record, for the people in the country, that piece of legislation which prohibited employers from permanently replacing striking workers was filibustered. It was blocked. So it did not pass.

This is an Executive order by the President which applies to situations where the Federal Government has a contract with an employer for over $100,000 worth of business and that employer permanently replaces workers. This does not cover workers who were temporary replacement workers. We are talking about permanent replacement. That is all we are focusing on. It is really a very simple proposition that we are voting on here today.

I say to my colleagues, who take another position on this issue, that I wish their characterization of labor-management relations had some relationship to reality because, if it did, I would be taking a different position in this debate. But the General Accounting Office reports that since 1985, employers have hired permanent replacements in one out of every six strikes and threatened to hire replacements in one out of every three.

Mr. President, I just simply have to tell you that all too often, what happens is either employers require major and unreasonable concessions of the union, then force people out to strike, then replace them with workers unsympathetic to the union, and then move to decertify the union. That is called union busting. And, in many ways, that is the issue that is before us because either that happens or, because the United States happens to be the only country among the advanced economic countries in the world that enables employers to carry out this practice, many other wage earners just simply are forced to live with outrageous concessions that are asked of them with sometimes very deplorable working conditions in terms of health and safety, much less wages, because they know, if they do anything about it, they will be permanently replaced.

Mr. President, the issue here is which side is the Government on? In the debate last week, while I was on the floor, I happened to remember Florence Reese, from Appalachia—which is my wife Sheila's home, in Kentucky—and her famous song, ''Which Side Are You On?''

What the President's Executive order essentially says is, while many of us feel so strongly about this, if the Government is doing business with a company where the labor-management dispute causes the permanent replacement of striking workers, we ought not to use taxpayers' money to subsidize that kind of management practice.

Which side is the Government on? Are we on the side of union busting? Are we on the side of depressing wages? Are we on the side of forcing people out on strike and then permanently replacing them? Are we on the side of unsafe working conditions? Or are we on the side of working people, wage earners, and their having some leverage and ability to bargain for themselves and, yes, if necessary, to go out on strike—though no one likes to go out on strike—so that they are just not crushed?

Mr. President, that is the issue. Should the Government use taxpayers' money to support companies which permanently replace their workers in the labor-management dispute? It is that simple. That is the issue before us. That is why so many of us have taken such strong stands.

Finally, Mr. President, I know my colleague from Massachusetts, Senator KENNEDY, has been eloquent, powerful on the floor, on this issue. I think right now, in the 104th Congress, that so much of the debate and so much of the agenda is too abstract. There are no faces. There are no people.

Now, we look at these decisions on the House side. And we are talking about in Minnesota the Low-Income Energy Assistance Program. Let me tell you that in a cold-weather State like Minnesota—and I imagine Massachusetts—this is cruel for the elderly poor, for children, to just cut that out; and going after the Summer Jobs Program. We have had the debate here on school lunches, school breakfasts, and child nutrition programs. But are we going to do more for loopholes, deductions, and more by way of capital gains tax for large corporations and wealthy people? People—we cut one place. And those people have the least amount of clout, those most vulnerable citizens, and then we skew it to the very top of the population.

That is why this debate on the Kassebaum amendment has a significance. It has to do with the heart and soul of this 104th Congress. It has to do with where we stand. It has to do with who we represent or who we do not represent.

I can just say to my colleagues that I have seen all too often—I said this before on the floor of the Senate—people forced out on strike. I have seen people permanently replaced. I have seen the devastation of families. I have seen the devastation in communities. We had testimony in the Labor and Human Resources Committee from ministers, from business people, and others who talked about the divisiveness of all of this.

Mr. President, I come to the floor because I feel a real commitment to people whom I represent. To me, one that stands out in my mind more than any other is C.F. Industries, where workers were forced out on strike who did not want to go out on strike. I do not think they would mind my saying that they had a real sense of trepidation. They did not want to go out on strike. They were worried what was going to happen to them. But the company's offer was something they could not accept. The concessions that were asked of them went sort of directly to their sense of dignity about themselves. So there they were, outside on a Sunday morning. I went out there with the president of the AFL–CIO in the pouring rain. Their children were there. People who had essentially been permanently replaced were devastated. I do not think that should be a part of what the United States of America is about.

This amendment which deals with this Executive order by the President just deals with an Executive order that is a significant step in the right direction.

Mr. President, I urge my colleagues to vote against this amendment. I

think, as much as I respect my colleague from Kansas, this amendment is profoundly wrong in its impact on working people and families. I think it is profoundly wrong in terms of the message that it stands for as to what we are about. I think the Government ought to be on the side of regular people, ought to be on the side of wage earners, and ought to be on the side of working families. I think that is really the large significance of this vote.

I yield the floor.

Mrs. KASSEBAUM. Mr. President, I yield 5 minutes to the Senator from Texas [Mr. GRAMM].

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, we should invoke cloture. We should pass this amendment, and we should stop the President's effort to use Executive power to do what he could not do in Congress and what, I believe, is clearly within the jurisdiction of the legislative branch of Government.

What we are debating today is nothing more than special interest politics undertaken by the President to reward a special interest group—organized labor in America. The President is giving them something that is not in the public interest through Executive order since he was unable in the last Congress to get a very similar provision adopted into law.

Let me review very briefly what the issue is. Under current law, if I do not want to work for you, I have the right to quit. If I feel that your pay or your working conditions are unfair, I have the right not only to quit, but to join with other workers to withhold our labor.

That is my fundamental right as a free American. That is a right that, so far as I know, is supported by every single Member of the U.S. Senate. But the employer, who has put up capital and who has made an investment, also has rights. Those rights basically are that if I refuse to work for you, or if I join other employees in denying my labor, you have a right to hire someone else.

I, as a worker, understand that I have my rights and you have your rights. Under the balanced system, which is the law of the land, we have not had any major labor unrest since the short period immediately after World War II. That is because every worker knows what his or her rights are, and every worker understands the employer's rights. With that balance of relative power in the marketplace, we have had negotiations, we have had settlements, we have had progress, and we have had labor stability. As a result, we have experienced economic growth and prosperity.

What is being proposed now is not really a labor issue, it is a freedom issue. Basically, what the President has tried to do by Executive order is that which we had previously rejected; that is, to tell employers that if an employee quits or, in conjunction with other employees, withholds his or her labor, you do not have the right to hire someone else permanently to replace that worker. That is a violation of the rights of Americans who have put up their capital and who have made investments.

In my opinion, this is a freedom issue. And if you believe in freedom, you ought to be for this amendment.

So there are three issues. First, the President has tried, by Executive order, to do what he could not do through the legislative process. We ought to stop him because it is a violation of the implicit principle of separation of powers.

Second, the President is trying fundamentally to change labor law in a way that is not only unfair but in a way that will clearly result in more labor unrest. As a result, we will have more strikes than we have had in the last quarter century.

Finally, we ought to stop the President's special interest power grab, because this is a freedom issue. If someone proposed on the floor of the Senate that we stop workers from exercising their legitimate right to withhold their labor, I believe that every Member of the Senate would rise to his or her feet and denounce that effort. How can it be right to denounce that abridgment of freedom and yet not denounce the abridgment of freedom that results from telling an employer, who saved and worked and put up his capital, that he cannot hire someone to take the place of a worker who voluntarily refuses to work? I think that is the issue.

I hope my colleagues will vote for cloture and vote for this amendment.

Mr. HEFLIN. Mr. President, with regards to the Kassebaum amendment concerning striker replacement issues and the Executive order to which it pertains, I oppose the amendment. When this issue has arisen in the past I have supported substantial modifications to the striker replacement bill, including mandatory arbitration. These modifications would have substantially reduced strikes. Given my reservations, I have spent a good deal of time studying the Executive order. It is important to note that the provisions established by this order are much narrower in scope than striker replacement proposals made in the past and very limited in the number of businesses that would be affected.

From the outset and before I go any further, let me point out that the Kassebaum amendment violates the rules of the Senate which prohibit legislating on an appropriations bill. The procedure in the Senate is to pass legislative authorization or prohibition legislation and to deal with the matter of appropriations separately. The Kassebaum amendment clearly violates these rules.

Next, the underlying issue before the Senate is a supplemental defense appropriations bill. I do not think that bill ought to be jeopardized by a nongermane issue that can be brought up through the regular legislative process.

In reference to the Executive order, there are two points that I think should be made. The first is that the order in question does not require that Federal contractors who permanently replace workers be barred from holding contracts with the Federal Government. The order only gives the Secretary of Labor permission to consider terminating contracts with companies who permanently fire lawfully striking employees. Even if the Secretary does decide to terminate the contractor on this basis, it takes only an objection from the head of the involved Government agency to have the contract reinstated.

There is also the issue of cost to the Government and ultimately to the taxpayers. We should realize that it is expensive for companies to hire replacement workers. For a business to change employees quickly costs a great deal of money. Considering how often we have seen some companies overcharge the Government in the past, it is completely reasonable to expect that the costs of hiring these replacement workers will be passed on to the Government and ultimately the taxpayers.

Mr. MOYNIHAN. Mr. President, the fundamental right of American workers to strike was guaranteed over a half century ago with the enactment of the National Labor Relations Act of 1935. Section 13 of the NLRA states:

> 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.

As a former Assistant of Labor under Presidents Kennedy and Johnson, I am disappointed that we find ourselves having to debate this issue at all. The amendment of the Senator from Kansas would prohibit the use of appropriated funds for implementation of President Clinton's Executive Order 12954, which provides simply that the Federal Government will not do business with contractors that hire permanent replacement workers.

Yet the hiring of permanent replacement workers directly contravenes the right to strike. A worker does not have any meaningful right to withhold his or her labor if his or her employer hires a permanent replacement worker.

The President issued a lawful Executive order on March 8. The legal authority for this order has been fully documented in a careful memorandum of law written by Assistant Attorney General Walter Dellinger. The memorandum has already been discussed on the floor during this debate, and was made part of the RECORD by the Senator from Massachusetts.

We ought not be in the business of gutting this Executive order through an amendment to an appropriations

bill. It is regrettable that this amendment has not been withdrawn. Its proponents failed to invoke cloture earlier today, and it is time we move on.

The opponents of the amendment have no desire to prolong debate on the DOD supplemental appropriations bill. We would prefer that the amendment be withdrawn so that the Senate can complete its work on the underlying legislation.

But it should be remembered that the antistriker replacement legislation, of which I have been a cosponsor since 1990, was repeatedly the subject of filibusters by our colleagues on the other side of the aisle. S. 55, the Metzenbaum antistriker replacement bill in the 103d Congress, got 53 votes for cloture last year. The Senate would have passed the bill last year had an up or down vote been permitted.

Fortunately, we still have Members in this Senate who can be counted on to fight for the rights of the American worker. The ranking member of the Labor and Human Resources Committee, Senator KENNEDY, deserves thanks and congratulations for his outstanding leadership on this issue. He has been on the floor for many hours, making his argument eloquently and forcefully—as only the Senator from Massachusetts can. I join him in opposing the amendment of the Senator from Kansas.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. COVERDELL). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I yield myself 7 minutes.

Mr. President, many of us here in the U.S. Senate that are opposed to the amendment of the Senator from Kansas believe that we ought to be working on the defense appropriations bill rather than on this amendment. I think it is important to understand who is really delaying the U.S. Senate from taking action.

Many of us who are opposed to this amendment feel that the national interest and national security would be served by moving forward on the defense appropriations bill. But our Republican colleagues do not apparently share that view and that is why we are where we are today.

Last week, the President issued an Executive order barring the award of Federal contracts to companies that permanently replace striking workers. The ink was not even dry on the Executive order and the effort was made here in the U.S. Senate to block the Executive order. And that is why we are where we are today, instead of completing action on the defense appropriations bill. Those of us on this side of the aisle are prepared, even though we are required to go through a cloture motion, to go on to the underlying measure and see that it is acted on and acted on expeditiously.

I was interested a moment ago when my colleague from Texas said that what the amendment we are debating is about is the issue of freedom. I thought we disposed of that argument during the debate last week with the very profound and eloquent words of our friend and colleague from West Virginia, who talking about what real life is all about for working people—not the technicalities of Presidential power to issue Executive orders, but what real workers were facing at an important time in history, in terms of the mines of West Virginia.

I can still remember those words he recalled being told to the miners: ''Clean up your place or you are going to lose your job.'' Sure, you had freedom not to have that job. You also had freedom not to feed your child; you had freedom not to pay your mortgage; you had freedom not to live in a home. You had that freedom because if you did not clean up your place at the end of a hard day's work, you had somebody else that was prepared to fill in. That is what we are talking about here. We are talking about the real experiences of working people.

I want to take a couple of minutes of the time of the Senate to talk about who we are protecting here today—the people who my colleague from Texas described as special interests. These are the kind of people that we on this side of the aisle are interested in protecting and that I am glad to stand with.

We are protecting Joyce Moore, who is married with three children. She worked at a laundry and also as a nurse's aide in a nursing home in Cincinnati, OH, for 13 years and was forced out on strike and subsequently permanently replaced. She was making $6.77 an hour. As she said,

> It ain't about money; basically, it is about respect. There is a lack of respect in there. I hate that we are all on strike because I enjoy getting up every morning and going to my job. I enjoy being around the residents, taking care of them. But we want a 3-year contract and a better health plan and a pension plan. Folks get sick and they need a health plan. When you have been there as long as I have, you deserve a pension plan.

But when Joyce Moore went on strike to get that respect, she was permanently replaced. That special interest was making $6.77 an hour. We are interested in protecting her from being permanently replaced, so that she can provide for a family.

Jenette Hillman, 52 years old, worked at the nursing home as a rehabilitation aide for 25 years, and was making $7.25 an hour before she was forced out on strike February 22 and permanently replaced 3 weeks later. She raised six sons. Now she is surviving only because one of those sons has moved back in with the family.

Bernadette Marion, making $5.30 an hour as a nursing assistant, barely enough to take care of her four daughters, after being out on strike—she was permanently replaced and is living on a dwindling savings and a tax refund check.

These are the real people that are being affected the unfair employer tactic of permanently replacing workers who exercise their legal right to strike.

Make no mistake about it, this is the opening skirmish in a larger battle that is now unfolding in the Congress over the rights of working men and women across the country. What is at stake in this battle is nothing less than the standard of living for working families.

Our Republican friends aim their opening salvo at a measure that is about simple justice for American workers. Under our national labor laws, it is illegal to fire a worker for exercising the right to strike. But because of a court-created loophole—not a legislatively created loophole; the loophole was not enacted by the Congress of the United States; it was a footnote on a court decision—because of the court-created loophole, workers who strike can be permanently replaced, which amounts to the same thing.

President Clinton was right to act to close that unfair loophole. And I am proud to stand with him in defense of that action.

Working families, Mr. President, are hurting. They have suffered a 20-year decline in real wages. Hourly pay is falling compared to other countries. The gap between the top 10 percent of wage earners and bottom 10 percent is wider in our country than in any other industrial nation. Yet, the new Republican majority, through this amendment and numerous other measures that are working their way through Congress, are advancing an agenda that is, in effect, an assault on working families. This attempt to block the Executive order on striker replacement is just one example of how this assault is being carried out, but it is an important one. So I want to take a few moments to talk about that this morning.

It is not just accidental, Mr. President, that what we have seen over the period of the past weeks—and it was illustrated in the excellent article in the Washington Post today by Mr. OBEY—is an attack on the legitimate interests and rights of working men and women to be able to protect their wages and to try and advance the interests of themselves and their families.

We have the actions which are being taken by the House of Representatives to basically undermine the School Lunch Program where working families' children go to school, to undermine the college assistance programs and loan programs by which working families are able to have their children go to the fine colleges and universities that exist in all of our States. Sixty-seven percent of the young people in my State of Massachusetts need some kind of help and assistance to go on to college. But what is the Republican leadership in the House of Representatives saying? We are to cut student aid programs and make hard-working families spend more to finance the cost of a college education.

It is an assault on the children who are going to the high schools, it is an assault on the teenagers who are trying to go to college, and it is a continued assault——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. I yield myself 3 more minutes.

It is a continued assault by those who refuse to give a living wage to people who are trying to work.

That is what this is about. You can talk about the scope of Presidential power to issue this Executive order—and we have put into the RECORD the Justice Department's justification for it, which is well supported—and you can talk about whether the President is really right to do this as a matter of social policy.

But I will tell you, those arguments would have a lot more credibility if those on the other side were prepared to say we are willing to support an increase in the minimum wage for workers in this country who are prepared to work 40 hours a week, 52 weeks a year. But, no, they say, we are opposed to that too. Come on. Come on, Mr. President. What is this battle all about? Come on. You have to be honest when you are talking to the American people. You have to be straightforward about what this is about.

My Republican colleagues say you are wrong Senator, this is just an issue about whether the President had the proper legal authority to issue this Executive order. But at the same time they are saying,

> No, Senator, we are not for enacting an increase in the minimum wage. No, no. You are quite right, we are for cutting back on school lunch programs for kids that are going to high school. Yes, we want to raise the cost of sending your children to the college and university. But we are not really assaulting working families. On, no, we are really for working families. Why do you get so excited out here on the floor of the U.S. Senate?

And only yesterday, in the Ways and Means Committee, they give tax breaks to the wealthiest individuals and corporations in the country by voting to lower the capital gains tax and effectively eliminating the minimum tax on corporations.

''No,'' they say, ''it is just a coincidence that we are providing all these breaks and benefits to the rich at the same time we are making all these cuts in programs for working families.''

Come on, Mr. President. This is the first major issue we have dealt with on the floor in the U.S. Senate this year that directly affects the working families of this country, and we are not going to be rolled over and stampeded on it. We are not going to be rolled over and stampeded on it.

The President is right to do this. He is right to issue this Executive order, not just from a fairness point of view and a social compact point of view, he is right to do it in terms of his responsibility as the Chief Executive to ensure that we are going to get good quality products for the Defense Department, that we are going to make sure that those plane engines that are going into the F–15's, F–16's, and F–18's are good engines, made in my own State at General Electric by workers who have worked there for 25 and 30 years. We are not going to have to take the chance of having some replacement workers in there trying to fulfill a contract and not being able to produce a good, quality product. We are going to make sure that those runways that are being built are going to be good runways for those planes. We are going to ensure that the housing that is going to house our personnel in the military is going to be of good quality.

I do not know what is the reason for this assault on all these people making barely above the minimum wage. If that isn't bad enough, the Republicans are saying ''We have other good news for you, Senator, in terms of those construction workers. We are going to take away the Davis-Bacon Act, that guarantees prevailing wages on federally funded construction projects.'' We are talking about men and women in the construction industry making an average of $27,000 a year—$27,000 a year. One of the first priorities of the Contract With America is to undermine their ability to make prevailing wages in one of the most dangerous occupations in this country, and that is construction work.

The PRESIDING OFFICER. The Chair advises the Senator that his time has expired.

Mr. KENNEDY. I yield myself 2 more minutes.

And we are going to repeal the Davis-Bacon Act and diminish their ability to provide for their families.

What is it about working families that Republicans have it in for them? Why is it that our Republican leadership in the House of Representatives and here today on the floor of the U.S. Senate, virtually in lockstep, wants to deprive them of some legitimate rights? What is it about these working families? What is it about their children? What is it about their children that we want to cut back in terms of Medicaid? What in the world have they done, except be the backbone of this country?

Make no mistake about it, this is the first battle, Mr. President, and we are not going to let this stampede that may have gone over in the House of Representatives run roughshod here in the U.S. Senate.

Mr. President, I withhold the remainder of my time.

How much time do I have?

The PRESIDING OFFICER. The Senator has 11 minutes.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I yield 5 minutes to the Senator from Mississippi [Mr. LOTT].

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Thank you, Mr. President. And I thank the Senator from Kansas for yielding me this time.

I think it is time, maybe, we calmed down a little bit, stopped shouting, and talk about what is really involved here.

This is not about——

Mr. KENNEDY. Will the Senator yield?

Mr. LOTT. I will not yield. I have been sitting here listening to the Senator, and I have a chance here now to correct the RECORD a little bit.

This is not about the Contract With America. This is not about Davis-Bacon. This is not about all the other extraneous matters we are talking about.

What we are talking about here is an opportunity for the Senators to vote to stop the filibuster so that we can talk about the substance of the amendment of the Senator from Kansas, Senator KASSEBAUM. So I urge the Senators to vote to invoke cloture.

Last Thursday, 57 Senators voted to stop President Clinton from unlawfully usurping congressional authority to regulate labor-management relations. The week before that, the President issued an Executive order which sought to overturn congressional and judicial policies that have stood for nearly 60 years. In so doing, the President claimed authority to defy Congress and the Constitution by rewriting Federal labor laws. The vast majority of the Senate has rejected this unlawful exercise of power, and has affirmed that the Executive order is bad policy and bad law.

Despite Thursday's vote, a handful of Senators from the other side of the aisle is filibustering this bill in an attempt to protect President Clinton's Executive order. The other side of the aisle has even objected to temporarily setting aside the Kassebaum amendment, so the Senate might proceed on other amendments to the defense supplemental appropriations bill.

I point out that the defense supplemental appropriations bill, requested by the administration, has now been on the floor of the Senate for 5 days. And so the routine continues, Mr. President. We spent weeks on the balanced budget amendment. We spent weeks on the uncontroversial unfunded mandates bill. We spent several days on congressional coverage. Everything is to be dragged out in the Senate; everything is to be slowed down. Sooner or later, the Senate is going to have to face up to taking action on the legislation that is pending before it.

And now a minority of Democratic Senators is so committed to giving away congressional authority to the President that they are willing to halt Senate action on an emergency bill the administration has requested the Senate to pass immediately.

And what is this filibuster being used to do? Is it being used to defend the ability of Congress to regulate labor-

management relations? No, that is not happening. Is it being used to implement a Supreme Court ruling? No, Mr. President, this filibuster is being undertaken to protect an Executive action that contravenes the will of both Congress and the Courts.

President Clinton's Executive order would bar Federal contractors from hiring permanent replacements for striking workers. Under the order, the Secretary of Labor will determine whether ''an organizational unit of a Federal contractor'' has ''permanently replaced lawfully striking workers.'' He may then instruct Federal agencies to cancel existing contracts. The contractor can also be debarred from future contracts for the duration of the labor dispute. This Executive order, effective immediately, applies to companies with Federal contracts in excess of $100,000.

This Executive order is seriously flawed on both policy and legal grounds, and it is a direct challenge to congressional authority.

Several times, Congress has tried to act in this area without success. And so now, they have gone to the Executive order to get done what the Congress would not approve and get action in an area where the Supreme Court does not even agree with their action.

This Executive order seeks to assert that as a matter of law, the hiring of permanent replacements adversely affects the Federal Government. Specifically, it states that the use of replacements lengthens strikes, broadens disputes, and shifts the balance in the collective bargaining relationship. As the lengthy debates in the House and Senate have shown, quite the contrary is true:

The Executive order will result in more strikes, inflationary wage settlements and a shift in the balance of power in favor of unions.

This was the conclusion of the Carter administration in 1977, when it rejected a limited ban on permanent replacements as part of labor law reform. Indeed, the Canadian Province of Quebec has experienced more strikes and longer strikes since it outlawed the use of any striker replacements—temporary or permanent.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LOTT. Mr. President, I ask unanimous consent for an additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. The President has delegated to the Secretary of Labor the decision of how far this order really goes. That is one of the things that really worries me.

This employer right is essential to maintaining balance in labor relations.

The right has always been recognized as the necessary counterweight to the unrestrained right to strike guaranteed by this Nation's labor laws. Because the risks are high if either side engages in economic warfare against the other, neither side exercises its rights and powers except over major issues. The Executive order abolishes this congressionally and judicially crafted balance.

LEGAL CONSIDERATIONS

The fact that many, many days have been devoted to the issue in recent years should leave no doubt that this is a legislative issue. Any Executive order that touches on this same issue is an infringement on the separation of powers. This order goes far beyond mere procurement policy and regulates private labor relations and restricts private rights guaranteed under the laws crafted by Congress.

It is argued that other Presidents have regulated labor relations through Executive orders. None of those orders, however, amount to the usurpation of congressional authority as does this action of President Clinton. President Reagan's order firing the striking air traffic controllers was based upon his constitutional duty to enforce the law. President Bush's order requiring their Beck rights simply required that workers be informed of their rights under the law. Finally, the Bush Executive order barring union-only agreements on Federal construction projects was consistent with the procurement authority of the Government as consistent with the procurement authority of the Government as declared in the Supreme Court's Boston Harbor decision. It should be noted, however, that this Executive order was never challenged in court.

Not merely the authority of the President is at issue. The Executive order raises numerous practical issues which would embroil the executive branch in legal quagmires for years. Consider the following:

The President has delegated to the Secretary of Labor the decision of how far this order really goes.

Robert Reich and his successors would decide whether ''an organizational unit of a Federal contractor'' has used permanent replacements. He is empowered in section 11 to define this term in regulations. At this point, we do not know whether the ban applies to employees working exclusively on Government projects, plants, or site-wide, to all operations whether a division or subsidiary. This vagueness should render the order void on its face.

The Department of Labor is unqualified to make determinations as to the legality of actions under the Federal labor statutes.

That expertise is housed in the National Labor Relations Board and the National Mediation Board. Using the procurement power of the President, the Secretary is empowered to address such legal issues as what is a lawful strike and who are unit employees. The Labor Department has had absolutely no involvement until now in interpreting these laws.

The order applies to all lawful work stoppages, whether or not a union is involved.

Two or more nonunion workers are free to walk off the job, giving little or no reason except to say that they are protesting terms or conditions of employment. Under current law, nonunion protests of this nature are relatively infrequent because of the countervailing employer right to hire permanent replacements. Federal contractors which exercise their legal right to use replacements in the face of such extortionist tactics do so at their peril.

CONCLUSION

So, Mr. President, it is clear that President Clinton's Executive order is bad policy and bad law which usurps congressional power and contravenes our Nation's courts.

In conclusion, I think that what we are really talking about here, Mr. President, is jobs, and what will happen if these strikes go on indefinitely and the companies do not have an opportunity to get replacement workers. What option will the company have if they cannot reach a negotiated agreement? What will happen is, they will wind up going out of business and the people will lose their jobs, and other people who would like to have those jobs would not have them either. We clearly should vote to invoke cloture and allow a full debate to occur on the Kassebaum amendment.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. Just over 11 minutes on your side.

Mr. KENNEDY. Mr. President, I yield 6 minutes to the Senator from Iowa.

Mr. HARKIN. I find the argument just made by the minority whip most intriguing. He is talking about a filibuster.

Mr. President, something is wrong here. It was the Republican side, for the last two Congresses, that filibustered the striker replacement bill. What is going on here? Surely, the Senator from Mississippi understands that it was their side that filibustered in the last two Congresses the striker replacement bill. That legislation passed the House, came to the Senate, and it was the Republicans who filibustered the bill, not the Democrats. We are not filibustering this bill.

We will have a vote on the underlying bill. For the last two Congresses, the Republicans would not permit the striker replacement bill to come up for a vote, and in both of those Congresses we had the majority votes to pass it. One Congress we had 57 votes; last year we had 53 votes. It was the Republicans who filibustered, not the Democrats. I want to set that record straight. The Senator from Mississippi is playing loose with the history of this bill. I see him smiling over there, and he knows exactly what I am talking about.

Mr. President, another Senator from the other side, the Senator from Texas [Mr. GRAMM] spoke on this issue. He equated workers exercising their legal right to strike to quitting. He says this issue is about people having a right to

quit and employers having a right to hire people to replace them.

The Senator from Texas apparently believes good labor-management relations consist of workers taking what they are given, and not complaining. If the workers' salary and benefits and paid holidays are cut, because that means investors could make a nickel more dividend, and if they then go out on strike, that company can consider those workers as having quit, and permanently replace them.

But in reality, Mr. President, good labor-management relations means both sides are willing to talk. When we have a company like Bridgestone/Firestone, a wholly owned Japanese company operating in this country that refuses to sit down and negotiate in good faith with the workers, leaving them no other option but to go out on strike, then it cannot be the workers' fault. They are willing to negotiate.

This issue shows some fundamental differences between Senators on each side of the aisle. First, to listen to the Senator from Texas [Mr. GRAMM] and perhaps the Senator from Mississippi, they would just as soon see no unions. I think they would be happy to abolish unions if they could.

Second, they really believe that if a person works for someone they have to take what they get, no questions asked. If you produce more, and you then ask for higher wages, an employer can dismiss you an any time—you can work 20 years, and if they want, they get rid of you and throw you out the door.

I think that Senator KENNEDY is right. What this is about is whether or not we will have decent management-worker relationships in this country, or whether we will take the path the Republicans want to take, and tell workers they do not count for anything, that a worker in this country is like a piece of machinery. Use them up, depreciate them down, and they throw them out the back door when they can get another worker cheaper.

Mr. President, sometimes I wish that the Republican side would just quit messing around, and just go out and propose a law to ban strikes entirely? Better than that, they could ban negotiations, ban collective bargaining, because we really do not have collective bargaining any longer. The only thing that a worker can bring to the table in collective bargaining is his or her labor. And if they have no right to withhold that labor then the cards are stacked against them. Then only the employers have the power.

So I wish the Republicans would just go ahead and offer a law, an amendment to ban strikes and to ban collective bargaining. It would be honest, anyway, on their part. It would not be this sham that we are operating under now: A right to strike today is only a right to be permanently replaced. A right to be permanently replaced means you have no power in collective bargaining, and thus collective bargaining in this country is indeed a sham.

Every cutrate cutthroat employer knows they can break a union if they are willing to play hardball and ruin the lives of people who have made their company what it is. Unfortunately, the small minority of union busters drag down the rest of their industries in order to compete. Even responsible companies have to follow suit in the race to cut costs and salaries and cut workers' dignities.

I mentioned Bridgestone/Firestone. Other tire companies in this country—Goodyear, Dunlop, and Uniroyal—reached agreements. They had negotiations. Some of them went out on strike, but then they negotiated. They reached an agreement. But this one company, Bridgestone/Firestone, refused to negotiate even after the workers had increased their productivity to all-time record highs, even after the workers agreed in the 1980's to take over $7 an hour in wage and benefit cuts, and yet when it came time for collective bargaining to renew the contract, the company said, ''Nope, you take what we offer or that is the end of it.''

So, the workers went out on strike. Now, Bridgestone can win this, if they can bust the union and they hire permanent replacements. They have actually said it in letters, ''You are permanently replaced.''

If they can do that, then that will drag down Goodyear because the board of directors will say, ''How can we let them undercut us? We have to compete.'' And so will Dunlop, and so will Uniroyal, and it drags down the whole industry.

So what the Republicans are proposing to do with this amendment offered——

The PRESIDING OFFICER. The Senator's time is expired.

Mr. KENNEDY. Mr. President, I yield 1 minute.

Mr. HARKIN. What they are proposing to do on the Republican side is to reward the worst companies: Those companies that will not negotiate in good faith and bargain with their workers; those companies that will drag down the other companies. That is the effect of their amendment.

This amendment is counterproductive. We need more organized labor, not less, to compete in international markets. We are the most productive country in the world, and it is because we have had good labor-management relations working together, to increase productivity on the world market. Unions boosted productivity from 17 to 22 percent in construction, and a study of 20 manufacturing industries showed that unionized workers were from one-fifth to nearly one-quarter more productive than their nonunion counterparts.

When I hear the statements coming from the other side of the aisle—and what I hear is, ''Let's break down this labor-management relations we have had, let's break down collective bargaining''—the next thing I expect to hear is, ''Let's reintroduce child labor, if you want to compete with other countries that employ child labor.'' Well, why not?

Workers have no more rights in this country. Workers have no rights to stick up for their dignity, to demand better wages, hours, and conditions of employment. I hope that the Senate will speak loudly and clearly. The President has acted correctly, and he acted within the confines of the law, in issuing that Executive order. We ought to uphold it for the good of America.

Mrs. KASSEBAUM. Mr. President, I would like to yield 5 minutes to the Senator from Oklahoma.

Mr. NICKLES. Mr. President, first I wish to compliment the Senator from Kansas for her amendment. I hope that my colleagues will vote with her on this amendment. I think it is important.

I note at the conclusion of the statement of my friend from Iowa that the President acted within the confines of law. Let me just state the facts. President Clinton issued an Executive order because he could not pass a law. President Clinton introduces a bill, that has been introduced a couple of times—I guess both years since he has been President—trying to get it passed, but he has not been successful. He has tried but he did not get a bill to become law. And so the President is trying to do by Executive order what he could not do legislatively. Even in spite of the fact that he had a Democrat-controlled House and Senate, he was not successful because Congress did not agree.

I think Congress is right in not agreeing. Now I am looking at the Executive order, and very clearly, if one reads this Executive order—and I know it has been put into the RECORD; if it has not, I will ask unanimous consent to put it in the RECORD—but one needs to read this to find out this is law. This is an Executive order where the President is trying to legislate.

I read in the Constitution—it is interesting, we have had a lot of discussion on the Constitution lately—but very clearly in article I, section 1, it says:

> All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

We did not elect the President to be issuing Executive orders in defiance of Congress. Congress did not pass this bill. Congress did not pass it because we did not think it was right. I happen to agree within Congress' decision. I think this is a mistake.

I look at the power that he has vested in the Secretary of Labor: The Secretary of Labor shall determine everything. The Secretary of Labor gets to determine the bargaining, he can object to a termination of a contract, he may debar the contractor. We are giving the Secretary of Labor the right to debar a contractor. Take, for example,

the Senator from Georgia, or the Senator from Virginia, if you take a big contractor—maybe it is Newport News—building aircraft carriers, and maybe there is a small strike with a little union that is upset with one particular division which may affect less than 1 percent of their employees. But if there is a strike, is Newport News and their owner, I guess Tenneco, debarred from all Federal contracts? I asked that question before, and really that is to be determined by the Secretary of Labor.

This Executive order is written with a blank check: ''The meaning of the term organizational unit of the Federal contractors shall be defined in regulations that shall be issued by the Secretary of Labor.'' My point being, this is terrible legislation, and the President does not have a right to legislate. He does not have the right. He is exceeding his powers. I am confident that if we do not succeed on the Kassebaum——

Mr. HARKIN. Will the Senator yield?

Mr. NICKLES. No. Let me finish my statement. I have limited time.

The President exceeded his power. I will state I am very confident that, if we are not successful with this amendment, it will be tested in court and this Executive order will be thrown out on constitutional grounds. I am very confident of that fact. But we should stop it now. The President is playing politics. He is trying to appease a special interest group. I think it is unfortunate.

What about the substance of it? I heard my colleague make the statement, ''Well, the people who are pushing this amendment are just against organized labor.'' That is not true. I think the people should have the right to organize. If people want to strike, if they do not want to work, they should have that right as well.

Likewise, employers have to have the right to hire replacement workers. If they cannot do that, they cannot keep the doors open. In many cases, you might be a critical subassembly of a particular part that has to happen to make this entire unit come together on time and on budget, and if an employer cannot hire replacement workers to make that happen, then they could be in violation of the original terms of that contract. They could lose the whole contract. The entire country, if you are talking about a Government contract, could end up paying an enormous amount for not being on time and complying with the terms of the contract.

This is enormous power the President is trying to delegate to the Secretary of Labor. It is a mistake. Congress has refused to do this. Congress has refused to pass it, I believe correctly so. The President in trying to circumvent Congress, I think, greatly exceeds his authority, his power, and I hope my colleagues will agree with Senator KASSEBAUM and vote for cloture.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I will just take leader time and not take any time reserved for the distinguished Senator from Massachusetts.

Let me make four very important, but simple, points.

First of all, the President has every right to issue this Executive order. The precedent set by virtually every one of his predecessors makes that point loudly and clearly. President Bush, President Carter, President Nixon, President Johnson, President Truman, President Roosevelt—they all issued Executive orders having to do with important national priorities, and they did so without anyone challenging their right to make those choices. Obviously, they may have been in significant disagreement, but the fact is they made those Executive orders with the clear understanding that it was within their constitutional right to do so.

That is what this President is doing as well. The President is simply saying, ''Look, if you want to do business with the Federal Government, you simply cannot replace striking workers who are conducting a legitimate strike with replacement workers.'' That is all he is saying.

I do not think that is too much to ask. Obviously, given the extraordinary difficulty working families are having today, the need to assure balance in the workplace is all this issue is about. Giving workers the right to strike, the right to maintain balance in a working relationship with their employers, has been something guaranteed under the National Labor Relations Act for 60 years.

The second point is that this is simply an issue of fairness. The right to strike—the right to ensure that your grievances can be heard in a meaningful way—is a longstanding right of workers, and one which must be protected. They must continue to have the right to strike, and this Executive order simply says that we are going to have that guarantee in writing, at least as far as Government contracts are concerned. The President has made it very clear that working families are a priority in this country.

My third point, Mr. President, is this: as the distinguished Senator from Massachusetts has said, this is the first in what will be a series of very critical votes this Congress that directly affect working families. What happens on this vote will send a clear message about what the Congress is going to do and the position it will take with regard to a number of these issues in the future.

If they lose the longstanding balance that has existed between labor and management, if they lose a fundamental right guaranteed all workers, I do not know that it bodes very well for other issues that will be pending. There are those who suggest we eliminate the minimum wage. There are those who suggest we eliminate the Davis-Bacon Act. They have suggested a number of attacks on the rights of working families, and certainly this is the first opportunity we have to defend those rights. I hope that everyone understands the critical nature of this vote. It goes beyond simply a question of filibusters. It goes beyond a question of procedure on the Senate floor. It goes to the very heart of why we are here defending the rights of workers at times as important as this.

The fourth point, Mr. President, is one that I hope everyone can appreciate. As we go through the final moments of this debate, we must remember that the question of whether or not the rights that have been reaffirmed in this Executive order are respected is of fundamental importance to our relationship with the President.

The President must make decisions with regard to executive branch policy. He has made a very important decision to respect the rights of working families. I think it is imperative that we respect his authority to do so. That is all we are saying here, that this President, as other Presidents have done, has made a decision with regard to working families that, in our view, ought to be upheld and ought to be respected.

So, Mr. President, in a couple of minutes, we are going to be casting a vote that goes beyond procedure, a vote that goes beyond simply a motion to invoke cloture. It goes to the very heart of whether working families are going to have the right to maintain the balance in the workplace that we all recognize is important to them and to this country.

So I hope we can sustain the necessary votes to defeat cloture this morning and send a clear message to working families that the Senate is on the side of families, on the side of working people, on the side of maintaining the balance between labor and management that we have recognized for the last 60 years.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, how much time is remaining?

The PRESIDING OFFICER. Just over 9 minutes on the Senator's side.

Mrs. KASSEBAUM. I would like to yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, if I may just restate what this amendment is about. It is an amendment which would bar any Federal funds from being spent to implement the Executive order that was issued by the President last week.

That Executive order would effectively prohibit Federal contractors from exercising their legal right to hire permanent replacement workers—a right that has been the law of the land for 60 years.

Mr. President, we have heard a lot about this debate being one thing or

another—an assault on working families, an assault on children. I believe, Mr. President, and perhaps I am naive in thinking so, that this vote should not be viewed as a test of the President's leadership, nor should it be viewed as a test of Republican clout. I hope that it would not be viewed as a vote for labor or a vote for business.

I wish that this amendment would be taken for what it is. No one wants to see workers dismissed gratuitously and replaced by permanent replacement workers. That is not what is at issue either. This is not the beginning of a series of assaults on working class families. This is a debate on an Executive order issued by the President which effectively changes labor law in a significant way.

What this debate is all about, in my mind—and I think it is an important point—is the separation of powers between Congress and the executive branch. It is about whether our national labor policy should be determined by the President rather than by an act of Congress.

The question at stake is whether we are prepared to allow the President to overturn 60 years of established labor law with the stroke of a pen.

We can debate this issue at another time. We have debated it before, and I am sure we will again. There are those who suggest we may be able to find some compromises that can bring all sides together. But what the current law has done in over 60 years is to provide the balance to which the Democratic leader spoke. It has provided a balance between labor and management, and that should be preserved.

It has been mentioned that there were other Executive orders which were undertaken, and we have debated this before. Just to reiterate, however, no previous Executive order by President Bush or President Reagan went this far in contradicting both the law and the will of Congress.

President Reagan's order banned illegally striking air traffic controllers from Federal employment. This was well within his rights and was not contrary to existing law. President Bush's order on Beck was merely enforcing existing law. President Bush's order on prehire contracts was not preceded by extensive debate and defeat by Congress, as has been the case with striker replacement legislation. He may well have exceeded his authority on that Executive order on prehire contracts, but it was never an order that was challenged by the courts or challenged in Congress.

I think we are seeing here that under this Executive order Federal contractors will effectively be barred from exercising a longstanding legal right—just as labor has the right to strike—that all other companies are permitted to do under existing labor law.

Regardless of which side we might take on the issue of striker replacements, we should all be concerned, Mr. President, about the precedent this Executive order would set for future Presidents.

What if a new administration decided to debar any contractor whose workers decided to go on strike? Would we feel the same way about an Executive order that infringed on the equally longstanding right to strike?

It has also been argued that this Executive order will have only a limited impact, that perhaps only a dozen companies would be affected. Mr. President, the Federal Government contracts for close to 180 billion dollars' worth of goods and services. Many defense contractors would be affected, and that is why it is fitting this is added as a debate to the defense supplemental bill. This order will potentially affect tens of thousands of companies.

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Mrs. KASSEBAUM. I yield myself 2 additional minutes.

The Defense Department alone has contracts of value greater than $100,000 with over 20,000 different companies. This Executive order would cover Federal construction projects, potentially colleges and universities with Federal research contracts, hospitals and health care providers that contract with the Federal Government. It is very unclear as to what exactly this Executive order might apply. As was pointed out by the Senator from Mississippi and the Senator from Oklahoma, the Secretary of Labor has a great deal of discretion under this Executive order to decide when it may or may not apply.

Over 30 years ago, the Supreme Court overturned President Truman's attempt to seize control of the steel mills by Executive order. I believe Justice Black's opinion in the Youngstown case is relevant here. He said:

> In the framework of our Constitution, the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his functions in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad.

I believe the President has exceeded his authority here by attempting to make the law, dictating the terms of our national labor policy, by means of the Executive order in direct contravention of current law.

Congress makes the law, not the President, and we should not relinquish our role in setting national labor policy by allowing this Executive order to stand. I urge my colleagues to support cloture in order to reassert the authority of the Congress and to bring this debate to a close.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. DOLE. I yield to the Senator from Massachusetts.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. How much time remains, Mr. President?

The PRESIDING OFFICER. Just over 4 minutes.

Mr. KENNEDY. I yield myself 3 minutes and then whatever time I will yield back, to let the majority leader have the final word.

Mr. President, I thank the Senator from Kansas for both her explanation and the justification for her amendment. Over the period of the last several days, we have tried to go through the circumstances of the Youngstown case and distinguish the executive authority that President Truman attempted to assert in that case and the executive authority that President Clinton is exercising with regard to this order, and I think we have made that case in a very compelling way. I think anyone who reads through the RECORD would find the analysis persuasive. I respect the fact that Senator KASSEBAUM does not believe this is really about broader public policy issues. But I must take issue with her in that conclusion.

We are not debating on the floor of the Senate the issue of what we are going to do about increasing the minimum wage.

My Republican colleague have not proposed even a sense-of-the-Senate resolution to say, for instance, that working families are falling further and further behind; that we think work ought to be adequately compensated; that we think work ought to be recognized; that we think any American who works 40 hours a week 52 a weeks a year ought to receive a decent wage. Not even a sense-of-the-Senate resolution to say perhaps we are not going to address this on this particular bill, but we are prepared to work to protect the future of working families; we are prepared to work to protect their interests in terms of their children who might need a summer job or their small children who might need a school lunch; we are prepared to speak up about the needs of working families. Nothing to say we differ with you on this Executive order, but we are for working families. And that is what this debate is really about.

What we are voting on takes place against the background of what has happened to family incomes since 1980, and the fact that the only real growth in family incomes that has taken place is among the families at the top—the wealthiest individuals in this country.

That is the background of what has happened to the income of working families over the past 20 years, and now we are debating against this background a measure that is going to further attack the legitimate rights of working people who are hard-working, who are trying to make it, but whose incomes have been held down over the last two decades. Those are the people who are going to be affected by the President's Executive order which my Republican colleagues are trying to block.

We have illustrated in the course of this debate the kinds of people who will be adversely impacted if the Senator's amendment is adopted.

The PRESIDING OFFICER. The Chair advises the Senator his 3 minutes have expired.

Mr. KENNEDY. Mr. President, therefore, it is my hope that the motion to invoke cloture would not pass, that the amendment itself would be withdrawn and that we would go back to further consideration of the very important underlying defense appropriations bill.

I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. DOLE. Mr. President, how much time is remaining?

The PRESIDING OFFICER. Just over 2 minutes.

Mr. DOLE. Mr. President, let me just lay it out cold. This is all about politics. It has nothing to do with workers or anybody else.

Last week, President Clinton kicked off his 1996 reelection campaign by signing an Executive order that would prohibit Federal contractors from hiring permanent replacement workers during economic strikes.

Despite all the talk about fostering fairness in the Federal workplace, the Executive order is a transparent effort on the President's part to shore up a political base that he believes is vital to his own reelection chances.

During the past several years, Congress has considered, and repeatedly rejected, the so-called striker-replacement bill. That is why the President is setting a dangerous precedent if he believes he can revive this defeated legislation simply by issuing an executive order.

It is the responsibility of Congress, not the administration, to write the laws governing labor-management relations in this country.

So, Mr. President, I urge my colleagues to support this motion to invoke cloture. The amendment offered by my friend and colleague from Kansas, Senator KASSEBAUM, will help restore the careful balance—that is what we want—a careful balance between labor and management that has been the hallmark of our system of collective bargaining for more than 60 years.

The President's misguided directive is a politically inspired attempt to do an end run around the legislative process. I do not believe it should go unchallenged.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on amendment No. 331 to the committee amendment to H.R. 889, the supplemental appropriations bill:

Hank Brown, Nancy Landon Kassebaum, John Ashcroft, Joh Kyl, Lauch Faircloth, Don Nickles, Strom Thurmond, Dan Coats, Judd Gregg, Slade Gorton, Bob Dole, Chuck Grassley, Craig Thomas, Conrad Burns, Trent Lott, Mike DeWine, Pete Domenici.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the Kassebaum amendment No. 331 shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. PELL. Mr. President, on this vote, I have a pair with the distinguished Senator from Washington [Mrs. MURRAY]. If she were present and voting, she would vote ''nay.'' If I were at liberty to vote, I would vote ''aye.'' Therefore, I withhold my vote.

Mr. LOTT. I announce that the Senator from Vermont [Mr. JEFFORDS] is necessarily absent.

Mr. FORD. I announce that the Senator from Washington [Mrs. MURRAY] is necessarily absent.

On this vote, the Senator from Rhode Island [Mr. PELL] is paired with the Senator from Washington [Mrs. MURRAY].

If present and voting, the Senator from Washington would vote ''nay'' and the Senator from Rhode Island would vote ''aye.''

The PRESIDING OFFICER (Mr. THOMAS). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 58, nays 39, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—58

Abraham	Frist	Murkowski
Ashcroft	Gorton	Nickles
Bennett	Gramm	Nunn
Bond	Grams	Packwood
Brown	Grassley	Pressler
Bumpers	Gregg	Pryor
Burns	Hatch	Roth
Campbell	Hatfield	Santorum
Chafee	Helms	Shelby
Coats	Hollings	Simpson
Cochran	Hutchison	Smith
Cohen	Inhofe	Snowe
Coverdell	Kassebaum	Specter
Craig	Kempthorne	Stevens
D'Amato	Kyl	Thomas
DeWine	Lott	Thompson
Dole	Lugar	Thurmond
Domenici	Mack	Warner
Exon	McCain	
Faircloth	McConnell	

NAYS—39

Akaka	Bryan	Feinstein
Baucus	Byrd	Ford
Biden	Conrad	Glenn
Bingaman	Daschle	Graham
Boxer	Dodd	Harkin
Bradley	Dorgan	Heflin
Breaux	Feingold	Inouye
Johnston	Leahy	Reid
Kennedy	Levin	Robb
Kerrey	Lieberman	Rockefeller
Kerry	Mikulski	Sarbanes
Kohl	Moseley-Braun	Simon
Lautenberg	Moynihan	Wellstone

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Pell, for

NOT VOTING—2

Jeffords	Murray

The PRESIDING OFFICER. On this vote, the yeas are 58, the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

UNFUNDED MANDATE REFORM ACT OF 1995—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now vote on the conference report accompanying S. 1, which the clerk will report.

The bill clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The Senate resumed consideration of the conference report.

SECTION 105

Mr. KOHL. Mr. President, I invite the chairman of the Budget Committee to engage in a colloquy with me on section 105 of the conference report on S. 1, the Unfunded Mandates Reform Act of 1995.

During consideration of S. 1 before the full Senate, I offered an amendment which makes clear that nothing in this legislation denies Federal funding to States, local, or tribal governments because they are already complying with all or part of a Federal mandate. That amendment is now section 105 of the bill.

The conferees modified my language by stating that my amendment made reference to any mandates that are funded pursuant to section 425(a)(2) of the Congressional Budget and Impoundment Control Act of 1974, as added by section 101 of this act.

However, the report language accompanying S. 1 refers to section 425(b)(2).

I ask the distinguished Senator from New Mexico, is this reference in the conference report incorrect?

Mr. DOMENICI. Yes; the Senator is correct. The report language inadvertently refers to section 425(b)(2) when it should have been referring to section 425(a)(2). I appreciate the Senator from Wisconsin bringing this to the Senate's attention and it is my hope that this colloquy sets the record straight on the intent of the conferees on this language.

Mr. LAUTENBERG. Mr. President, when the Senate considered the unfunded mandates bill earlier this year, I voted against it. I am prepared to vote against the final version of that bill now. My concerns about S. 1 were not addressed in conference and, in fact, one could argue that bill comes back to us in worse shape then it left.

The conference made two substantive changes in the bill. First, judicial review has been added to an already unwieldy process and, second, the threshold above which CBO must provide cost estimates for private sector unfunded mandates has been reduced from $100 to $50 million.

These changes only reinforce my criticism of S. 1 as passed by the Senate in January: The procedural hurdles created by this legislation will only add to the arsenal of dilatory tactics which already have the ability to nuke necessary legislation and destroy public faith in the Congress.

Last year, I supported legislation that would have addressed the problem of unfunded mandates in an appropriate and effective manner. That bill, S. 993, would have required Congress to think carefully and critically about the mandates we were about to impose upon State and local governments. We would have to acknowledge the magnitude of the burden before we passed legislation. Congress could no longer hide behind ignorance. I believe this bipartisan effort would have remedied the problem of the Federal Government imposing mandates without thorough consideration of the financial burdens already faced by other levels of government.

The pending legislation, however, goes well beyond that. Not only is S. 1 procedurally flawed, it also enshrines the misguided principle and the unjustified presumption that the Federal Government should not impose requirements on the States unless it pays them to carry out the mandate. Supporters of the bill will respond that a simple majority can waive the requirements of this bill; however, the politics of such a waiver make this an unlikely occurrence. Clearly, the presumption is that unfunded mandates are inherently bad. I don't agree with that premise.

Many in Washington seem to have forgotten that State and local governments benefit from a clean environment and a healthy work force. I believe it is the Federal Government's responsibility to act when State and local government don't want to spend the money to prevent pollution or to immunize children. We should be there to stop gun-running across State lines or the spread of HIV-contaminated blood. We have a role in fighting the flood of illegal immigrants across our borders or the flow of people across State lines as a result of benefit shopping.

I am proud to represent a State which has some of the toughest environmental laws in the country. New Jersey cares for its disabled. We have tough gun control laws and occupational safety regulations. But these strengths could become a disadvantage to us if Federal standards are weakened or eliminated. I'll provide an example which was only too true for my State just a few years ago.

In the late 1980's, hundreds of millions of dollars were lost to New Jersey's economy because of another State's negligence. Raw sewage and medical waste originating from a neighboring State washed up on our beaches. This well-publicized problem not only tarnished by State's reputation—tourism is our largest employer—it cost us millions to clean it up. Federal Government intervention was necessary. An unfunded mandate was imposed upon the polluting State, but it was a necessary mandate and I believe it was proper that it was largely unfunded.

Today we are institutionalizing a dangerous precedent: unless the Federal Government pays, States do not have to comply with Federal standards. Many States will have no incentive to try to prevent transborder pollution. Why should a State worry about its neighbors when it could spend that money on its own constituents. Would enough U.S. Senators look with sympathy on those States who are victims of another's pollution so that they would waive the requirements created under this legislation? I hope so, but I have enough doubts that I must vote against this conference report.

Why has the Federal Government set standards to prevent States from cutting off food stamps to children or eliminating aid to legal immigrants? Because we know that some States, but for the Federal standards, would do exactly that. We created these standards because we did not want the kind of country where kids in one State would be denied nutritional assistance while the children of another jurisdiction received the benefits of such aid. We did not want a society that would cause some citizens to be disadvantaged merely because they had the misfortune of being born or raised in a State which did not place the same priority on pollution prevention or on caring for poor children.

Mr. President, we do need to deal with the problem created when one level of government shifts the cost of programs to another level of government. But we have to do so in a way which is consistent with both the Federal structure of our society and the compassion which powers us as a people. I do not believe this bill is consistent with those characteristics of our country. And I fear that it is simply a precursor of efforts to develop no-strings block grants which could, in the name of flexibility, destroy the ability of all Americans—wherever they live—to count on their Government to provide certain levels of services and meet certain standards of conduct.

For me, then, this is just the first step in what I suspect will be a long but ultimately triumphant fight to preserve the Federal nature of our system and the national character of the American experience.

Ms. MOSELEY-BRAUN. Mr. President, when I came to the Senate 2 years ago, I was surprised to discover that there was almost no discussion about the impact of mandates imposed by the Federal Government on State and local governments. Yet, today we are voting to implement legislation that shows that Congress promises to curb the practice of imposing Federal mandates on State and local governments without advance, complete disclosure of the impact of those mandates. As a strong supporter of this legislation, I am happy that we were able to come together to pass this long needed legislation.

S. 1 has achieved an important balance—a balance between the benefits of mandates and their costs. We have also achieved an important balance between the Federal, State, and local governments' roles in the writing of Federal regulations to implement legislation. Creating a mechanism that will help ensure that the voice of State and local governments is heard in Washington before legislation is enacted is both sound policy, and something that has long been needed.

S. 1 will make Federal officials more accountable. The Federal Government has foisted too many of the costs of Federal mandates on State and local governments for too long. Asking the Federal Government to make its decisions with good information—with the best information we can get on the State and local governments that will have to live by those decisions—should not be controversial. Rather, it is the way decisions should always have been made, and the way decisions should always be made in the future.

S. 1 requires the congressional committees to report on the costs and benefits anticipated from any Federal mandates contained in the bills they report to the Senate for action, including the effects of the mandate on health and safety, and the protection of the environment.

S. 1 has also achieved a better balance between the Federal, State, and local governments' roles in the writing of Federal regulations to implement legislation. Now State and local governments are partners to the Federal Government in writing these implementing regulations. Mandates impact big cities and small communities differently, yet rarely are regulations

written to be sensitive to those differences. S. 1 requires that special outreach efforts be made to ensure that the voices of all State and local governments are heard.

S. 1 is an important step in the right direction. It creates equilibrium between the Federal Government and State and local governments. Now agencies will be required to estimate the costs of new rules to governments and industries and also analyze the effect of new rules on the U.S. economy, employment, and international competitiveness.

To further increase the Federal Government's accountability, State and local governments will now be allowed to challenge whether or not Federal agencies have completed required cost-benefit analysis. As State and local governments have to live by those decisions, it is right that Federal officials are held accountable for their analysis. However, the purpose of the bill was not to have courts second guess the Congressional Budget Office's attempts at analysis, which are often done quickly to satisfy numerous requests, but to redress failures of an agency to prepare written statements of mandate cost estimates.

S. 1, however is not a repudiation of the whole idea of mandates. The mandates that the Federal Government used to make real progress in civil rights and our treatment of the disabled, for example, were essential to our progress as a nation, and as a people. I applaud the fact that S. 1 recognizes how essential those mandates were and are, and that under the terms of the bill, future civil rights legislation which builds on this tradition will be exempt from S. 1.

S. 1 is necessary not because mandates are wrong in principle. The real reason it passed is because of the budgetary shell game that was played in the 1980's. The 1980's were a time when many domestic programs were slashed, with mandates pushing the responsibilities onto hard-pressed State and local governments. I was in the Illinois House when President Reagan introduced the New Federalism. It was supposed to redefine the relationship among Federal, State, and local governments. What it really did was to make large cuts in Federal taxes, and push off the responsibilities of providing necessary services to State and local governments—without sending the money. The net result of that exercise in fiscal subterfuge was an explosion of Federal debt from only about $1 trillion in 1980 to closing in on $5 trillion now.

S. 1 is designed to ensure that the kind of budget fraud we saw in the 1980's won't be repeated in the remainder of the 1990's, or in the next century. S. 1 cannot undo the mistakes made in the 1980's. What it can do, and what we must do, is help ensure that we don't repeat those mistakes. Now Congress will make informed decisions that give the interests of State and local governments the attention and consideration that they deserve.

S. 1 had strong bipartisan support when it passed the Senate on January 27, 1995, with a vote of 86–10. It also had strong support in the last Congress, when the Democrats controlled both the House and the Senate. S. 1 has strong support from Democratic mayors such as Mayor Richard Daley of Chicago, and from other Democratic and Republican mayors across the country. Governor Edgar of Illinois wrote me supporting S. 1, and numerous county boards in Illinois also wrote in support of this legislation. It is clear that unfunded mandates have consumed an increasing share of State and local budgets, and that it is time for a change.

We are all in this together, Mr. President. The Federal Government, State governments, and local governments, are all trying to meet their responsibilities to the American people. S. 1 will promote cooperation between the various levels of government, and make it easier to address the problems that the American people elected us all to solve.

I want to conclude my remarks by congratulating my colleague from Idaho, Senator KEMPTHORNE, and my colleague from Ohio, Senator GLENN, for their leadership in crafting this legislation. I am pleased that we have the opportunity today to enact this important and meaningful reform.

Mr. DORGAN. Mr. President, I rise to discuss the conference report on S. 1, the Unfunded Mandate Reform Act of 1995. It is great pleasure to speak on the floor about a conference report on this bill, because it means we have come a long way.

I remember when Senator DOMENICI and I introduced our own bill on unfunded mandates in the fall of 1993. I have been working to rein in Federal mandates ever since.

I want to start by thanking the ranking member of the Governmental Affairs Committee, Senator GLENN. Senator GLENN had been a leader in mandate reform long before this issue was popular. Under his leadership, the committee held three hearings on this bill before our markup last year. One of those was a field hearing that I chaired in Minot, ND. And of course, we had our joint hearing with the Budget Committee in January.

I would also like to salute Senator KEMPTHORNE for his hard work on this bill. I knew it was his top priority when we both joined the Senate 2 years ago. And his efforts have today borne fruit with the adoption of this conference report on S. 1.

CURBING UNFUNDED MANDATES

Mr. President, S. 1 has a simple premise—that the Federal Government should not impose financial mandates on State and local governments without adequate consideration of those mandates, and that we should try our best to provide funding for those mandates.

Much of this bill matches closely S. 1592, the Fiscal Accountability and Intergovernmental Reform Act, or FAIR Act, which Senator DOMENICI and I introduced in the last Congress. S. 1 would require that the Congressional Budget Office review legislation for the costs that mandates would impose on State, local, and tribal Governments. If a bill is not analyzed by CBO, a point of order could lie against the bill. S. 1 would also require regulatory review of proposed rulemakings proposed by agencies in the executive branch. This is a vital step because Congress cannot always anticipate how a regulation will be interpreted. S. 1 would closely parallel the regulatory review Executive orders issued by President Clinton. I am pleased to see these two principles of my own mandate relief bill at the heart of S. 1.

During my work on mandate relief, I have heard from State and local officials in North Dakota about the costs that Federal mandates impose. Examples of especially burdensome mandates include cleanup responsibilities under Superfund. The city of Minot is entangled in a wrangle with potentially responsible parties over cleanup costs for old Minot landfill. The Minot landfill, used between 1962 and 1970, is now a Superfund site. The city of Minot has been working to clean up that site since 1986. To date, Minot has spent $873,000 in order to comply with environmental mandates.

Water testing mandates can also be unreasonable—Sherwood, ND, population 286, must spend $2,000 annually—half its budget—to test its water supply. Even small communities must have clean drinking water. But they should also have flexibility in abiding by burdensome mandates. And they certainly are entitled to know how burdensome a bill could turn out to be.

PRIVATE SECTOR ANALYSIS

Another part of our society that needs notice of and information on costly mandates is the private sector. I am very pleased that the conferees have retained an amendment on this subject that I offered in markup last year. My amendment would require that the CBO analyze mandates on the private sector. The requirement is not as strict as that for analysis of intergovernmental mandates—if CBO cannot reasonably make an estimate of a private sector mandate, the bill would create no point of order—but the argument is the same.

My point in offering this amendment was simply that there is no reason not to analyze costs on the private sector if we do the analysis for the public sector. To pretend we need to have CBO analyze the impact of public sector mandates, while skipping over the private sector, is to violate elementary economics. The private sector is three or four times bigger than the public sector. If we should assess the impact of unfunded mandates on local governments we surely should assess the impact on our Nation's businesses. The

private sector is the foundation on which we build the budgets of the Federal Government and the State and local governments.

I know some of my colleagues are concerned about analyzing private sector mandates. However, the analysis required by my amendment is no great mystery. We already examine the impact of paperwork on the private sector. Federal agencies must calculate the hours required to fill out paper. The Internal Revenue Service performs analysis of tax legislation and possible effects on the private sector. The Joint Tax Committee performs the same function for proposed legislation.

The Office of Management and Budget's Office of Information and Regulatory Affairs has a regulatory review program that oversees the development of all Federal regulations. President Clinton's Executive Order 12866—Regulatory Planning and Review—requires agencies to conduct analysis of costs to the private sector of proposed regulations. The Office of Management and Budget therefore has developed a reservoir of knowledge on the impact of public laws.

Federal agencies have long experience in analyzing the costs to the private sector of relevant legislation and regulation. USDA studies the impacts of laws on our Nation's farmers. The Commerce Department's Bureau of Economic Analysis reviews economic impacts on the private sector. Our trade agencies study the economic impact of trade policies. EPA has calculated that the costs of environmental mandates to the private sector has risen from $16.2 billion in 1972 to an estimated $76.1 billion in 1995—constant 1986 dollars.

And the duties that S. 1 would impose on the Congressional Budget Office are not new. The CBO has estimated private sector effects of complicated legislation—NAFTA and two proposed health care reform bills are outstanding examples.

So, Mr. President, the analysis of private sector costs is not rocket science. And this information will be cheap at the price. The CBO has a running start, and can use its knowledge base from existing analyses and models. This conference report authorizes $4.5 million a year for the CBO for this mandate review analysis work to begin.

I predict that CBO review will pay for itself many times over by enabling the Congress to avoid burdening businesses with ill-considered mandates. I would like to thank the conferees for retaining my private sector amendment in this bill.

OTHER AMENDMENTS

Let me also briefly mention two other amendments of mine that the Senate added to this bill. A number of North Dakotans have been particularly irked by the requirement that Federal building projects be built according to metric measurements rather than English ones. This is increasing the cost of medical staff housing being built on an Indian reservation in my State. Fortunately, the Indian Health Service has now agreed to drop this costly and unworkable requirement, which would have delayed staffing for an Indian hospital.

However, as a policy matter I think we need to suspend this mandate now, study its costs, and decide whether we really need it. I offered an amendment to do that on the floor, and after some discussion the Senate passed that amendment. I am pleased that the conferees have retained that amendment in the conference report.

Lastly, title III of the conference report retains my suggestion that we not set up a new commission to study Federal mandates but rather assign that task to the Advisory Commission on Intergovernmental Relations [ACIR]. ACIR has the knowledge, experience, trust and network to get this study done and do it well. I did not understand why we needed a new commission when this Congress has been working hard to cut boards and commissions. I am glad the conferees have taken my point and have provided that ACIR shall do the studying. I look forward to working with the Senator from Idaho, the Senator from Ohio, and other interested Senators to ensure that the ACIR receives the funding that this bill authorizes for both this fiscal year and next.

Mr. President, let me just conclude by saying that I am pleased that the long unfunded mandates debate has finally come to fruition. I would thank Senators GLENN and KEMPTHORNE for their leadership on this issue, and for their willingness to hear out my concerns with this bill and make changes. I think our consideration of this bill on the floor improved it markedly, and I appreciated the opportunity to help in that effort.

This bill makes a real and positive change in the relationship between the Federal Government and State, local, and tribal governments. I hope the House will pass S. 1 tomorrow, and I look forward to the President's signing this bill very soon.

Mr. LEVIN. Mr. President, I will be voting in opposition to the conference report to S. 1, because the problems I had with the bill as it passed the Senate have not been resolved or abated in the conference report. I had hoped to be able to support legislation this year to address the unfunded mandates problem of State, local, and tribal governments. I was a cosponsor of last year's bill, S. 993, which was wholeheartedly endorsed by all the organizations representing majors, Governors, State legislators, county officials, and other local elected officials. Last year's bill would have forced Congress to estimate the costs of Federal mandates and authorize appropriations to the level of the estimated costs. In the words of the State and local officials last year, it was a tough, important, meaningful bill.

Having served on the Detroit City Council for many years in the 1970's, I am well aware of the problems and constraints Federal mandates place on local officials. My first Senate campaign in 1978 was based on my desire to make the Federal bureaucrats more sensitive to local concerns. And I know these problems continue and that Congress simply hasn't paid enough attention to the costs we impose on State and local governments. Yet, I did not support S. 1 as it passed the Senate, and I cannot support the conference report.

In some respects, S. 1 simply goes too far; in other respects, it promises more than it can deliver. It goes too far in taking CBO cost estimates and locking them in for at least 5 years as the level at which we are expected to fund State and local governments. While these cost estimates may be useful for us in assessing the costs and benefits of legislating in a particular area, they are far too unreliable to serve as the basis for a mandated level of appropriations. An effort was made to address this concern when Senator BYRD offered an amendment to require agencies to notify Congress when the level of appropriations falls short of the CBO cost estimate. That was an improvement; but it wasn't enough, because absent our enactment of another law in response to that notice, the mandate at issue would expire. S. 1, therefore, ends up requiring that we legislate twice on the very same issues—once when we appropriate at a level less than the estimated cost of the mandate and once again to affirm that prior appropriations amount.

S. 1 is inadequate in that it fails to address what I believe will be the real life concerns of State, local, and tribal governments in the next 10 years as we face scarce Federal resources. The problem won't be so much the number of mandates we place on State and local governments; it will be the fact that we will be pulling out Federal funds and assistance used to address problems that won't go away when the Federal money does. We will be cutting funds for education, the homeless, community development, you name it, and State and local governments will be left to solve the problems with their own resources. S. 1 does not address that situation.

Another problem with S. 1 is the inherent unfairness in the bill's treatment between the public and private sector. S. 1 requires us to overcome a point of order if we don't pay for a Federal intergovernmental mandate, but it doesn't create a similar point of order for private sector mandates. There is a presumption created thereby that we should fund the mandate or not apply it to the public sector. This is particularly troubling when the State, local, or tribal government is acting in the same capacity as a private sector entity. S. 1 could put private entities at a competitive disadvantage relative to State, local, and tribal governments

that operate the same kind of businesses.

S. 1 also has the potential of causing havoc in the legislative process and aiding in the very gridlock we are all so desperate to avoid. It's very important that we require an analysis of the impact of costs on State and local governments and the private sector before a committee reports a bill to the full Senate for consideration. That's what the hearing process is supposed to be about. The public is supposed to let us know just what the consequences of our proposals could be. And, it's very important that the requirement for a cost analysis be enforced by saying that a point of order will lie against a bill that doesn't have that cost analysis. But to go to the next step and say that an often problematical cost estimate will now become the actual cost—that what CBO estimates will be the cost to State and local governments for each year of the authorization, moves from being a cost estimate to an assertion of actual costs and that that level of costs should be funded—that is an unreasonable approach. And the mechanisms used to enforce that approach could cause endless delays and tie up the legislative process.

For these reasons, Mr. President, I will vote against the conference report. I do want to commend, however, Senator GLENN and Senator KEMPTHORNE in their successful effort on this bill. Setting aside our differing opinions on the final outcome, I think these two gentleman have conducted themselves in a remarkably able fashion with good humor and a strong sense of fairness. I particularly appreciate Senator GLENN's efforts to be responsive to my concerns, and I congratulate him on accomplishing passage of this bill. The State and local officials have a great friend and supporter in the senior Senator from Ohio.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 91, nays 9, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—91

Abraham	Dole	Inouye
Akaka	Domenici	Jeffords
Ashcroft	Dorgan	Johnston
Baucus	Exon	Kassebaum
Bennett	Faircloth	Kempthorne
Biden	Feingold	Kennedy
Bingaman	Feinstein	Kerrey
Bond	Ford	Kerry
Breaux	Frist	Kohl
Brown	Glenn	Kyl
Bryan	Gorton	Lott
Burns	Graham	Lugar
Campbell	Gramm	Mack
Chafee	Grams	McCain
Coats	Grassley	McConnell
Cochran	Gregg	Mikulski
Cohen	Harkin	Moseley-Braun
Conrad	Hatch	Moynihan
Coverdell	Hatfield	Murkowski
Craig	Heflin	Murray
D'Amato	Helms	Nickles
Daschle	Hollings	Nunn
DeWine	Hutchison	Packwood
Dodd	Inhofe	Pell
Pressler	Shelby	Thomas
Pryor	Simon	Thompson
Reid	Simpson	Thurmond
Robb	Smith	Warner
Rockefeller	Snowe	Wellstone
Roth	Specter	
Santorum	Stevens	

NAYS—9

Boxer	Byrd	Levin
Bradley	Lautenberg	Lieberman
Bumpers	Leahy	Sarbanes

So the conference report was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. GLENN. Mr. President, I ask unanimous consent that we be permitted time to submit the final report of the Senate Task Force on Funding Disaster Relief, which Senator BOND and I were commissioned to do last year. And I ask that the pending business be set aside so we can present that report.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

SENATE DISASTER RELIEF TASK FORCE REPORT

Mr. GLENN. Mr. President, I am very pleased at this time, along with my friend and colleague from Missouri, Mr. BOND, as cochairs to lay before the Senate the Final Report of the Senate Task Force on Funding Disaster Relief. The task force was established pursuant to a sense-of-the-Senate resolution contained in Public Law 103–211, the emergency supplemental appropriations relief bill for victims of the Northridge, CA, earthquake.

I think I can speak for Senator BOND when I say that our sense of accomplishment in presenting this report is somewhat tempered by events past and present, in that we have just marked the solemn 1-year anniversary of the devastating California earthquake. For all the good that has happened in the past year, thanks to selfless efforts by friends, neighbors, charities and, yes, Government bureaucrats of all stripes, we know that for so many their lives have been irrevocably changed.

We also share the grief and shock of the Japanese people who had a tragedy of their own, the horrendous Kobe earthquake. We know the character of the Japanese people, and given some time and help—and we are glad President Clinton and the able Director of the Federal Emergency Management Agency [FEMA], James Lee Witt, have offered some of our technical expertise—we know the Japanese will soon be on their feet again.

These catastrophes—and need I mention the terribly destructive floods which recently rained down on California—underscore the importance of having an integrated and comprehensive emergency management system, and we are making great progress toward that goal today.

Our task force was commissioned to look at Federal disaster assistance programs, funding and effectiveness, possible program and policy modifications, budgetary and funding options, and the role of State, local, and other service providers.

The report covers a spectrum of issues on how we can best ensure that Federal assistance will always be there when needed and how our disaster response system might be made more efficient and more cost-effective. Given the enormity of this project, Senator BOND and I decided to enlist the resources of congressional entities such as the Congressional Budget Office [CBO], the Library of Congress, and, in particular, the General Accounting Office [GAO], which we tasked to coordinate and take the lead working with our staff on the preparation of this study.

The end product, I believe, is a testament to the professional work and collaboration of all of these different groups and bodies. Many individuals labored long and hard, and we in the Senate owe them a debt of gratitude.

One of the more striking aspects we found was the lack of comprehensive Government-wide data on Federal disaster expenditures. I had thought going in this would be readily available. We found it was not. While most agencies can produce statistics for a particular disaster or annual spending, the number of persons assisted and estimated benefits, these have not been systematically collected across Government—until now.

GAO has totaled up how much we have spent across the board between 1977 through 1993. In doing so, they examined our disaster planning, mitigation response, and recovery programs, and these programs I would like to describe in just a little bit more detail.

Our disaster preparedness and mitigation programs consist chiefly of FEMA grants and assistance for fire suppression, floodplain management, earthquake and hurricane vulnerability; flood control and coastal erosion works under the Army Corps of Engineers; NOAA's severe weather tracking programs; U.S.G.S. earthquake and volcanic reduction programs, and; coastal zone management activities through the Department of Commerce.

In the area of Federal disaster response and recovery programs, we are dealing primarily with FEMA's individual and public assistance grants, temporary housing, community disaster loans, and unemployment benefits; Small Business Administration loans; repairing crucial roadways through the Department of Transportation; aid for the restoration of school facilities by the Department of Education; disaster

recovery grants by the Economic Development Administration; emergency disaster assistance loans, payments and food stamps administered by the Department of Agriculture, and; the Army Corps' emergency water supply operations and flood control and coastal works repair.

To state the obvious, our emergency management system is far, far more complex than most people realize. It involves quite a number of Government agencies.

I should note that these figures do not include FEMA's mission assignment requests of other agencies to provide specific types of assistance, depending on the situation and the need.

There is a pervasive cynicism in our land today that derides Government's ability to deliver efficient and effective services and to return taxpayer dollars in a meaningful way to those who sent them to Washington in the first place. In short, to touch people's lives when there is a desperate need.

What I just listed does that and more. We may talk about cutting Government, but these programs I feel are real, they are vital, and they are indispensable.

If in times of major emergencies we do not provide this assistance, then who will? I spent many days on the floor managing the minority side for the unfunded mandates bill and agree with much of what is said by States and localities regarding Federal mandates. But what we, the Feds, have spent in helping States and our citizens prepare for, respond to, and recover from disasters has never really been quantified until today.

This report shows that from fiscal years 1977 through 1993, Federal agencies obligated almost $120 billion for emergency management programs—$120 billion in constant 1993 dollars for emergency management programs.

Most of which, about $87 billion, was for post-disaster recovery assistance. Over $64 billion, 54 percent of the total, was in the form of either grants to disaster victims and communities or expenses from disaster-related activities and response. Some $55 billion, 46 percent of the total, consisted of various disaster recovery loans made by FEMA, SBA, or the Farmers Home Administration.

Since a large portion of the loans will ultimately be repaid, the entire loan amount is not necessarily a Federal cost, though costs are incurred through subsidized interest rates and when loans are forgiven or are written off.

(Mr. THOMAS assumed the chair.)

Mr. GLENN. For example, during this same timeframe, the Farmers Home Administration [FmHA] obligated over $34 billion for disaster emergency loans and wrote off about $7.5 billion. That is not too bad in a situation like this, I do not think.

To sum up, we have spent directly over $64 billion between fiscal years 1977 and 1993 and some $55 billion indirectly through low-cost Government loans.

While this data is the best we have to date, it is not exhaustive. It excludes what we have spent to repair or rebuild damaged Federal Government facilities, which we do not currently track. It also does not include costs incurred by the Federal Government through subsidies and disaster insurance programs.

During this timeframe, we spent about $10 billion on the Federal Crop Insurance Program and almost $3 billion in costs through FEMA's National Flood Insurance Program.

Last year, Congress did change both of these programs to make them more cost-effective, to minimize potential losses but still provide protection from these tragic events at a reasonable cost.

We soon will consider another supplemental bill to pay for additional costs from the Northridge earthquake. I know this is something my distinguished co-chair will be holding a hearing on, I believe tomorrow, in the HUD-VA Subcommittee on Appropriations, and particularly how we are going to pay for this request. That is a tough one.

As our communities continue to grow, so do our potential risks and liabilities. We need to see if there are better ways to prepare financially for such catastrophic events.

Increasingly, the debates on disaster relief aid and where the money comes from have grown rather contentious, and that is understandable.

Since these measures are deemed ''emergencies,'' they have not been subject to budget caps requiring program offsets, so they add to the deficit.

Also, these bills have become too often the proverbial Christmas trees for items that may have little or no bearing on our disaster response efforts.

In other words, people know this legislation is going to go through, it is going to pass in some form, so whatever their pet program is, with the Senate's lack of germaneness rules, it can be brought out and attached. It is something I think we ought to correct in Senate rules and procedures sometime in the future.

But anyway, this tendency to treat some of these emergency bills as Christmas trees has attracted heightened scrutiny and distracts us and the public from our purpose at hand, which is to help fellow citizens in their time of need.

The report we are releasing today proposes several funding and budgetary options for consideration of the Senate.

By changing current procedures, these options could reduce the use of emergency supplementals and lower total Federal spending—but at a price, making it harder to provide such aid.

Our mission with this report was not one of coming up with one firm, solid recommendation. It was to lay out options for the Senate's consideration. It was to define problems, how we have dealt with these things in the past, and what options we have for dealing with them in the future.

Each of these options is more fully described in an appendix to my statement, which I ask unanimous consent be included at the completion of my remarks, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GLENN. Each of these options has its own advantages and disadvantages, and there probably is no clean, pure and simple magic bullet because, for one reason, we do not have clean and simple disasters out there so we can plan for them in advance like we might prefer to do.

There are five basic options:

First, tighten the criteria for using the emergency safety valve of the Budget Enforcement Act.

In other words, setting a threshold on what is categorized as truly emergency spending. This could mean that States don't always request Federal funding on things that normally, in times past, could and should have been taken care of by the local community or the county or the State government.

Second, fund disaster programs at historic average levels.

Third, establishing a rainy day fund to cover future disaster expenses for Federal disaster relief.

Fourth, eliminate the emergency safety valve and cut other spending to offset the cost of disaster assistance.

Fifth, allow funding only for emergencies in any supplemental containing an emergency designation.

Those are five options.

With increasing budgetary constraints, these approaches deserve serious consideration. I know Senator BOND is going to be on the hot seat grappling with these issues on his appropriations subcommittee, particularly what the implications are if his subcommittee accounts will have to absorb much of the current supplemental request. In other words, what is going to get cut if it all has to come out of his subcommittee accounts. I do not think it right that this should happen, but that is one of the things he has to deal with—whether these funds will come out of veterans programs, out of the space station, or out of low-income housing, all of which are covered under his subcommittee.

And those are going to be tough decisions.

I hope he would not have to make those decisions from within just the confines of that budget restriction, and that we could make separate funds available for emergency consideration. Being forced to change the rules in the middle of the game is a very serious policy change and one we should not adopt lightly.

Another area I wish to address is the rise in the number of Presidentially declared disasters.

In 1988, just 7 years ago, we had 17 declared disasters, but in 1993 there were 58.

Now, whether that is the result of Mother Nature becoming more testy or whether it is classifying more types of events as declared national disasters than in the past, or more generous Presidents—or a combination of all of these things—remains to be seen. But as the report suggests, we might want to examine setting very explicit and objective criteria for Presidential disaster declarations.

I also want to note two integral components of our emergency management system. We depend on the States and localities—the emergency managers, the firefighters, the rescue squads and, sometimes, the National Guard—to be the primary responders in times of difficulty, times of disaster. And that is as it has been in the past.

We do not want it to be that every time some disaster occurs, the Federal Government is called in to do everything rather than having State and local people be mainly responsible themselves. The efforts of these primary responders, the emergency managers, the firefighters, rescue squads and, sometimes, the Guard are augmented through the good work of charitable organizations like the American Red Cross, the Salvation Army, and many other worthy religious, church, and professional groups.

Locally, they provide what historically has been the way in this country of ours, and that is that neighbors take care of neighbors, locals take care of locals, States take care of their own situation as much as possible and only call on the Federal Government to supplement their efforts when things are basically out of control.

Now, our report highlights their special role and the enormous contributions made by thousands of dedicated volunteers. But we, the Federal Government, need to supplement their efforts where disasters get beyond the resources of local communities.

By and large, this system has worked well for the vast majority of disasters. It is only when we have a truly catastrophic disaster, one that is beyond the capabilities of these entities, that the Federal Government enters the picture in any significant way.

It is not to say, however, there is no room for improvement. A section of our study looks at how Federal assistance to States, localities and individuals is being spent. The short answer is: We really do not know. We must do a better job in overseeing what results we are getting for our money, whether the funds are being used effectively, and if program objectives are being met.

Further, I was also struck by the sheer number of Federal disaster programs we currently have spread across many agencies. I think it is imperative we begin to look at whether any of these are redundant or duplicative, can be done more efficiently, or organized differently. Can they be streamlined or consolidated to maximize resources and increase their efficiency? In a time of budget constraints, a thorough review of the mission, the management and organization of these various agency programs is long overdue.

We must also remember that our disaster response system is, in fact, a partnership which is, indeed, a hallmark of our federal system.

I know that some States take these matters quite seriously but others, perhaps, less so. As States have been faced with their own fiscal constraints, too often their emergency management programs get cut to the bone with the assumption: ''Why bother; the Feds will come to the rescue.'' That is the wrong attitude.

Our own position is shaky enough. We must ensure that the States are doing their part to uphold their end of the bargain.

I think it is telling that before this study took shape, neither FEMA nor the States had an idea of what the States were spending or getting for their emergency management and related programs. And thanks to this effort, FEMA is now working with the National Emergency Managers Association [NEMA] to do just that. I think it is critical to know exactly how the States shape up in this regard.

The report also suggests a number of ideas to improve Federal-State coordination such as: adopting performance standards; providing incentives for planning and mitigation; cost-sharing reductions for those not up to par; more frequent exercises and training, and; very importantly, I believe, post disaster analysis to learn what worked, what did not, were the money and resources well spent. In short, to determine lessons learned after each disaster.

We should work with the States to implement these approaches, and FEMA is now beginning to do that. We also must make sure FEMA itself has the capabilities to effectively manage and oversee this effort so we will better know how well or how poorly the States are doing their job.

So, again, I wish to recommend to my colleagues they take a look at our task force report. I thank all those who have devoted their time and effort to putting it together.

In particular, GAO did an outstanding job in supervising and coordinating this effort. It is a job well done. And I already have asked unanimous consent the appendix be printed in the RECORD.

I want to close by giving full credit to my cochair in this effort, Senator BOND. After the election of last fall, when the leadership in the Senate changed, we sort of changed roles on this a bit. He took a major role from there on in putting this whole thing together and has done a superb job. I compliment him for his efforts in this regard, for leading this effort. It has been a pleasure to work with him on it.

We have made a report that does not solve all of our problems, but under his leadership, and working with him, I think we have been able to put together a report that is the most definitive report ever on disaster relief assistance, the Federal role, its historical connotations, and to provide some suggestions for the Senate's guidance of how we should deal with this in the future.

It has been a pleasure to deal with Senator BOND on this. I know he will submit our report on this officially. I yield the floor.

EXHIBIT 1

APPENDIX—TASK FORCE BUDGETARY AND FUNDING OPTIONS

I. TIGHTEN CRITERIA FOR USING THE EMERGENCY SAFETY VALVE OF THE BUDGET ENFORCEMENT ACT (BEA)

This option would require Congress and the President to issue specific, written justifications for designating appropriations as emergencies to escape funding constraints. Such formal criteria could impose a higher threshold that funding measures would have to hurdle to avoid the disciplines of the BEA. How high the threshold would be raised—and how much savings might result—is an open question. But such written justifications would provide Members more information and would presumably give those opposing such funding a more defined target.

II. FUND DISASTER PROGRAMS AT HISTORIC AVERAGE LEVELS

This alternative would require appropriations for FEMA, SBA disaster loans, and other disaster programs to be made in regular appropriations bills in amounts equal to an historic average or expected funding need for each program before the emergency designation could be used for supplemental funds. In theory, this should increase regular appropriations for such programs and lower the amounts of emergency supplementals.

Currently, the appropriation request for FEMA is loosely based on an historic average, which was calculated years ago and excludes the costs of major disasters. FEMA's regular appropriation was $292 million in 1994. Had the 10-year average of about $645 million been appropriated, the size of FEMA supplementals would have been about $350 million smaller. If the appropriations caps were unchanged—meaning spending in other programs was reduced to accommodate this—the Federal deficit would have been $350 million less.

It should be noted that, since 1993, firefighting programs of the Forest Service and the Department of the Interior have been funded based on a 10-year moving average. These programs also have the authority to borrow from other accounts. Since this practice was begun, no supplementals for these activities have been necessary.

On the other hand, unobligated balances could accumulate in the program accounts during some periods. If they grew large enough, it would be awfully tempting to lower the threshold of what is really a disaster, be more generous in our response, or to raid it for other purposes.

Of course, setting strict definitions of eligible disasters and developing procedures that would isolate this account money could be part of any legislative package to carry out this option.

III. ESTABLISHING A RAINY DAY FUND TO COVER FUTURE DISASTER EXPENSES FOR FEDERAL DISASTER RELIEF

This approach would create a so-called rainy day fund, or reserve account, financed

by cutting other discretionary spending, by raising new taxes, or a combination of both.

Annual payments to the fund could be made until some desired balance is reached. Spending from this account could be subject to appropriation at the whenever the need arose. Unlike the previous option—where the executive branch could obligate accumulated account funds on their own—this approach would allow Congress to retain the discretion over using this money.

This option would cause disaster relief to be paid for up front—either by spending cuts or higher taxes—rather than borrowing and increasing the deficit, as we do now. But again, there could be some temptation—particularly in times of fewer, less costly disasters—for Members to be more generous than envisioned in utilizing any large, accumulated balances in this account.

IV. ELIMINATE THE EMERGENCY SAFETY VALVE AND CUT OTHER SPENDING TO OFFSET THE COST OF DISASTER ASSISTANCE

This alternative would remove the emergency safety valve provided for in the Budget Enforcement Act. Disaster assistance would be paid for by reducing other spending, thereby lowering the Federal deficit.

One version of this option would require that current year spending be reduced. Another approach would mandate that discretionary caps be reduced in future years to offset the increase in current year spending.

Under both these scenarios, if there is any unnecessary or excess relief now provided, it would be far less likely to occur in this modified pay-as-you-go procedure. Of course, as spending caps grow increasingly tighter, finding the programs to cut to accommodate the variable needs of disaster relief is going to be all the more difficult.

V. ALLOW FUNDING ONLY FOR EMERGENCIES IN ANY SUPPLEMENTAL CONTAINING AN EMERGENCY DESIGNATION

This option would establish a new point of order in the House and Senate against considering any bill or joint resolution containing an emergency appropriation if it also provides an appropriation for any other nonemergency activity. While not directly addressing disaster assistance funding, it seeks to eliminate the ''Christmas tree'' addons.

Opponents of this change could argue there is a longstanding practice of considering supplemental funding needs en masse, and this would be akin to requiring separate votes on provisions of regular appropriations bills.

Whether or not this approach would actually reduce the deficit is also open. Nonemergency items in supplementals must be estimated to have no net effect on the deficit, since there is no room left under the spending caps. So some would contend that while the policy might change, the Federal deficit likely would not.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Missouri.

Mr. BOND. Mr. President, I express my sincere thanks to my good friend and colleague from Ohio, Senator GLENN. On this as on other matters he has been very easy to work with. I appreciate the tremendous efforts he and his staff put in and the great leadership he showed on this task force.

ORDER FOR PRINTING OF REPORT

Mr. BOND. Mr. President, I now ask unanimous consent on behalf of myself and Senator GLENN that the report of the Senate Bipartisan Task Force on Funding Disaster Relief be printed as a Senate document. In addition to the usual number of copies, I also ask an additional 300 copies be printed for the use of the Senate. As noted, the task force was established by Public Law 103–211 in February 1994. Subsequently Senator GLENN and I were named cochairs of the task force.

I understand this request has been cleared on both sides of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I have already said how much I appreciate the opportunity to work with Senator GLENN. He has shown great dedication and concern about disaster declarations and how we provide assistance. I think he has given, in his remarks, an excellent overview of the contents of this report. I join him in commending the GAO, CRS, and the other agencies that worked on this, as well as the members of the task force and their staffs. As my colleagues can see, this is no small task. The information was very difficult to compile. It had not been done before. I believe it is a useful effort and I commend it to my colleagues. The good news is you do not have to read the whole thing. There is an executive summary so you can see what we are talking about.

I also want to highlight the comments that Senator GLENN made about the Red Cross, the Salvation Army, the National Guard, the other organizations, individual volunteers, and the State and local governments that respond in these disasters.

I have had more experience than I want in dealing with disasters as Governor of Missouri. I found that out of the hardship, death, injury, damage, and widespread devastation that nature frequently visits on our country comes a tremendous human response that is probably one of the most gratifying and encouraging things one can see in a disaster. I also appreciate Senator GLENN's comments about the funding difficulties that Senator MIKULSKI, my ranking member, and I on the Veterans' Administration, HUD and Independent Agencies Subcommittees on Appropriations will face if we have to make cuts solely in our subcommittee in order to handle the disaster implications. This is something we do need to address because in no subcommittee in Appropriations is there a great deal of slack to cover the costs of major disasters.

Let me share just briefly some of my observations. There are a couple of points I want to highlight about this report. As most of my colleagues will remember, nearly 2 years ago the Midwest experienced one of the worst floods in the Nation's history. It was deemed a 500-year flood in some areas. We in Missouri saw firsthand the devastating power of Mother Nature. Families were forced out of homes. Businesses and infrastructure, in some cases whole communities, were under water. Over the 3-month period of June to August 1993, northern and central Missouri received over 24 inches of rain. We thought that was a lot of rain. North of us, in east central Iowa, they dwarfed us with over 38 inches of rain.

The Missouri and Mississippi Rivers crested and fell, crested and fell, and then crested again. When the waters finally receded, because the ground was so saturated it took weeks, not days, before people could begin the nasty, dirty business of cleaning up. If you never had to be in an area of cleaning up after a major flood, you cannot really appreciate how difficult and how unpleasant a task that is. Needless to say, the damage which resulted was extraordinary, and efforts to repair roads, levees, airports, and communities are continuing in some areas even today.

It was with this experience still fresh in my mind that I accepted with pleasure the opportunity to serve as cochair, with my friend Senator GLENN, and accepted the responsibilities for the Senate's Bipartisan Task Force on Funding Disaster Relief last February.

As a former Governor who saw several disasters during my two terms as well as a 500-year flood, I was very pleased to be given the opportunity to take on the task of reviewing the Federal Government's disaster relief programs and policies. Our task force was asked to do several things: review the history of disaster relief and its funding; evaluate the types and amounts of Federal financial assistance provided to individuals as well as State and local governments; review the relationship between funding disaster relief and our budget enforcement rules; and report our findings, options, and any recommendations. As mentioned earlier, this proved to be an immense task and one which could not have been done without the massive amount of work done by the professionals at GAO, CBO, and CRS, who teamed up to put together this first-ever comprehensive review.

Our colleagues in Congress have been concerned, and rightfully so, that the cost of disaster assistance was growing exponentially while at the same time the temptation to declare anything and everything a disaster in order to get out from under the budget caps was also increasing. Thus, after seeing the sixth large supplemental moving through the Senate, our colleagues decided the time had come to take a longer look at our disaster programs. This report is the result of that decision, and tomorrow I plan to hold a hearing with the Federal Emergency Management Agency [FEMA], and a panel composed of GAO, CBO, and CRS, to begin exploring where we go from here.

Several of our report's findings are worth highlighting. First, the actual amount obligated by the Federal Government on disaster assistance, as has already been stated, from fiscal year 1977 to fiscal year 1993 has been, in constant 1993 dollars, $120 billion.

The distinguished occupant of the Chair, who served as Governor of Missouri, was on the receiving end of some of that assistance. I know he and our other colleagues around the country know how important that assistance can be.

Of this figure, $55 billion are in the form of loans, with $34.5 billion originating from the Farmers Home Administration and nearly $21 billion from the Small Business Administration.

The other major expenditures have been $16 billion from the U.S. Department of Agriculture for crop losses, $25 billion from the Corps of Engineers for hazard mitigation efforts, and $10 billion for FEMA's disaster recovery programs.

But of interest to many of my colleagues is the number of disasters since 1988. That year there were 17 disasters with a total cost of $2.2 billion.

In fiscal year 1989 there were 29 disasters; fiscal year 1990, 35; fiscal year 1991, 39; fiscal year 1992, 48; and by fiscal year 1993, there were 58 disasters at a cost of $6.6 billion. And then last year, not included in this report's totals, an $8.4 billion supplemental appropriations was agreed to. As I speak, we have pending before the Veterans Administration, HUD, and Independent Agencies Subcommittee of the Appropriations Committee a fiscal year 1995 supplemental request for an additional $6.7 billion FEMA request. As has been said in many other instances, that begins to mount up to real money.

Mr. President, I believe this report will serve as a very useful tool in two basic ways. First, it reminds our colleagues of the costs which have been occurring as a result of natural disasters and our responses to them; second, that we need to get everyone to take a second look at how we have been evaluating the successes or failures of our disaster responses.

For the past few years, we have been concentrating on improving the speed of response and the timeliness of the payments—how fast we can shovel the money out the door. For the most part, there have been dramatic improvements. We can really shovel it out the door quickly. However, it is about time that we look to see how the money is being spent. Senator GLENN has already referred to that. It is not just the fact that we shovel it out in a timely fashion. Where does it go and what does it do? I think that his comments are right on target. And this will be the subject of the hearing we will be holding tomorrow to begin to explore how this money is actually spent. Where does it go when it is shoveled out the door?

I invite my colleague, or others who are interested, to sit in or to have a staff member sit in as we begin to explore where the money goes, what it does, and if it is the kind of expenditure that we really need to make.

In the past 5 years, Congress, through FEMA alone, has provided $12 billion in emergency relief. We now are faced with another request by FEMA of $6.7 billion for this year. It should be obvious to everyone, as I think it is obvious to me, that in the budget climate we face, we must address these escalating costs to ensure that the billions we are spending is spent wisely.

I hope that this report will jump start the effort. I ask our colleagues to review at least the executive summary of the report so that they will have an idea of how we are spending billions and billions of dollars—$120 billion since fiscal year 1977. That is a significant amount of money, and one which we should take care to assure we are spending properly.

Mr. President, that concludes my remarks. I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I want to say once again what a great job Senator BOND did on this report. I think that is exactly what the Senate had in mind when they asked us to do this. I congratulate him. We worked on it very closely together.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

Mr. GLENN. Mr. President, I ask that the Senate return to regular order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate continued with the consideration of the bill.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I am grateful for the attention that our colleagues gave to our presentation earlier this morning on the issues at stake concerning the amendment before the Senate. Now, we will have some additional time during the course of the day to discuss these issues before we have another Senate vote on this matter tomorrow.

During the course of the morning, there was an effort by my Republican colleagues to characterize the amendment by the Senator from Kansas that is before the Senate as being a rather limited measure that simply addresses a serious question about the authority, the power of the President to issue the Executive order.

I mentioned briefly before the vote that I thought what was really at stake in this debate before the Senate was really a broader issue than just the issue of whether the President has the authority to issue the Executive order which the amendment of the Senator from Kansas seeks to repeal. As I have stated, it is the President's judgment that implementation of this Executive order is in the Nation's interest and also in the interest of the American taxpayer, based upon the fact that the use of permanent replacements results in many instances in a diminution in the quality of work performed and the ability to perform on time. The President, based on legislative authority provided by the Congress, was acting within his power in issuing that Executive order.

But the point I was trying to make earlier was that the broader issue at stake is really the standard of living for working families, and what the impact of Senator KASSEBAUM's amendment would be on a significant segment of working families in this country.

I was pointing out that if you look at the period from 1979 to 1993, what you find, as shown on this chart—which is based upon data from the Department of Commerce—what you find is that it is the top tier of families that have done exceedingly well during this period of time. They are the ones whose incomes have been rising steadily and at significant levels.

I think all of us welcome the fact that those families are doing well and that there is increased opportunity for the very top-income families in this country, and that those that are just below the very top have also seen a significant increase in their income. But this chart also reflects the disturbing fact that the majority—60 percent—of American families outside of this top 40 percent, have actually fallen behind in terms of real family income over this same period of time.

It is important to underscore that we are talking about family income, because what we saw during the period of the 1980's is not just a single member of the family working, supporting the family, but wives coming into the work force in record numbers and contributing their earnings to the family income. Even with the increased number of family members in the work force, we still have 60 percent of the families falling further and further behind those in the very top income brackets. That is the reality. That is what is happening out there.

It is relevant to note that at the same time that this decline in the incomes of the majority of families has been happening, there has been a dramatic and significant increase in the use of permanent striker replacements. Employers have used permanent replacements to displace well-paid workers and replace them with workers hired at significantly reduced wages. And even the original wages of those workers who have been permanently replaced were in many cases of a very modest nature. As I pointed out earlier today, in many instances, workers who have been permanently replaced were earning not much more than the minimum wage to start with—earning $6 and $7 or $8 an hour. Those are the workers whom we are talking about out here on the floor of the U.S. Senate—the workers who some of our Republican colleagues suggest are some kind of special interest group.

The people the President's Executive order seeks to protect from exploitation are people that are ready to work, that do work and have worked all of their lives. They are prepared to continue to work for $7 or $8 an hour, and they are being displaced by permanent striker replacements who are being paid lower wages. The result is that there has been a significant diminution in income for a great number of workers.

Mr. President, if you were to go back and look at what has happened to the incomes of working families since 1950, you would find that during the period from 1950 through the end of the 1970's, you would find that the incomes of families in all of these income groups moved up together, and that families at the top in the middle and at the bottom all enjoyed about the same level of income growth. The whole country was increasing its standard of living. All families were moving up together, all participating in the benefits of economic expansion. But that is not what has happened since 1980. That is not what is taking place in the America of today. That is something that we should be very conscious of, as we are considering the President's Executive Order, which is responsive, in small part, to this phenomenon.

This second chart shows what has happened to those workers who are trying to provide for themselves and their families and are getting paid the minimum wage.

The principle behind the minimum wage, which was first enacted into law in the 1930's, was that work ought to be rewarded, that men and women in our country who are willing to work ought to be able to earn enough to provide for their children, ought to be able to put a roof over the heads of their families and put food on the table and maintain some degree of self-respect and dignity. That is a fundamental principle that has been supported by Republicans and Democrats alike, Mr. President.

Here on this chart reflecting the real value of the minimum wage, where we see a bump here in the purchasing power of the minimum wage, this was a result of legislation being signed into law by a Republican President, George Bush, providing for an increase in the minimum wage of 45 cents an hour per year for 2 years, in 1990 and 1991. And now we can see on the chart that since that time, inflation has eaten away at the real value of the minimum wage, and it is virtually back to where it was prior to the time President Bush signed that last increase into law.

What many of us have been arguing is that if we had then a Democratic Congress, a Democratic Senate, and a Republican President and we could work together in order to enact an increase in the minimum wage, then now when we have a Republican House and Senate and a Democratic President, we ought to be able to again work together to enact another increase.

This chart, Mr. President, shows the real value of the minimum wage in terms of constant dollars. This reflects that the minimum wage is currently at $4.25 an hour, in 1995 dollars. That is where it is today. And this shows where the minimum was in terms of real dollars at other periods of time going back to 1965, then 1975, when the minimum wage was worth $5.82 in today's dollars. What we are really seeing is a dramatic decline in the value of the minimum wage in terms of its purchasing power for families. A full-time worker today working year-round at the minimum wage would make only $8,500 a year.

Both of these two charts are important in showing what is really happening out there in the work force in the United States of America; and that is, that far too many individuals who are working hard trying to provide for their families are falling further and further and further and further behind.

That is why I find it so disturbing that first issue directly affecting working families that we have considered on the Senate floor in this Congress—now that we have finished consideration of the unfunded mandate issue and the balanced budget amendment—should be a measure whose effect would be to ensure further diminution of workers' bargaining power in their dealings with employers.

We heard earlier—and I respect my friend and colleague, Senator KASSEBAUM—that in her view, her amendment is not really about the broader issues of working people. But I must say that it is difficult for me to accept that that is not what this amendment is really about. If the proponents of this amendment are so concerned about the scope of the executive power of the President—whether the President has the legal authority to issue such an order, whether he has the power to do it—that they felt they had to go ahead and address it on the defense appropriations bill, you might hope that they would still say look, OK, we have done the unfunded mandates bill and we have had a full debate on the issue of the balanced budget amendment, and we feel we must go ahead and address this issue of the President's executive authority on the defense appropriations bill. But we want you to know that we are concerned about what is happening to real workers and therefore we are proposing a sense of the Senate resolution to say that we are prepared to support an increase in the minimum wage, or we want to do something else for working families; we want to do something in terms of education for working families, or something for the children of working families in terms of their day care coverage. If that is what our Republican colleagues were saying, that would be great. But that is not the case.

Instead, we see cutbacks being recommended in day care, even though only about 5 to 6 percent of day care needs are being attended to at current spending levels. We are seeing cutbacks in the school lunch program and cutbacks in the summer jobs program. The Congress was not even in session 3 months before it eliminated the jobs programs for young people, not only for this summer but next summer as well. We are in that much of a hurry. The House of Representatives is voting to eliminate that summer jobs program, and they are also in the process now in the Labor/HHS appropriations subcommittee of cutting back the loan programs for working families. I do not know how it is in other Member's States, but in my State close to 70 percent of the young people that want to improve themselves and improve their lives and their abilities by attending college need some kind of student loan assistance. Well, we are raising the cost of that assistance between 25 and 30 percent under the proposal that is being acted on over in the House.

The people getting hurt are the sons and daughters of families in this group in here on this chart; not so much the families up here in the upper income brackets because they can afford the universities, they can pay the tuition on their own. It is these families in this area on the chart, the ones that are falling further behind that say, I know I have not been able to make it, but, by God, my daughter or my son has worked hard, has done well in school, has been a good student, and wants to go on to college or to the university. And with these cuts we are saying: No, your son or daughter can not go to college unless you are going to pay out of your pocket another $3,500 to $4,500 over what it now costs in terms of interest on their student loan. That is effectively what the impact of these cuts is going to be on working families.

So, Mr. President, the idea that somehow these matters are unrelated in terms of our priorities misses me.

I did not even mention, when I was talking about the increase in the interest costs on student loans for working families the fact that even if they were going to pay that extra average $3,500 and have that indebtedness and they were able to get to the school or college, our Republican colleagues want to eliminate the work-study program. That affects 70,000 young people in my own State. I do not know how it is in other States.

And who are these students? By definition you do not qualify for work-study unless you are in this area shown on this chart—unless your family is in this income bracket. So we are not only going to raise the cost of the education, we are going to make it even more complicated and difficult for you to participate in a work-study program to help you get some additional income as a result of working.

This is about working. We hear a great deal from our Republican colleagues about people that are not working. This debate is about Americans who are working, playing by the rules and working, and their futures.

And that is why it is so important and why it is appropriate that the Senate really understand exactly where we are and what we are about.

We have had a long discussion about the steel mill seizure, about the scope of Presidential powers. We went through last week the various executive powers that exist inherently and those which do not. We went through the particular legislation which grants the President specific powers with respect to Federal procurement and the references that have been made to that in the excellent memoranda that was provided by Attorney General Reno. We have gone into considerable detail about exactly who was affected and impacted by the practice of permanently replacing striking workers.

And then we had a review for the Senate of the public policy issues in question, about why this Executive order makes eminently good sense in terms of the President's responsibility to oversee procurement by Federal agencies.

We heard a great deal around here some years ago, and I think many of us joined in the sense of outrage when we heard about the costs of ashtrays being $200 to $300, toilet seats at $1,500, $1,800, the abuses in terms of procurement policy, primarily in the Defense Department, but in other agencies as well. We have heard those stories and all of us are appalled by them.

Now we have a President that is trying to do something about making sure that the taxpayer is going to get a dollar's value for a dollar invested by making sure that the contracts are going to be delivered and delivered on time and that there is going to be good quality in terms of the purchases that are made primarily in the areas of defense and weapons and weapons systems and those contracts that are related to national security, but in other areas as well.

We have taken some time, although I intend to take a little more time later on this afternoon, to give examples of how productivity and quality have been adversely affected when permanent striker replacements were hired—what happens when because of the replacement workers' lack of skills and experience, of the conflict that exists in the plant and factory, the quality and efficiency of work is impaired.

The President has taken notice of that and we will share those experiences with the Senate. He understands it and says: ''Look, on this issue, I'm going to side with the taxpayers to make sure that we are going to get a good product on time with good quality from skilled craftsmen and women in this country. I am not going to take a chance in the areas of national security to get an inferior product, either for our defense or in the other areas of procurement. And, also, I am going to make it very clear that we are not going to give companies like Diamond Walnut Company, for example, that have hired permanent replacements, additional financial incentives for sales overseas that result in millions of dollars of profit for them at taxpayers' expense. We are not going to reward companies that treat their workers this harshly.''

So, Mr. President, these are some of the points that we will have a chance to develop further during the course of the discussion and debate.

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. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FAIRCLOTH). Without objection, it is so ordered.

HEALTH CARE

Mr. SIMON. Mr. President, before I comment on the Kassebaum amendment that is before us, let me comment on a hearing I just came from that Senator KASSEBAUM and Senator JEFFORDS have chaired, on the whole question of health care and where we are going.

The last few witnesses commented on the whole question of ERISA's assumption of responsibilities that prohibits States from moving ahead to have health care coverage for all their people.

Frankly, we cannot have it both ways. The American people are, more and more, demanding some kind of health care protection. I had three town meetings a week ago Saturday in Illinois. One man got up at one town meeting and said, ''I am 59 years old, I have had a heart attack, I cannot get health insurance that I can afford. What is going to happen to me?'' When he said it, it started triggering others getting up, standing up, telling their stories.

Every other Western industrialized nation protects all their people. We are the only one that does not. If that is a conscious decision we want to make, not to protect all of our citizens—and incidentally the number now is about 41 million that are unprotected and the projections that were made in the hearing yesterday are that will go to 50 million 5 years from now. We have gone from 67 percent of employers covering their people in 1980, down close to 50 percent now. The problem is getting worse.

But if the Federal Government is unwilling to act, we, at least, have to be willing to let North Carolina and Illinois and other States that want to protect all their citizens act. We can set it up in such a way that companies that are engaged in interstate commerce that protect their employees will be exempt by the State so we do not present a problem for business.

But we cannot have it both ways. There are just too many people who are hurting. Mr. President, 50 million people in 5 years means one out of five Americans—really more than that, because those over 65 are already covered through Medicare. But more than one out of five Americans are without health care coverage. That is just not the kind of choice we can make. The people in the gallery up there, one out of five are not covered. No one wants to volunteer for that.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 331

Mr. SIMON. Mr. President, let me talk about the other issue that is before us and that is striker replacement. In every Western industrialized nation with four exceptions permanent striker replacement is illegal. The exceptions are Great Britain, Hong Kong, Singapore, and the United States.

We have by tradition not done that. The Presiding Officer used to be in business in North Carolina. I used to be in business in Illinois. And we operate within certain traditions in addition to the law, and those traditions we have generally followed. We are starting to move away from those traditions and I think that is not a healthy thing. One of the reasons that is happening is because such a small percentage of our work force is organized. When you exclude Government employees, only 11.8 percent of working men and women in the United States belong to unions. That is far lower than Canada, which is around 35 percent; Western Europe 40 to 90 percent; Japan somewhat similar.

George Shultz, who was both Secretary of State and Secretary of Labor under Republican administrations, made a speech not too long ago in which he said we have an unhealthy amount of our working force that belongs to unions, because we are not getting some of the factors there that we ought to have.

One of the things that is happening as a result of that is our wages are not going up. When wages do not go up then corporations and employers do not buy labor-saving devices, so we become less productive per man-hour. Today the United States, in manufacturing pay per hour, we are $14.77. France is $15.23; Canada is $16.02; Italy, $16.41; Austria, $17.01; Netherlands, $17.85; Denmark, $18.60; Belgium, $18.94; Finland, $20.76; Switzerland, $20.83; Sweden, $20.93; Germany, $21.53; Norway, $21.86.

I can remember, back in 1986 we were still at the top of the heap. That is not that long ago. And the Presiding Officer will forgive me for saying he is old enough to remember, along with me, when there was a huge gap between the United States and the other countries. I can remember serving in Germany in the Army from 1951 to 1953 when the average German was just really struggling. I do not know what their percentage of U.S. wages at that point

was. But it must have been one-fifth or one-seventh of the wages of the United States.

I mention all of this simply to suggest that what we need in this area of labor-management relations is balance. I do not think the President's action takes away any of our prerogatives. The President's action does not pass what we turned down here, Senate Resolution 55, striker replacement. That called for a major overhaul of our labor-management relations. The President's action simply says, if you are going to have a Federal contract, you cannot have permanent striker replacements. I think that makes sense in labor-management relations. I think it also makes sense in terms of quality of product. If anyone thinks that permanent striker replacements provide the same quality of work as a former employee, take a look at baseball today. Striker replacements are not the same quality as those who played for the major leagues.

So I think it makes sense from the viewpoint of quality product that we buy. I think it makes sense from the viewpoint of labor-management relations.

I hope that—we have had one cloture vote and we are going to have at least one more—we continue to prevent the passage of the Kassebaum amendment. Again, my belief is that what we need is a careful balance between labor and management. I think things have moved somewhat out of balance.

I would add I also am a great believer in labor and management working together much more. The Germans have what they called mitbestimmung, where there is a labor representative on a corporate board who is there except when they talk about labor-management relations. Then he or she absents himself or herself. The advantage of that is they get to know the problems of the corporation and the corporation gets to understand the viewpoint of labor. I think we should not wait until we are near time for contracts to expire and then all of a sudden we sit down and start working together.

So my hope is that we will continue to block the passage of this amendment and that we can move ahead in a constructive direction, not only on this issue but on many other issues in labor-management relations.

Mr. President, I do not see anyone else seeking the floor right now. If so I question the presence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFFIRMATIVE ACTION

Mr. DOLE. Mr. President, to his credit, President Clinton has initiated a long-overdue review of all Federal affirmative action laws.

After nearly 30 years of government-sanctioned quotas, timetables, set-asides, and other racial preferences, the American people sense all too clearly that the race-counting game has gone too far. The President is responding to these pressures, and his review could not have come at a more propitious time.

But first things first. As the President conducts his review, he should also revisit some of the misguided affirmative action policies of his own administration.

For starters, he should take a few moments to read the Justice Department's brief in the Piscataway Board of Education case, which is now pending before the Third Circuit Court of Appeals.

In Piscataway, the Justice Department has taken the position that, when an employer is laying off employees, an individual American can legally be fired from her job because of her race. That is right: Our Nation's top law enforcement agency says that it is perfectly legal, as a way to achieve work force diversity, to tell a person that she can no longer keep her job because she happens to have the wrong skin color.

This is an insidious position—one that goes beyond current law and one that the President should emphatically reject.

I note that he had a little meeting as reported in the Washington Post last night with a number of people. I hope they discussed the Piscataway case, and I hope the President might respond to this Piscataway case.

The bottom line is that the President's affirmative action review cannot have credibility if the affirmative action policies of his own administration are fundamentally flawed. Correcting these policies, not reviewing old ones, should be the President's first priority.

With that said, let's remember that to raise questions about affirmative action is not to challenge our anti-discrimination laws. Discrimination is illegal. Those who discriminate ought to be punished. And those who are individual victims of illegal discrimination have every right to receive the remedial relief they deserve.

Unfortunately, America is not the color-blind society we would all like it to be. Discrimination continues to be an undeniable part of American life.

But fighting discrimination should never become an excuse for abandoning the color-blind ideal. Expanding opportunity should never be used to justify dividing Americans by race, by gender, by ethnic background.

Race-preferential policies, no matter how well-intentioned, demean individual accomplishment. They ignore individual character. And they are absolutely poisonous to race relations in our great country.

You cannot cure the evil of discrimination with more discrimination.

Mr. President, last December, I asked the Congressional Research Service to provide me with a list of every Federal law and regulation that grants a preference to individuals on the basis of race, sex, national origin, or ethnic background. Frankly, I was surprised to learn that such a list had never been compiled before, which, I suppose, speaks volumes about how delicate this issue can be.

Earlier this year, the CRS responded to my request with a list of more than 160 preference laws, ranging from Federal procurement regulations, to the RTC's bank-ownership policies, to the Department of Transportation's contracting rules. Even NASA has gotten into the act, earmarking 8 percent of the total value of its contracts each year to minority-owned and female-owned firms on the theory that these firms are presumptively disadvantaged. They may not be disadvantaged at all.

As a follow-up to the CRS report, I have written to my colleagues, Senators BOND and KASSEBAUM, requesting hearings on the most prominent programs identified in the report—the Small Business Administration's section 8(A) program and Executive order 11246, which has been interpreted to require Federal contractors to adopt timetables and goals in minority- and female-hiring.

These hearings, I expect, will demonstrate that there are other, more equitable ways to expand opportunity, without resorting to policies that grant preferences to individuals simply because they happen to be members of certain groups. And unless the hearings produce some powerful evidence to the contrary, it is my judgment that the section 8(a) program should be repealed outright.

The hearings also provide us with the opportunity to rediscover the original purpose of Executive Order 11246. As signed by President Johnson, the Executive order required Government contractors to agree,

> * * * not to discriminate against any employee or applicant for employment because of race, creed, color, or national origin * * * [and] to take affirmative action to ensure that applicants are employed * * * without regard to their race, creed, color, or national origin.

In other words, Executive Order 11246 defined affirmative action to mean ''non-discrimination.''

I believe in nondiscrimination. Everybody in this body should believe in nondiscrimination against race, color—and you can add disability to that list, too.

There was no mention of timetables or goals. No mention of racial preferences. These concepts were later grafted onto the Executive order not by Congress, but by regulation, the work of Federal bureaucrats.

At a minimum, we should restore the original purpose of Executive Order 11246: to ensure that Federal contractors do not discriminate. And if they do, they should be punished. However, if the Executive order continues to be used, and misused, as a hammer to force contractors to adopt race-based hiring practices, then it, too, should be repealed.

In fact, I intend to introduce legislation later this year that will force the Federal Government to live up to the color-blind ideal by prohibiting it from granting preferential treatment to any person, simply because of his or her membership in a certain favored group.

I might add, when I got this CRS study, we made it available to the White House. There has been a story about it. They asked for it and we were happy to give it to the White House. It saved duplication. We would be happy to work with the White House and anybody else. And we will be working with Representative J.C. WATTS of Oklahoma on overall legislation, maybe at some later date.

Of course, the Government should fight discrimination where it exists, but, at the same time, it should be color-blind, race-neutral, both in theory and in practice.

Mr. President, I am hopeful about America. And I am optimistic, as we head into the 21st century, that the American experiment will continue to be a model of self-government and a source of hope for millions the world over.

But leadership also requires a sense of common purpose. We cannot continue to lead the world, if we are divided here at home.

Yes, we should celebrate our own differences. Yes, we should take pride in our own rich ethnic heritage. It is a source of great strength in America.

But, at the same time, we should not devalue the common bonds that define us as Americans. Too often, we speak in terms of a hyphenated identity: it is Italian-Americans, German-Americans, African-Americans, Irish-Americans, and not just ''Americans.'' We are all just Americans.

Historian Arthur Schlesinger, Jr., probably put it best when he warned, and I quote:

> Instead of a nation composed of individuals making their own unhampered choices, America increasingly sees itself as composed of groups more or less ineradicable in their ethnic character. The multiethnic dogma abandons historic purposes, replacing assimilation by fragmentation, integration by separatism. It belittles unum and glorifies pluribus.

So, Mr. President, the coming debate over affirmative action will be much more than just a debate over reverse discrimination. It will be a debate that focuses us to answer a fundamental question: What kind of country do we want America to be?

Do we work toward a color-blind society? I hope so. A society that judges people by their talents, their sense of honor, their hopes and dreams, as individuals? Or do we continue down the path of group rights, group entitlements—special rights for some—judging people not by their character or intellect, but by something irrelevant: the color of their skin? Maybe it will extend to disabilities or something else.

America has always been a melting pot. But it should never become a place where race and ethnicity exclusively define who we are, how we think, and what we are supposed to believe.

Mr. President, I ask unanimous consent that my letters to Senators BOND and KASSEBAUM be printed in the RECORD, along with the report prepared by the Congressional Research Service.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, March 2, 1995.

Hon. NANCY LANDON KASSEBAUM,
Chairman, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR NANCY: As part of our review of federal affirmative action policies, I am writing to request that you, as Chairman of the Labor and Human Resources Committee, convene hearings on Executive Order 11246. In a recent report prepared at my request, the Congressional Research Service has identified Executive Order 11246 among those federal programs that grant preferences to individuals on the basis of race, sex, national origin, or ethnic background.

Executive Order 11246 was initiated by President Johnson in 1965. The Executive Order states, in part, that ''[i]t is the policy of the Government of the United States to provide equal opportunity in Federal employment for all qualified persons, to prohibit discrimination in employment because of race, creed, color, or national origin, and to promote the full realization of equal employment opportunity through a positive, continuing program in each executive department and agency.''

As administered by the Department of Labor's Office of Federal Contract Compliance Programs, Executive Order 11246 requires most federal contractors to file written ''affirmative action'' plans with the federal government. These plans must include minority- and female-hiring ''goals'' and ''timetables.''

In my view, hearings should seek to answer the following questions: What was the original purpose of Executive Order 11246? Has this purpose been fulfilled over the years through the Executive Order's implementation? Has Executive Order 11246 operated to discriminate on the basis of race, ethnicity, or gender? Are there other, more equitable, ways to expand opportunity for all Americans, without resorting to strategies that rely on providing preferences for individuals simply because they belong to certain groups?

The bottom line is that no federal program should be immune from Congressional scrutiny.

Nancy, thank you for your prompt attention to this important matter. I look forward to hearing from you at your earliest convenience.

Sincerely,

BOB DOLE.

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, March 2, 1995.

Hon. CHRISTOPHER BOND,
Chairman, Committee on Small Business, U.S. Senate, Washington, DC.

DEAR KIT: As part of our review of federal affirmative action policies, I am writing to request that you, as Chairman of the Small Business Committee, convene hearings on the programs authorized by Sections 8(a) and 8(d) of the Small Business Act. In a recent report prepared at my request, the Congressional Research Service has identified these programs as programs that grant preferences to individuals on the basis of race, sex, national origin, or ethnic background.

As you may know, applicants for certification under Section 8(a) must demonstrate that they are either ''socially disadvantaged'' or that they ''have been subjected to racial or ethnic prejudice or cultural bias because of their identities as members of groups without regard to their individual qualities.'' The Small Business Administration ''presumes,'' absent contrary evidence, that small business owned and operated by members of certain racial and ethnic groups are ''socially disadvantaged.''

Section 8(d) requires prime contractors on major federal contracts to negotiate a ''subcontracting plan'' that includes ''percentage goals'' for the utilization of small socially- and economically-disadvantaged firms. To implement this policy, each prime contract must contain a clause stating that ''[t]he contractor shall presume that socially and economically disadvantaged individuals include Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, and other minorities, or any other individual found to be disadvantaged by the [Small Business] Administration pursuant to section 8(a) . . . (emphasis added).''

In my view, hearings should seek to answer the following questions: What were the original purposes of the Section 8(a) and Section 8(d) programs? Have these purposes been fulfilled? Should the federal government be in the business of ''presuming'' that members of certain racial and ethnic groups are ''socially disadvantaged?'' Have these programs operated to discriminate on the basis of race or ethnic background? Are there other, more equitable, ways to expand opportunity for all Americans, without resorting to strategies that rely on providing preferences for individuals simply because they belong to certain groups?

The bottom line is that no federal program should be immune from Congressional scrutiny.

Kit, thank you for your prompt attention to this important matter. I look forward to hearing from you at your earliest convenience.

Sincerely,

BOB DOLE.

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, February 17, 1995.

To: Honorable Robert Dole.
From: American Law Division.
Subject: Compilation and overview of Federal laws and regulations establishing affirmative action goals or other preference based on race, gender, or ethnicity.

This is in response to your request, by letter dated December 22, 1994, for ''a comprehensive list of every federal statute, regulation, program, and executive order that grants a preference to individuals on the basis of race, sex, national origin, or ethnic background. Preferences include, but are not limited to, timetables, goals, set-asides, and quotas.''

To compile the list of federal legal authorities contained in this memorandum, several

searches on LEXIS/NEXIS and WESTLAW legal databases were undertaken utilizing a variety of search strategies which incorporated legal terminology most frequently associated with federal affirmative action and minority set-aside programs. This yielded citations to several hundred statutory and regulatory programs which we then examined individually to determine whether they appeared to be of the nature described in your inquiry. The compilation of laws included in this memorandum reflects our efforts to be as ''comprehensive'' as possible, in accordance with your instructions. Consequently, we have included any statute, regulation, or executive order uncovered by our research which appears, in any manner, to prefer or consider race, gender, or ethnicity as factors in federal employment or the allocation of federal contracts or grants to individuals or institutions.[1] Several laws and regulations directed to ''socially and economically disadvantaged'' individuals and institutions are included because, as explained infra, that term has been defined administratively and by statute to presumptively apply to specific racial and ethnic minorities. As a background for understanding operation of the numerous listed federal laws and regulations, more extensive discussion is devoted at various points to the development of major ''affirmative action'' programs in federal grant, contract, and employment law.

FEDERAL GRANT AND PROCUREMENT LAW

Federal efforts to increase minority and female participation in contracting, federally assisted programs, and employment have been a major aspect of civil rights enforcement for more than three decades. Congress and the Executive Branch have crafted a wide range of federal laws and regulations authorizing, either directly or by judicial or administrative interpretation, race or gender ''conscious'' strategies in relation to jobs, housing, education, voting rights, and governmental contracting. The historical model for federal laws and regulations establishing minority participation ''goals'' may be found in Executive Orders which since the early 1960's have imposed affirmative minority hiring and employment requirements on federally financed construction projects and in connection with other large federal contracts. Presently, Executive Order 11246 as administered by the Office of Federal Contract Compliance Programs (OFCCP) requires that all employers with federal contracts in excess of $50,000.00 must file written affirmative action plans with the government. These are to include minority and female hiring goals and timetables to which the contractor must commit it's ''good faith'' efforts. Similar affirmative action measures relating to federal government employment were enacted as part of the Equal Employment Opportunity Act Amendment of 1972[2] and the 1978 Civil Service Reform Act.[3]

Affirmative action for minority entrepreneurs soon became a focus of efforts by the Small Business Administration (SBA) and other federal agencies to assist ''socially and economically disadvantaged'' small businesses under a variety of federal programs. Increasingly, an ''affirmative action'' model, in the form of participation ''goals'' or ''set-asides'' for members of racial or ethnic minorities, and businesses owned or controlled by these or other ''disadvantaged'' persons, found legislative expression in a wide range of federal programs.

The Small Business Act, as amended, provides the statutory prototype for a host of federal programs to increase minority and female participation as contractors or subcontractors on federally funded projects. First, the ''Minority Small Business and Capital Ownership Development,'' or §8(a) program authorizes the Small Business Administration (SBA) to enter into all kinds of construction, supply, and service contracts with other federal departments and agencies. The SBA acts as a prime contractor and then ''subcontracts'' the performance of these contracts to small business concerns owned and controlled by ''socially and economically disadvantaged'' individuals, Indian Tribes or Hawaiian Native Organizations.[4]

Applicants for §8(a) certification must demonstrate ''socially disadvantaged'' status or that they ''have been subjected to racial or ethnic prejudice or cultural bias because of their identities as members of groups without regard to their individual qualities.''[5] The Small Business Administration ''presumes,'' absent contrary evidence, that small businesses owned and operated by members of certain groups—including Blacks, Hispanics, Native Americans, and Asian Pacific Americans—are socially disadvantaged.[6] Any individual not a member of one of these groups must ''establish his/her individual social disadvantage on the basis of clear and convincing evidence'' in order to qualify for §8(a) certification. The §8(a) applicant must, in addition, show that ''economic disadvantage'' has diminished its capital and credit opportunities, thereby limiting its ability to compete with other firms in the open market.[7]

The ''Minority Small Business Subcontracting Program'' authorized by §8(d) of the Small Business Act codified the presumption of disadvantaged status for minority group members that applied by SBA regulation under the §8(a) program.[8] Prime contractors on major federal contracts are obliged by §8(d) to maximize minority participation and to negotiate a ''subcontracting plan'' with the procuring agency which includes ''percentage goals'' for utilization of small socially and economically disadvantaged firms. To implement this policy, a clause required for inclusion in each such prime contract states that ''[t]he contractors shall presume that socially and economically disadvantaged individuals include Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, and other minorities, or any other individual found to be disadvantaged by the Administration pursuant to §8(a) . . .'' Accordingly, SBA has discretion in designating a firm or individual as socially and economically disadvantaged for purposes of both the §8(a) and §8(d) programs in conformity with specified criteria.[9]

These obligations, first codified in 1978 as an amendment to the SBA, were augmented a decade later by the Business Opportunity Development Reform Act of 1988.[10] Congress there directed the President to set annual, government-wide procurement goals of at least 20% for small businesses and 5% for disadvantaged businesses, as defined by the SBA. Simultaneously, federal agencies were required to continue to adopt their own goals, compatible with the government-wide goals, in an effort to create ''maximum practicable opportunity'' for small disadvantaged businesses to sell their goods and services to the government. The goals may be waived where not practicable due to unavailability of disadvantaged business enterprises (DBEs) in the relevant area and other factors.[11] While the statutory definition of DBE includes a racial component, in terms of presumptive eligibility, it is not restricted to racial minorities but also includes persons subjected to ''ethnic prejudice or cultural bias.''[12] It also excludes businesses owned or controlled by persons who, regardless of race, are ''not truly socially and/or economically disadvantaged.''[13] Federal Acquisition Act amendments adopted in 1994 amended the 5% minority procurement goal, and the minority subcontracting requirements in §8(d), to specifically include ''small business concerns owned and controlled by women'' in addition to ''socially and economically disadvantaged individuals.''[14]

In addition, Congress has frequently adopted ''set-asides'' or other forms of statutory preference for ''socially and economically disadvantaged'' firms and individuals, following the definitions of the Small Business Act, or by designating minority groups and women as part of specific grant or contract authorization programs. Thus, targeted funding, in various forms, and minority or disadvantaged business set-asides or preferences have been included in major authorization or appropriation measures for agriculture, communications, defense, education, public works, transportation, foreign relations, energy and water development, banking, scientific research and space exploration, and other purposes. Other federal laws appear to authorize some consideration of race or gender to enhance the participation of minorities and women in federal programs or employment but without directly mandating preferential goals or set-asides.

The following statutes, regulations, and executive orders governing federal contracts and grant programs are, to the extent possible, grouped according to agency and subject matter.

Federal Acquisitions Regulations—General

48 C.F.R. §19.001(b) (1994): ''Individuals who certify that they are members of named groups (Black Americans, Hispanic Americans, Native American, Asian-Pacific Americans, Subcontinent-Asian Americans) are to be considered socially and economically disadvantaged'' for purposes of ''Socioeconomic Programs'' under the Federal Acquisitions Regulation (FAR).

48 C.F.R. §19.704 (1994): FAR requirement that ''[s]eparate percentage goals for using small business concerns and small disadvantaged business concerns as subcontractors'' be included in small disadvantaged business subcontracting plans.

48 C.F.R. §19.706(c)(2) (1994): FAR subcontracting assistance program states that ''[v]arious approaches may be used in the development of small and small disadvantaged business concerns subcontracting incentives. They can take many forms, from a fully qualified schedule of payments based on actual subcontract achievement to an award fee approach employing subjective evaluation criteria. . . The incentive should not reward the contractor for results other than those that are attributable to the contractor's efforts under the incentive subcontracting program.'' See also §19.705–1 (monetary incentives for exceeding goals).

48 C.F.R. §§52.219–8, 52.219–9 (1994): Prescribe clauses for inclusion in federal prime and subcontract which require, inter alia, ''[g]oal, expressed in terms of percentages of total planned subcontracting dollars, for the use of small business concerns and small disadvantaged business concerns as subcontractors.''

Agriculture

7 U.S.C.S. §3154(c): The Secretary of Agriculture is authorized ''to set aside a portion of funds'' appropriated for certain research on the production and marketing of alcohols and industrial hydrocarbons for grants to colleges and universities to achieve ''the objective of full participation of minority groups.''

7 C.F.R. §225.6(g)(xi) (1994): Food service management companies participating in the Summer Food Service Program must submit with appropriate state agency a registration

Footnotes at end of memorandum.

which is to include ''a statement as to whether the organization is a minority business enterprise'' managed and controlled by ''Blacks, Hispanics, American Indians, Alaskan Natives, Oriental and Aleuts. . . ''

7 C.F.R. §246.13(g) (1994): Financial management system maintained by state agencies participating in Special Supplemental Food Program for Women, Infants and Children are ''encouraged'' to use minority- and women-owned banks.

7 C.F.R. §272.4(b) (1994): Bilingual program information and certification, and interpreters must be provided in certain low income areas with specified percentages of non-English speaking minority households under Food Stamp and Food Distribution Program.

7 C.F.R. §1940.968(k)(3) (1994): States participating in certain rural economic development programs are ''encouraged to use minority banks (a bank which is owned by at least 50 percent minority group members) for the deposit and disbursement of funds.''

7 C.F.R. §1942.17(p)(3)(iii) (1994): Applicants for certain FmHA community facilities loans are ''encouraged to use minority banks (a bank which is owned by at least 50 percent minority group members) for the deposit and disbursement of funds.''

7 C.F.R. §1942.472(c) (1994): Grantees of certain rural housing and community development technical assistance and training grants are ''encouraged to use minority banks (a bank which is owned by at least 50 percent minority group members) for the deposit and disbursement of funds.''

7 C.F.R. §1944.526(a)(2)(i)(D) (1994): Preapplication process for Technical and Supervisory Assistance Grant program considers in determining applicant's eligibility ''the estimated number of low income and low income minority families the applicant will assist in obtaining affordable adequate housing.''

7 C.F.R. §1944.671(b) (1994): Equal Opportunity and outreach requirements applicable to FmHA Housing Preservation Grants program state that ''[a]s a measure of compliance, the percentage of the individuals served by the HPG grantee should be in proportion to the percentages of the population of the service area by race/national origin.''

7 C.F.R. §§3015.13, 3016.21(h) (1994): ''Consistent with the national goal of expanding opportunities for minority business enterprises, recipients and subrecipients'' of federal financial assistance administered by the Department of Agriculture ''are encouraged to use minority and women-owned banks. Upon request, awarding agencies will furnish a listing of minority and women-owned banks to recipients.''

7 C.F.R. 3051 Appendix A (1994): OMB Circular A–133, Audits of Institutions of Higher Education and Other Nonprofit Institutions. ''11. Small and Minority Audit Firms. Small audit firms and audit firms owned and controlled by socially and economically disadvantaged individuals shall have the maximum practicable opportunity to participate in contracts awarded to fulfill the requirements of this circular.'' See also OMB Circular A–128 (.19) (Uniform Audit Requirements for State and Local Governments), 29 C.f.R. part 96 Appendix A (1994).

7 C.F.R. §§3403.1, 3403.2 (1994): USDA regulations implementing small business innovation grants program which as one of its goals is to ''foster and encourage minority and disadvantaged in technological innovation.'' For purposes of this program ''minority and disadvantaged individual is defined as a member of any of the following groups: Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, or Subcontinent Asian Americans.''

48 C.F.R. §§419.201–72(a), 419.202–71(a) (1994): The Department of Agriculture small disadvantaged business regulations state that ''[t]he Department is required . . . to establish fiscal year goals for the procurement preference programs'' and mandate ''[establishing aggressive minority and women-owned business goals based on the annual review of advance acquisition plans.''

48 C.F.R. §422.804–2 (1994): Affirmative action program provision relating to the Department of Agriculture which states that ''each contracting office awarding nonexempt construction contracts maintains a current listing of covered geographical areas subject to affirmative action requirements specifying goals for minorities and women in covered construction.''

48 C.F.R. §452.215–71 (1994): Department of Agriculture instructions for the preparation of technical and cost or pricing proposals state that the contract offeror ''[i]ndicate what positive efforts your company will take to implement the concepts of equal employment under the proposed contract'' and state the extent of minority enterprise participation ''goals the contractor has set in the past five (5) years and his actual performance against these goals.''

Banking

12 U.S.C.S. §1441a(r–w): Provides for various incentives, including ''preference points'' on proposals and minority capital assistance programs, to preserve and expand bank ownership by minorities and women; authorizes establishment of Resolution Trust Corporation guidelines to achieve parity in distribution of RTC contracts, and ''reasonable goals'' for subcontracting, to minority and women-owned businesses and firms; and provides a ''[m]inority preference in acquisition of institutions in predominantly minority neighborhoods.''[15]

12 U.S.C.S. §1823(f)(12): Authorizes Federal Deposit Insurance Corporation (FDIC) approval of minority-controlled bank acquisitions by minority-controlled holding companies without regard to asset size.

12 U.S.C.S. §2219c: Requires that ''all institutions of the Farm Credit System with more than 20 employees shall establish and maintain an affirmative action program plan that applies the affirmative action standards otherwise applied to contractors of the Federal Government.''

12 U.S.C.S. §2907: Any donation or sale on favorable terms of bank branch in minority neighborhood to minority or women-owned depository institution shall be a factor in determining the seller or donor institution's compliance with the Community Reinvestment Act.

12 C.F.R. §4.63 (1994): Establishes Contracting Outreach Program for the Office of Comptroller of the Currency to ''ensure that minority and women-owned businesses have the opportunity to participate, to the maximum extent possible, in contracts awarded by the OCC.'' ''Minority means any African American, Native American . . ., Hispanic American, Asian-Pacific American, or Subcontinent-Asian American.''

12 C.F.R. Part 361, §§361.2, 361.10 (1994): Federal Deposit Insurance Corporation ''Minority and Women Outreach Program'' states ''policy of the FDIC that minorities and women and entities owned by minorities and women shall have maximum practicable opportunity to participate in [FDIC] contracts'' and requires prime contractors ''to carry out the FDIC minority and women-owned business contracting policy in the awarding of subcontracts to the fullest extent, consistent with the efficient performance of the awarded contract.'' For this purpose ''minority'' means ''any Black American, Native American Indian, Hispanic American, or Asian American.''

12 C.F.R. §§517.5, 517.7 (1994): The Minority, Women, and individuals with Disabilities Outreach Program of the Office of Thrift Supervision (OTS) defines ''[o]utreach activities'' to include ''identification and registration of minority-, women-owned (small and large) businesses'' and ''[m]onitoring proposed purchases to assure that OTS contracting staff understand and actively promote the outreach program.'' Contract awarded guidelines state that ''[t]he OTS Outreach Program Advocate shall work to facilitate the maximum participation of minority and women-owned . . . businesses . . . in the OTS procurement of goods and services.''

12 C.F.R. Part 1507 (1994): Minority and Women Contracting Outreach Program of the Thrift Depositor Protection Oversight Board requires the Board's staff to formulate guidelines providing opportunities, ''to the maximum extent possible, for the inclusion of minorities and women,'' and entities owned by them, in the performance of Board contracts; to undertake specified outreach activities; and to report periodically on minority and women-owned business participation in the contracting process, and as subcontractors on Board contracts. ''Minority'' means ''Black American, Native American, Hispanic American, or Asian American.''

12 C.F.R. Part 1617 (1994): Minority and Women Outreach and Contracting Program of the Resolution Trust Corporation (RTC) describes a variety of outreach activities (§1617.11); provides procedures for certification of minority and women-owned businesses (§1617.13); provides ''incentives'' and ''bonus considerations'' to RTC prime contractors ''who demonstrate a commitment to subcontract at least 25 percent or more of the work'' to minority or women-owned firms (§1617.30); and ''reserves the right to award a contract directly to a MWOB either by technical competition or by con-competitive award.'' ''Technical and cost bonus points'' may be awarded to contractors with an ''eligible subcontracting plan'' for women and minorities (§1617.60). A special outreach program is provided to promote participation of minority and women-owned law firms in RTC legal services contracting (§1617.90).

13 C.F.R. §§317.19(b), 317.35 (1994): ''No grant shall be made . . . for any project'' under the Local Public Works Capital Development and Investment Program ''unless at least 10 percent of the amount of such grant will be expended for contracts with and/or supplies from minority business enterprises.'' All applications for assistance must contain certification to that effect. ''Minority group member means a citizen of the United States who is Negro, Spanish-speaking, Oriental, Indian, Eskimo, or Aleut.'' (13 C.F.R. 317.2).

Commerce

Executive Order 11625 (1971): Directs the Secretary of Commerce ''[w]ith the participation of other Federal departments and agencies . . . [t]o develop comprehensive plans and specific program goals for the minority enterprise program; establish regular performance monitoring and reporting systems to assure that goals are being achieved; and evaluate the impact of Federal support in achieving the objectives established by the order.'' *See also* Executive Order 12138 (Women-owned Business Enterprise Program).

15 C.F.R. §24.21(h) (1994): Grantees and subgrantees of certain grants and cooperative agreements to state and local government ''are encouraged to use minority banks (a bank which is owned at least 50 percent by minority group members).''

15 C.F.R. §917.11(d) (1994): A ''factor considered'' in the approval of proposals under the

Sea Grant Matched Funding Program ''will be the potential of the proposed program to stimulate interest in marine related careers among those individuals, for example, minorities, women, and the handicapped whose previous background or training might not have generated such an interest.''

15 C.F.R. §2301.3 (1994): The National Telecommunications and Information Administration of the Department of Commerce, in administering the Public Telecommunications Facilities Program, ''will give special consideration to applications that foster ownership and control of, operation of, and participation in public telecommunications entities by minorities and women.''

48 C.F.R. §1319.7003(a) (1994): Directs contracting officers of the Commerce Department to ''provide assistance to prime contractors to identify potential women-owned small businesses. Such assistance is intended to aid prime contractors in placing a fair proportion of subcontracts with women-owned businesses.''

Communications

47 U.S.C.S. §309(j)(4)(D): In radio licensing proceedings, the Federal Communications Commission is directed to prescribe regulations to ''ensure that small businesses, rural telephone companies, and businesses owned by members of minority groups and women are given the opportunity to participate in the provision of spectrum-based services, and, for such purposes, consider the use of tax certificates, bidding preferences, and other procedures.''

47 C.F.R. §73.3555(d)(2)(ii) (1994): Federal Communications Commission (FCC) multiple ownership rules provide exemption for ''minority-controlled'' broadcast facilities from certain restrictions on the granting or transfer of commercial TV broadcast stations which result in an aggregate national audience exceeding twenty-five percent. ''*Minority* means Black, Hispanic, American Indian, Alaska Native, Asian and Pacific Islander.'' (*italics* in original).

47 C.F.R. §76.977 (a), (b), (e) (1994): Minority and educational programming used in lieu of deregulated commercial leased access capacity. ''A cable operator required by this section to designate channel capacity for commercial use pursuant to 47 U.S.C. 532 may use any such channel for the provision of programming from a qualified minority programming source . . . whether or not such source is affiliated with cable operator.'' ''Qualified minority programming source'' means a source ''that devotes substantially all of its programming to coverage of minority viewpoints, or to programming directed at members of minority groups, and which is over 50 percent minority-owned.'' ''Minority'' includes ''Blacks, Hispanics, American Indians, Alaskan Natives, Asians, and Pacific Islanders.''

68 F.C.C. 2d 381, 411–412 (1978): FCC policy awards a quality enhancement credit for minority ownership and participation in station management in the comparative licensing process. When faced with mutually exclusive applications for the same broadcast channel, the FCC initiates a proceeding to compare the merits of the competing applicants based on specific factors including: diversification of control of mass media communications, full time participation in station management by owners, proposed program service, past broadcast record, efficient use of frequency, and character of the applicant. Under the FCC's preferred policy, ownership and active participation in station management by members of a minority group are considered a plus to be weighed in with the other comparative factors.

68 F.C.C. 2d 983 (1978): FCC ''Distress Sale'' Policy. Under this policy, existing licensees in jeopardy of having their licenses revoked or whose licenses have been designated for a renewal hearing are given the option of selling the license to a minority-owned or controlled firm for up to seventy-five percent of fair market value. The minority-assignee must meet the basic qualifications necessary to hold a license under FCC regulations and must be approved by the FCC before the transfer is consummated.

Defense

10 U.S.C.S. §2196(j)(8): Selection criteria for manufacturing engineering grant program established by the Secretary of Defense require proposal by applicant ''to achieve a significant level of participation by women, members of minority groups, and individuals with disabilities through active recruitment of students from among such persons.''

10 U.S.C.S. §2323: Establishes a goal of awarding five percent of the total value of Department of Defense procurement, research and development, military construction, and operation and maintenance contracts to ''socially and economically disadvantaged individuals,'' historically black colleges and universities, and minority institutions in each of the fiscal years from 1987 to 2000. This requirement was extended to contracting activities of the Coast Guard and the National Aeronautics and Space Administration by §7105 of the Federal Acquisition Act of 1994, P.L. 103–355, 108 Stat. 3243, 3369 (1994) which also added a requirement that ''[t]o the extent practicable,'' the head of each of these agencies is to ''maximize the number of minority small business concerns, historically Black colleges and universities, and minority institutions participating in the program.''

P.L. 103–335, 108 Stat. 2259, 2652, §8127(a) (1994): ''in entering into contracts with private entities to carry out environmental restoration and remediation of Kaho'olawe Island, Hawaii, and the waters surrounding that island, the Secretary of the Navy shall, to the maximum extent practicable, give a preference to small business concerns and small disadvantaged business concerns located in the State of Hawaii. In giving the preference, the Secretary shall give especial preference to businesses owned by Native Hawaiians.''

32 C.F.R. §3321(h) (1994): Department of Defense (DOD) Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments ''encourage'' DOD grantees and subgrantees to use minority banks at least 50% owned by minority group members.

48 C.F.R. §205.207(d)(iv) (1994): States that ''[f]or acquisition being considered for historically black college and university and minority institution set-aside, ''the proposed contract ''is being considered as a 100 percent set-aside for historically black colleges and universities (HBCUs) and minority institutions (MIs), as defined by the clause at §252.226–7000 of the Defense Acquisition Regulation Supplement.''

48 C.F.R. Part 219, §219.000 (1994): DOD regulation which implements ''goal'' in 10 U.S.C. 2323 to ''[a]ward five percent of contract and subcontract dollars to small disadvantaged business (SDB) concerns, historically black colleges and universities (HBCUs), and minority institutions (MIs).'' Specific requirements include data collection and reporting (§219.202–5); eligibility criteria for program participation (§219.703); subcontracting plan goals for SDB concerns and institutions (§219.704); reviewing the subcontracting plan (§219.705–4); solicitation provisions and contract clauses (§219.708); and evaluation preference for small disadvantaged business concerns (''by adding a factor of ten percent to the price of all offers'') (§219.7002). See also 48 C.F.R. §226.7000 (implements the historically black college and university and minority institution provisions of 10 U.S.C. §2323; §252.219–7005) (small business and small disadvantaged business subcontracting plan on DOD contracts); §252.219.7005 (incentive for subcontracting with small businesses, small disadvantaged businesses, historically black colleges and universities, and minority institutions); §252.219–7006 (notice of evaluation preference for small disadvantaged business concerns); and §252.226–7000 (notice of historically black college or university and minority institution set-aside).

48 C.F.R. Chapter 2 Appendix I (1994): Pilot Mentor-Protege Program is to ''provide incentives to major DOD contractors, performing under at least one active approved subcontracting plan negotiated with DOD or other Federal agencies, to assist small disadvantaged businesses (SDBs) in enhancing their capabilities to satisfy DoD and other contract and subcontract requirements.''

Education

20 U.S.C.S. §1047: Authorizes grants and contracts by the Department of Education (ED) with ''historically black colleges and universit[ies]'' and other institutions of higher education serving a ''high percentage of minority students'' for the purpose of strengthening their library and information science programs, and establishing fellowships and traineeships for that purpose.[16]

20 U.S.C.S. §1063b: Authorizes ED grants to specified postgraduate institutions ''determined by the Secretary [of Education] to be making substantial contributions to the legal, medical, dental, veterinary, or other graduate education opportunities for Black Americans.''

20 U.S.C.S. §1069f(c): Reservation of 25% of the excess of certain educational appropriations for allocation ''among eligible institutions at which at least 60 percent of the students are African Americans, Hispanic Americans, Native Americans, Asian Americans, Native Americans, Native Hawaiians, or Pacific Islanders, or any combination thereof.''

20 U.S.C.S. §1070a-41: ''Priority'' in selection for Model Program Community Partnership and Counseling Grants given to program proposals ''directed at areas which have a high proportion of minority, limited English proficiency, economically disadvantaged, disabled, nontraditional, or at-risk students . . .''

20 U.S.C.S. §1112d(d): ''Special consideration'' to be given ''historically Black colleges and universities'' and to institutions having at least 50% minority enrollment in making grants for teacher training and placement.

20 U.S.C.S. §1132b-2: In awarding facilities improvement grants, the ED Secretary or each State higher education agency ''shall give priority to institutions of higher education that serve large numbers or percentages of minority or disadvantaged students.''

20 U.S.C.S. §1134e: In making grants for post-graduate study, the ED Secretary shall ''consider the need to prepare a larger number of women and individuals from minority groups, especially from among such groups which have been traditionally underepresented in professional and academic careers,'' and shall accord a ''priority'' for awards to ''individuals from minority groups and women'' pursuing study in specified professional and career fields.

20 U.S.C.S. §1134s: The ED Secretary ''shall carry out a program to assist minority, low-income, or educationally disadvantaged college students'' to pursue a degree and career in law through an annual grant or contract.

20 U.S.C.S. §§1135c, 1135d: The ED Secretary shall ''carry out a program of making

grants to institutions of higher education that are designed to provide and improve support programs for minority students enrolled in science and engineering programs as institutions with a significant minority enrollment (at least 10 percent).'' Eligibility for such grants is limited to ''minority institutions'' (minority enrollment in excess of 50%) or other public or private nonprofit institutions with at least 10 percent minority enrollment.

20 U.S.C.S. §1409(j)(2): The ED Secretary ''shall develop a plan for providing outreach services'' to historically Black colleges and universities, other higher educational institutions with at least 25% minority student enrollment, and ''underrepresented populations'' in order to ''increase the participation of such entities'' in competitions for certain grants, contracts, and cooperative agreements.

20 U.S.C.S. §1431(a)(3): ''Priority consideration'' for fellowships and traineeships in special education and related services shall be given to ''individuals from disadvantaged backgrounds, including minority and individuals with disabilities who are under represented in the teaching profession or in the specialization in which they are being trained.''

20 U.S.C.S. §2986(b): A portion of state allotment of critical skills improvement funds to be distributed for various purposes, including ''recruitment or retraining of minority teachers to become mathematics and science teachers.''

20 U.S.C.S. §3156(a): Program to assist local educational agencies ''which have significant percentages of minority students'' to conduct ''alternative curriculum'' schools which ''reflect a minority composition of at least 50 percent'' and contribute to school desegregation efforts.

20 U.S.C.S. §3916: Fifteen percent of National Science Foundation funds available for science and engineering education is to be allocated to faculty exchange and other programs involving higher educational institutions with ''an enrollment which includes a substantial percentage of students who are members of a minority group.''

20 U.S.C.S. §5205(d): No less than 10 percent of Eisenhower Exchange Fellowship Program funds ''shall be available only for participation by individuals who are representative of United States minority populations.''

20 U.S.C.S. §6031(c)(5): ED ''shall establish and maintain initiatives and programs to increase the participation'' of ''researchers who are women, African-American, Hispanic, American Indian and Alaskan Native, or other ethnic minorities'' in the activities of various authorized educational institutes.

42 U.S.C.S. §292g(d)(3): For a three-year period beginning on October 13, 1992, historically black colleges and universities are exempted from provision rendering certain institutions ineligible for student loan program based on high loan default rate.

42 U.S.C.S. §293a: ''Special consideration'' in scholarship grant program to be given ''health profession schools that have enrollments of under represented minorities above the national average for health profession schools.''

42 U.S.C.S. §293b(3): Institutional eligibility for faculty fellowship program based on ''ability to . . . identify, recruit and select individuals from under represented minorities in the health profession'' with potential for teaching and educational administration.

42 U.S.C.S. §1862d: At least 12 percent of amounts appropriated for the Academic Research Facilities Modernization Program shall be reserved for historically Black colleges and universities and other institutions which enroll a substantial percentage of Black American, Hispanic American, or Native American students.

34 C.F.R. §7412 (1994): Department of Education (ED) Uniform Administrative Requirements for Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations ''encourage'' ED grantees and subgrantees to use minority-owned banks. See also 34 C.F.R. §80.21(h)(1994).

34 C.F.R. §318.11(a)(15), (16) (1994): Includes ''[t]raining minorities and individuals with disabilities'' and ''minority institutions'' among several optional funding priorities under special education training program.

34 C.F.R. §461.33(a)(2)(ii) (1994): ''[P]articular emphasis'' placed on training ''minority'' adult educators under one aspect of adult education demonstration grant program.

34 C.F.R. Part 607, §607.2(b) (1994): An institution of higher education is eligible to receive a grant under the Strengthening Institutions Program even if it does not satisfy certain other generally applicable state authorization or accreditation requirements if its student enrollment consists of specified percentages of designated minority groups.

34 C.F.R. Parts 608, 609 (1994): ''the Strengthening Historically Black Colleges and Universities Program [HBCU] provides grants to Historically Black Colleges and Universities to assist these institutions in establishing and strengthening their physical plants, academic resources and student services so that they may continue to participate in fulfilling the goal of equality of educational opportunity.'' (§608.1).

34 C.F.R. §637.1 (1994): ''the Minority Science Improvement Program is designed to effect long-range improvement in science education at predominantly minority institutions and to increase the flow of under represented ethnic minorities, particularly minority women, into scientific careers.''

34 C.F.R. §641.1 (1994): ''The Faculty Development Fellowship Program provides grants to institutions of higher education, consortia of institutions, and consortia of institutions and nonprofit organizations to fund fellowships for individuals from underrepresented minority groups to enter or continue in the higher education professorate.''

Energy

42 U.S.C.S. §7141: The Secretary of Energy ''may provide financial assistance in the form of loans to any minority business enterprise under such rules as he shall prescribe to assist such enterprises in participating fully in research, development, demonstration, and contract activities of the Department to the extent he considers appropriate.''

42 U.S.C.S. §13556: Provides that ''[t]o the extent practicable, the head of each agency shall provide that the obligation of not less than 10 percent of the total combined amounts obligated for contracts and subcontracts by each agency'' under the Energy Policy Act of 1992 ''shall be expended with'' socially and economically disadvantaged small businesses, historically Black colleges or universities, or college and universities with more than 20 percent Hispanic or Native American enrollment.

P.L. 103–160, 107 Stat. 1547, 1956, §3159 (1993): Provides, as a ''goal,'' that 5 percent of the combined total of funds obligated by the Department of Energy for purposes of carrying out national security programs for fiscal years 1994 through 2000 be allocated to contracts and subcontracts with socially and economically disadvantaged small businesses, historically black colleges and universities, and minority institutions.

10 C.F.R. §600.3 (1994): ''Socially and economically disadvantaged'' firm or individual, for purposes of Department of Energy (DOE) financial assistance rules, is defined to include ''Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, and other specified minorities, or any other individual found to be disadvantaged by the Small Business Administration under §8(a) of the Small Business Act.''

10 C.F.R. §799.2, 799.7 (1994): A requirement of DOE loan guarantee program for waste projects that ''the borrower agree to take positive efforts to maximize the utilization of small and disadvantaged business concerns in connection with the project . . .'' For this purpose, ''[d]isadvantaged business concern means a concern which is at least 51 percent owned by one or more socially and economically disadvantaged individuals'' as defined by the Small Business Act.

10 C.F.R. Part 800, §800.003 (1994): Under DOE regulations setting forth policies and procedures for the award and administration of loans to minority small business enterprises, ''[a]n individual who is a citizen of the United States and who is a Negro, Puerto Rican, American Indian, Eskimo, Oriental, and Aleut, or is a Spanish speaking individual of Spanish descent, is a member of a 'minority' . . .''

10 C.F.R. §1040.101(b)(1), (2) (1994): Under DOE regulations prohibiting discrimination in federally assisted programs, the agency is to select recipients for compliance reviews based, among other factors, on ''[t]he relative disparity between the percentage of minorities, women, or handicapped persons, in the relevant labor market, and the percentage of minorities, women, or handicapped persons, employed by the recipient'' or ''in the population receiving program benefits.''

Environment

P.L. 101–549, 104 Stat. 2399, 2708, §1001 (1990): ''In providing for any research relating to the requirements of the amendments made by the Clean Air Act Amendments of 1990 which uses funds of the Environmental Protection Agency, the Administrator of the Environmental Protection Agency shall, to the extent practicable, require that not less than 10 percent of total Federal funding for such research will be made available to disadvantaged business concerns,'' defined to mean any concern with 51% of the stock owned by Black Americans, Hispanic Americans, Native Americans, Asian Americans, Women or Disabled Americans.

40 C.F.R. §33.240 (1994): Environmental Protection Agency (EPA) procurement requirements provide that ''[i]t is EPA policy to award a fair share of subagreements to small, minority, and women's businesses. The recipient must take affirmative steps to assure that small, minority, and women's businesses are used when possible as sources of supplies, construction, and services.''

40 C.F.R. §35.936–7 (1994): Grantees of EPA state and local assistance grants ''shall make positive efforts to use small business and minority owned business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for subagreements to be performed using Federal grant funds.'' See also 40 C.F.R. Part 35 APPENDIX C–1 (14.) (consulting engineering agreement).

40 C.F.R. §35.3145(d) (1994); State Water Pollution Control Revolving Fund requirement ''for the participation of minority and women owned businesses (MBE/WBEs) will apply to assistance in an amount equaling the grant. To attain compliance with MBE/WBE requirements, the [regional administrator] will negotiate an overall 'fair share' objective with the State for MBE/WBE participation on these SRF funded activities. A fair share objective should be based on the amount of the capitalization grant award or

other State established goals.'' See also 40 C.F.R. §35.4066(g) (1994) (grants for technical assistance).

40 C.F.R. §35.6580 (1994): Recipients under Cooperative Agreements and Superfund State Contracts for Superfund Response Actions ''must comply with six steps . . . to insure that MBEs, WBEs, and small businesses are used whenever possible as sources of supplies, construction, and services,'' including establishment of ''an annual 'fair share' objective for MBE and WBE use.''

General Services Administration

41 C.F.R. §§105–71.121(j), 105–72.302(j) (1994): General Services Administration (GSA) Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments ''encourage'' recipients to use minority-owned and women-owned banks.

41 C.F.R. §105–72.504(b) (1994):[17] All recipients of GSA grants and agreements awarded to institutions of higher education, hospitals, and other non-profit organizations are to establish written procurement procedures to provide for ''positive efforts . . . to utilize small businesses, minority-owned businesses, and women's business enterprises, whenever possible'' and to ensure that such businesses ''are utilized to the fullest extent practicable.''

48 C.F.R. §552.219–9 (1994): Small business subcontracting plan prescribed for General Service Administration contracts requires ''[g]oals, expressed in terms of percentages of total planned subcontracting dollars, for the use of small business concerns, small disadvantaged business concerns and, if an individual contract is involved, women-owned small business concerns as subcontractors.''

Health and Human Services

42 U.S.C.S. §3027: State plans for grant program on aging ''shall provide assurances that special efforts will be made to provide technical assistance to minority providers of services.''

42 U.S.C.S. §3035d: Provides that the Assistant HHS Secretary ''shall carry out, directly or through grants or contracts, special training programs and technical assistance designed to improve services to minorities'' under the Older Americans Act.

42 C.F.R. §52c.2 (1994): Minority Biomedical Research Support Program makes grants to higher educational institutions with 50 percent or other ''significant proportion'' of ethnic minority enrollment.

42 C.F.R. §62.57(h) (1994): Among factors considered in making certain State loan repayment grants to State applicants is ''[t]he extent to which special consideration will be extended to medically underserved areas with large minority populations.''

42 C.F.R. §64a.105(d)(2) (1994): ''Preferred service'' for purposes of obligated service requirement for mental health traineeships includes service in any public or private nonprofit entity serving 50 percent or more specified racial or ethnic minorities.

45 C.F.R. §§74.12(h), 92.21(h), 602.21(h) (1994): Department of Health and Human Services (HHS) general administration requirements ''encourage'' grantees and subgrantees to use minority banks at least 50% owned by minority group members. Similar provisions may be found at 45 C.F.R. §§1050.13, 1157.21, 1174.21, 1183.21, and 1234.21.

45 C.F.R. §1010.30–2(c)(1),(2) (1994): Civil rights program requirements of Community Service Act grantees provide that the Office of Human Rights will consider when selecting for compliance reviews ''[t]he relative disparities between the percentage of eligible minority or female populations, if appropriate, receiving program benefits and the percentage of eligible minorities or females, if appropriate, in the eligible population.''

48 C.F.R. §319.705–4(d)(i)(ii) (1994): HHS small disadvantaged business subcontracting regulation require contracting officer to insure that ''[s]ubcontracing goals for small and small disadvantaged business concerns are specifically set forth in each contract or modification over the statutory thresholds . . .'' See also §§319.705–6, 319.706.

Housing and Urban Development

24 C.F.R. §84.22(j):[18] All recipients of Department of Housing and Urban Development (HUD) grants and agreements awarded to institutions of higher education, hospitals, and other non-profit organizations ''shall be encouraged to use women-owned and minority-owned banks (a bank which is owned at least 50 percent by women or minority group members).'' Same provisions apply to use of lump-sum grants under this program, 24 C.F.R. §84.82(c)(2), a related HUD state and local grant and cooperative agreement program, 24 C.F.R. §85.21(h) (1994), and comprehensive planning assistance grants at 24 C.F.R. §600.410(k)(2) (1994).

24 C.F.R. §84.44(b): All recipients of HUD grants and agreements awarded to institutions of higher education, hospitals, and other non-profit organizations are to establish written procurement procedures to provide for ''positive efforts . . . to utilize small businesses, minority-owned businesses, and women's business enterprises, whenever possible'' and to ensure that such businesses ''are utilized to the fullest extent practicable.'' Same provisions apply to procurement standards used by recipients for the procurement of supplies, equipment, real property and other services with federal funds. 24 C.F.R. §84.84(e)(2)(i).

24 CFR APPENDIX A and B to SUBTITLE A §425(a)(8) (1994): Rating factors for award of certain HUD Public and Indian Housing Home Ownership funds to accord maximum 10 points for ''[t]he extent to which the applicant demonstrates a firm commitment to promoting the use of minority business enterprises and women-owned businesses, especially resident-owned businesses'' . . . ''but may not include awarding contracts solely or in part on the basis of race or gender.''

24 F.F.R. §572.320(e) (1994): HUD will assign points in rating applications for certain single-family home ownership grants based on ''[t]he extent to which the applicant demonstrates a firm commitment to promoting the use of minority business enterprises and women-owned businesses'' . . . ''but may not include awarding contracts solely or in part on the basis of race or gender.''

24 C.F.R. §§850.33(o), .35(b), .39(b)(9) (1994): Applications for Section 8 Housing Assistance Programs and Section 202 Direct Loan Program must include a ''description of minority and women representation in the ownership of the project'' and ''a minority and women-owned business development plan which shall contain specific and measurable goals and an affirmative strategy to promote awareness and participation of such businesses in the contracting and procurement activities generated by the project.'' In addition ''[m]ore favorable consideration will be given to projects with a higher percentage of minority or women representation in the ownership of the project.''

24 C.F.R. §968.110(b) (1994): Public housing modernization program requirements include: ''the [public housing authority] shall take every action to meet Departmental goals for awarding modernization contracts to minority business enterprises. The PHA shall take appropriate affirmative action to assist women's business enterprises.''

24 C.F.R. §968.320(d)(7)(vii): Public Housing Modernization program includes requirement of comprehensive plan certifying that ''[t]he PHA has adopted the goal of awarding a specified percentage of the dollar value of the total of the modernization contracts, to be awarded during subsequent FFYs, to minority business enterprises and will take appropriate affirmative action to assist resident-controlled and women's business enterprises . . .''

48 C.F.R. §2419.901 (1994): Department of Housing and Urban Development (HUD) Office of Socially Disadvantaged Business Utilization is responsible for ''Department-wide goals'' for contract awards ''to women-owned businesses'' and monitoring and reporting with respect thereto.

48 C.F.R. §2426.101 (1994): States the policy of the Department of Housing and Urban Development ''to foster and promote Minority Business Enterprise (MBE) participation in its procurement program, to the extent permitted by law and consistent with its primary mission.'' For this purpose, ''minority'' is defined as ''Black Americans, Hispanic Americans, Native Americans, Asian Pacific Islanders and Asian Indian Americans, and Hasidic Jewish Americans.'' *See also* 48 C.F.R. §2452.219–70 (Small Business and Small Disadvantaged Business Subcontracting Plan to include percentage goals).

Interior

25 C.F.R. §276.3(c) (1994): Uniform administrative requirements for grants by the Bureau of Indian Affairs ''encourage'' grantees to use minority banks.

43 C.F.R. §§12.61(h), 12.922(j) (1994): Department of Interior Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments ''encourage'' grantees and subgrantees to use minority banks at least 50% owned by minority group members.

43 C.F.R. §12.944(b) (1994): Department of Interior procurement requirements provide that ''[i]t is EPA policy to award a fair share of subagreements to small, minority, and women's businesses. The recipient must take affirmative steps to assure that small, minority, and women's businesses are used when possible as sources of supplies, construction, and services.''

43 C.F.R. §27.6 (1994): Affirmative action plan requirements for recipient of financial assistance from the Department of Interior include ''specific goals and specific timetables to which its efforts will be directed, to correct all deficiencies and thus to increase materially the participation of minorities and women in all aspects of its operation.''

43 C.F.R. §1419.901 (1994): Department of Interior socioeconomic program regulations state that ''[a]nnual goals for contract awards to women-owned businesses shall be established as prescribed in 1419.202–70.''

Justice

P.L. 103–322, 108 Stat. 1796, 1860, §31001 (1994): Not less than 10 percent of the amount paid from the Local Government Fiscal Assistance Fund created by the Violent Crime Control Act shall be expended on contracts or subcontracts with socially and economically disadvantaged and women-owned small businesses, historically Black colleges and universities, and higher educational institutions with more than 40 percent hispanic student enrollment.

28 C.F.R. §O.18a (1994): Provides that Director of the Office of Small and Disadvantaged Business Utilization within the Department of Justice shall ''[e]stablish Department goals for the participation by small businesses, including small businesses owned and controlled by socially and economically disadvantaged individuals, in Department procurement contracts.''

28 C.F.R. §42.206 (c)(1) (1994): Recipients of Criminal Justice Improvement Act funds shall be selected for post-award compliance reviews in part on the basis of ''[t]he relative

disparity between the percentage of minorities, or women, in the relevant labor market, and the percentage of minorities, or women, employed by the recipient.''

28 C.F.R. §66.21(h) (1994): Uniform requirements by the Justice Department for administration of state and local grants and cooperative agreements ''encourage'' grantees and subgrantees to use minority banks at least 50 percent owned by minority groups.

Labor

29 U.S.C.S. §718b(b): Directs the Commissioner of the Rehabilitation Services Administration to develop an ''outreach'' policy for ''recruitment of minorities into the field of vocational rehabilitation, counseling and related disciplines'' and for ''financially assisting Historically Black Colleges and Universities, Hispanic-serving institutions of higher education, and other institutions of higher education whose minority enrollment is at least 50 percent.''

29 U.S.C.S. §771a: Authorizes grants for personnel projects relating to training, traineeships and related activities to historically Black colleges and universities and other higher educational institutions with at least 50% minority student enrollment.

20 C.F.R. §627.430(g) (1994): Recipients and subrecipients of Job Training Partnership Act funds are ''encouraged to use minority-owned banks (a bank which is owned at least 50 percent by minority group members).''

20 C.F.R. §653.111 (a), (b)(3) (1994): State agencies participating in the administration of Services for Migrant and Seasonal Farmworkers, under the United States Employment Service, are to develop affirmative action plans which contain ''a comparison between the characteristics of the staff and the workforce and determine if the composition of the local office staff(s) is representative of the racial and ethnic characteristics of the workforce in the local office service area(s).'' ''On a statewide basis, staff representative of the racial and ethnic characteristics in the workforce shall be distributed in substantially the same proportion among (1) all 'job groups' . . . and (2) all offices in the plan(s).''

29 C.F.R. §§89.52(d), 89.72(d), 95.22(j), 97.21(h), 1470.21(h) (1994): Administrative requirements for Department of Labor (DOL) Project Grants to State and Local Governments, higher educational institutions, and other programs, ''encourage'' grantees to use minority banks.

29 C.F.R. §95.44(b) (1944):[19] All recipients of DOL grants and agreements awarded to institutions of higher education, hospitals, and other non-profit organizations are to establish written procurement procedures to provide for ''positive efforts . . . to utilize small businesses, minority-owned businesses, and women's business enterprises, whenever possible'' and to ensure that such businesses ''are utilized to the fullest extent practicable.''

48 C.F.R. Part 2919, §1919.202–70 (1994): Small disadvantaged business program regulations of the Department of Labor require ''Heads of Contracting Activities [to] develop annual goals for each category of small business and small disadvantaged business utilization programs, which shall include projected acquisition awards to small businesses, minority businesses, 8(a) concerns, women-owned businesses, and HBCU.''

National Aeronautics and Space Administration

42 U.S.C.S. §2473b: NASA Administrator is required to annually establish a goal of at least eight percent of the total value of prime and subcontracts awarded in support of authorized programs to be made to small disadvantaged business and minority educational institutions.

48 C.F.R. §1819.705–4 (1994): Small disadvantaged business subcontracting regulation of the National Aeronautics and Space Administration (NASA) states that ''NASA contracting officers may accept as an element of a subcontracting plan the prime contractor's intention to use total small business, small disadvantaged business, women-owned business, historically black college and university, or minority educational institution set-asides in awarding subcontracts so long as such set-asides are competitive and awards are made at reasonable prices.'' See also §1819.7003 (agency goal of 8 percent of total value of prime and subcontracts for disadvantaged businesses); and §1815.219–76 (prescribed clause for NASA contracts incorporating 8 percent goal for ''small business concerns or other organizations owned or controlled by socially and economically disadvantaged individuals (including women), Historically Black Colleges and Universities, and minority education institutions'').

Small Business

41 U.S.C.S. §417a: ''Each Federal agency shall report to the Office of Federal Procurement Policy the number of small businesses owned and controlled by women and the number of small business concerns owned and controlled by socially and economically disadvantaged businesses, by gender, that are first time recipients of contracts from such agency.''

13 C.F.R. §115.30(c) (1994): The Small Business Administration (SBA) Surety Bond Guarantee program indemnifies sureties for 90 percent of losses incurred on certain bonds ''issued on behalf of a small concern owned and controlled by socially and economically disadvantaged individuals,'' including ''Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, Subcontinent Asian Americans, and other minorities or any other individual found to be disadvantaged by SBA . . .''

13 C.F.R. 125.4 (1994): Small Business Administration requirement ''[t]hat separate goals for the participation by small business concerns and small disadvantaged business in Government procurement contracts and subcontracts thereunder shall be established annually by the head of each Federal agency following consultation with the SBA, and that the Administrator of the Office of Federal Procurement Policy shall establish the goal whenever there is disagreement between a Federal agency head and the SBA . . .''

13 C.F.R. §143.21(h) (1994): Grantees and subgrantees under SBA program of grants and cooperative agreements with state and local governments are ''encouraged to use minority banks (a bank which is owned at least 50 percent by minority group members).''

State Department and Foreign Affairs

22 U.S.C.S. §4852(d): Not less than 10 percent of the amount appropriated for diplomatic construction or designed projects each fiscal year shall be allocated to the extent practicable for contracts with American minority contractors.

22 U.S.C.S. §4864(e): Not less than 10 percent of the amount of funds obligated for local guard contracts for Foreign Service buildings shall be allocated to the extent practicable for contracts with minority small business contractors.

P.L. 103–306, 108 Stat. 1608, §555 (1994): Provides for a 10 percent set-aside of the aggregate amount of certain appropriations to the Agency for International Development—the Development Assistance Fund, Population, Development Assistance, and the Development Fund for Africa—for socially and economically disadvantaged U.S. businesses and private voluntary organizations, historically black colleges and universities, and higher educational institutions with more than 40 percent Hispanic student enrollment.

Government procurement agreements. The United States has entered into procurement obligations under the North American Free Trade Agreement (NAFTA) (Chapter Ten) and the Uruguay Round Agreement on Government Procurement under which the United States agrees, among other things, to accord national treatment to products, services, and suppliers of other parties with respect to government contracts entered into by named agencies above certain threshold amounts. In both the NAFTA and the Uruguay Round Agreement (as well as in earlier trade agreements), the United States has taken a reservation stating that agreement obligations will not apply to set asides on behalf of small and minority businesses (NAFTA, Chapter 10, Annex 1001.2b, General Notes, Schedule of the United States, Note 1; Uruguay Round Agreement on Government Procurement, Annex of the United States, General Note 1).

22 C.F.R. §145.44(b) (1944): All recipients of Department of State grants and cooperative agreements awarded to institutions of higher education and other non-profit organizations are to establish written procurement procedures to provide for ''positive efforts . . . to utilize small businesses, minority-owned businesses, and women's business enterprises, whenever possible'' and to ensure that such businesses ''are utilized to the fullest extent practicable.'' Same provisions apply pursuant to uniform administrative requirements prescribed by 22 C.F.R. 518.44(b) (1994).

48 C.F.R. §652.219–70 (1994): Clause in Department of State contracts requiring disadvantaged and minority subcontracting goals. *See also* 48 C.F.R. §§619.201(b), 619.708–70.

48 C.F.R. §706.302–71 (1994): Agency for International Development (AID) requirement that ''[e]xcept to the extent otherwise determined by the Administrator, not less than ten percent of amounts made available for development assistance and for assistance for famine recovery and development in Africa shall be used only for activities of disadvantaged enterprises,'' which includes minorities and women.

48 C.F.R. Part 419 (1994): Socioeconomic Program policies of AID state that ''[w]here practicable and desirable, small business and minority goals will be established'' for procuring activities (§719.270(e)); and mandates that the AID Office of Small Disadvantaged Business develop ''a plan of operation designed to increase the share of contracts awarded to small business concerns, including small minority business enterprises'' (§719.271–2(6)). Disadvantaged enterprises include socially and economically disadvantaged concern, historically black colleges and universities and higher educational institutions with more than 40 percent Hispanic student enrollments (§§726.201, 752.226–1,2).

TRANSPORTATION

49 U.S.C.S. §47107(e)(1): Requires federally aided airport operators to insure ''to the maximum extent practicable'' that at least 10% of contracts for consumer services to the public be placed with ''small business concerns owned and controlled by a socially and economically disadvantaged individual . . .'' The statute incorporates the Small Business Act definition of that term ''except that women are presumed to be socially and economically disadvantaged.'' (49 U.S.C.A. §47113(a)(2)).

P.L. 102–240, 105 Stat. 1914, 1919, §1003(b) (1991): ''Except to the extent that the Secretary [of Transportation] determines otherwise, not less than 10 percent of the amounts authorized to be appropriated'' under various Titles of the Intermodal Surface Transportation Act of 1991 ''shall be expended with

small business concerns owned and controlled by socially and economically disadvantaged individuals;'' the statute incorporates the SBA presumption in favor of racial minorities (15 C.F.R. §637(d) and further provides that ''women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.''

49 C.F.R. Part 23, subpart C (1994): Minority-business enterprise program requirements for recipients and applicants under Department of Transportation financial assistance programs. DOT approved MBE affirmative action programs are to include recipient's ''overall goals and a description of the methodology to be used in establishing them'' (§23.43) and separate ''contract goals for firms owned and controlled by minorities and firms owned and controlled by women, respectively'' (§23.45). Rules for counting MBE participation toward meeting applicable goals (§23.47). The regulations further provide that a prime contractor unable to satisfy a particular contract's minority goal may nevertheless be awarded the contract if its ''best efforts'' were made to achieve the goal (§§23.45(g)(2)(ii), 23.45(h)). Several elements are considered in determining whether a prime contractor failing to meet its goal in fact made a good faith effort to comply (§23.45, app. A).

49 C.F.R. Part 23, subpart D (1994). Implementation of §105(f) of the Surface Transportation Assistance Act of 1982. DOT regulations establish a rebuttable presumption that women, Black-Americans, Hispanics, Native Americans, Asian-Pacific Americans, Asian-Americans and those individually certified under §8(a) of the Small Business Act are socially and economically disadvantaged (§23.62). Recipients of surface transportation funds must establish overall goal for disadvantaged business participation on funded projects (§23.64) and, absent a waiver by the DOT Secretary, must insure that at least ten percent of monies expended on federally assisted projects go to such enterprises (§§23.61(a), 23.63). ''If a recipient fails to meet an approved goal, it shall have the opportunity to explain to the Administrator of the concerned Department element why the goal could not be achieved and why meeting the goal was beyond the recipient's control,'' failing which the recipient is subject to ''appropriate remedial sanction'' (§23.68).

49 C.F.R. §23.95 *et seq.* (1994): Minority business enterprise participation standards under §511(A)(17) of the Airport and Airway Improvement Act of 1982 provide that sponsors of airport improvement projects ''shall establish an overrall goal for the participation of DBE's'' as concessionaires and ''[t]o the extent practicable, shall seek to obtain DBE participation in all types of concession activities.'' ''Where not prohibited by state or local law and determined . . . to be necessary to meet DBE goals, procedures to implement DBE set-asides shall be established. The DBE plan shall specify the concessions to be set-aside.''

49 C.F.R. §265.13 (1994): Federal Railroad Administration regulations barring discrimination in federally assisted programs require ''where there are deficiencies based on past practices, and with respect to future plans for hiring and promoting employees or awarding contracts, the development of specific goals and timetables for the prompt achievement and maintenance of full opportunities for minority persons and MBEs with respect to programs, projects and activities subject to this subpart.

Veterans Affairs

38 C.F.R. §43.21(h) (1994): Department of Veterans Affairs Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments ''encourage'' grantees and subgrantees to use minority banks at least 50% owned by minority group members.

48 C.F.R. §819.202–5(c) (1994): Department of Veterans Affairs regulations require ''all acquisition activities [to] submit information and procurement preference goals'' for ''minority direct business awards,'' ''women-owned business awards,'' and ''[s]ubcontracts to be awarded to small disadvantaged business concerns.''

Other

36 C.F.R. Part 906 (1994): Affirmative action policy and procedures, including goals and timetables for women and minorities, ''to assure full minority participation in activities and benefits that result from implementation of the Pennsylvania Avenue Plan—1974.''

36 C.F.R. §1207.21(h) (1994): National Archives and Records Administration Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments ''encourage'' grantees and subgrantees to use minority banks at least 50% owned by minority group members.

44 C.F.R. §§13.21(h) (1994): Federal Emergency Management Agency Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments ''encourage'' grantees and subgrantees to use minority banks at least 50% owned by minority group members.

EQUAL EMPLOYMENT OPPORTUNITY LAWS

The evolution of federal law and policy regarding affirmative action in employment may be traced to a series of executive orders dating to the 1960's which prohibit discrimination and require affirmative action by contractors with the federal government. The Office of Federal Contract Compliance Programs, an arm of the U.S. Department of Labor, currently enforces the E.O. 11246, as amended, by means of a regulatory program requiring larger federal contractors, those with procurement of construction contracts in excess of $50,000, to make a ''good faith effort'' to attain ''goals and timetables'' to remedy underutilization of minorities and women. Another early Executive Order, No. 11478, was a precursor to the 1964 Civil Rights Act and mandates affirmative action hiring and employment policies by all federal executive department and agencies.

Public and private employers with 15 or more employees are also subject to a comprehensive code of equal employment opportunity regulation under Title VII of the 1964 Civil Rights Act.[20] Except as may be imposed by court order to remedy ''egregious'' violations of the law, or by consent decree to settle pending claims, however, there is no general statutory obligation on employers to adopt affirmative action measures. But the EEOC has issued guidelines to protect employers and unions from charges of ''reverse discrimination'' when they voluntarily take to correct the effects of past discrimination.[21] Federal departments and agencies, by contrast, are required to periodically formulate affirmative action plans for their employees and a ''minority recruitment program'' to eliminate minority ''underrepresentation'' in specific federal job categories.

Section 717 of 1972 Amendments to Title VII of the 1964 Civil Rights Act empowers the Equal Employment Opportunity Commission to enforce nondiscrimination policy in federal employment by ''necessary and appropriate'' rules, regulations, and orders and through ''appropriate remedies, including reinstatement or hiring of employees, with or without backpay.''[22] Each federal department and agency, in turn, is required to prepare annually a ''national and regional equal employment opportunity plan'' for submission to the EEOC as part of ''an affirmative program of equal employment opportunity for all . . . employees and applicants for employment.''[23]

Section 717 was reinforced in 1978 when Congress enacted major federal civil service reforms including a mandate for immediate development of a ''minority recruitment program'' designed to eliminate ''underrepresentation'' of minority groups in specific federal job categories.[24] The EEOC and Office of Personnel Management have issued rules to guide implementation and monitoring of minority recruitment programs by individual federal agencies. Among various other specified requirements, each agency plan ''must include annual specific determinations of underrepresentation for each group and must be accompanied by quantifiable indices by which progress toward eliminating underrepresentation can be measured.''[25]

In addition, the following statutes and regulations relate to employment policies of the federal government or under federal grant and assistance programs:

5 U.S.C. §4313(5): Performance appraisal in the Senior Executive Services to take account of individuals' ''meeting affirmative action goals, achievement of equal employment opportunity requirements, and compliance with merit principles. . .''[26]

5 U.S.C. §7201: Establishes a ''Minority Recruitment Program'' for the Executive Branch and directs each Executive agency, ''to the maximum extent possible,'' to ''conduct a continuing program for the recruitment of members of minorities for positions in the agency . . . in a manner designed to eliminate underrepresentation of minorities in the various categories of civil service employment within the Federal service, with special efforts directed at recruiting in minority communities, in educational institutions, and from other sources from which minorities can be recruited.''

22 U.S.C. §4141(b): Establishes the Foreign Service Internship Program ''to promote the Foreign Service as a viable and rewarding care opportunity for qualified individuals who reflect the cultural and ethnic diversity of the United States. . .''

29 U.S.C. §1781(a): ''A contractor subject to the affirmative action obligations of Executive Order 11246 . . . may establish or participate in training programs pursuant to this section . . . which are designed to assist such contractors in meeting the affirmative action obligations of such Executive Order.''

42 U.S.C. §282(h): The Secretary of HHS, and the National Institutes of Health, ''shall, in conducting and supporting programs for research, research training, recruitment, and other activities, provide for an increase in the number of women and individuals from disadvantaged backgrounds (including racial and ethnic minorities) in the fields of biomedical and behavioral research.''

45 U.S.C. §§797b, 907, 1004: First right to hire a certain previously separated or furloughed railroad employees subject to exceptions for vacancies covered by ''(1) an affirmative action plan, or a hiring plan designed to eliminate discrimination, that is required by Federal or State statute, regulation, or Executive order, or by the order of a Federal court or agency, or (2) a permissible voluntary affirmative action plan.''

Executive Order 11246: Prohibits employment discrimination because of race, color, religion, sex, or national origin by nonexempt federal government contractors and requires inclusion of an affirmative action clause in all covered federal contracts for procurement of goods and services. Pursuant to Labor Department regulations, larger federal contractors are required to

adopt goals and timetables to correct ''underutilization'' of minorities and women. See 41 C.F.R. Part 60 (discussed *infra*).

Executive Order 11478: States the policy of the United States government ''to provide equal opportunity in Federal employment for all persons, to prohibit discrimination because of race, color, religion, sex, national origin, handicap, or age, and to promote the full realization of equal employment opportunity through a continuing affirmative program in each executive agency and department.''

Federal Regulations

5 C.F.R. Parts 729, 720 APP. (1994): Affirmative Employment Programs of the Office of Personnel Management and Guidelines for Development of A ''Minority Recruitment Program'' to Implement 5 U.S.C. §7201.

14 C.F.R. §152.407, .409, .411 (1994): All grantees, sponsors, or planning agencies, with 50 or more aviation employees who participate in projects which receive federal airport aid funds are required to maintain ''affirmative action'' plans containing ''goal and timetables'' derived from ''[a] comparison . . . of the percent of minorities and women in the employer's present aviation workforce . . . with the percent of minorities and women . . . in the total workforce'' in the SMSA or surrounding area.

23 C.F.R. §230.111(1994): On-the-job training program rules for federally assisted highway construction projects provide that ''[t]he Washington Headquarters shall establish and publish annually suggested minimum training goals . . . based on the Federal-aid apportioned amounts and the minority population, A State will have achieved its goal if the total number of training slots . . . equals or exceeds the State's suggested minimum annual goal.''

23 C.F.R. Part 230 APP. A (1994): State Highway Agency Equal Employment Opportunity Programs. Affirmative action plans are to set ''specific, measurable, attainable hiring and promotion goals, with target dates, in each area of underutilization'' of women and minorities.

29 C.F.R. §§30.3–30.8 (1994): Affirmative action requirements of the Department of Labor (DOL) for registered state apprenticeship programs include ''goals and timetable for women and minorities.'' ''Compliance with these requirements shall be determined by whether the sponsor has met its goals within it timetables, or failing that, whether it had made good faith efforts to meet its goal and timetables.''

32 C.F.R. Part 191, §191.5(a)(8) (1994): DOD Civilian Equal Employment Opportunity Program establishes affirmative action guidelines and procedures for all DOD components and directs the Assistant Secretary of Defense to ''[e]nsure that realistic goals that provide for significant continuing increases in the percentages of minorities, women, and people with disabilities in entry, middle, and higher grade positions in all organizations and occupations are set and accomplished until the overall DOD objective is met and sustained.''

34 C.F.R. Part 100 APPENDIX VII.C (1994): Department of Education guidelines for eliminating discrimination in vocational education programs provide that ''[w]henever the Office for Civil Rights finds that in light of the representation of protected groups in the relevant labor market there is a significant underrepresentation or overrepresentation of protected group persons on the staff of a vocational education school or program, it will presume that the disproportion results from unlawful discrimination. This presumption can be overcome by proof that qualified persons of the particular race, color, national origin or sex, or that qualified handicapped persons are not in fact available in the relevant labor market.''

40 C.F.R. Part 8 (1994); Environmental Protection Agency (EPA) equal employment opportunity and affirmative action compliance requirements issued pursuant to E.O. 11246 as applied to EPA contracts and EPA assisted construction contracts.

41 C.F.R. Part 60 (1994): Sets forth the body of administrative rules issued by the Office of Federal Contract Compliance Programs within the Department of Labor to enforce the affirmative action requirements of E.O. 11246 on federal procurement and construction contractors. All contractors and subcontractors with federal contracts in excess of $10,000 are prohibited by the Executive Order from discriminating and required to take affirmative action in the employer of minority groups and women. Federal contractors and subcontractors with 50 or more employees and government contracts of $50,000 or more must develop written affirmative action compliance programs for each of their facilities. OFCCP rules direct these larger contractors to conduct a ''utilization analysis'' of all major job classifications and explain any underutilization of minorities and women by job category when compared with the availability of qualified members of these groups in the relevant labor area. Based on this analysis, the contractor's affirmative action plan must set forth appropriate goals and timetables to which the contractor must direct its ''good faith efforts'' to correct deficiencies. In addition, OFCCP has established nationwide hiring goals of 6.9 percent for women in construction, and regional and local goals for minorities in construction, which are set out in an appendix to the agency's affirmative action in construction regulations. 41 C.F.R. 60–4.

48 C.F.R. 22.804 (1994): Affirmative action program under Federal Acquisition Regulations requires written affirmative action plans of federal nonconstruction prime and subcontractors with 50 or more employees that comply with DOL regulations to assure equal opportunity in employment to minorities and women.

48 C.F.R. 52.222–23, 52.222–27 (1994): Prescribes clause for inclusion of federal contracts that requires ''[g]oals for minority and female participation, expressed in percentage terms for the Contractor's aggregate workforce in each trade on all construction work in the covered area'' and ''to make a good faith effort to achieve each goal under the plan in each trade in which its has employees.''

48 C.F.R. 922.804–2 (1984): Department of Energy regulations implementing the affirmative action plan requirements of E.O. 11246.

It is hoped that this is of assistance to you.

CHARLES V. DALE,
Legislative Attorney.

FOOTNOTES

[1] As per discussion with your staff, however, we have not included federal civil rights statutes, such as Title VI of the 1964 Civil Rights Act and related laws, that place nondiscrimination requirements upon recipients of federal financial assistance without mandating racial, ethnic, or gender preferences *per se*. Nor are regulations of the various federal departments or agencies under Title VI included for the similar reason that, although they almost uniformly authorize ''affirmative action'' by recipients to ''overcome the effects of prior discrimination'' or otherwise, they do not explicitly define the obligation in terms of ''goals'' or ''setasides,'' or other forms of preference for minorities or women. *See e.g.* 15 C.F.R. 15.3(b)(6)(1994) (Department of Agriculture Title VI regulations). Also beyond the scope of this study are the remedy provisions in federal laws like Title VII of the 1964 Civil Rights Act (42 U.S.C. §2000e-5(g)), or the Fair Housing Act, 42 U.S.C. §3613, which authorize ''affirmative'' relief by the courts in discrimination actions, and have been the basis for judicial preference orders in certain circumstances, but do not explicitly direct the imposition of ''timetables, goals, set-asides, and quotas'' on their face.

[2] 42 U.S.C. §2000e-16(b).

[3] 5 U.S.C. §7201.

[4] 15 U.S.C. §637(a).

[5] 15 U.S.C. §637(a)(5).

[6] 13 C.F.R. §124.105(b).

[7] The statute, 15 U.S.C. §637(a)(6)(A), defines economic disadvantage in terms of: socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others who are not socially disadvantaged, and such diminished opportunities have precluded or are likely to preclude such individuals from successfully competing in the open market.

[8] 15 U.S.C. §637(d). *See also* 13 CFR §124.106.

[9] 15 U.S.C. §637(d). Criteria set forth in the regulations permit an administrative determination of socially disadvantaged status to be predicated on ''clear and convincing evidence'' that an applicant has ''personally suffered'' disadvantage of a ''chronic and substantial'' nature as the result of any of a variety of causes, including ''long term residence in an environment isolated from the mainstream of American society,'' with a negative impact ''on his or her entry into the business world.'' 13 C.F.R. §124.105(c).

[10] P.L. 100–656, §502, 102 Stat. 3887, codified at 15 U.S.C. §644(g)(1).

[11] *See e.g.* 49 C.F.R. §§23.64(e), 23.65 (setting forth waiver criteria for the Department of Transportation).

[12] 15 U.S.C. §637(a)(5).

[13] *See* 49 C.F.R. Pt. 23, Subpt. D, App. C.

[14] P.L. 103–355, 108 Stat. 3243 , 3374, §7106 (1994).

[15] As amended by §3(a) of the Resolution Trust Completion Act, P.L. 103–204, 107 Stat. 2369, 2375 (1993).

[16] Opinions may reasonably differ as to whether federal programs that exclusively aid ''historically black colleges and universities'' or other minority institutions are a form of racial ''preference.'' Without expressing any view on that policy issue, however, such programs are included here only because they employ racial and ethnic criteria or classification as the basis for distribution of federal benefits and, accordingly, at least arguably fall within the ambit of your inquiry.

[17] 59 Fed. Reg. 47279 (September 15, 1994).

[18] The provisions listed in 24 C.F.R. Part 84 are not yet codified by may be found at 59 Fed. Reg. 47010 et seq. (September 13, 1994).

[19] 59 Fed. Reg. 38281 (July 27, 1994).

[20] 42 U.S.C. §§2000e *et seq.*

[21] 29 C.F.R. Part 1608 (the guidelines state the EEOC's position that when employers voluntarily undertake in good faith to remedy past discrimination by race- or gender-conscious affirmative action means, the agency will not find them liable for reverse discrimination).

[22] 42 U.S.C. §2000e-16(b)

[23] 42 U.S.C. §2000e-16(b)(1).

[24] 5 U.S.C. §7201.

[25] 5 U.S.C. §720.205(b)(1991).

[26] As amended by P.L. 103–424, 108 Stat. 4361, §6 (1994).

Mr. DOLE. We have had a lot of requests for the CRS report, not just from Members of Congress on both sides of the aisle, but from a lot of people who would like to study it.

I hope, in the final analysis, that this would be a matter that we can discuss again in a bipartisan way.

I believe my civil rights record is impeccable, and I believe I have some credibility in this area. I am not out to destroy anybody or devastate anybody. I am out to take another look at what America should be. Can we have a color-blind society, which I think would meet the hopes and aspirations of 90 to 95 percent of all Americans? Some may want special rights and preferences. There may be some cases when we look over this document with 160-some different laws and regulations that have been compiled, where there may be some exception. There are some that should be continued. But

certainly we ought to review it and look at it.

As I said earlier, unless I am totally wrong, we ought to take another look at the Executive order signed by President Johnson and see if it has been distorted, magnified, or whatever. The goal should be nondiscrimination. That was the original intent of it. We ought to look at the Small Business Administration 8(a) program. It has been abused, no doubt about it. A lot of people have made a lot of money by finding someone in a minority group to sort of front for the effort. I do not believe that is right. I do not believe that is fair. So we have asked for hearings. We will be reviewing this process, hopefully, on a bipartisan basis, not only in the Senate but in the House. I assume there will be further discussion of this as we come to the floor with a tax bill that has been reported out by the Senate Finance Committee, which takes a step, I believe, in the right direction toward eliminating preferences.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

AFFIRMATIVE ACTION

Mr. SIMON. Mr. President, I hope we can work out some bipartisan efforts here on this issue, but let me add that there is a lot of talk attacking affirmative action that is just nonsense. I see Senator DOLE nodding that he is in agreement.

Affirmative action can be a very good thing. It is like religion—it can be abused. It does not mean religion is wrong. But regarding affirmative action, if there is a company that hires 1,000 people and they all happen to be white males, I do not think we ought to have to prove that there is some discrimination. We ought to be able to say to that company that there ought to be some diversity. You ought not to have to lower your standards at all. But there ought to be some minorities, there ought to be some disabled people and some women in your work force.

The case at hand—and I have to say I do not remember all of the details—but a high school which has a majority of minority students there in the business section of that high school had nine teachers, all of whom happened to be white.

They had to reduce the number of teachers. The two teachers who had the least amount of seniority both happened to be hired the same day. One was white and one was black. That school made a decision on the basis of race that they felt it was important to have minority representation in the business section of this school.

I am not saying that their decision was necessarily right, but I think it is an understandable decision and I think the situation has been distorted. I think there are times when there should be some agreement.

I dealt with a city in Illinois that had some civil rights violence. It was 40 percent black. They did not have a single black on the police force or the fire department. We worked out an agreement that the next person they would hire would be someone who was African-American. I think that just makes sense. We did not say, ''Lower the quality,'' or anything. That is affirmative action. I think it makes sense.

I am sure BOB DOLE, Senator FAIRCLOTH, Senator BAUCUS, like PAUL SIMON, you try to have some diversity in your office. You do not lower standards.

Two of the lawyers in my office are Jayne Jerkins and Carlos Angulo. I will put them up against any staff members in the U.S. Senate. One happens to be African-American; one happens to be Hispanic-American. They are just quality people.

But I have consciously in my office tried to have some diversity. And I think that is a healthy thing. That is affirmative action. It does not mean you lower standards or anything else.

So I think before we do too much attacking of affirmative action, let us recognize it can be a very good thing. Can it be abused? Yes, like any good things can be abused. But we should seek, as part of the American ideal, that we are going to have opportunities here for all Americans. I think that has to continue.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I thank my colleague from Illinois. I know of his feelings in this area.

I think, in fact, we want to do the same thing he has already suggested through nondiscrimination and penalties for discrimination. I mean, if you discriminate there ought to be punishment.

Al Shanker of the American Federation of Teachers came out against the Justice Department's position on the Piscataway case. In fact, he has written a column about it. There was not any evidence of any discrimination by the school board. Next time, it could be a black person, a black woman or black man, who may lose their job.

So that is why I say if somebody discriminates, to me that is one thing. If somebody has 1,000 white males, as the Senator from Illinois suggested, and there were good Asian, Hispanic, and black applicants, there ought to be at least some presumption or some evidence that someone may have discriminated, and we ought to go after that person if there is any evidence.

We are talking about the same result. We may have a different way of approaching it.

But I think, in any case, when we have had laws on the books for 10, 15, 20, 25, 30 years around here, it might be time to go back and take a look to see what has worked, what has not worked, see if they have worked at all, or if they have been misused or abused, taken advantage of by some people who may not have been in any of those special groups. That has happened, too.

So I hope we can discuss this in a very reasonable way, because it is a very, very touchy subject. In the past, you know, if you had two equally qualified people, you used to flip a coin. One might be black, one might Asian; or one Hispanic, one white. You would say, ''Well, somebody has to go.'' You flipped a coin. And we have done a lot of that. I think we can all look back at the time we flipped coins. Sometimes we won; sometimes we lost.

In any event, it is a very important debate. There has been a lot of statements made that I think go over the edge; probably some from each side that go over the edge. That is not my purpose. I hope that, as we delve into this on the committee level, we will have a good discussion and maybe get some better results.

I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. BAUCUS. Mr. President, what is the pending business?

The PRESIDING OFFICER. H.R. 889 is the pending business.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak as if in morning business for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

DOUG SWINGLEY WINS THE IDITAROD TRAIL SLED DOG RACE

Mr. BAUCUS. Mr. President, let me read from a story that appeared on today's AP wire:

> A quiet ''yahoo'' was the first thing Montana musher Doug Swingley uttered when he arrived at Nome, winning the Iditarod Trail Sled Dog Race in record time. Swingley is the first non-Alaskan winner of the race in 23 years.

Well, today, many Montanans are echoing that ''yahoo'' heard up north.

We are saying yahoo for Doug Swingley and the hard work, determination and endurance that helped him win.

We are saying yahoo for the family and friends—particularly his wife Nelda—who backed Doug up and helped him get to where he is today.

And we are even saying yahoo for Doug's lead dog, Elmer, and what is almost certainly the fastest team of sled dogs in the world.

They have all made Montana proud. And to Doug, his family and his friends, we say congratulations.

Yet I doubt there is a yahoo to be heard anywhere in the State of Alaska today. And that includes my good friends and colleagues from Alaska, Senators STEVENS and MURKOWSKI.

But I would urge them to not take this loss too hard. It is never easy to keep up with Montana. Perhaps all those cold, dark Alaska winters have just slowed the Alaska mushers down. And maybe, if Alaska wants to stay competitive in future Iditarods, they

should send their mushers to Montana to train. After all, it is warmer. But we usually have plenty of snow. And the sun even shines.

Despite this loss, Senators STEVENS, MURKOWSKI and the people of Alaska can be justly proud of the rich tradition and sporting heritage of the Iditarod and their home State.

THE LADY GRIZ OF THE UNIVERSITY OF MONTANA

Mr. BAUCUS. Mr. President, on a related subject, this is a great week for Montana sports enthusiasts. First, Doug Swingley won the Iditarod Dog Sled Race, and tomorrow night the Lady Griz of the University of Montana will be playing in the opening round of the NCAA's Women's Final Four Tournament being held in San Diego.

I have been watching the Lady Griz's trek to March madness. At the beginning of the season, we all had high hopes for them. But they have far surpassed what many of us expected of them—and believe me—we Montanans have high expectations for our sports teams.

This group of tough Montana and Pacific Northwest women have shown that they have the grit and the discipline to be national champions.

Just last weekend, I saw them win their final Big Sky season game against their cross-State archrivals, the Montana State University Lady-Bobcats. It was a great game, I sat down in the front row, right next to the floor, I enjoyed very much. Both teams played very well.

And now that the Lady Griz have prevailed and won the Big Sky title, all Montanans join together in wishing their coach Robin Selvig the best of luck as they represent Montana at the NCAA tournament. Robin has built a great program that stresses hard work, excellent academics and discipline—all Montana values that we treasure.

With the tough inside play of Jodi Hinrichs and the outside shooting skills of Kristy Langton and Skyla Sisco, teams from all over the country will be facing a tough challenge from the Big Sky State. Win or lose, we are all very proud of them. And we look forward to seeing them in the final four and hopefully as national champions.

Mr. President, I yield the floor.

MORRELL RETIREES

Mr. DASCHLE. Mr. President, last month, Republicans in the House of Representatives marked the first 50 days of their efforts to pass the Contract With America. Notably missing from their speeches was any mention of progress in the fight to enact health reform.

Indeed, this issue was not even mentioned in the House Contract With America, nor was health reform among the priority bills introduced by Republicans in either the House or Senate leadership.

Meanwhile, in this first 100 days, another group of citizens in my home State was learning, personally and painfully, why we need to continue the fight for health reform.

The 3,300 retirees of John Morrell & Co., a South Dakota meat packing firm, learned this January that the firm was ending all retiree health coverage.

Many of these retirees and their families had worked for Morrell all of their adult lives.

On January 24, Morrell retirees received a simple, yet unexpected, letter stating that their health insurance plan was being terminated, effective midnight, January 31, 1995—only a week later.

The benefits being terminated, the letter said, included all hospital, major medical, and prescription drug coverage, Medicare supplemental insurance, vision care, and life insurance coverage.

For those retirees under 65, this action poses a particular problem. While Morrell gave them the option of paying for their own coverage for up to 1 year, few can afford the $500 monthly premium for a couple. And many cannot purchase coverage at any price, because of preexisting conditions like diabetes or heart disease.

Medicare beneficiaries would have to buy expensive supplemental insurance on their own.

Morrell's decision was all the more painful to the retirees because it was so unexpected. These retirees believed they worked for a fair company; that a fair day's work resulted in a fair day's pay. They found out the hard way that the company they had helped to build had turned its back on them.

They also found out that the court system was not sympathetic to their cause: The Eighth Circuit Court of Appeals ruled in favor of the company's decision. The union is now planning to appeal the decision to the Supreme Court.

Sadly, some of the retirees will not live long enough for a possible reversal.

And, if medical expenses eat up their income and assets, some Morrell retirees might be forced to resort to welfare.

All will struggle financially and emotionally to accept the change in benefits that they counted on for life.

A recent edition of the Sioux Falls Argus Leader recounted the stories of several Morrell retirees and their families.

One 26-year veteran of Morrell is legally blind, has diabetes and arthritis, takes heart medication, and wears a hearing aid. His $300 monthly pension from Morrell will not even cover the prescription drugs he needs. He fears the financial burden of high medical costs will force him and his wife to sell their home.

Another retiree gave up $130 from his monthly Morrell pension so his wife could get health insurance. He now has cancer and glaucoma, and his monthly prescription costs are $800. His wife's monthly drug costs are $200. His monthly pension from Morrell, after 30 years service, is about $300.

Finally, a retiree who had a kidney transplant and recently had a leg amputated, figures that he can pay for the company-offered insurance coverage for the year it is available. After that he is not sure what he will do to pay the $1,000 monthly cost for antirejection drugs, which Medicare doesn't cover.

Mr. President, the stories go on and on.

They describe proud people who worry that high medical costs will impoverish them or force them to rely on their children for financial help.

They are stories about loyal employees who each day will live in fear of illness and injury because they have no health insurance.

Unfortunately, this is not an isolated situation. What happened to Morrell workers could happen to any of the 14 million retired workers who believe they and their families have lifelong health insurance coverage through their employers.

As companies look for ways to reduce their health care costs, they will no doubt look at drastic reductions in, or outright elimination of, retiree health care benefits.

That just is not the way it should be in this country.

We all like to think that, if we work hard and play by the rules, we will be rewarded, especially in our old age.

Sadly, when it comes to our health care system, this is often not the case.

I was disappointed that the 103d Congress was unable to pass comprehensive health reform, because many of the proposals we were considering would have addressed the problem the Morrell retirees now face.

A union official recently said, ''I wish that Harry and Louise could see what's happened to the people at Morrell.''

I could not agree more. The problems we talked about in last year's health reform debate have not gone away simply because that session of Congress has ended.

The Morrell retiree situation is a painful reminder of that fact.

As I recently indicated in a letter to the majority leader, I remain committed to working with all of our colleagues to craft legislation that will address the serious problems of the health care system that plague American families and businesses.

I will also be offering in the next few weeks a bill that will deal directly with the problem that Morrell and other retirees face.

I hope that those who have blocked and delayed health reform will at least support the effort to ensure that our Nation's retirees get a fair day's wage from a fair day's work.

LOSS OF HEALTH CARE COVERAGE FOR MORRELL RETIREES

Mr. PRESSLER. Mr. President, I join my colleague, Senator DASCHLE, in efforts to find a solution for the Morrell retirees' who have lost their health benefits.

Nearly 1,200 Morrell retirees living in South Dakota have had their health insurance benefits terminated. Many retirees cannot purchase a private health insurance plan. Under the terms of their retirement contract with John Morrell & Co., health insurance benefits were provided to all retirees. But like so many retirees, they have found the ground rules changed. John Morrell & Co. has terminated their health benefits. This decision has caused great hardship for many South Dakota citizens. Benefits, which they were promised and which they earned, have been terminated.

I have taken steps to correct this problem. I have written to Mr. Carl Lindner, president of the Morrell parent company, Chiquita Brands. I asked that they reverse their earlier decision to terminate benefits. In addition I have drafted legislation, which I am garnering support for, which would reduce the health insurance deduction for corporations that terminate health insurance benefits of their retirees. Specifically, my proposal would limit a company to deduct just 25 percent of their health insurance costs—if they terminated the health benefits of their retirees.

The union has appealed this decision and the matter next goes before the Supreme Court. I am working on an amicus brief and hope to file this on behalf of the retirees.

I am prepared to assist in legislation, or take any needed steps, to find a solution. This will be very difficult. However, I am hopeful this can be resolved.

I did want to rise on the Senate floor to say that I am very concerned about what has happened to those retirees who have lost their health insurance in a contract dispute which sprung out of a long and difficult labor dispute that has been going on near the meat packing plant of John Morrell & Co. in Sioux Falls, SD.

So, Mr. President, I wish to announce that I am also prepared to join in a legislative effort to protect not only these retired workers, but other retired workers who believed that they had health care coverage into their retirement. We must make it clearer to people what these contracts contain. I think both unions and management have an obligation to be clearer and more careful about the rights of these elderly retirees in the medical area.

Mr. SIMPSON. Mr. President, I thank the Chair.

(The remarks of Mr. SIMPSON pertaining to the introduction of S. 559 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Chair recognizes the senior Senator from Maine.

Mr. COHEN. Mr. President, I ask unanimous consent I be allowed to proceed in morning business for a period of time not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFFIRMATIVE ACTION

Mr. COHEN. Mr. President, I have been planning to take the floor for some time this week and have not been able to do so, given the Senate's schedule prior to this time. I was not aware that Senator DOLE would be taking the floor to talk about affirmative action.

First, let me say that I have the highest regard and respect for Senator DOLE and I agree completely with what he said earlier that no one—no one—can criticize his position on civil rights or on policies that would benefit those who suffer from any sort of affliction or disability.

Especially in the field of civil rights, he has been a leader. No one can question his motivations. I think he is correct to start calling attention to some revisions that may be necessary in dealing with affirmative action.

Having said that, I want to point out that affirmative action has moved apparently to the center stage of this country's political agenda. Critics of programs designed to address centuries' old discrimination range all the way from Presidential contenders to syndicated columnists.

Some argue that our Nation is or should be colorblind and our laws race and gender neutral. Some have argued—and I am paraphrasing, but I think correctly—that reverse discrimination is as bad as slavery. I want to repeat they believe that reverse discrimination is as bad as slavery. I suggest, perhaps, a reading of Alex Haley or James Baldwin or Gordon Parks might be beneficial in dismissing such a preposterous notion.

One writer has written that, ''Compensatory opportunity is advocated by those who want to remedy the presumed victimization of certain groups in the past.'' Mr. President, since victimization has only been presumed, apparently like the Holocaust, it has to be proven in the present and in the future time and time again.

It is also said that preferential treatment based on race, gender or ethnicity is inherently anti-American and contributes to the polarization of the American people. Finally, some say that 30 years is long enough to compensate for the four centuries of our fathers' sins.

Mr. President, I should point out that these critics of affirmative action are not confined to angry white males. There are a number of prominent blacks, some of whom have no doubt been the beneficiaries of affirmative action programs, who now denounce the programs because of the so-called Faustian bargain that they had to strike. They resent the fact that they now have scarlet letters ''AA'' stamped on their brow, which, they believe, forever identifies them as social and intellectual inferiors who could not make it on merit.

Let me say, Mr. President, as a strong supporter of programs designed to help women and African Americans and other minorities break through glass ceilings and concrete walls, I believe, as I said earlier, that no program, however well-intentioned, should be excluded from review, revision, even elimination if circumstances warrant. There is no doubt in my mind that some programs have been used and abused in ways that many of us who are the authors and supporters of affirmative action never anticipated. The Viacom deal, which is about to come before the Senate in the next week or two, is perhaps a classic case of a program that has long since outlived its usefulness. Maybe it needs to be rejected and repealed.

But I say to those who argue that we should not consider any preferential treatment on the basis of group membership, I think we have to look back into our history and look deep into our hearts and remind ourselves that we have a great deal to account for and correct based on discriminatory policies of the past—policies that continue to this very day. Judgments and jobs are not, as we would like to believe, based on the content of our character. They are, in fact, in many, many cases still based on the color of one's skin, gender or ethnic background.

I know that affirmative action is said to be a politically defining issue, a wedge issue, one that is going to drive the middle-class white voters fully into the arms of the Republican Party, leaving the minorities and women and other liberals floating in the backwash of the Democratic Party. The polls actually confirm that this wedge is politically powerful and popular as a force that will, in fact, succeed in dividing segments of our society into clearly defined political camps.

Mr. President, let me say I believe any short-term political success is going to prove to be a long-term policy disaster, because what is truly at stake in the coming debate is not wedges but values.

There are two values that lie deep within the American hearts and minds. One is that every person should be given a fair chance to compete in the classroom, on the athletic fields and in the workplace. Every person under our Constitution should enjoy equal privileges and protections of the law.

Second, there should be no special privileges, no favoritism, no artificial or arbitrary rules that give something to someone that has not been earned. There should be no quotas, no rules of thumb. We want rules of reason instead.

In an ideal world, these values are not in conflict, they are in complete harmony.

But let us suppose that the world is less than ideal. Let us suppose that all the people are not treated equally over a long period of time. Suppose there are laws that discriminate against people because of their race or sex. Suppose that some people are treated as slaves or pack mules or objects of hatred and violence or as simple reproductive vessels. And suppose that some people cannot buy a home or obtain a mortgage or get a job or break through that so-called glass ceiling just because of the color of their skin. Is there anything more un-American than to deny a human being the chance to be the best that he or she can be on equal terms?

Is there anything more un-American than to isolate people in a ghetto, to put up invisible barriers by denying them jobs, opportunity, and any hope of breaking out of that prison of poverty, and then to watch in horror and outrage as their children go fatherless and the streets go white with drugs and run red with the blood of mindless violence?

Is there anything more un-American than to rob people of equal opportunity because of the pigment of their skin, the texture of their hair, the composition of their chromosomes, all while we proudly proclaim that our policies are colorblind and gender neutral?

And is there anything more hypocritical than to say that racism or sexism is a thing of the past?

Mr. President, a book I read some years ago, ''Native Son,'' written by Richard Wright 55 years ago, told the story of what it means to be black in this country. There are many memorable scenes, but one that has stayed with me over the years is one where there are two young boys, one named Bigger and one named Gus. They look up at a pilot who is skywriting on a lazy summer day. The passage goes:

> ''Looks like a little bird,'' Bigger breathed with childlike wonder.
>
> ''Them white boys sure can fly,'' Gus said.
>
> ''Yeah,'' Bigger said wistfully. ''They get a chance to do everything. I could fly a plane if I had a chance.''
>
> ''If you wasn't black and if you had some money and they'd let you go to the aviation school, you could fly a plane,'' Gus said. . . .

Then Bigger said:

> Every time I think about it, I feel like somebody's poking a red-hot iron down my throat. . . . It's just like living in jail. Half the time I feel like I'm on the outside of the world peeping in through the knot-hole in the fence. . . .''

Mr. President, that scene was memorable for me not just because it depicts innocence in a novel that is filled with horror, but because it says so much about the human spirit, about the significance of hope, and about the utter destructiveness of knowing in advance that hope can never be realized.

Well, ''Native Son'' is fiction. It was written more than 50 years ago now, and we know that a lot of things have changed since that time. We know that we have Michael Jordan who may be, once again, skywriting in Chicago. We know that you can turn on your television set and watch Bryant Gumbel or Oprah Winfrey. We know we have Justice Thomas on the Court. We know that we have Colin Powell, who may be the most popular non-Presidential candidate to date on the American political scene. There are powerful women as well, Sandra Day O'Connor and Justice Ginsburg, to name a few.

Let me just say that for every Michael Jordan, for every Colin Powell, for every athlete, musician, businessperson who has succeeded, there are millions of people locked away from opportunity to this very day.

One of the things that struck me several years ago was a program I watched, I think it was on ''ABC PrimeTime.'' The producers of that show took two attractive articulate male college graduates, one was white, one was black, and sent them out into the world followed by a hidden camera.

How was the black man treated? In a store, he was regarded with great suspicion by a security guard who followed him wherever he went. At an auto dealership he was ignored for not just minutes but nearly a half-hour or more. He went to look for an apartment and was told, ''Just happened to miss it. The last one went just a few minutes ago.''

Then they followed the white college graduate. Needless to say, he was treated quite differently. When he went to the store, he was welcomed with open arms. When he went to the auto dealership, he was given preferential treatment and terms. When he went to look for an apartment, the same building at which the black man had just been turned down, they said, ''We have an apartment for you.''

Well, the camera never blinked, not once, not twice. And not one of the participants in the film blinked. They either denied they were engaged in acts of racism or discrimination or they reacted with anger at the exposure of their behavior.

So for those today who say that racism is all a thing of the past, that we do not have to worry about it anymore, that 30 years has really leveled the playing field—it isn't true. And for those who say that affirmative action is being used to deny qualified white males their opportunity—Mr. President—that was never the goal of affirmative action. It was never the goal of affirmative action to give preference to unqualified people over qualified ones, be it in college, in graduate schools or the management level of business. We are not discriminating in favor of unqualified blacks and unqualified women.

Affirmative action is really about finding qualified people. They are out there in abundance. But either through inadvertence or deliberate neglect and rejection, they have been ignored. The pursuit has not been for mediocrity, it has been for opportunity, to give everyone a chance to be the best that they can be.

Justice Holmes, one of my favorite Justices in the history of this country, said at one time that the tragedy that filled the old world's literature was really about people who were taxed beyond their abilities. We know the story of Sisyphus forever rolling the rock up the hill and it kept rolling back down. We know about those with the water that kept coming up to their necks but could never drink. This theme was really part of the myths and the tragedies of the ancient Greeks.

Holmes said that in modern times there is a different type of hell, a much deeper abyss, that occurs when people who are conscious of their powers are denied their chance. That is what affirmative action really has been all about, when people conscious of their power have been denied their chance. Affirmative action has provided an opportunity for the U.S. Congress and the administration to work together to help bring people who have the talent and the ability, who have been held down over the centuries—not just 30 years, over the centuries—to give them a chance to break through the barriers. Now we are suddenly saying that society is all level, we are gender neutral, we are race neutral, we do not have to worry about affirmative action anymore.

But we have not been fully successful. A recent Time magazine article shows that affirmative action has not had as positive an effect as the critics claim or supporters hope. The article cites a Bureau of Labor Statistics study from 1994 noting that whites now hold 88.8 percent of managerial professional positions, down only slightly from 91.6 percent in 1983. In that same period, blacks increased their presence in the managerial professional ranks only marginally—from 5.6 to 7.1 percent. So there have not been these great strides that the critics of the programs have now cited.

Mr. President, I say it again, I have no doubt that there are some who might use either their race or gender as an excuse for failure. The vast majority of people, however, have found that others have used their race or gender as a reason to keep them from success. So let us remove programs that are no longer necessary, let us revise ones that are not working, but let us not indulge in the delusion that the field of dreams is equal and level for all of our people. We still have a long, long way to go.

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

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Chair recognizes the junior Senator from Illinois.

Ms. MOSELEY-BRAUN. Thank you, Mr. President. I ask unanimous consent to speak in morning business for a period not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFFIRMATIVE ACTION

Ms. MOSELEY-BRAUN. Mr. President, I want to associate myself and actually commend Senator COHEN for the statement he just made on the subject of affirmative action. I have had the pleasure of serving with Senator COHEN now since I came to the Senate 2 years ago. I have seen him in action, and I have been just overwhelmed and, frankly, very grateful that he brings to these issues, particularly the hot-button issues and issues pertaining to race, a sensibility, a level-headedness, fairness, and a perspective that is just so important to have in this body.

It is because of the work of Senator COHEN and, frankly, many of the other Senators who approach these issues with a perspective that relates to the interests of our community, that makes it easier to address these issues here than might otherwise occur.

I come to the floor, Mr. President, though, because I just left a meeting of the Finance Committee in which the committee voted to repeal a section of the Tax Code which provided for minority and female ownership of broadcast media. The argument around the repeal had come up because of a particular deal that was talked about in the newspapers, one that has been debated as to whether or not it was a good deal or fair deal.

The point is that by its action, in my opinion, the committee has essentially cemented the glass ceiling that keeps women and minorities from participating as full partners in an important industry that really goes to the very heart of the character of our country.

I say that because, Mr. President, the section that was under review, section 1071, was originally adopted back at a time when the concern was over diversity of voices in the airwaves. The notion was that our entire community had an interest in hearing a multitude of voices so as to avoid the almost Orwellian Specter of a single point of view, a single voice being communicated to the American people over the airwaves.

And so this section was initially adopted in order to provide for openness, in order to provide for inclusion, in order to provide for diversity of voice in the airwaves. At the time, by the way, Mr. President, when the broadcast spectrums were initially instituted, they were essentially given away. There was no cost associated with them at the time.

As you can well imagine, Mr. President, at the time of the giveaway of these broadcast spectrums, no women got anything for free; no minorities were at the table. It was a situation in which you could almost say there was a 100-percent set-aside for white males who knew about broadcast spectrums and the opportunities they might provide.

Subsequently, Mr. President, the Congress decided that this section of the law that provided for openness and for inclusion and for diversity of voice should be amended to provide opportunity for women and minorities to have ownership of broadcast facilities. So the tax certificate approach was used as a way, really a tax way—it was not a set-aside in the sense we think of. It was a provision in the law that allowed for the private sector to diversify the airwaves, and allowed for the private-sector actors to come together and open up ownership so there would be this diversity of voices and so there would be diversity, in fact, in the ownership of broadcast facilities.

That section of the law has been with us for awhile, and it is almost disappointing, frankly, to note that in all the years since the 1980's, when this section was amended to include women and minorities, as of today women own about 3 percent of the entire broadcast industry—3 percent—and minorities own about 2 percent of that same industry.

So for all of this time and all of the effort, we still only were able to come up with a cumulative total of about 6 percent of the entire industry owned by women and minorities—a long way, I suggest, Mr. President, from achieving the kind of diversity of voice, the kind of diversity that was originally intended by this section.

However, apparently there was a deal announced in the newspapers that involved some high-profile actors in the broadcast field, and the House took it upon itself to target that specific deal—and I will use the name, the Viacom deal—to target that transaction as the basis upon which to repeal section 1071 and thereby constitute the first shot across the bow, if you will, on affirmative action.

The chairman of the committee was actually—it was kind of almost humorous because the chairman of the committee said he never expected that the first battle on affirmative action would come in the Finance Committee. But lo and behold, I guess by the law of unexpected consequences, it wound up there, and so we had to take up the issue of what about this section of the law? Is there some unfairness here? Should we maintain it or should we repeal it?

Mr. President, the question underlying this tax certificate issue was extension of health insurance for the self-employed. We all, I think, support that. People who are self-employed ought to be able to deduct their payments for health insurance just like anybody else. And we are just now restoring a partial effort in that regard. But the question before the committee was not just the reinstitution of the 25-percent deduction for health insurance. The question before the committee was how to pay for that. Do we pay for that through the repeal of this tiny step for women and minorities in the broadcast industry, do we pay for it with the repeal of section 1071, or do we find some other revenue sources?

Mr. President, it was, frankly, reflected in the President's budget, and a number of the members of the committee were interested in other alternative revenue sources such as a revenue source coming from those Americans who renounce their U.S. citizenship to avoid paying taxes. That provision, had we just changed the law a little bit for those billionaires that renounce their American citizenship to avoid paying taxes, would have raised twice the money, two times the money that would have been raised by repealing section 1071.

Unfortunately—and this is why I have taken the floor this afternoon—the committee decided it was going to go ahead and repeal section 1071 nonetheless, that somehow or another this was affirmative action gone amok, that somehow or another there was some problem with this section, that is, it was open to abuse and fraud alike.

The fact is, the facts do not show that. The facts show that those few minorities and those few women who participate in the broadcast industry in an ownership capacity got there in large part because of the existence of this statute that made it, frankly, financially worthwhile for sellers to sell to them. People would sell to minorities and people would sell to women precisely because they knew that there would be some tax deferral by virtue of the ownership of these tax certificates.

To the extent the door was open or the window was open or the ceiling was cracked just a little bit, what the committee did this afternoon was to seal over the crack in the glass ceiling, to shut the window on minority ownership, to close the door on women who would own in this area, and to really seal them in and make it more difficult than before, in spite of the limited success we have had so far.

I would like to review, just for a moment, some of the numbers. I have used percentages, but just so you get a sense of it: Of the 11,586 broadcast stations—11,586 broadcast stations, 420—420 are owned by women, and 323 are owned by minorities.

With regard to television stations, of the 1,342 television stations operating in the United States, 26 are owned by women and out of that number 31 are owned by minorities. I can break the figures down further and I certainly intend to do that at some point in the future. But the point is, of this huge industry, there is just a little bit of diversity of ownership. And the committee this afternoon decided to get rid of that.

In radio, out of 10,244 radio stations, some 394 are owned by women and 292 are owned by minorities.

It would be one thing if we were just talking about ownership, and that certainly is the issue. But think what that says about the whole notion of diversity of voice. If, to the extent we have

minority ownership at all, to the extent we have female ownership at all, if we foreclose it and make that more difficult, then I fear we are doing a disservice to all of the American people who would benefit from the opportunity to share in the diversity of viewpoint, the diversity of voice, the diversity of opinion, the diversity of conversation, the diversity of perspective that is brought to this broadcast industry, which communicates information to all of us, by the presence of women and minorities in the field.

I listened to the majority leader a moment ago as he was speaking. I want to say this at the outset: I did not hear all of his comments, but I did hear some. One of the statements was the race counting game had gone too far. I daresay, if anything, that almost casts this debate in the wrong light altogether. No one is in favor of unfairness. No one wants to be unfair to white males. No one wants to be unfair to black males, black women, white women, Asian, Hispanic—you can go down the list and divide us up any number of ways. But the bottom line is we are all Americans. We are in this together and we will rise and we will sink as a Nation together. And to the extent we define ourselves as a community with coherent interests, with interests that come together, we will succeed as a Nation. We will not allow ourselves to be divided up and pitted against each other in this no-win, lose-lose game—I submit a cynical political game that suggests that race counting has any role in any of this.

That is not what affirmative action is about. I think Senator COHEN's remarks on this point were very well taken. Affirmative action is not about race counting. It is not about quotas. What it is about is the total community recognizing the value of opening up opportunity so the face of opportunity in America is everybody's face; so it is not just white males who are given broadcast spectrum, but now it is the face of black people, brown people, women, and all kinds of groups that were not previously included in the definition.

When we talked about the American dream 100 years ago, it had a particular meaning. It meant white male, period. I was reminded women in this country just got the vote 75 years ago. So even though an American of African descent—the emancipation happened over 100 years—as a woman, as an African-American woman, I still would not have been even able to vote until 75 years ago.

So the face of the American dream is changed. The face of the American dream now is a multiplicity of people. It is a multiplicity of faces. It is an inclusive face. It includes everybody. It includes everybody who subscribes to the ideals and the values that define us as Americans.

I submit that this debate about affirmative action goes to the heart of what we mean by who is included in this American dream. It goes to the heart of whether or not opportunity is going to be open to all Americans or just some Americans; whether or not we are going to begin to try to undo and fix some of the persistent problems that we have in our society by providing some support and some help to those who have previously been excluded.

It is for that reason, again, I am very distressed by what happened in the committee this afternoon. I am very distressed by the assault on affirmative action. I am very distressed, frankly, by the tenor that this conversation has taken—happily, so far, outside of this Chamber. I hope here in the Senate we will have a more reasoned debate about what are the real issues here, and not allow ourselves to get separated and inflamed, and not allow for the hot button appeals to pass and prejudice to succeed.

I hope in this body we will take it upon ourselves to look at the facts and make our decisions based on reality and not myths, preconceptions, diversions, and misinformation; make our decision based on what is actually going on in our country and what direction do we want to take.

I think in Senator COHEN's remarks—and I would like to take a point there to make the next step and talk about the next point—he talked about people having a sense of opportunity, of being able to rise to the highest level of their ability.

Certainly, ability and merit and excellence are concepts that are important and dear to all of us. But the question becomes to what extent do those who feel they are denied inclusion—to what extent do we not exacerbate, make worse the hopelessness that besets all too many of our communities, that besets all too many of our people? To what extent do we not exacerbate the notion that you can rise just so far but you cannot go any further; the notion the glass ceiling is there, intact; that a woman can only go so far, that a minority can only go so far in maintaining the institutions and the systems that by their operation create whole communities of disaffection? By maintaining those institutions, I believe we buy into and build up and give succor to the hopelessness that is beginning to erode the very foundations of our national character.

I submit this debate is going to be one of those turning debates, one of those critical debates that will direct the future direction of our country as we go into the next millennium which, as you know, is only 5 years from now. As we go into this next century, the question before us today—whether it is in a debate as specific and as complex as 1071 and the operation of a section of the Tax Code, or if the debate is on something more general and straightforward that people can grasp onto—the question becomes, for this body, how shall we proceed in this debate? Shall we allow it to become the kind of hot button race-baiting prejudicial kind of inflammatory debate that pits us against each other, inflames passions, distorts the debate, ignores the facts, and plays into myths and prejudices and fears? Or, instead of playing into people's fear, do we play to and direct our comments and our conversation and our decisions to the hopes of the American people that the American dream really is still alive; and that it lives not just for white males, but it lives for black males and black women and brown males and brown women and men and women of every stripe and description who call themselves Americans?

That is what this debate is about. I know the issue is going to come back to the floor time and time again. I am making extemporaneous remarks right now about it. But I was drawn to come to the floor this afternoon in large part in response to some of the things that were being said earlier.

I just submit to you that I hope that as we go down this road it will be a road we go down together and that we can appeal to, as Abraham Lincoln said, the ''higher angels'' of our nature and which address what is in the best interests of our country as a whole. And, therein, I think we will find a correct answer as to what to do about the issue of affirmative action.

Thank you.

Mr. FEINGOLD. Mr. President, let me first of all say that I am very glad coming down here I have the opportunity to hear the statements of both the Senator from Maine and the junior Senator from Illinois about the issue of affirmative action. It is again encouraging to see the U.S. Senate acting in a bipartisan manner to ask the questions that have to be asked about certain aspects of the so-called Republican contract that we are going to carefully examine the record of affirmative action and other such issues and make sure that in our haste to address some genuine public frustration that we do not destroy some of the things that have been done in the last 20 or 30 years that actually have helped people and made this country a fairer place.

So I appreciate that.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

The Senate continued with the consideration of the bill.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, thank you.

Mr. President, the pending business before us I assume is the Kassebaum amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. FEINGOLD. Mr. President, the purpose of the Kassebaum amendment is to overturn the President's Executive order saying in effect that Federal

dollars should not be used to encourage strikebreaking. That is what it is really about. I think it is only fair to remind everyone that this amendment obviously has nothing to do with the bill before us. What is this amendment about strikebreakers doing on a Department of Defense bill having to do with peacekeeping? None of us are completely pure in this category of offering amendments that are not completely relevant to the core of a bill. The germaneness rule here essentially does not exist in most instances and stands in stark contrast to the rule that I got used to in the Wisconsin State Senate and for 10 years we really did have a germaneness rule. You can actually prevent this kind of confusion.

I want to reiterate. Of course, this has happened before. But on this bill it seems extremely off the mark to try to address the issue of strikebreaking and the strikebreaker issue in the context of this bill which I thought was about readiness.

I thought the bill was about whether we are going to provide certain funds for our peacekeeping forces. I thought the bill was supposed to be about the identification of certain cuts within the Defense Department that would help pay for some other things that the Defense Department believes needs to be done both in this country and around the world. That is what I thought the bill was about.

So do not let anybody be fooling you here. The effort we are making here is not a filibuster again against the bill. Many of us who are objecting to this amendment think the bill has tremendous merit. There is a lot of merit to it. But it is a rather unique way to finance needed peacekeeping funds by finding other things in the Defense Department that maybe can be eliminated. It has a lot of fiscal sense behind it. But this is not an effort to kill the bill. Everyone in here knows that. But I am afraid some of the people who might be watching this would assume, given the reputation of the Senate for filibusters, that this is an effort to delay the process. In fact, it is just the opposite.

It is amendment offered by the Senator from Kansas that has slowed us down. Day after day is being wasted on an effort to embarrass the President on this issue that could have been used, either to move this bill through to deal with the some 40 amendments pending on the bill, and maybe we could even be on what I thought was the business at hand according to the majority. According to the majority in this body, we were going to pass that balanced budget amendment so we could get down to the nitty-gritty of identifying where the cuts would come from and make the cuts now. Time and again both sides said, sure, we can pass a balanced budget amendment or not, but that the real work is identifying where the cuts are and not just identifying them but coming out here on the floor of the Senate and voting to cut waste in the Federal Government. Why is not that happening today? It is not happening today because we have this amendment before us that is completely extraneous to the deficit issue and that is intended to embarrass the President and that is intended to further drive a stake into the heart of the working people of this country.

I want to talk a little bit today about the merits of the issue. But before I do I hope we do not hear any complaints from the majority or the talk radio people about how the balanced budget amendment took up so much time. It did take time. It was a terribly important issue. It deserved to have that kind of consideration. I think the whole process was better for it. But what is happening here is that day after day we are arguing about a Federal Executive order about strikebreakers that is preventing us from getting on to the real work of identifying what must be eliminated from our Federal budget so we can have not just a balanced budget amendment, Mr. President, but a balanced budget, not necessarily waiting to the year 2002 but so that we can do it now.

In fact, it is one of the reasons I voted against the balanced budget amendment because it is an opportunity for people to say I am for balancing the budget but then talk about everything else in the world instead of getting down to the work of finding the cuts and implementing them. This amendment helps that process. Putting us off the track, putting us onto the effort to kick down, kick people who are already hurting in the labor movement, is a great way to stay away from those hard choices that we made in the 103d Congress and that the 104th Congress claims it intends to address. But so far we have seen none of the debate that is involved in reducing the Federal budget.

Sometimes I wonder if the Republicans in this body forgot that they won. This is the kind of amendment you bring up when you are in the minority. Say there is a bill coming up, and the bill has to pass—an appropriations bill. We know we have to do it. That is when you bring up these amendments to kind of put them off the track. But what you are doing is delaying your own agenda here. In the House they are moving much faster than you are here. I think generally that is not good. But in the case of this bill, what would be wrong with moving this issue forward and not getting sidetracked? You are slowing yourself down. You are slowing down the Republican contract for one specific aspect of the Republican contract which has to do with not just trying to prevent the use of permanent replacement workers or allow the use of permanent replacement workers but specifically to say it is OK to have Federal dollars flow to companies that use permanent replacement workers.

Mr. President, I hope everyone understands exactly what is going on here. It is a completely extraneous amendment that does not have to do with this bill and has even less to do with the main business that this Congress should be addressing which is reducing the Federal deficit.

Mr. President, to discuss this amendment we must because it is the business before us. The effort to embarrass the President continues despite the failure of two cloture votes now to cut off debate.

Mr. President, last week I spoke at some length on the issue of the use of permanent replacement workers by employers during labor disputes. I had a chance to come to the floor and follow the Senator from Massachusetts in describing the history of the use of permanent replacement workers in my own State of Wisconsin, the border State of the Senator in the chair. As I indicated then, I was the author of legislation in Wisconsin that would have prohibited the use of permanent strikebreakers. And I had the chance years ago when I was still in the State senate to come to Washington and testify before a committee of the other body on behalf of the Federal law that has been proposed over the years because I do think in the end it is better that we have a Federal law banning the use of permanent replacement workers. We have not achieved that yet. That was killed last session by a filibuster. We had enough votes in both the Senate and the House and the President ready to sign the bill. It was killed by a Republican filibuster.

So our President, President Clinton, who is a supporter of the antistrikebreaker legislation, at least has done what he could do. The Executive order issued last week by the President is actually just a very modest step which would only say that employers who receive Federal contracts would be prohibited from engaging in this unfair practice. To me that is almost a disappointment. It is just a minimal requirement to impose upon those who want to do business with the Federal Government. But it is what the President can do. And I am very proud of him for having the nerve and the courage to make that Executive order.

To me those who would take Government money should be held to certain standards of fundamental fairness. That is why Presidents have in the past issued Executive orders directing Federal contractors to do things like maintain discriminatory-free workplaces and to take affirmative steps to eliminate discriminatory practices. There are a number of important issues raised by the debate around the use of permanent replacement workers. My friends in Wisconsin, who work so hard, describe them as striker breakers. At the core of this however, is really one central question, the question that goes to the heart of the whole debate on this amendment. The question is should workers have the right to use the strike as an economic voice during

times when negotiations with their employers break down? That is the question. I, of course, have answered in the affirmative. They must have that right to collectively bargain, the right to join together in a union to have any meaning at all.

Mr. President, let me examine this a little more closely in three areas. First, I want to talk a little bit about what other countries do with regard to the use of permanent replacement workers in the strike context. Secondly, I would like to turn to some of the comments of not political people but religious and community leaders that have strong moral feelings about the appropriateness of the use of permanent replacement workers. Finally, I would like to take a few minutes to illustrate yet a few more examples of the great harm and cruelty that can come from the abusive practice of using permanent replacement workers to resolve labor disputes.

First, turning to other countries. We ought to take a look, as some Senators have had us do, at what is done by other countries, what our international competitors do in this area. So often, when it comes to labor law or other laws having to do with health or safety, people say, let us look at this because we do not want to put American businesses at a disadvantage. That sometimes is a reason that people raise, that it is very legitimate for us not to pass legislation to protect our own people, saying it could hurt us competitively. But the senior Senator from Illinois, who has spoken on this issue very eloquently, has pointed out time and again that virtually all countries in the world that are involved in serious industrial and trade activity do not allow the use of permanent replacement workers.

I will give you a few examples from a report prepared by the Library of Congress in 1990. With the exception of Great Britain and some of the Canadian Provinces, the law in practice in all of the countries surveyed—Belgium, France, Germany, Greece, Italy, Japan, Netherlands, and Sweden—all prohibit employers from dismissing striking workers.

One example is France. French law does not allow the firing of workers during or because of a strike. Indeed, according to the first paragraph of article L.521–1 of the Labor Code, a strike is not a breach of contract. According to the third paragraph of the same article, any dismissal in violation of paragraph 1, which is the right to strike, is null and void. French law, as a consequence of this article, also prohibits the permanent replacement of striking workers. Moreover, article L.122–3 of the Labor Code specifically forbids the use of temporary replacements during a strike. French law regulates this issue to the point that even temporary workers hired before a strike cannot be used as replacements for permanent employees. Indeed, the notion of replacement for strike purposes is simply forbidden by law.

So I hope nobody says that our efforts to compete with the French and African trade opportunities is going to be impaired by this Executive order. It will not, because they do not allow it. We do.

The same is true of Greece. The right to strike in Greece is guaranteed by the Constitution of 1975, as amended. Article 23 states that the right to strike could be exercised by lawfully established trade unions in order to protect and promote the financial and general labor interests of employees. The fundamental law that governs workers' freedom in general and the right to strike in particular is Law 1264/1982 on Democratization of the Syndicalistic Movement and the Establishment of Syndicalistic Freedom of Working People. In article 19 of this law, only trade unions have a right to declare a strike to support economic and labor interests. Article 22 of Law 1264 explicitly prohibits the hiring of replacement workers. Specifically, it states: ''During a legal strike, the hiring of strikebreakers is prohibited. The lockout is also prohibited.''

Consequently, Mr. President, in Greece, a lawful strike does not bring about a breach of an employment contract. As in France, the contract is merely suspended during a strike, and the employer does not have the right to either dismiss the workers or hire replacement workers. That European nation does not permit permanent replacement workers.

Let us turn to another country nearby—Italy. Article 40 of the Italian Constitution recognizes the right to strike. In the absence of any legislative regulation expressly called for by the Constitution, the right is recognized in its broadest form and is intended to be used for the improvement of working and economic conditions. As a consequence of this recognition, a strike is considered as a cause of legitimate suspension of the individual employment relationship, with consequent suspension of compensation. The Italian law says a strike does not empower the employer to dismiss the strikers or permanently hire other workers to replace them.

Furthermore, in Italy, the right to strike finds strong, indirect protection under the provisions of Decree No. 300 of 1970, known as the ''Workers' Statute.'' Article 28 of this decree punishes employers who carry out any actions aimed at preventing or limiting a worker's free exercise of union activities, as well as his or her right to strike. Article 15 of the decree nullifies any act or pact aimed at dismissing or discriminating against or hurting a worker in any way because of his union membership or because of his participation in a strike.

Finally, let me turn to another part of the world of our great competitors in international trade, if not our ultimate competitor—Japan. The senior Senator from Illinois, not just during this debate but in previous debates, has pointed out time and again that Japanese companies cannot use permanent replacement workers and strikebreakers in Japan. But, apparently, companies owned by the Japanese in this country have gone ahead and done that to break strikes. That is a great irony and unfortunate irony of the current state of our law.

Looking at the Japanese law, article 7, paragraph 1, of the Labor Union Law of Japan provides that:

> The employer shall not engage in the following practices: 1) discharge or show discriminatory treatment towards a worker by reason of his being a member of a labor union or having tried to join or organize a labor union or having performed an appropriate act of a labor union. . ..

These last few words in the Japanese law, the words ''an appropriate act of a labor union'' are construed under Japanese law to include acts arising from collective bargaining with the employer, such as strikes, picketing, and so on. Therefore, under Japanese law, as with the other countries I mentioned, it is unlawful for an employer to discharge a striking employee.

The validity of the above provisions was upheld by the Supreme Court in that country, which stated that since the prohibitory clause as set forth in article 7, paragraph 1, of the Labor Union Law originated from article 28 of the Constitution and was intended, according to the court, to guarantee the workers' right to organize and to bargain collectively, and therefore any acts on the part of the employer done against the above provision is illegal per se.

For that reason, I believe it is fair to say that the use of strikebreakers, permanent replacement workers, would, of course, also be illegal under Japanese law.

So I hope we do not hear too much argument that our competitive position is about to suffer if we do not join the rest of the industrialized countries in the world in saying that the use of permanent replacement workers is unfair labor practice, that it is harsh and the unfair to people who have chosen to join together in a labor union.

Having mentioned some of the other countries' positions on this, let me turn to a completely different angle on this issue—some of the comments of some religious and community leaders, who are not addressing this issue because they intend to run for office, who are not addressing this issue because they like to always get into the political fray. I assume they address the issue because they have a responsibility to reflect and think and talk about what is fair and moral conduct in this society. What is the way one human being should treat another, I think, would be the perspective of the people I am about to discuss.

Mr. President, reviewing support for legislation prohibiting permanent replacement workers, I was struck by the

number of religious and community leaders who agreed that no company—and certainly not the Federal Government—should engage in conduct that would promote the use of strikebreakers. The Most Reverend Frank Rodimer, bishop of Paterson, NJ, had this to say on behalf of the U.S. Catholic Conference in testimony in 1991:

The role of unions in promoting the dignity of work and of workers is very important in Catholic teaching. In the words of Pope John Paul II, through labor unions workers can ''not only have more, but be more.'' Rooted in the basic human right to freedom of association, the right to organize unions and to bargain collectively remains essential in order to prevent the exploitation of workers and to defend the human person as more than just a factor in production. For one hundred years the Church has called on governments to respect and defend labor unions in their essential roles in the struggle for justice in the workplace and as building blocks for freedom and democracy.

He continues:

Mr. Chairman, an essential tool for unions in pursuing the just rights of their members is the possibility of a strike; without the threat of a strike unions would be next to powerless to resist unjust demands by employers. Without the right to strike, workers come to the bargaining table at a serious disadvantage, facing employers who are holding most of the cards. This relative weakness of workers in a market economy is the reason that Catholic teaching supports the legitimacy of the resort to a strike when this is the only available means to obtain justice. The right to strike has not always been used wisely; nor are unions above criticism, but neither the corruption that has plagued some—not all—unions nor the violence associated with some—not all—strikes can justify the denial nor the erosion of workers basic rights.

The bishop continues:

Forty years ago when I become a priest it would have been unthinkable for an employer in my community to respond to a strike by hiring permanent replacements. I am told that because of a Supreme Court decision in 1938 it would have been legal to do so, but in those days employers knew better. Labor unions represented a large proportion of workers, and union values permeated the community. In those days, solidarity was not the name of a union in Poland but a working principle in American communities.

He continues:

However, economic restructuring and social change have undermined the cohesiveness of our communities, and devotion to the common good is often sacrificed in pursuit of personal gain. The painful recessions of the 70's and the relentless individualism of the 80's have left many without either the financial cushion or the community connections to ride out strikes or prolonged unemployment. In such an atmosphere, some employers feel free to use strikes as an opportunity to get rid of the union and collective bargaining and their union workforce. I know many employers who wouldn't do this, but, unfortunately there are those that have done so and others that are open to it.

The results have been predictable and damaging. Not only have unions been weakened in their ability to defend the rights of workers, but communities have experienced savage struggles, with neighborhoods in turmoil, families divided and workers without hope. The promise of permanent employment made to the replacement workers becomes an impediment to settling the strike, and negotiations are stymied. The victims are the original workers and their families who often have no place else to go and even the replacement workers who are later discharged when the business closes because of the damage of a prolonged strike. In some places, whole communities suffer wounds that won't heal for generations.

Mr. President, I am reading from the bishop's comments, but I would just say that I, too, in my work have had a chance to see whole communities wounded and damaged in Wisconsin, places like De Pere, WI, by the use of permanent replacement workers.

Returning to the comments:

When employers are allowed to offer permanent jobs to strikebreakers, strikers lose their jobs. It's that simple. If workers lose their jobs, what does it mean to have a right to strike? If there's no effective right to strike, what does it mean to have a right to organize?

Human dignity is clearly threatened in our country. The evidence is visible on our streets and in our shelters where a growing number of people are forced to live even though they work every day. In our cities and in our rural areas throughout this country working people are homeless because their wages have fallen so far below the cost of housing. Recent immigrants and single mothers, newcomers to the labor force and those least likely to have union representation, are mired in poverty.

Bishop Rodimer concluded:

The right to strike without fear of reprisal is fundamental to a democratic society. The continued weakening of worker organizations is a serious threat to our social fabric. I think we have to decide whether we will be a country where workers' rights are totally dependent on the good will of employers or whether we will be a country where the dignity of work and the rights of workers are protected by the law of the land.

I think this was an eloquent statement by the bishop that gives us some guidance about how appropriate this amendment before us is today.

Very briefly, here is what some other national religious leaders have said.

From the United Methodist Church, Council of Bishops and General Board of Church and Society, this statement:

Since the early years of the trade union movement, Catholic, Orthodox Christian, Protestant and Jewish leaders have supported collective bargaining as a democratic way to settle differences in the workplace. Permanent replacement of strikers upsets the balance of power critical for achieving peaceful, negotiated settlements between labor and management. As a result, both collective bargaining and the democratic values that created this nation are under attack.

From the Christian Church—Disciples of Christ—Department of Church and Society, Division of Homeland and Ministries, the following:

The record is clear that major religious groups in this country for many years have supported workers' rights against abusive tactics and treatment by employers.

We deplore the tactics of ''permanent replacement'' and we urgently call for new federal legislation that will protect workers from such tactics.

Mr. President, from Jewish organizations, the National Council of Jewish Women has said: ''The practice of hiring permanent replacement workers has had a chilling effect on collective bargaining. The legislation currently under consideration by Congress''—referring, I am sure, to S. 5 of last session and similar bills—''would help restore the balance between labor and management * * *''

From the Evangelical Lutheran Church in America, Reference and Counsel Committee, a resolution which they passed which ''calls for an end to recriminations against workers who participate in strikes, and calls upon the appropriate churchwide units, synods, congregations, and members to support legislation that would strengthen the viability of negotiated settlements and prevent''—not slow down, but prevent—''the permanent replacement of striking workers.''

Mr. President, not only in other countries but from some of our leading religious leaders and leading religious denominations in this country, not just my own words, but words of condemnation for the cruelty and harshness and immorality of throwing people out of their jobs permanently when they have exercised their legitimate right to strike.

Mr. President, I would like to turn now, third, to just add a few moments of real-life situations, concrete examples, of where workers have been forced to pay dearly for asserting their legal right to strike when collective bargaining efforts have failed.

Naturally, I begin with one from my own State of Wisconsin, one that I recall to have been very painful for the whole community of Racine, WI, and, of course, especially for the working families of that area.

I already talked about similar incidents in De Pere, WI, near Green Bay, and Cudahy, WI, near Milwaukee, and the area near my own home in southern Wisconsin, in towns like Madison, Stoughton, and Janesville.

But this is about Racine, WI, where the Ladies' Garment Workers Local 187 had not had a strike for 50 years at Rainfair, Inc., a manufacturer of protective clothing at Racine, WI. That, unfortunately, changed on June 20, 1991, when the workers did walk out over management demands that seemed designed to actually force a strike.

It appeared to the workers not just that they needed to go on strike, but that somebody was pushing them, shoving them, trying to get them to go out on strike.

The company had demanded the health insurance copayments more than double, and offered the low-wage workers only a 15-cents-an-hour increase over a 3-year period.

Unfortunately, and not surprisingly in this new era of permanent replacement workers, soon after the strike began, Rainfair began to hire permanent replacements, and seemed bound and determined to break the union.

The workers, most of them women, many of them single mothers, working

single mothers—not single mothers on welfare, but working single mothers—held out, with virtually no one crossing the picket line.

I recall that five strikers joined a protest fast. Two of them went 35 days with no food.

The union launched a nationwide boycott of the protective gear sold to many union members, including police officers, firefighters, construction, postal and chemical workers.

But the presence of these permanent replacement workers did not help resolve the dispute. It greatly prolonged the dispute.

The primary issue soon became whether there would be an opportunity to return to work for all of the strikers. The issue divided the community and embittered once amicable labor-management relations.

Finally, the Rainfair Co., under pressure from the boycott and the national attention drawn to it by the fast, finally agreed to a new contract on December 3, 1991. To enable all strikers to return, the workers agreed to work 6-hour days temporarily.

But obviously, the situation was made worse by the use of permanent replacement workers, not better.

Another example, having to do with the General Dynamics Corp. In the summer of 1987, 3,500 machinists in San Diego were forced to strike in a division of General Dynamics Corp. when the aerospace firm demanded cutbacks in medical benefits and seniority rights.

Even before the final strike vote was taken, General Dynamics was threatening the members of IAM Local 1125, issuing handbills that told workers in advance that the intent of the company was to permanently replace them if they struck, and instructing union members on how to withdraw from the union. They were trying to undercut the union in advance.

During the second week of the strike, the company carried out its threat and resorted to scare tactics and coercion, cutting off workers' health benefits and pressuring union members to cross picket lines.

Those workers who did return to their jobs were directed to call IAM members at home, reminding them of the company's threat that they were going to be permanently replaced.

After the strike was finally settled, nearly 700 union members had, in fact, been permanently replaced. They were forced to wait on a recall list for a year or more just for a chance at a job that they were supposed to have in the first place. During that time, IAM members exhausted their savings, lost their homes, cars, and sometimes their families, as they struggled desperately to help each other out.

It was also a heartbreaking story of a woman from Indiana having to do with a company called Arvin Industries. One of the statements made was, ''I always felt obligated to do a good job. I thought that honesty and obligation were a good way to live my life, but now I'm not sure. That company robbed me.''

She said of the workers, ''I look at the replacement workers and I wonder how they can feel good about taking our jobs. I try to put aside my feelings, but it's hard.''

That is the status of Marcina Stapleton, for whom being permanently replaced brought bankruptcy and forced her daughter out of college.

The single mother of two was permanently replaced when Electrical Workers Local 1331 struck Arvin Industries in Columbus, IN. She had worked 6 years as a press operator. Even though the strike was settled in 7 months she was not called back for 17 months.

''It was hard making it'' through those months, she said. Her only income was a $200 a month in child support and whatever she could earn from odd jobs. She had rent payments of $325 a month, car payments, utilities, college costs for her daughter, and it all proved to be too much.

Her daughter had to drop out of school and Stapleton declared bankruptcy. She said, ''I am not proud of it but it was the only way out.''

But the biggest toll was the emotional strain it put on her and her family. She felt the pressure of bills, including $2,300 in back rent, and the relationship with her children suffered from the strain. The children were fighting with each other and her teenage son ended up in counseling.

She went back to work in October 1990, making $8.80 an hour and paying $9 a week for health insurance. Before she went on strike she made $11.57 an hour with $2.25 an hour incentive bonus and employer-paid insurance, complete.

She said, ''I had to go back into work, I have to keep living.'' But it is not easy to work alongside people who benefited from her pain. ''What I did was the right thing. I would do it again if I had to,'' she said.

So, Mr. President, I assure you I could continue to read descriptions of these heartbreaking real life stories. I am tempted to do so. I may be back to do so later. I think at least for now the point has been made that these are real human examples and real human tragedies that are caused by the heartless practice and abuse of the use of striker replacement.

This is not, as the Senator from Massachusetts has pointed out time and again, just a dry academic argument about labor law. This is about people who simply want the opportunity to make a decent living and to be paid fairly and not be thrown out of their jobs because on occasion they may have to use their legitimate right to strike.

This is not just a debate about a Federal order from the Executive. This is a debate about whether this country cares about American workers. Whether we are prepared to stand by and watch the tremendous gains accomplished to be eroded by this kind of cruel practice aimed at breaking the backs of workers who exercise their right to engage in collective labor efforts and to strike when negotiations fail.

Mr. President, I would like to conclude shortly, but in doing so I would like to quote from an article recently written by the new president of our Wisconsin AFL-CIO, Mr. David Newby. David wrote:

> Let's cut through the rhetoric to the central issue: What is a strike? It is a situation where workers voluntarily leave their jobs—simply walk away—because they can't agree with their employer on a contract covering wages, working conditions, health insurance, or pension? Or is it that workers retain their jobs but temporarily withhold their labor until they and the employer come to an agreement?

Which is it? Just walking away or a legitimate part of the collective bargaining agreement, he was asking. Dave Newby says:

> The distinction is fundamental.
>
> The anti-union crowd means that workers have no bargaining power at all. As long as management can find others to work for whatever they offer (not hard to do when decent paying jobs are so scarce), they have no incentive to bargain serious with a union. And without strong unions that can bargain on equal terms with management, we will continue to see workers' wages fall and good paying jobs disappear.
>
> In the workplace, a ''right'' means nothing if you can be fired (or permanently replaced) for exercising it.

Mr. President, David Newby says that.

> If the right to strike means anything at all, it has to mean you can't be fired for striking. You lose your paycheck, but you don't lose your job. Win, lose, or draw, workers must have the right to return to their jobs when a strike is over.

Mr. Newby says:

> Workers don't strike for frivolous reasons. A strike is an action of last resort. Workers don't strike in order to bankrupt or close down the companies they have worked for: They realize better than anyone that their companies need to be profitable in order to have jobs at good wages.
>
> The issue for workers is simply getting their fair share and having the effective right to strike for their fair share when management won't voluntarily grant it.
>
> During the 1950's and 1960's, employers almost never used ''permanent replacements during strikes''—temporaries, yes; permanent replacements, no. Both business and community values held that the permanent replacement of workers and strikers was abhorrent.

That is the way people felt, Mr. Newby points out.

> That changed 15 to 20 years ago. Many employers decided to destroy unions instead of bargaining with them. Indeed, this vicious management practice is becoming even more common. In a recent Congressional General Accounting Office survey, 35 percent of CEO's said they would use permanent replacement strikers during a strike; 17 percent reported actually doing so.

Mr. Newby concludes:

> It's time that American workers had the same rights and protections that workers have in the industrialized countries that are

our main competitors and trading partners—countries such as Germany, Japan, and Canada. We're tired of being second-class citizens in the industrial world of global competition.

Mr. President, I don't think any statement could have pulled together these themes better than Mr. Newby's. The theme of competition internationally, the theme of what religious and communities leaders have to say about this practice, and the theme of the actual heartbreaking stories of what happens to the people in these communities when their jobs are ripped away from them simply because they are trying to exercise their right to strike.

It is time that American workers have the same rights and protections that workers have in the industrialized countries that are our main international competitors and trading partners. American workers should not be second-class citizens in the industrial world of global competition.

The President's Executive order is only a small step in the right direction. We ought to provide these protections against permanent replacement workers for all Americans, but at a minimum, we should uphold President Clinton's action to provide these protections for those employed by Federal contractors.

Mr. KENNEDY. Will the Senator yield?

Mr. FEINGOLD. I yield.

Mr. KENNEDY. Mr. President, I want to commend my friend and colleague from Wisconsin for an excellent presentation. This presentation was, I thought, one of the most thoughtful and comprehensive reviews of the significance of the Kassebaum amendment and what its implications would be in the real world.

We have heard a great deal of speeches about Executive orders, the power of the President, whether this Executive order was issued to benefit a special interest. But I think the Senator has in a very comprehensive and thoughtful way provided an insight about what is really before the Senate in terms of the people of his State. I just want to commend him and thank him for his thoughtfulness and for his insight in analyzing this issue and for sharing with the Senate a superb presentation on what is a very, very important issue.

When this amendment was initially proposed, it was really what I would call a seat-of-the-pants amendment. The President signed an Executive order, and the ink was not even dry when there was an amendment to try to undermine what the President was attempting to do.

I hope the American people have gained an insight into the human dimension of this debate. If they have, it is because of the presentation of the Senator from Wisconsin. I am very grateful to him for his presentation and, most importantly, I think our colleagues will be if they take the time to read and study this superb speech. I thank the Senator.

Mr. FEINGOLD. Mr. President, I would just like to thank the Senator from Massachusetts and say he has truly been an inspiration on this issue and during this debate. Not only has he spent a lot of time out here debating the amendment, trying to defeat it, but he has brought passion to the issue that it deserves.

It is an issue that should involve passion. It is an issue that should involve condemnation and that should bring forth the human element, which the Senator from Massachusetts has done so well.

I would just like to reiterate, this amendment is slowing down the process in the Senate. It is not helping us get our work done; it is hurting us getting our work done. We have no choice but to fight it because we believe it is off the point and it is fundamentally damaging to the very families that we have based our careers on and trying to fight for.

So it can be ended right away if this amendment is taken back. We can get back to the Department of Defense bill, but that is not the choice that the majority has made.

I am eager to work with the majority on a number of issues, including even some that are in the Republican contract—some. But when it comes to this kind of conduct suggesting that Federal dollars should be used to break unions and break the families that are part of them, we will fight and we will resist such a harsh verdict for the American people.

So, again, I thank the Senator from Massachusetts for his kind comments but, more importantly, for his strong leadership on this issue.

I yield the floor, Mr. President.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Connecticut.

MEASURES PLACED ON THE CALENDAR—H.R. 988 AND H.R. 956

Mr. DODD. Mr. President, I understand there are two bills at the desk that are due to be read a second time.

The PRESIDING OFFICER. The Senator is correct. The clerk will read the first bill for the second time.

The bill clerk read as follows:

A bill (H.R. 988) to reform the Federal civil justice system.

Mr. DODD. Mr. President, I object to further proceedings on the bill at this time.

The PRESIDING OFFICER. Pursuant to rule XIV, the bill will be placed on the calendar.

The clerk will now read the second bill for the second time.

The bill clerk read as follows:

A bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes.

Mr. DODD. Mr. President, I respectfully object to further proceedings on that bill at this time as well.

The PRESIDING OFFICER. Pursuant to rule XIV, the bill will be placed on the calendar.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

The Senate continued with the consideration of the bill.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank you. Those are procedural matters we just dealt with in order to clean up some business on the floor.

Quickly, before my colleague from Wisconsin leaves the floor, let me join in the comments of my colleague from Massachusetts. I want to commend Senator FEINGOLD for a very, very thoughtful set of remarks regarding the cloture motion on the Kassebaum amendment. It is an historical perspective that is not something we do with great frequency around here, but it is always nice to have a sense of history as to why we are in this particular debate and what has happened over the last number of decades that brought us to this particular debate when it comes to the issue of permanent replacements for strikers.

I just think he has added immeasurably to the knowledge base of this discussion and debate, and I think if Members do read it, particularly those who may be unclear in their own minds about whether or not we are on the right track with insisting that this Executive order issued by the President be given a chance to proceed, they will be enriched as a result of reading his remarks. I commend him for them.

Mr. President, as well, I commend my colleague from Massachusetts who, once again, is taking a very strong leadership position on a matter that many of us care very, very strongly about, and I rise, as well, today in opposition to the motion to invoke cloture on the Kassebaum amendment.

Throughout much of the 20th century, economic growth broadly benefited Americans of all income levels. We grew together and an expanding economy meant better jobs for everyone.

I will point out, Mr. President, in reading some history of the early part of World War II the other evening, I was shocked—maybe we should not be if we read a little more history—but shocked to discover that in 1940 in this country, which is not that long ago—there are many people working today who were at work in 1940 in this country—one-half of all the adult males in the United States in 1940 had an annual income of $1,000 a year; two-thirds of all working women outside the home had an annual income of $1,000 a year; one-third of all the homes in this country roughly had no indoor plumbing to

speak of; almost 60 percent had no central heating. Only 1 in 20 in this country went beyond high school. In fact, only one in four actually had a high school diploma in 1940. And of the adult 75 million people in this country at that time who were above the age of 21, 2 in 5 only had eighth-grade educations.

That is not 100 years ago. It is within the living memory, the working memory of many Americans. We have come a long way since the early days of the 1940's and the outbreak of World War II. We were successful over the years in generating and creating wealth; in raising the living standards because of efforts made to see to it that people could improve their educational opportunities, that they could improve working conditions; in improving the ability of people to earn wages and salaries that would make it possible for them to buy homes and educate their children like no other generation has been able to do in the past. We were reaching down to people who would have been stuck permanently in a status economically in this country with little or no hope of moving up the income ladder. I think this country has benefited tremendously because of those efforts. In fact, it was one of those efforts that will be the subject, I gather, later this year of a significant debate here on the minimum wage, which has raised, if you will, the tide that made it possible for the hopes of people who could not otherwise dream of doing better to actually do better. And many of the laws that we put in place to protect people on the job also occurred during those days.

So there is much to be proud of as Americans over the success that we have made of our country in a generation and a half since the days of World War II and immediately thereafter. A typical family over these past number of decades could work hard and, year by year, build a better life, whether that meant buying a home or putting a child through college or taking a simple family vacation—things that were beyond the reach of an awful lot of people in this country not that many years ago.

But since 1979, Mr. President, the situation has changed dramatically, and I do not think most people are aware of this, except those who may be caught in it themselves and wonder what has happened. Thanks to rapid technological change, global competition and other political and economic factors, during this period from 1979 forward, the American engine of economic growth has continued almost unabated. In fact, during the last 15 years, real household income in the United States grew by $767 billion.

Let me repeat that. In the last 15 years in this country, real household income has grown by $767 billion—an incredible amount of growth. But, unlike the past, those gains have not been broadly shared. I am not engaging here in some sort of hypotheses or fiction. These are facts. Ninety-seven percent of our real income growth—that $767 billion—has gone to the top one-fifth of households incomewise in the country. The top 20 percent of households saw their real family incomes climb by 18 percent during the last 15 years while people in the middle 20 percent economically in this country actually suffered a 3-percent decline in that income growth. And the poorest families, the poorest one-fifth in this country, who previously had been the principal beneficiaries of economic growth in the decades of the 1940's, the 1950's, the 1960's, and up through the 1970's, saw between 1979 and 1993 their incomes decline by a staggering 17 percent.

So the top one-fifth has gone up 18 percent, the middle 20 percent has actually declined by 3 percent, and the bottom 20 percent, those working families out there struggling to make ends meet, to hold their families together, have seen their incomes decline by 17 percent in that same period.

So here we have this staggering increase in growth overall, and yet we can begin to appreciate, with that $767 billion of income growth, which part of our economy, what percentage of those in the economy have actually seen their lifestyles benefited the most.

The falling living standards of the vast majority of Americans should, I think, be of grave concern to all of us regardless of party or political ideology or persuasion. This country has historically done better when those at the lower income levels have had the chance to grow and become stronger, to be better consumers. We all benefit as a result of that.

I believe the President and many of us here are committed to doing something about raising those standards of living. The President wants to raise incomes for ordinary Americans. I mentioned already the debate that will ensue on the minimum wage law in this country in the coming days. Unfortunately, there are those who seem to be trying to block every effort to make a difference in this area. The minimum wage, we have already heard people say, they will filibuster. The last President, to his great credit, who raised the minimum wage was George Bush. It was a bipartisan effort. And here we are talking about 45 cents a year for 2 years, 90 cents, to a little over $5 an hour.

So the minimum wage says you make $8,500 a year in America. That is almost $4,000 less than the poverty level in this country for a family of three. How are we ever going to induce people on welfare to go to work when you start out with a minimum wage level that leaves you $4,000 less than the poverty level in this country?

If we are going to reward work, we are going to have do a bit better, it seems to me, than suggesting we cannot increase the minimum wage.

Summer job programs. Here we are talking about 600,000 summer jobs for kids in our inner cities. The Presiding Officer comes from Michigan. In the city of Detroit, and my city of Hartford, we have a lot of inner-city children who can get into a lot of trouble in the summer. Here is a chance—we have seen the benefit of it—to put these young people to work, and yet we are being told that the summer job program should be eliminated. We are also hearing no to job training, no to education, no to child care.

Again, I come back to the issue of trying to get people off welfare and reward work. Two-thirds of all families on welfare have at least one child of preschool age today. How are we going to convince those people to get off public assistance if we do not have an adequate child care system in this country? But our colleagues say no to that as well.

So you begin to see a pattern here that develops. It is no to everything except one thing. And that is that we are now going to provide, apparently, a significant tax break to that top 20 percent who are earning incomes in excess of $100,000 or more a year. The top 1 percent will get the kind of tax break that is being advocated in areas like capital gains.

I am not making this up. Before too long, the House of Representatives will try to cut $17 billion out of hot lunch programs, nutrition programs, drug free schools, higher education, a long list—$17 billion. Where did it go? Was it for deficit reduction? Oh, no. It was for the tax cuts, despite all of the great debate and a lot of heat around here about deficit reduction. We had an extensive debate about deficit reduction. But where does the first $17 billion in spending cuts go? It goes for a tax cut for those people who, as I said already, did the best in the last 15 years economically in the country.

In short, Mr. President, the message from the other side seems to be to working Americans: Tough luck; you are on your own.

And by blocking this Executive order on permanent replacement workers, the Kassebaum amendment would tell ordinary Americans that after years of losing ground on pay and benefits, they could lose their jobs, as well, solely for exercising their fundamental right to strike.

Let me talk about this point, because this is a serious one, and it goes to the sense of balance we should have in labor relations. Management has the power of salaries and wages which it offers to people. Labor has their work. That is what they have.

That is the balance here. And we have struck this balance historically between management and labor where labor, working people, say I will withhold my labor if we cannot strike an agreement on working conditions, wages, salaries. Management says we will not pay if we cannot strike a bargain.

So both sides have had some leverage, that is, working people say they

will not work; they will go on strike. Management says we will not pay you.

And that has been the tension that has kept the process moving forward. Both sides have something to withhold.

What has happened lately is that management has said, look, we are going to take away the one thing working people have, that is, the right to strike, because we are going to hire permanent replacements. You go out on strike; we hire permanent replacements to fill your job.

The equation gets destroyed, in effect. If working people are told that withholding their labor no longer can be a factor or used as leverage, then how do you get to collective bargaining? How do you achieve the balance that has brought us the kind of working conditions and improvement in our plant floors that we have seen over the years?

What we are suggesting here is that, at least in the area of Federal contracts for employers who engage in this practice—that is to permanently replace people who are out on strike—we are saying if you are that kind of employer and you have Federal contracts, we are going to stop giving you contracts because we do not think what you are doing is right. It is not right for you to say to your striking employees, we are sorry, but we are going to hire permanent people to take your jobs.

I do not know anybody who thinks that is fair. It is one thing to say, look, you go out on strike, you do not get paid. You do not get work.

Here is a pressure then on working people and labor to come to that table. Obviously, if the management is not producing their widgets, their products, then there is pressure on management to get back to the table. But if you take away the major leverage point that working people have, that is, what they produce with their hands or otherwise, then you destroy that equation.

All we are trying to do here is to see to it that with those who get Federal contracts, that equation not be destroyed. We might even give it a chance to see what it does. It might improve the situation out there so we would not be asked all the time to get involved in strikes and negotiations where the Federal Government gets drawn into these processes.

So, Mr. President, I hope that we might even give this a chance, this Executive order that has been issued by the President—to his credit, I would add—for dealing with the issue of permanently replaced striking workers, and see how it goes for awhile instead of denying this experiment, because we are obviously not going to pass a bill that would ban it all across the board.

The President has exercised his Executive powers, which he has the right to do. Why not wait a few years and see how this works instead of trying to destroy this idea and attempt to test whether or not the situation might improve?

So, again, I commend our colleague from Massachusetts for taking a leadership role on this. I hope our colleagues who have been supporting the effort to not invoke cloture will continue to do so, or that those who have been trying to invoke cloture would let us move on to other matters because many of us here feel very, very strongly about this. I think it would be a tragic day, indeed, to not give this a chance to work.

It has been tough enough on working people over the last 15 years, watching their wages and salaries remain stagnant or decline, as I have already pointed out. Now they have their jobs in jeopardy by hiring permanent replacements when they exercise their right—this is a right we are talking about—the right to strike. It is a right. It is not a privilege; it is a right. When you come in and hire permanent replacements and destroy people's ability to exercise their rights, it is a setback for all of us.

So I hope we will be able to continue to muster the votes necessary or, better yet, I hope we'll drop this amendment. Let the President's Executive order go into place. Let us see what happens over the next few years. We will come back and revisit this issue—we can at any time—and let us move on to the other important matters that are before us.

Mr. KENNEDY. Will the Senator yield?

Mr. DODD. I will be glad to yield to my colleague.

Mr. KENNEDY. I thank my friend and colleague from Connecticut for really a splendid presentation. I hope our colleagues will pay particular attention to the comments of the Senator from Connecticut as they relate to how this proposal really impacts children. The Senator from Connecticut has been the chairman of the Children's Caucus and has really been the leader in this body, now and in the past, for the day care programs that we have as well as for family and medical leave and other very important programs.

One of the points we have been emphasizing over the course of this debate are the different concerns of the two parties. The Senate has just debated the unfunded mandates and the balanced budget, and the first issue we debate is an Executive order which makes more sure the economic security of working families. When the President issues an Executive order, the ink is not even dry on it when an amendment is put in which is going to diminish the economic interests and power of working families.

When we talk about the working families and the workers who are being permanently replaced, as the Senator knows, we are talking about people who are making $5, $6, $7, $8 an hour. Some maybe make $6 an hour and trying to get to that 7th dollar. To be a parent with two or three children making those kind of wages and then to be permanently replaced is a terrible thing.

I know the Senator is concerned as he looks back over the period of the past years and sees what has happened to real family income over the period from 1980 to 1993 and he takes into account that total real family income includes the income of the many mothers who have entered the work force. What you see is that families with small children have not even stayed even but are falling behind. And then look at who gains under the Republican contract? Just take a look at the most obvious parts of that contract which the Ways and Means Committee took up yesterday—the capital gains tax and the elimination of the minimum tax for corporations. Who gains? Who are the individuals benefitting from these proposals? Again, large corporations and the wealthy are the block benefitting from these contract proposals.

I ask whether the Senator is concerned not only about the impact on the workers who are being replaced but also on the impact on children. Because this is not the only proposal being made. There is a proposal to cut back on child care, cut back on the school nutrition programs, cut back on the WIC programs, cut back on lead paint poisoning to try to help parents who are trying to do something about lead paint poisoning and who are trying to stop the ingestion of lead paint by children. The Carnegie Commission report of several months ago talks about the importance of giving nutrition to children from 1 to 3 so they can develop and be able to develop cognitive skills, learning skills, so they can take an active part in learning—does the Senator believe this amendment will also impose a heavy burden on children in our country and that this is something that ought to be addressed as well?

Mr. DODD. Mr. President, let me thank my colleague from Massachusetts for his question. I think it is instructive to note the chart here as I am looking at it on my left. That points out what happened to incomes, real family incomes, between 1979 and 1993. I will come directly to the Senator's point regarding children right now.

But I think it is worthwhile for people to know that the sense of frustration people feel in a lot of working families in this country, wondering what is happening to them, is entirely justified. It is worthwhile to note in the economy of the Nation, household income grew at an incredible rate, $767 billion of family household income growth in that 15-year period. There was a staggering amount of growth. But 97 percent of that growth in the last 15 years grew in the top 20 percent of income earners in the United States.

I was trying to point out earlier that in the decades of the 1940's, 1950's, 1960's and 1970's, the distribution of income growth was fairly level. That is,

all income groups did roughly the same and the country got stronger as a result of it. It has only been in this last 15 years that we have found unprecedented growth of our country and yet the growth has been pretty much locked in to the top 20 percent—97 percent of the $767 billion has been concentrated in the top 20 percent.

The middle 20 percent actually saw their household incomes decline by 3 percent in the midst of this unprecedented growth. That middle 20 percent found themselves losing ground.

And the lower 20 percent saw their household incomes decline by 17 or 18 percent, a tremendous drop, in the midst of great growth.

Now we are confronted with a situation where people lose their jobs. How does it affect children? I asked, back this fall, for the General Accounting Office to give me an update of how many children of working families are covered by health insurance, a subject very near and dear to the heart of the Senator from Massachusetts. We got the numbers back yesterday. Let me just share some numbers with my colleague.

Mr. President, 89 percent of uninsured children have at least one working parent, and 61 percent have a parent working full time for a full year. So even in these working families, the basic necessity of health insurance for these young children is being lost. Add to that the economic difficulty of a job lost to these children because their parents have exercised a right to strike, then you begin to see that the problem becomes even greater.

It is tough enough as it is right now for these kids. My Lord, you talk about a child starting out life without having basic health care, what are the implications to that child learning and being a productive citizen in their adulthood? Again, I am not stating anything that most of our colleagues are unaware of here. The data and information are overwhelming. A child that does not begin life with the proper nutrition and immunizations does not learn right. The child that does not learn right from the beginning drops out of school, does not get the kind of job he or she needs. The problem explodes down the road.

When you are talking about the economy here and how it affects children, the Senator from Massachusetts is absolutely proper and right to raise the issue.

We talked about adults and their jobs. But it is these kids who are the ones who pay an awful price. And it is that bottom 20 percent who really do not get a golden parachute. You lose your job on a factory floor; you may get a month or 6 weeks, if you are lucky, of paycheck. After that it is over with. We all know what happens to you if you are top management and you lose your job in this country. You get taken care of for life and two or three generations do pretty well in your family because they have worked out the deal. God help you if you are a working person out there every day trying to hold body and soul together and raise a family and do so on your own and not be dependent upon anybody else. You lose that job and the bottom falls out from under you. There is no golden parachute for you whatsoever.

So we are talking about here a basic right to protect your family and to negotiate through the normal processes of wages and benefits. When you strip that away, then you make the situation of these families that much more difficult for them to cope with.

I thank my colleague.

Mr. KENNEDY. This is really a point that I think needs underlining. There are those who are supporting this amendment that say, ''Look, I do not know why there is a discussion about what is happening to working families. All we are talking about is a narrow, little Executive order.''

Would the Senator not agree with me that those that are in lockstep in support of that proposal would have more credibility if they were out here on the floor of the U.S. Senate today saying we will join you in passing a resolution to increase the minimum wage? For example, wouldn't this proposal have more credibility if its proponents also supported the same increase in the minimum wage that was signed by a Republican President in 1990 of 45 cents? That 45-cent increase in minimum wage has lost its purchasing power. When we had Democratic Congresses and a Republican President, we were able to get together and pass that. Now we have a Republican Congress and a Democratic President who wants to do that. If they were out here saying we are really for those working families, we want to reward them, we are here to help minimum wage families, we are out here to help children and the sons and daughters of working families go on to school, but we are bothered by this Executive order, I daresay there might be a greater sense of belief on our part that this is not just a further attempt to diminish the real purchasing power of working families.

I want to mention one thing to the Senator. We had a forum last Friday of those who are concerned about the increase in the minimum wage. And we had a young couple, David Dow and his wife. Both of them effectively make the minimum wage. Both of them work hard. They want to go to school. They have a child. And as is typical, both have to go out and work, effectively at minimum wage. Mr. Dow has glasses. His young daughter used to get his glasses in the early morning when he woke up for his job and give them to him. One morning he woke up and he said, ''Where are my glasses?'' And she walked in and pointed into the toilet. She had dropped them down there. It would be humorous if it were not so sad and tragic. He has now been without those glasses for 3 months putting aside $5, $6, $7 in order to try to build a kitty to be able to purchase some replacement glasses.

The point is that this family believes that it is not only important to work and had a desire to work to provide for themselves and their wonderful young daughter, but the fact of the matter is both of them are working two jobs. They have 45 minutes every Saturday and 30 minutes on Sunday to spend time with that child; an hour and a half. What Member of the Senate would tolerate that policy? An hour and a half to spend with a child, and how do we expect that child to develop? Let alone the kinds of additional pressures these parents have—the toys that are not bought, the fact that the child cannot go to visit another child for her birthday party because she will not be able to bring a toy. All of these other issues aside, how can the time spent between a parent and a child, be denied? These are not people, as the Senator pointed out, that are not playing by the rules. These are people that want to work, honor work, have a pride in work, want to go to school, are trying to go to school. This one person is paying back $80 a month with the money he makes in the minimum wage to pay for his school loan because he wants to keep ahead so he can go back to school. But he just wonders when that tide is going to take over, when it is going to push him under.

That is what we are talking about in terms of the Senator from Connecticut, the Senator from Wisconsin, and others who talked about this measure and where we are as an institution and what is happening to people. That is what this measure is about.

I was interested in whether the Senator, as someone who has spent time working with children, wonders if this is not something more than an economic issue, not something more than just a bottom line of dollars and cents. That is important, but I am always impressed by the amount of time we spend on trying to understand the cost of so many things and the value of so little around this institution. Aren't we talking about providing these people who have become parents through a wonderful act of God and who have a wonderful opportunity as parents to love and adore their children, with a real opportunity to spend time with their children? Don't we have some responsibility to make sure that we are going to be attendant to their needs to care for their children?

Mr. DODD. I will conclude, Mr. President, by saying I think the Senator put it well by saying some people talk about the price of everything and the value of nothing. We can argue the numbers. Maybe we should not always talk numbers because I guess people's eyes glaze over if you start talking about the size of the economy, the percentages of groups of people that lose or gain in all of this. But it is not any great leap of knowledge to know what

happens when you lose your job or are gripped by the fear of losing your job.

Most people in this country do not wake up in the morning wondering whether or not they are a Democrat or a Republican or conservative or liberal or who is winning or losing in Washington. Many families get up in the morning and there is a knot in their stomach because they do not know whether or not at the end of that day that job is going to be there. If that job is not there, how do you keep up the rent payments or the mortgage? How do you take care of those kids and their educational opportunities? If you have a parent that is living with you or down the street, you worry about what will happen if they get sick. How do you make the choice between the child and your parent who may need the money or the mortgage on the house or the car payment? That is what most people think about every day. That is what they think about.

They just like to know that occasionally somebody stands up for them because they do not have political action committees. They are not heavyweights who are in Washington. But they would like to think that somebody might stand up and say, ''If I fight for a better wage or fight for a better salary or fight for better working conditions so that my family might do a bit better''—somebody might stand up and say, ''I have a right to do that.'' They look around and they see that people do not seem to care about it at all. When they lose everything and they look in those children's eyes at night and wonder how they are going to put food on the table or provide for them down the road with their educational desires knowing full well how important it is, what is the price of that? I cannot tell you—$10, $20, $1,000, $10,000? That really is not the issue so much. It is about dreaming. It is about aspirations. It is about hope. That is what most people do. They dream for their families. They try to plan. They save. They think about how they might make it possible for their kids to do better than they have done.

So what we talk about with this issue here in many ways is pulling the rug out from under people and pulling the rug out from under these families who really make up the glue that holds this society together. These are the people who vote. These are the people who fight the wars. These are the people who pay the taxes. This is the working crowd in America. They believe in this country. It is a pretty depressing sight to see that when their right to fight for themselves and to fight for their concerns or wages or salaries, that that basic right is going to be denied them; that someone can be hired permanently to replace them if, God forbid, they stand up to defend themselves and their families and their children. That is basically what this is about. You do not have that right any longer. You can stand up and fight but you can get thrown out of a job tomorrow. You are gone, and ''We will hire somebody else. Let me warn you. When we hire you as a new person, you had better not try it either. God forbid if you try to defend your family. We will do the same thing to you that we did to that person.''

That is what this is about. It is that simple: Should people have the right to be able to protect themselves and protect their families? They are not asking the Government to come in and wage the battle for them. Good management-labor negotiations have produced fairness in this country. What the Senator from Massachusetts is talking about is how does it affect these children? I do not know, I suppose we can search out the actuaries and others to come up with the numbers.

But I know that it gets impossible for those parents to provide for those children, to give them much hope when their basic rights to defend themselves and their rights in the workplace are gone. I hope my colleagues will think long and hard about this. This issue may go away. Maybe the votes will be there to defeat us, and they think it will disappear. It is not going to go away. It is going to come back over and over again because peoples' rights ought not to be denied when they are trying to protect themselves.

I thank the Senator.

Mr. BIDEN. Will the Senator yield for a question?

Mr. KENNEDY. Yes, I am happy to.

Mr. BIDEN. I did not come over to speak to this issue, but listening to my colleagues, with whom I agree with on this issue, I was struck by how much things have changed since I arrived here in the Senate in 1973. Back in 1973, which is not that long ago—I guess my kids think it is 100 years ago, but it is not that long ago. It is not like listening to my Grandfather Finnegan telling me about strikes in the 1920's and that kind of thing. It was the beginning, looking back on it, of sort of the end, if not the demise, of the balancing power of American organized labor in the country, where they were able to be major players in determining wages, hours, working conditions, their input on the economy, and which direction the economy could go.

Over the last 23 years, something interesting has happened. If this debate were taking place in 1973, you would have some of our Republican colleagues standing up—and maybe even a few Democrats standing up—and saying, you know, the problem is that organized labor has become too powerful; organized labor is fat; organized labor is resting on its laurels; organized labor is not productive, and all of the list of horribles we used to hear. I find it kind of interesting in this debate that nobody who opposes our position—which is that you should not be able to replace people who are legitimately striking under the law—to maintain, not to gain but maintain, where they are. Nobody is making the argument we used to hear about how powerful and bullying the American labor movement is. Nobody is even making the argument that we used to always hear about how this is so unfair to business. What happened to them?

When I attend chamber of commerce dinners in my home State—a corporate State, and I suspect the same is true in Massachusetts and Connecticut—I do not hear businessmen complaining about organized labor; because, in effect, organized labor has already given at the office, already gotten the living devil kicked out of them. Without making a judgment that I think is unfair, the point is that this is like beating up on a kid now. Organized labor now frequently gets put in the position where, because of horrible management practices over recent decades, they are told that, by the way, if you do not make the following concessions, we are going to shut down. We are just going to close the company.

So organized labor is scared to death; the workers are scared to death. And they give much more than management gives in terms of concessions to keep a lot of these outfits open and running. And now they have gotten to the point where what happens—and it rarely happens—is that when they are truly being abused and when there is no serious good faith collective bargaining going on, they decide they have nothing left to do but go out on strike. And now some in American business are saying, we are about to strip you of the last bit of leverage you have. If you go out on strike, we are going to replace you. And thus union members are deterred because of what the Senator from Connecticut said: Fear.

People are scared to death. They are scared to death to exercise what they believe to be even their legitimate rights. Even when they are being maltreated, they do not go on strike because they are afraid of the alternative because of the nature of the economy, the downsizing of American corporations, the way things are; the whole world is turning upside down. I find it interesting that on this issue, which you would think would be so basic, this is not even taking place in an environment where anybody is legitimately making the argument that these people who are going on strike are doing it because they are greedy and trying to take over a company, or because they are trying to put somebody under. You do not even hear that argument. When these people go on strike—I think this is an interesting point people should remember—it is desperation. It is not deciding whether they want to go on strike to get a better wage to be able to have a second car and a trailer and a vacation at the beach. That is the argument we heard in the 1960s and 1970s. They are going on strike now because they say, hey, wait a minute, I have given at the office; I have been giving at the office for the last 15 years. I have already had my standard of living lowered and now you are telling me

again that I cannot even maintain where I am. I do not think it is fair, you are not treating me fairly, and I am going on strike, which I am allowed to do under the law.

It amazes me why we are even having this fight. When is the last time any of the people in this Chamber picked up a paper and read about how unions and organized labor have taken such horrible advantage of people? All they have done for the last 10 to 12 years is given concessions and increased their productivity. And now, we have reached the point that—to steal a phrase from Mr. Stockman, who commented on the Reagan tax policy—these folks are like pigs in a trough now. They not only want them to continue to give at the office, but they want to take away the last thing they have under the law. I, quite frankly, did not ever think this would be a debate we would be having on the floor of the U.S. Senate.

Again, look at all the strikes that are taking place nationwide. Look at the effects of the strikes taking place nationwide. Look at what is being requested by those strikes that are taking place nationwide. I will lay you 8 to 5 that 85 percent of the people would say what is being asked is reasonable. They may or may not agree, but it is reasonable.

No one is even making the claims anymore, I say to my friend from Massachusetts, that this is some musclebound organized labor, who is just out there ripping off everyone and intimidating companies. This is just people who are just trying to be in a position where they can—to use the expression of my friend from Massachusetts—''keep their heads above the water.'' And now they are being told they do not even have a right. What prompted me to say all this was the word used by the Senator from Connecticut: Fear. Can you imagine the fear and intimidation of an individual who, in today's circumstances, thinking that after roughly 60 years of practice under the NLRB, they are going to be put in the position if they even stand up and try to stop further erosion, that the alternative for them in an environment where there are no other jobs is that they lose their job permanently? That is simply not fair.

Our former colleague from California, the present Governor of California, ran an ad I remember seeing. He was talking about immigration, but I will take the words he used and apply it here, because I disagreed with his view on immigration. He said something like this: Some people are playing by the rules. They are doing it the American way. Other people are not playing by the rules and they are being rewarded for it. That is not the American way.

Striker replacement in circumstances where there is no evidence that there has been a violation of the labor laws is not the American way.

It is a reflection of greed, the greed and avarice of those who want to make a fundamental change that working women and men are put into their proper place, from their perspective. I think it is, quite frankly, outrageous.

The Senator said, ''Who is going to stand up and fight for them?'' Well, I know of no two people who have been better champions of their cause in making sure they are never left unspoken for than the Senator from Massachusetts and the Senator from Connecticut, and I compliment them.

Mr. KENNEDY. Mr. President, I thank the Senator from Delaware for his comments and for his historical perspective. I think the Senator has, in his brief but I think pointed comments, reflected what this issue and what this battle is really all about. In the last day or so, as we focused on it, there have been those who say, We do not understand why we are talking about these broader themes of equity, about fear, about the real America. This is really just an Executive order.

The Senator has stated very clearly and effectively what really is at issue on the floor of the U.S. Senate and why this battle is so important. I thank the Senator for his statement and for his excellent support for working families, which has been a trademark of his career in the Senate.

Mr. BIDEN. Mr. President, I ask unanimous consent to be able to go into morning business for the purposes of discussing an issue totally unrelated to this, the introduction of a bill.

The PRESIDING OFFICER (Mr. CRAIG). Is there objection? Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I thank you.

(The remarks of Mr. BIDEN pertaining to the introduction of S. 564 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

ORDER OF PROCEDURE

Mrs. BOXER. Mr. President, I plan to speak about the striker replacement amendment that is before the Senate. But before I do, I ask unanimous consent that I may speak on another matter for about 15 minutes without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Thank you very much, Mr. President.

THE CALIFORNIA DISASTERS

Mrs. BOXER. Mr. President, before I get into the issue that my colleague, Senator KENNEDY, and others have addressed for the past few legislative days, I felt it is important to discuss briefly the disasters that have hit my State of California. I will tell you that one wonders when we are going to stop seeing these floods and these earthquakes, fires, and droughts. It seems as if our State is for some reason just getting much more than its share of these natural disasters. But it was interesting today that the Senate task force presented its report on disaster funding. I am a member of that task force, and we have been working hard to come up with some solutions as to how are we going to deal with these future disasters.

I want to say that the President moved very quickly to declare 39 counties disaster areas eligible for both individual and family emergency grants, and for infrastructure repairs. Federal Emergency Management Director James Lee Witt once again has proved that he is someone who wants to cut through the redtape that used to accompany FEMA wherever it went in this country. The President sent him out along with Acting Agriculture Secretary Rominger, and with Leon Panetta, the Chief of Staff who is so familiar with California. They saw for themselves the damage that we are facing.

I have to say that when Leon Panetta saw Monterey County, which he represented in Congress for many years, I am sure his heart stopped for a minute because so much damage greeted him. We have infrastructure problems there. We have communities shut off. We have crop damage to fruits and vegetables which is going to cause a lot of financial harm to the farmers. But also we are going to feel it in our pocketbooks—as consumers when we go to the stores.

We have already seen 2,900 applications for assistance from the storms that started on January 3. That was the first one, and then we had the one February 10. Those resulted in 90,000 applications for assistance. More than $51 million in emergency housing assistance checks have been mailed for the first disaster. In addition, $40 million in Small Business Administration loans have been approved for 2,000 people for losses to homes and businesses.

I cannot count how many times I have stood in this U.S. Senate and in the House telling my colleagues about these disasters. It just does not get any easier.

Interstate 5, a major north-south economic artery in the West, is still closed. I think many people saw the tragic photographs of cars that plunged into the waters and were swept away when a bridge failed. And we are trying very hard to get a temporary bridge constructed there.

We are looking at crop losses of about $300 million or more. This storm was very, very harsh on the crops. I talked about the fruits and vegetables. To be specific, the severe losses are lettuce, broccoli, cauliflower, almonds, and strawberries. California is the salad bowl of our Nation, and we got hit very, very hard. We have had damage to vineyards of $11.5 million. I have spoken to local elected officials in Monterey County, in Napa County, throughout the southern California region, and the Los Angeles area.

I have told them that we are going to do everything we can here. We will be getting an emergency supplemental to deal with this problem. We are working now on a defense emergency supplemental bill. But unfortunately—and I say this really from the heart—the House has chosen to use this needed emergency spending to relieve the suffering of the people in California, and I might add, other States who are recovering from other disasters, to rush through a $17 billion budget cut, rescissions of $17 billion, onto a bill that is about a $6 billion emergency relief bill.

I want to tell you that I intend to fight that bill, and I am not going to go into too many of the details other than to say that it wipes out many important programs, including summer youth job programs. It is very interesting, because today I received a letter from the Los Angeles Board of Supervisors and they have a lot of damage, of course, left over from the earthquake, and yet they are saying we should oppose that rescissions bill. They wrote to House Speaker GINGRICH and House Majority Leader ARMEY, and the county supervisors basically say that this bill, which would fund the disaster relief, but also offset it with very devastating cuts, is not the way to go.

People used to complain that we would load down these emergency bills with extraneous spending items, and that was true, and we stopped doing it. Why should we see it loaded down with rescissions of programs that are so very important? For example, on the one hand, the House says, California, we know you need money to rebuild. Yet, they cut emergency highway funding in the same bill, which could well be used to repair freeways and to make them safe from future earthquakes.

So I am very hopeful that when this bill gets into the U.S. Senate, we will look at it a little differently here. I am often reminded about what our Founders said about the U.S. Senate, that we act like the ''saucer'' and the House is the ''cup.'' When the legislation comes over here, it cools down and people get a chance to look at it. This is certainly one that we have to look at.

Well, I will say, Mr. President, we need disaster reform. We do not have the perfect way to pay for disasters, that is for sure. I am working with my colleagues, really, from all over the country. This is a bipartisan task force that was set up here. Senators BOND and GLENN head it up, and I am on that task force. We are going to look at all of the ways we can to prepare here for the next disaster, to make sure that we can meet the needs of our people when our people cry out after an earthquake, flood, fire, or volcano, wherever that might be. And during the debate on the balanced budget amendment, I remember bringing to the floor photographs of disasters from all over the country, and truly there is not a place in America that is immune from a flood or some natural disaster that could lead to an emergency.

So, Mr. President, that concludes my remarks on the update on the disaster.

(Mr. THOMPSON assumed the chair.)

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

The Senate continued with the consideration of the bill.

Mrs. BOXER. At this time, I will speak about the business before us. I think some very important issues have been raised in this debate. I often try to put myself in the position of an average American turning on the television set, looking at the U.S. Senate, and seeing a Senator speak from either side of the aisle and wondering why is a Senator speaking about this issue or that issue, when on the schedule it says we are taking up a defense emergency supplemental bill.

In fact, that is what we are doing. We have been asked by the Pentagon to meet their needs because they are engaged in some foreign operations for which they did not have a budget, and for which there were costs that they need to be reimbursed for. So in the middle of this debate that we are having on this very important defense emergency supplemental appropriations bill, there is an amendment offered which has absolutely nothing to do with the bill before us, not even in the most remote sense of the word.

I try to make some type of connection between the amendment that is pending and the bill that is pending, too. And unless I am missing something, I cannot see a connection, because the bill is about reimbursing the Pentagon for items that were needed for this country to engage in military or peacekeeping assignments. And the Kassebaum amendment before us, which has been before us for days now, deals with a worker issue, a workplace fairness issue, an Executive order that has to do with replacing legally striking workers. It has nothing to do with the military emergency supplemental bill.

I heard Senator FEINGOLD make this point, and I think it is worth repeating. It is interesting that the Republicans are in charge of this bill; they brought it out of the committee, and now they are amending it with a very controversial amendment which has nothing to do with the bill. They are slowing down their own bill.

One has to ask oneself why this would be. I have looked at that, also. I tried to look at the merits of it. They said, well, the President signed this Executive order and he now says that the Government should not do business with companies that permanently replace legally striking workers. The President said that. And so the argument is that he has no right to do that; he is trampling on the rights of the Congress. Yet, as you go back in history—and I will bring this out later—I never heard one Republican come to the Senate floor and complain that President Bush was overstepping his bounds when he made similar moves. So that is not an issue here.

So I come down to this: I think it is a way to slap working people, to put them in their place, to tell them that they do not have rights. And I think that is very sad. I do not see how—and I try intellectually to be fair about this—you can look a worker in the eye, whether it is a nurse or whether it is a construction worker, whether it is someone whose fingernails are dirty or clean, and say to that worker: You, my friend, have a right to strike; you, my friend, have a right under the laws of the United States of America to withhold your labor if you feel you are being treated unfairly. That is your ultimate human right. How could you look that worker in the eye, male or female, young or old, rich or poor, and say to that worker: You have the right to strike; and yet, in the same breath say: However, if you go out on strike, your boss can permanently replace you, even if you are out on strike legally and you have done everything right and you want to negotiate.

This is a very simple issue. You do not have the right to strike if you know the minute you step out the door you do not have a job.

What really interests me is that during the heyday of the Soviet Union, when we were all so excited about the fact that the Wall could come down, the Soviet Union would break up, and countries like Poland could be free at last, Republicans embraced the union movement in Poland called Solidarity.

I will never forget it. Lech Walesa came here. Republicans and Democrats alike said, ''Solidarity. Show your strength. Stand up against the Communists. We support you. You are right. The Communists are not treating you fairly. They are treating you brutally.''

Everyone embraced Lech Walesa and everyone invited him to speak. Republicans and Democrats here in America, we were united for Solidarity.

But, wait a minute. What happened? What happens in our own country when workers asked for that same dignity in this Nation? You get amendments like this one, amendments like this one that are so hurtful to people who believe they have a right to strike, to people who want to work but who want to know that they have that ultimate leverage.

I wish to compliment the President, because he looked at this issue and he knew that for many years we had a majority in this U.S. Senate which would have outlawed the permanent replacement of these striking workers. We did not have 60 votes, so we fell victim to filibuster.

He knew he had the ability to do something about this. And the Republicans do not like it. But he did it. He signed an Executive order. Guess what?

We have a President. He has the ability to take some steps on his own.

My goodness, we have Republicans here who want to give him so much line-item veto power that it is too much for this U.S. Senator. I do not want to give the President too much power. But the President has a right to issue an Executive order like this one.

The Kassebaum amendment would say the President does not have this right, this very simple Executive order that says that we cannot contract with companies who fire legally striking workers. The Kassebaum amendment would wipe out that Executive order.

I will tell you what I hope. I hope, if that survives this bill and it is attached to this bill, I hope the President vetoes this bill, because I think that working people in America today need to know that they get some respect, that you do not have to be a striking worker in Poland and belong to Solidarity before you get respect from the Government of the United States of America.

The President, as head of the executive branch agencies, is well within his right to issue this order.

I said before, I never heard one Republican complain when George Bush issued his Executive order which required all unionized Federal contractors to post a notice in their workplace informing all employees that they could not be required to join a union. George Bush made sure that that kind of language was posted. The order says workers had a right to refuse to pay dues for any purpose unrelated to collective bargaining. I did not hear any Republican Senator complain that the President had overstepped his authority.

Oh, but now President Clinton stands up for workers and all you hear is complaints about it and we are going to stop him.

Well, I hope we do not succeed in overturning that Executive order, because I think working people are getting the shaft.

And why do I say that? Common sense. I am not a labor lawyer, but I have common sense. If somebody says to me, ''You have a right to strike, but the minute you walk out the door someone is going to permanently replace you and you are out, no health insurance, no benefits, no nothing,'' I do not have a right to strike at all. It is just a paper right.

President Clinton understands this and he is showing leadership. The Republicans around here do not like it, so they put up the Kassebaum amendment. They slow down their own bill to slap working people.

There is a lot of talk in this country that people are insecure about this economy. In California, there is a lot of talk about affirmative action. And they are saying, ''Well, this is the reason that people are having trouble getting jobs, affirmative action.''

Well, let me tell you, if you look at the facts, you will find that is not so; that what is hurting the working person today is the fact that we do not see any policies coming out of this Congress that are going to help them.

Let me tell you, you read the contract for America or with America or on America. I think it the Contract With America, the Republican Contract With America. You read every line of that contract and you show me one place in that contract where there is one thing said about jobs, where there is one thing said about the rights of working people, where there is one thing said about increasing a minimum wage that is at a 40-year low. And there is a modest proposal by this President to increase it and no way will this Republican Congress even consider it.

But if they get a chance to slap the worker, here it is. I say it is wrong. It is wrong. These are the people that should be respected, not shunned, and this amendment that has been offered by the Senator from Kansas should be defeated.

The threat of using replacement workers is a veiled iron glove hovering over workers at the bargaining table. It upsets that delicate balance.

I have known some wonderful people in California who are very good bosses, who have very good relations with the working people that they hire. And I can tell you, those people would never replace workers who go out on strike. They would not do it because they have come to respect those workers and the workers' families and the workers' children and they know that their success has been brought about because of those workers. So this is not aimed at them—the good bosses, the management people who bring their workers in.

But I will tell you, there are those management people—and I have seen them, too, in California—who do not really care about the workers, who really do not care. Sometimes it is new management that is brought in when a company is bought out, some kind of a hostile takeover. They come in and they throw everybody out the door. They goad workers until they go out on strike, and then they permanently replace them.

We have a lot of companies to choose from when we hire companies to work for the Federal Government. President Clinton is right. Do not hire those firms that treat their people so badly, who care so little about them and their families, who would throw them out at the drop of a hat the minute they walk out on strike.

Let me say when people go out on strike, that is not a happy occasion. That is not something they do lightly. People suffer when they are out on strike. The family suffers when a person is out on strike. It is very hard. No one knows when the strike will end. It is very difficult to know that you will be replaced the minute you walk out the door. It changes the entire balance between workers and management. A stable and productive relationship can be put out of kilter if you know the minute you walk out that door you can be replaced.

Now let me say why I think what the President did is not only good for workers, it not only honors workers, but why it is good for America. It is a very important point. Strikes involving permanent replacements last far longer than other strikes. On average, strikes involving permanent replacements last seven times longer than other strikes. They are bitter. They are disruptive because business targets not just wages and benefits but the very right of the worker to strike.

I will tell Members as I have looked at these strikes in the past, the bad feelings linger. The bad feelings linger because permanent people have replaced workers, and finally if workers even do get their job back, it is after a very long struggle. It is not the right way to proceed.

So I say if we do not deal with companies that do that, that treat their people so badly, we will be dealing with better companies. We will be contracting with companies that will do a better job for the American people. I think that argument is sometimes lost.

So it is not only that this Executive order by the President is good for workers and honors workers, it is good for America because we will be contracting with companies that have a better labor track record and, therefore, are more reliable.

Now, I said before, we have had many incidents in California, and I want to talk about one that I talked about before. It is a situation where more than 400 nurses at the California Nurses Association went out on strike at the City of Hope Medical Center, in Duarte, CA. They were protesting contract demands that cut their vacations in half, and reassigned large portions of their duties to lower paid and in some cases unlicensed personnel.

I do not have to say how committed nurses are. They are committed to their work. They are proud of their work. They do not walk out on strike easily. They love their jobs. But they knew they had no choice. The minute they walked out the hospital management began to hire replacement workers. Let me tell Members, it was a bitter, bitter pill for those nurses to swallow.

Carol Beecher-Hoban, a pediatric nurse, found out on her sixth anniversary at the hospital that she would be permanently replaced. The day she went out on strike—a legal strike—a single mom with two kids, without her job, she was without health insurance for her and her family. Believe me, a registered nurse knows what it means to be without health insurance.

She had to take two jobs and sell her house to make ends meet, all because she exercised her right under laws passed by this Congress and supported, presumably, by everyone—the right to strike. That is supported by everybody. This is an amendment, my friends, to

end the right to strike. If ending the right to strike was the amendment before the Senate, it would be more direct. But this deals with permanent replacement of strikers, which I say, is equivalent to ending the right to strike.

So here is a nurse who walks out to protest the working conditions of her job—and she's been there for 6 years—and she loses her job. Right away, a single mother, two kids, no medical insurance. She has to take two jobs, sells her house, because her employer chose to permanently replace her.

Let me underline the word ''permanent.'' We are not talking about temporary replacements. Employers can do that if they want to. We are talking about permanent replacements. People go out on strike because they believe they have the right to strike. It is guaranteed to them here in the laws of our land, and then they are permanently replaced.

How about this other woman: Betty Razor, a specialist in a certain type of therapy which is very difficult to deal with. She deals with patients who have colostomies or other kinds of artificial diversions in place for bodily functions. It is a very tough and stressful job.

This woman, Betty Razor, was nurse of the year and employee of the year at that hospital, in Duarte, CA. She went out on strike. She was nurse of the year and voted employee of the year by the management. What do they do with Betty Razor? They permanently replace her. In a snap. In a snap. That is what they thought of her.

I say that is wrong. That is wrong. If a company wants to temporarily bring in a replacement because they have a need to fill, that would be something that could be understood. But to permanently replace the employee of the year, the nurse of the year, with no feeling at all about this person, is wrong. Yet this amendment would say, ''It's fine. Go ahead. We love it. Congress says it's great. Permanently replace your people.''

Not me. I say it is wrong.

What is she doing now? She is working in home care. She called my office when this debate was raging a few months back. She said when they told her they were replacing her she said, ''You must be kidding. I didn't seem to think that they could do that.'' She said, ''I thought when they told me I was being permanently replaced that it was a ploy to make us knuckle under.'' She said, ''I didn't think they could just pick anyone to replace us. They let go the cream of the crop. Everyone who has professional influence with other nurses was replaced.'' So they got rid of the cream of the crop.

Five nurses of the year were replaced permanently. What did they do? Were they bad? Did they treat their patients badly? No, they were the nurses of the year. Their patients loved them. But they exercised their right to strike. Their human right to withhold their labor to protest. They thought once the strike was over, they would be working again, because they loved their work and they wanted to work, but they were permanently replaced.

This amendment will send a signal all over this country. Go ahead, everyone, fire people if they dare go out on strike, and permanently replace them. That is wrong.

She said to me, ''I always felt you strike because of the issues, and when you settle the issues, you go back to work. You don't win every issue,'' she says, ''You compromise.''

She said, ''That's how we do it in America. I never thought you would permanently replace the workers. Why would anyone strike then?''

I think the American people are fair, and I do not think the American people think it is unfair to tell someone ''You have a human right to withhold your labor, to strike; now, remember, when you do it, you won't get a paycheck, it's going to be hard, you may have to stand out with a picket sign, you're going to have problems, people may not like you, it may be tough. But you have a right to strike while you bargain collectively until all the issues are resolved; you have a right to strike.'' I think the American people believe that is right.

Now, when it comes to certain public employees, we know that is another problem, that is another issue, and we are not talking about that here. We are talking about private contractors. So to tell someone you have the right to strike, we support your right to strike, and yet then say to them, ''But the minute you walk out the door, you're history; you'll be thrown off health insurance, you can't get your job back,'' I think the American people would say that is not fair.

So Nurse Razor learned it the hard way.

Mr. President, there are other instances in California of the sheer inhumanity of hiring replacement workers. Last year, Senator Metzenbaum talked about an issue in California, the Diamond Walnut workers. It is a very, very, very tough issue. Four hundred members of a union exercised their right to strike more than 2 years ago. In 1985, they had given huge wage concessions to the employer because they were wanting to help the company avoid bankruptcy, and they said, ''Look, we are part of the team here. We are not going to insist on higher wages if you are having trouble in the company.''

They said, ''We will give concessions. We will take lower wages,'' and they gave huge wage concessions.

The company turned around. It did amazingly well. But the concessions were not restored, despite renewed profitability and what they thought was an implied promise that things would change for them if the company's fortune reversed.

More than half of the striking workers happened to be women in that case. In a special report to Secretary of Labor Reich, Karen Nussbaum, Director of the Department's Women's Bureau, said, ''The workers' sole precondition is to return to work while retaining union representation.'' That is all they wanted. They want to go back and still stay in their union. They cannot do that right now. They were punished, and they cannot go back to work, punished for exercising an American right, a right that is so American that we said to the workers in Poland when they were under the Soviet Union, ''We back you.'' Solidarity was the union. ''We back you,'' Republicans and Democrats on their feet, greeting the President of Poland, Lech Walesa. ''We love you,'' we said. Solidarity. The workers overthrew communism, and yet right here, the workers in America are getting the shaft. The President says that is wrong and about 42 of us said that is wrong, and whether or not we hold ranks, I do not know. But I hope we hold our ranks. I hope we stick together for these working people.

I think the message that we send out from this Chamber is very important to the workers of America to know that someone is on their side. Maybe it is not so popular to be on the worker's side anymore, but it is popular with me, because I believe in America and the American dream and hard work, like the nurse of the year, who worked with patients who were sick, and they loved her and the bosses loved her, and the minute she said, ''Wait a minute, you're not treating me fairly in these negotiations,'' and she walked outside the door, the door slammed shut on her.

What kind of a message is that to send to the hard-working people of America? We have a lot of contracts with companies. We can choose and pick the best. Let us choose and pick the best, and that means those that are the best to their workers. Does it mean that workers are always right? Of course not.

When I was a member of the board of supervisors, the union struck against me. I did not like that. I did not think they were right. I felt terrible about that. They struck me. They held signs against the board of supervisors. They said we were wrong, and I said to them that I thought they were asking for too much compensation, and we sat at the table. They went out on strike, and we had to work hard.

We had management people doing their jobs. It was not easy, but we negotiated in good faith, and when the strike ended, those employees came back to work and they said to me, I remember at that time, ''Supervisor BOXER, we didn't agree with you, but let's put it behind us.'' That is what America is all about. We should not lord our power over working people and fire them the minute they have the temerity to walk out the door. This is America. That is wrong. We should not punish people for exercising their rights. We should argue with each other when we do not agree. I argued

with those employees. I said, ''You're asking for too much. You're making a mistake. You're going to get burned because you are not going to get everything you want. Don't go out on strike. It's wrong.'' But I never said to them, ''If you walk out that door, you're history.''

Why would I not say that? Because they are good people; they cared about the county. They worked in public works; they worked in all kinds of important parts of the county in Marin. They were good, hard-working, decent human beings who very rarely went out on strike, and when they did it, I said, ''You're wrong.'' When it was over, we shook hands.

That is what America is about, not saying, ''We're changing the lock on the door and you can never come back because you legally exercised your rights.'' That is wrong. That is what this Kassebaum amendment is about. It is slapping working people. It is a message that they do not have the right to withhold their labor and to have in any way a level playing field.

So I hope we are going to stand up for those who work for a living, whether they are cracking walnuts in Stockton or providing specialized nursing care in Duarte, CA, or any other economic pursuit you can name.

If people want to fight about the right to strike, let us have it out on that issue. That is what is so interesting to me about the Republican Contract With America, because I look at it as a war on children, on families, on consumers, on the environment. But if you look at the contract, it says ''The Commonsense Legal Reform Act.'' That is how they talk about their legal reforms.

You tell me what is reform about saying there are no punitive damages that can be leveled against a corporation that goes ahead with a product that has FDA approval—let us say something like the Dalkon shield—and you say, ''Well, you got FDA approval. Therefore, if it makes women sterile or it hurts them or it kills them or it gives them cancer, no punitive damages.''

That is the commonsense legal reform act. I say it is a war against consumers, just as this amendment is a war against working people. But they never put it in those terms. There are other parts of the contract—regulatory reform—that deal with issues that can really hurt the health and safety of the people of this Nation.

What is a reform about stopping a regulation that is going to stop E. coli from getting into the hamburgers that people eat all through this country? I have constituents who have died because they ate a hamburger that had E. coli.

Regulatory reform, my friends, is going to do a lot for those people because it is going to stop that regulation from going into effect that will protect the meat supply. But they call that regulatory reform.

How about this one? A bacteria called cryptosporidium showed up in the Milwaukee water supply. We are finally getting around to regulating standards for the water supply. Oh, the Republican contract: Moratorium on all regulations. So they call it regulatory reform. I call it a war on consumers, a war on the environment. And this amendment, stopping a President from issuing an Executive order that he has every right to do, to me is a war on the working people of this Nation.

In a way, I am discouraged about having to fight these battles, but in a way it energizes me because I think the American people have to engage in what is going on here in Washington. A hundred days to change America, 100 days to turn back the clock on progress we have made in providing this country the toughest consumer law, the best in environmental protection, the best protections for water, for air. All that, we turn it back in 100 days because that is what the politicians said the last election meant.

Let me tell you, I think the last election meant change. People want change. People are tired of politics as usual. There is no question about it. People do not want waste. They want an end to fraud. They do not want useless regulation. But the election was not about leaving this country unprotected, unprotected from pollution and bacteria that gets in our meat supply, from drugs that have not been adequately tested.

What I find very interesting about the contract is it does a couple of different things. First, it says if a company issues a product that has Federal Drug Administration approval, you can never sue that company for punitive damages if you die or get cancer or something like that. At the same time, they want to go after the FDA and make it really an agency that cannot function. They attack the FDA. As a matter of fact, the Speaker of the House said, ''Let's privatize the FDA. Let's not even have an FDA.''

Well, imagine that combination: an FDA that is neutered and at the same time, you give them the power to protect companies from ever being sued if their product received FDA approval. That is a lethal combination, and that is in the Republican contract which, by the way, is moving very quickly.

But earlier in my remarks I said that when the Founders founded this Nation, they said that we would act in the Senate here as the saucer and in the House as the cup, and when these ideas spill over, they will cool down here because people are getting to see what they are.

I was very pleased that the majority leader gave us 2 extra days on the balanced budget amendment because my people in California now understand if Social Security wasn't exempted from that amendment, it would be raided and looted and gone. So where the balanced budget amendment was so popular, when people realized that Social Security was going to be looted, the polls totally switched and 70 percent opposed it.

I am glad that we have the time here to look at some of these issues, so I could tell you about some of these nurses, so I could tell you about the strikers at the Diamond Walnut plant. All they want now is to get their jobs back and stay in their union. They cannot do that.

I have to say that if you look at this contract, nowhere in it will you see anything that even mentions the word environment. Nowhere in it will you really see anything that mentions the words ''consumer protection.'' And I hope that we will slow it down, just as we are slowing this debate down.

I do not know if we are going to win this debate on striker replacement. I do not know if we are going to win this debate. There may be some who say, look, we have had this discussion long enough. Let us get on with the bill. But I can tell you now, if the Republicans withdrew the amendment, if the good Senator from Kansas withdrew the amendment, we would be in good shape. We could move this bill forward. But if we insist on keeping this amendment alive, I think the Senator from Massachusetts is willing to talk about it for a long time. I am willing to talk about it for a long time. Frankly, if we do not have the votes to stop it, President Clinton may veto this bill. He may veto this bill, just as I think President Bush would have vetoed a bill that in fact reversed his Executive order.

There is a town in California called Hawthorne, and a firm there that makes hardware. There was a strike over a health care issue. When the workers went on strike, they were told that replacement workers would be brought in but they would not be permanent. They would only be temporary replacements.

On November 29, the members voted to call off the strike and accept the company's last offer. But—but—at that point, the company withdrew the proposal and declared the replacements permanent, leaving these union members without jobs.

Now, that to me is an extraordinary story, because I grew up to believe that when someone gives you their word, that is golden. That is golden. So the employer said: We are just going to replace you temporarily, but in the end the employer did not mean it. And I have to say that the NLRB, the National Labor Relations Board, still has not come down with a decision, and that has gone on for a long time. In the meantime, those workers are without health care, and they are close to exhausting their unemployment benefits.

Only 10 percent of those workers got other jobs. But those other jobs that they got, they are nothing like the ones they had before. Basically they are minimum wage jobs with no benefits. It is a very unhappy story, a very unhappy story.

Then there is a story, again out of San Bernardino, CA, of 150 workers at a bakery. They had very low wages. Many of them felt they were being passed up for promotions. After 5 months of negotiating, the workers went on strike. The union said let us bring in mediation, but the company refused to bargain. They hired 125 replacement workers, built a new facility somewhere else, and eventually closed the San Bernardino facility. Only 60 of those workers out of the 125 ever got back to work.

It goes on and on. I think that this amendment on this defense bill is totally uncalled for. This is not an amendment that deals with the defense supplemental bill. This is an amendment that I think is a gratuitous slap at people who work for a living. It is not necessary.

Why not have a hearing, I would say to my friend from Kansas, and bring in the administration? Let them explain why they feel this is important to the dignity of working people and, by the way, for the taxpayers who will benefit when companies with good labor records are hired by the Federal Government because they will not be dislocated. They will fulfill their obligations to be good contractors for the American people.

There is one element of disaster reform that I am prepared to introduce today. This component would repeal the current 10-percent income threshold for casualty loss deductions arising from a presidentially declared natural disasters. It is identical to legislation I offered 1 year ago to help the victims of last year's tragic Northridge earthquake.

We have all seen the devastating images of flooded farms and homes on television. But it is important to remember that many Californians affected by the flooding suffered serious, but moderate, damage. Their basements are filled with mud and their carpets and furniture need to be replaced, but their homes still stand. These people have $5,000 in damage, or maybe $10,000. These are the taxpayers who may not get the relief they need.

Suppose a middle-class family with adjusted gross income of $50,000 sustains $4,000 in flood damage. Under current law, only losses in excess of $5,100 can be deducted. But under my bill, that family could deduct all losses over $100, or $3,900. And where would their tax savings go? It would go back into the economy as a direct stimulus. It would create jobs for contractors and those who produce the raw materials they use. The economic benefits would ripple throughout the community.

This bill would allow nearly full tax deductibility of all casualty losses attributable to disasters declared on or after January 14, 1994. Victims of the Northridge earthquake could take advantage of this tax deduction as could victims of the current flooding. And most importantly, future disaster victims would gain a valuable tool to help themselves recover from these disasters.

Offering this amendment on this bill is not necessary. I hope my friend from Massachusetts will continue to lead this fight.

I ask him at this point if he has remarks planned or if he wishes me to continue a few remarks for a short period of time?

Mr. KENNEDY. If the Senator will yield?

Mrs. BOXER. I am happy to yield.

Mr. KENNEDY. Mr. President, first of all I thank my friend and colleague, the Senator from California, for her comments. These have been comments, not just this afternoon, but I know and I can tell the Senate that she has been there every hour, every minute of this battle. She has worked with our minority leader and others who have been working on this issue for the past several days. She has spoken on this and has been ready to continue the battle for working people.

I want to thank her for her immense contribution to this debate. It has been enormously interesting. As she has pointed out, the time that was taken both in the balanced budget amendment and also particularly on this issue, I think, has been enormously informative to our Members. I find that has been the case.

We had, initially, the question about the Executive order, whether the President had the power to take this action. We went through that history. We went through the past Executive orders by past Presidents. There was some confusion. But we went through it.

We went through exactly the types of people who were going to be affected and impacted, and we were able to demonstrate these were, by and large, workers who were making $6, $7, $8 an hour at the tops—the ones who were being permanently replaced. So it was hard-working men and women who were trying to provide for their families who were going to be impacted by the amendment.

We went through the course of the history of the results of contracts that were being performed by permanent replacements. There were serious questions in terms of on-time delivery and also the quality of the work. And we went on in the broader context about how this issue that has affected the legitimate rights of working families, how this fits in with other actions or nonactions of the Congress during the past 3 months.

I think it has been enormously informative for our Members and also, I think, for those who have been watching and listening and following the debate. I am enormously grateful to her for her contribution.

I see the Senator from Kansas is prepared to perhaps make a comment. So I am prepared to yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I regret that we have been unable to have a final vote on my amendment. There are those who do not wish to see it come to a resolution with an up-or-down vote, and that is their right. I respect that.

The Executive order that we have been talking about—whereby striking workers now cannot be permanently replaced, as has been the law for some 60 years and which will now be overturned by this Executive order—is very important and very troubling.

The implications of the Executive order go far beyond just saying there will only be a few companies affected and it really will not make a lot of difference. It is very important for us to understand what, indeed, the ramifications of the order will be. I would argue that using Executive orders in this way can affect labor as well as management. And it will further destabilize the relationships in the work force.

So I just want to say, Mr. President, I will be back. This is an issue of vital importance and I intend to bring it up again and again because I think it is so very important.

Mr. President, I appreciate the fact that it has been a good debate. There have been, I think, some well-stated views on both sides. I suggest that this issue is one that will not be laid to rest until, I hope, we can reach some resolution on what basically is at stake here—and that is the separation of powers between the executive and legislative branches.

I yield the floor.

Mr. JEFFORDS. Mr. President, earlier today, due to inescapable circumstances I was absent from a cloture motion vote on the Kassebaum amendment No. 331. On my journey to the Senate Chamber I was trapped in an elevator in the Senate Dirksen Building for 40 minutes. I extend my most sincere thanks to the Senate superintendent's office for its assistance in my rescue. I must say that crawling out of the elevator was certainly a new and exciting experience, but not one I hope to repeat anytime soon. As I have said in prior statements I support Senator KASSEBAUM'S amendment and would have voted in favor of cloture had I been able.

THE DEFENSE INDUSTRIAL BASE

Mr. BIDEN. Mr. President, H.R. 889, the defense supplemental appropriations bill, has provided us an early rehearsal for a larger debate that will no doubt last throughout this session of Congress and beyond.

This debate takes place at two levels: First, we will be deciding how best to provide for our Nation's defense—for now, and for the long term. At another level, we will be setting priorities for the monumental task of restoring balance to the Federal budget.

This bill is before us today because we must fund unanticipated Defense Department expenses—for our operations in Haiti, Somalia, Bosnia, Cuba—out of funds that were originally intended to support normal, peacetime functions.

Eventually, the cost of those unforeseen operations took their toll on the ability of our armed services to pay for some of those training functions. I believe that it is now clear that we need a better way—a contingency fund, for example—to deal with the inevitable, but unpredictable tasks that our Armed Forces will be asked to undertake.

Unfortunately for colleagues in the House took a very short-sighted approach in their search for the funds needed to meet this year's needs.

They decided to cut funds from two programs that are essential to our country's economic and military security.

They eliminated the technology reinvestment program, cutting $502 million from this year's and next year's budgets. And they cut 25 percent, $107 million from the advanced technology program.

These programs are part of an established, bipartisan decision to maintain the technological advantage that we displayed so convincingly in the Gulf War and will continue to need to meet the threats the world now presents.

These programs are at the heart of an emerging base on domestic, American high-technology manufacturing capacity, the base we need to assure that we will continue to foster the discovery and development of the new ideas and products that the world's most sophisticated military demands.

To establish and maintain that base, these programs take advantage of our country's historical strength—our private economy. By making our Nation's high-technology industries partners in the development of the kinds of technologies and processes that future defense systems will require, we are building the essential foundation for our national security.

These programs are critical investments, in areas where there is the potential for both commercial and military applications. The potential spillover from these programs in both kinds of applications means that without the incentives they provide, we would engage in wasteful duplication of commercial and military research, on the one hand, or miss the opportunity for important breakthroughs, on the other.

Mr. President, recent history and economic logic tell us that individual firms will not find it cost-effective to undertake the research and development that these programs support, because the payoffs are often unpredictable and many years in the making.

In addition to promoting the private sector's involvement in this kind of long-term undertaking to preserve our Nation's competitive edge in the world economy—our Government has the responsibility to provide for the common defense.

In this day and age, and certainly into the future, that constitutional responsibility will require the maintenance of an advanced manufacturing capability, along with the scientific knowledge, engineering skills, and information management that support it.

Consider, Mr. President, the kinds of projects that these program make possible. TRP is supporting the development of advanced composite materials for advanced aircraft propulsion systems. Advanced engine designs now being considered for future production could increase performance and fuel efficiency for both commercial and military aircraft.

This potential can only be realized if much of the metal engine structure in conventional designs is replaced with polymer composites that can be produced at reasonable cost.

Another TRP Program supports private industry in the development of low- and high-power high-temperature superconductor microwave components for commercial and defense satellites. These new components could radically reduce the size and the power consumption of critical satellite components, creating longer-lasting communications and weather satellites.

The ATP is supporting the development of manufacturing processes that can reduce by at least one third the cost of producing advanced composite components for use in thousands of different applications.

These advanced manufacturing processes are the key to reducing the overall cost of employing new materials, such as the aircraft engine parts in the TRP Program I mentioned.

And to illustrate the important public investment component in these projects, Mr. President, a recently awarded ATP grant supports the development of very large scale component parts that can be used on civilian as well as military infrastructure projects, such as auto and rail bridges.

As we look for ways to rehabilitate our neglected public facilities, at all levels of our Federal system, these new materials offer ways of repairing conventional structures as well as constructing new ones, with longer lasting, low-maintenance components.

Mr. President, only by supporting these innovative ATP and TRP Programs can we maintain the cutting-edge commercial manufacturing capacity that is essential to meeting the rapidly evolving demands on our military capabilities.

At the same time, they provide the additional security of knowing that we are doing all we prudently can to assure that our domestic economy remains at the leading edge of commercial applications of new technologies.

We can no longer afford—if we ever could—wasteful duplication of military and commercial development of the same technologies.

And we certainly cannot afford to miss the next breakthrough in materials, information management, or communications, that could leave the men and women of our Armed Forces needlessly exposed to danger.

The greater their exposure—if we allow our technological edge to grow dull with false economies—the more reluctant we will be to face threats to our security. For want of the next generation of nails, Mr. President, the next century's battles may be lost.

These are difficult times—we must invest for long-term economic growth here at home and confront the confusing variety of new threats to our security abroad.

The Technology Reinvestment Program and the Advanced Technology Program are prudent, cost-effective means of dealing with both of those problems.

Mr. President, I want to commend the distinguished managers of this legislation, the members of the Defense Appropriations Subcommittee, Senators BINGAMAN and LIEBERMAN, and the other members who have spoken up for these programs, for showing the foresight to restore these important programs to more adequate levels of funding.

I am sure we will find ourselves revisiting these issues in the coming months and years. I will continue to support efforts that protect the technological foundations of our economic and military security.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, if I could inquire of the Chair, what is the pending business?

The PRESIDING OFFICER. The pending business is the Kassebaum amendment to H.R. 889. That is the pending question.

Mrs. KASSEBAUM. Mr. President, I would say these comments represent my point of view on this issue at this point. The majority leader is in discussions now. I think he will announce the outcome of those discussions in a few minutes.

Mr. KENNEDY. Mr. President, I appreciate the comments of my friend and colleague, the Senator from Kansas. I want to say, every person in this body knows the seriousness with which the Senator from Kansas takes her responsibilities as the chair of the Labor and Human Resources Committee and as someone who delves deeply and is concerned, interested, and attentive to the range of public policy issues that come before that committee. In particular, the Senator spends a great deal of time and gives a great deal of thought to issues involving the relationship between workers and employers. This has been a matter of very great seriousness, I know, to her.

I understand that and respect it. She has indicated she will be back at another time to address these issues. We regret we have not been overwhelmingly persuasive to her and to others as to the legitimacy of our position.

But we welcome the opportunity to continue the dialog not just here on the floor but otherwise to see if we can find areas of common ground in this area as we have found common ground

with her and our other members of that committee in a great number of areas. We have been appreciative of the way that this debate and discussion has taken place.

We await the announcements of the majority leader as to the Senate business.

Again, I am grateful to both the Senator and her supporters as well as all of those who have spoken on this measure over the period of the past days, and for the courtesies and the attentiveness which they have given to this issue. I am also grateful to the leadership Senator DASCHLE and many of my other colleagues have personally demonstrated on this measure.

I thank all the Members. I yield the floor with the expectation that we will be on other matters after the majority leader speaks.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. 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. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

DEATH OF WILLIAM ARTHUR WINSTEAD

Mr. COCHRAN. Madam President, it is my sad duty to advise the Senate that Arthur Winstead, former Congressman of Mississippi, died last night at the age of 91.

William Arthur Winstead represented the 3d Congressional District of Mississippi from 1943 to 1965. During his 22 years of service in Congress, he was firmly loyal to his constituents and his principles. In an ironic twist of history, in spite of his conservatism, he was the first Mississippi Congressman in this century to be defeated by a Republican. Reflecting the changing nature of politics in the South, he subsequently became a strong supporter of several Republican candidates.

I was flattered and honored that I had the privilege to become his friend. It was only about 2 weeks ago that he called to talk about his impressions of our efforts to bring about changes in the Washington Government. He was very proud of the role the members of our State's delegation were playing in this period of transition.

Prior to entering Congress, Arthur Winstead served his community as a teacher and subsequently as county superintendent of schools for Neshoba County. During the administration of the late Gov. John Bell Williams, he served as commissioner of the Mississippi Department of Public Welfare.

Arthur Winstead was a personal friend of mine and a friend of many throughout Mississippi. I offer my personal condolences to his wife and family. In honoring his memory, we honor a good and dedicated man who served with distinction in Congress with a deep sense of public duty and principle.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

The Senate resumed consideration of the bill.

Mr. DOLE. I ask unanimous consent that the cloture vote scheduled for Thursday on the Kassebaum amendment be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. And with the consent of Senator KASSEBAUM, I would ask that her amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 331) was withdrawn.

Mr. DOLE. I further ask unanimous consent that H.R. 889 no longer be the pending business and the bill be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DOLE. Madam President, I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

A FAITHFUL SERVANT PASSES

Mr. BYRD. Madam President, Cecil Romine, the former president of the West Virginia American Postal Workers Union and long time national business agent for the American Postal Workers Union, passed away earlier this year at age 67. He was born and raised in West Virginia, and served in the Navy at a very young age in World War II. He came home to reside in Parkersburg, where he went to work in the post office. When postal workers were given the right to bargain collectively by Congress in 1971 he established his home Local in Parkersburg—the Mountaineer Area Local—and then the West Virginia State organization.

Cecil Romine was then elected as national business agent for the Clerk Craft for the three-State region of Maryland, Virginia, and West Virginia in 1976. It is a mark of his extraordinary skill as an advocate and a negotiator that someone from a small Local like Parkersburg would be elected—and consistently reelected—in a region in which most voters come from much larger Locals such as Baltimore, Richmond, or Washington, DC. He was equally respected by postal management not only as one of the union's most resourceful and talented representatives, but also as a man of his word. He loved the union and the Postal Service and fought tirelessly to better both. Even after retirement, he worked hard and effectively with my office to preserve service in West Virginia.

Mr. Romine turned down many chances to take better paying and more secure jobs in management. Perhaps if he had, he would have enjoyed a longer and more normal retirement. But he knew his place was in the front line fighting for working people, and he was never interested in doing anything else.

He had 7 children, 13 grandchildren, and recently 2 great grandchildren. The pillars of his life were his family, his church, and his Union. He was a man of traditional values in the true sense of those words.

I know that Cecil Romine is deeply missed by both his personal family and his larger family of postal workers. In submitting this statement, I want to let his wife Betty and all of his family know that his memory is respected here.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES!

Mr. HELMS. Madam President, the enormous Federal debt which has already soared into the stratosphere is in about the same category as the weather—everybody likes to talk about it but almost nobody had undertaken the responsibility of trying to do anything about it until immediately following the elections last November.

When the 104th Congress convened in January, the U.S. House of Representatives approved a balanced budget amendment. In the Senate, however, while all but one of the 54 Republicans supported the balanced budget amendment, only 13 Democrats supported it. The balanced budget constitutional amendment, needing 67 votes, failed by just 1 vote. There will be another vote later this year or next year.

This episode—the one-vote loss in the Senate—emphasizes the fact that a lot of politicians talks a good game when they are back home about bringing Federal deficits and the Federal debt under control. But so many of them come back to Washington and vote in support of bloated spending bills rolling through the Senate.

As of the close of business yesterday, Tuesday, March 14, the Federal debt stood—down to the penny—at exactly

$4,846,819,443,348.28. This debt, remember, was run up by the Congress of the United States.

The Founding Fathers decreed that the big-spending bureaucrats in the executive branch of the U.S. Government must never be able to spend even a dime unless and until authorized and appropriated by the U.S. Congress.

The U.S. Constitution is quite specific about that, as every school boy is supposed to know.

So, do not be misled by politicians who falsely declare that the Federal debt was run up by some previous President or another, depending on party affiliation. These passing-the-buck declarations are false because as I said earlier, the Congress of the United States is the culprit. The Senate and the House of Representatives have been the big spenders for the better part of 50 years.

Madam President, most citizens cannot conceive of a billion of anything, let alone a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, Mr. President, the Cuban missile crisis was in progress. A billion minutes ago, the crucifixion of Jesus Christ had occured not long before.

Which sort of puts it in perspective, does it not, that Congress has run up this incredible Federal debt totaling 4,846 of those billions—of dollars. In other words, the Federal debt, as I said earlier, stood this morning at 4 trillion, 846 billion, 819 million, 443 thousand, 348 dollars and 28 cents. It'll be even greater at closing time today.

FRIENDS OF IRELAND ST. PATRICK'S DAY STATEMENT—1995

Mr. KENNEDY. Madam President, over the last year, we have witnessed truly historic progress in Northern Ireland which gives great hope that lasting peace and reconciliation are at hand.

The Friends of Ireland is a bipartisan group of Senators and Representatives opposed to violence in Northern Ireland and dedicated to maintaining a United States policy that promotes a just, lasting, and peaceful settlement of the conflict that has cost more than 3,100 lives over the past quarter century.

Since 1981, the Friends of Ireland have joined together in an annual St. Patrick's Day statement which focuses on the situation in Northern Ireland. I believe that all our colleagues will find this year's statement of particular interest, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE FRIENDS OF IRELAND, ST. PATRICK'S DAY, 1995

On this St. Patrick's Day, all friends of Ireland rejoice in the historic developments of 1994 and early 1995 that have led to a cease-fire in Northern Ireland and that offer the best hope for a negotiated and lasting peace since the Troubles began more than a quarter century ago.

We welcome the release last month by the British and Irish Governments of the Framework Document, which provides a fair and balanced basis for all-party talks in Northern Ireland—talks we hope will begin soon. The way forward can be found only if all parties work together to find a peaceful solution that will have the support of the people of Northern Ireland.

We commend all those in Ireland, Northern Ireland, and Britain, who deserve enduring credit for the achievements so far—especially John Bruton, John Major, Dick Spring, Sir Patrick Mayhew, John Hume, Gerry Adams, and Albert Reynolds.

We also commend the constructive role which President Clinton, U.S. Ambassador to Ireland Jean Kennedy Smith, and U.S. Ambassador to Great Britain William Crowe have played in advancing this process. The combined efforts of the Congress and the Administration played a critical role in the process which led to the IRA's historic cease-fire announcement in August 1994 and the Loyalist cease-fire declaration which followed in October. We commend both the IRA and Loyalist paramilitaries for deciding to seek a peaceful settlement to the conflict.

We support the total demilitarization of Northern Ireland. We urge the Republican and Loyalist paramilitaries to begin turning in their weapons. We are encouraged by the announcement by the British Government that it will begin to withdraw troops from Northern Ireland and we are hopeful that this process will continue.

Both the British and Irish Governments responded to the cease-fire announcements with significant steps to advance the cause of peace. The British Government opened cross-border roads, lifted the broadcast ban and exclusion orders, and removed British troops from daytime street patrols in Northern Ireland. The Irish Government established the Forum for Peace and Reconciliation, released prisoners, and lifted emergency laws.

Many Unionists and their leaders have shown a willingness to consider new proposals with an open-mindedness crucial to genuine progress. This development is welcomed. We are also greatly encouraged by visits of Unionist leaders to this country. The United States is a friend of both communities and we hope Unionists will continue to visit. It is important that their voices be heard.

Recognizing that economic progress is also essential, the Friends of Ireland support measures to encourage economic development in Northern Ireland and the border counties of Ireland damaged by the years of conflict. The cease-fire has already led to new investment that will create needed jobs.

We welcome President Clinton's support for additional private economic development as demonstrated by the appointment of George Mitchell as the President's economic envoy. We look forward to the Conference on Investment and Trade for Ireland to be held in Washington in May. The aim of the conference, according to its mandate, is ''to show U.S. companies that sustained peace is dramatically improving business opportunities on the island of Ireland, and particularly Northern Ireland and the border counties.'' We are confident it will encourage new American investment and enhance the prospects for peace.

We support the International Fund for Ireland as an important part of the search for peace. The Fund has helped create more than 25,000 jobs in the most disadvantaged areas of Northern Ireland and the border counties, and has had a major beneficial impact on the people in these areas.

We agree with the Committee on the Administration of Justice, an independent human rights organization in Northern Ireland, that ''respect for and defense of human rights must be the cornerstone of any lasting settlement to the conflict.'' Britain should follow Ireland's lead and repeal emergency legislation with respect to Northern Ireland. There should be a thorough review of policing in Northern Ireland, with the goal of creating a police force that has the confidence of both communities. A Bill of Rights should be enacted to provide full protection for all people in Northern Ireland. Employment discrimination must be ended. We welcome advances in legislation involving fair employment; but twice as many Catholics as Protestants continue to be unemployed, and new economic initiatives are needed to address this injustice.

Finally, we are mindful that 1995 marks the 150th anniversary of the beginning of the Great Irish Famine. Though the Irish had already established a strong presence in the early years of our nation, many of the 44 million Irish Americans today are descendants of victims of the Famine. As President Mary Robinson of Ireland has eloquently stated, ''Irishness is not simply territorial * * * emigration is not just a chronicle of sorrow and regret. It is also a powerful story of contribution and adaptation.'' Irish-Americans have contributed immensely to this country, while maintaining lasting ties of heritage, history, and affection for the land of our ancestors.

As Friends of Ireland on St. Patrick's Day 1995, we commit ourselves to ever closer ties with the island of Ireland and all its people. It is our hope and prayer that 1995 will bring even greater progress toward lasting peace.

FRIENDS OF IRELAND EXECUTIVE COMMITTEE

SENATE

EDWARD M. KENNEDY.
DANIEL PATRICK MOYNIHAN.
CLAIBORNE PELL.
CHRISTOPHER J. DODD.

HOUSE OF REPRESENTATIVES

NEWT GINGRICH.
RICHARD A. GEPHARDT.
JAMES T. WALSH.

ROBERT PERRIN GRIFFIN: IN MEMORIAM

Mr. HOLLINGS. Madam President, I rise today to pay tribute to Robert Perrin Griffin, a good friend who passed away last year.

Bobby Griffin was a native son of South Carolina. Born in Bishopville in 1992, he served as a U.S. Senate page for our beloved former colleague, Senator ''Cotton Ed'' Smith of South Carolina, from 1937 to 1939, and as chief page for Vice President John Nance Garner of Texas. He graduated from the Citadel in 1943, 1 year after I did.

After college, Bobby joined the Army. As a soldier, he distinguished himself as a brave leader. As a patrol officer in World War II under Gen. George Patton in the 3d Army, 26th Division, Captain Griffin led his men into the first occupation of many enemy towns in Europe. In fact, he commanded his company in the first contact with German troops in the Ardennes campaign of 1944.

Madam President, Bobby Griffin was a man of enormous courage. He served our country with great distinction and

honor. Bobby was one of the few U.S. soldiers who was a prisoner of war twice. He was captured at the Battle of the Bulge in 1994 and was a German prisoner of war. He then escaped, but was recaptured. For his bravery, Bobby was awarded numerous medals and honors including: the Silver Star, two Bronze Stars, four Purple Hearts, a P.O.W. medal, the American Campaign medal, the World War II Victory medal, and the European African Middle Eastern Campaign medal.

Following the war, he continued to serve our country as commander of the Veterans of Foreign Wars Post, 3181, in Florence and as State commander of VFW in 1951.

Many around South Carolina remember Bobby best from his racing days. In 1950, he ran the first stock car in the first Southern 500 in Darlington. He was also one of the original owners of the Darlington International Raceway and past member of the board of directors.

Bobby was an auto dealer from the 1950's through the mid-1960's. In the Pee Dee, you can still spot an Oldsmobile from Griffin Motors that Bobby probably sold. After retiring from the car company, as a vice president, he spent many years in Myrtle Beach as a real estate developer.

Madam President, I would like to extend my thoughts and prayers to Bobby Griffin's friends and family. We will all miss him every much.

REPORT RELATIVE TO IRANIAN PETROLEUM RESOURCES—MESSAGE FROM THE PRESIDENT—PM 33

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Pursuant to the section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)) and section 301 of the National Emergencies Act (50 U.S.C. 1631), I hereby report that I have exercised my statutory authority to declare a national emergency to respond to the actions and policies of the Government of Iran and to issue an Executive order prohibiting United States persons from entering into contracts for the financing of or the overall management or supervision of the development of petroleum resources located in Iran or over which Iran claims jurisdiction.

The Secretary of the Treasury is authorized to issue regulations in exercise of my authorities under the International Emergency Economic Powers Act to implement these prohibitions. All Federal agencies are also directed to take actions within their authority to carry out the provisions of the Executive order.

I am enclosing a copy of the Executive order that I have issued. The order is effective at 12:01 a.m., eastern standard time, on March 16, 1995.

I have authorized these measures in response to the actions and policies of Iran including support for international terrorism, efforts to undermine the Middle East Peace Process, and the acquisition of weapons of mass destruction and the means to deliver them. We have worked energetically to press the Government of Iran to cease this unacceptable behavior. To that end we have worked closely with Allied governments to prevent Iran's access to goods that would enhance its military capabilities and allow it to further threaten the security of the region. We have also worked to limit Iran's financial resources by opposing subsidized lending.

Iran has reacted to the limitations on its financial resources by negotiating for Western firms to provide financing and know-how for management of the development of petroleum resources. Such development would provide new funds that the Iranian Government could use to continue its current policies. It continues to be the policy of the U.S. Government to seek to limit those resources and these prohibitions will prevent United States persons from acting in a manner that undermines that effort.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 15, 1995.*

MESSAGES FROM THE HOUSE

At 12:04 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 377. An act to amend a provision of part A of title IX of the Elementary and Secondary Education Act of 1965, relating to Indian education, to provide a technical amendment, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 402. An act to amend the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 531. An act to designate the Great Western Scenic Trail as a study trail under the National Trails System Act, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 536. An act to extend indefinitely the authority of the Secretary of the Interior to collect a commercial operation fee in the Delaware Water Gap National Recreation Area, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 562. An act to modify the boundaries of Walnut Canyon National Monument in the State of Arizona; to the Committee on Energy and Natural Resources.

H.R. 694. An act entitled the ''Minor Boundary Adjustments and Miscellaneous Park Amendments Act of 1995''; to the Committee on Energy and Natural Resources.

H.R. 715. An act to amend the Central Bering Sea Fisheries Enforcement Act of 1992 to prohibit fishing in the Central Sea of Okhotsk by vessels and nationals of the United States; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 34. A concurrent resolution authorizing the use of the Capitol Grounds for the Ringling Bros. and Barnum & Bailey Circus Anniversary Commemoration; to the Committee on Rules and Administration.

H. Con. Res. 39. A concurrent resolution expressing the sense of the Congress regarding Federal disaster relief; to the Committee on Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following measures were read the second time and placed on the calendar:

H.R. 956. An act to establish legal standards and procedures for product liability litigation, and for other purposes.

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–527. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 93–51; to the Committee on Appropriations.

EC–528. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 95–9; to the Committee on Appropriations.

EC–529. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report on the C–17 program; to the Committee on Armed Services.

EC–530. A communication from the Director of Defense Research and Engineering, transmitting, pursuant to law, the report on the Federally Funded Research and Development Center for fiscal year 1996; to the Committee on Armed Services.

EC–531. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a Department of Defense implementation plan; to the Committee on Armed Services.

EC–532. A communication from the Secretary of Defense, transmitting, pursuant to law, the annual report for calendar year 1994; to the Committee on Armed Services.

EC–533. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 92–10; to the Committee on Appropriations.

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. DORGAN:

S. 557. A bill to prohibit insured depository institutions and credit unions from engaging

in certain activities involving derivative financial instruments; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEVIN:

S. 558. A bill for the relief of Retired Sergeant First Class James D. Benoit, Wan Sook Benoit, and the estate of David Benoit, and for other purposes; to the Committee on the Judiciary.

By Mr. SIMPSON:

S. 559. A bill to amend the Lanham Act to require certain disclosures relating to materially altered films; to the Committee on the Judiciary.

By Mr. DASCHLE:

S. 560. A bill to amend section 6901 of title 31, United States Code, to entitle units of general local government to payments in lieu of taxes for nontaxable Indian land; to the Committee on Indian Affairs.

By Mr. CHAFEE:

S. 561. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Isabelle*, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRAMM (for himself and Mr. SHELBY):

S. 562. A bill to provide for State bank representation on the Board of Directors of the Federal Deposit Insurance Corporation, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GREGG:

S. 563. A bill to amend the Internal Revenue Code of 1986 to treat recycling facilities as exempt facilities under the tax-exempt bond rules, and for other purposes; to the Committee on Finance.

By Mr. BIDEN:

S. 564. A bill to confer and confirm Presidential authority to use force abroad, to set forth principles and procedures governing the exercise of that authority, and thereby to facilitate cooperation between the President and Congress in decisions concerning the use or deployment of United States Armed Forces abroad in situations of actual or potential hostilities.

By Mr. ROCKEFELLER (for himself, Mr. GORTON, Mr. MCCONNELL, Mr. LIEBERMAN, Mr. DODD, Mr. PRESSLER, Mr. HATCH, Mr. EXON, Mr. INHOFE, Mrs. HUTCHISON, and Mr. CHAFEE):

S. 565. A bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 566. A bill for the relief of Richard M. Sakakida; to the Committee on Armed Services.

By Mrs. BOXER:

S. 567. A bill to amend the Internal Revenue Code of 1986 to allow the casualty loss deduction for disaster losses without regard to the 10-percent adjusted gross income floor; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN:

S. 557. A bill to prohibit insured depository institutions and credit unions from engaging in certain activities involving derivative financial instruments; to the Committee on Banking, Housing, and Urban Affairs.

THE DERIVATIVES LIMITATION ACT OF 1995

● Mr. DORGAN. Mr. President, today I reintroduce my legislation called the Derivatives Limitation Act to prohibit banks and other federally insured financial institutions from engaging in risky, speculative derivatives trading on their own accounts. In my judgment such proprietary trading involves a degree of risk that is totally out of step with safe banking practices.

Last year, the General Accounting office [GAO] issued a major report raising a red flag about the risks of derivatives trading. Since this report, a number of financial institutions and other derivative investors have suffered enormous losses totaling billions of dollars. Because of tremendous growth of the derivatives market, which is now estimated at $35 billion worldwide, a major default, Fortune magazine said, could ignite a chain reaction that runs rampant through the financial markets in the United States and overseas. ''Inevitably, that would put deposit insurance funds, and the taxpayers behind it, at risk.''

Most of us know that derivatives are essentially a form of gambling. Derivatives may be the most complicated financial device ever, contracts based on mathematical formulas, involving multiples and interwoven bets on currency and interest rates and more in a burgeoning galaxy of permutations. Generally, investors stake a position that interest rates, or the dollar, or commodities, or whatever, will rise or fall. Up to a point, this is simply a form of hedging risk. Some businesses including banks have hedged in this manner for many years, and my bill would not affect these traditional and conservative hedging transactions.

Far from hedging, some of largest players speculating in the derivatives game are banks. Three New York banks are into this market for over $6 trillion alone. All of these banks have federal deposit insurance. The purpose of my bill is to ensure that the banks don't have to use it to cover losses on derivatives trading for their own accounts.

The importance of preventing banks from gambling on risky derivatives is highlighted by the recent collapse of Barings PLC in London. As everyone knows, a 28-year-old trader for Barings Bank engaged in a speculative trading binge in the derivatives market. His actions have resulted in at least a $1 billion loss to Baring PLC, wiping out all of its capital and throwing it into insolvency. It is still unclear whether the failure of Barings will trigger others problems for the global financial markets.

This is not an isolated problem affecting a single foreign institution. The list of U.S. companies that have suffered from derivative losses is impressive, and is still growing. For example, our regulators were recently forced to take over Capital Corporate Credit Union [CapCorp], a large corporate credit union, because it loaded up on derivatives called collateralized mortgage obligations [CMO's] which soured over the past year. The General Accounting Office attributed CapCorp's failure, in part, to its inappropriate investment strategy and poor regulatory oversight.

We can't ignore the lessons to be learned from both Barings and CapCorp, or others hurt by derivatives like Orange County, CA, Piper Jaffray and Procter & Gamble. Banks, thrifts, and credit unions ought not be allowed to gamble on derivative investments because of the potential exposure to the deposit insurance fund. In my judgment, this financial roulette wheel is at odds with everything we know about sound banking principles.

I think that yesterday's Washington Post op-ed piece on derivatives called ''Lessons from Barings'' also makes a strong case for my legislation. It correctly states that ''if banks are to be allowed to trade on their own accounts, with their own money—as Barings was doing in Singapore—that operation needs to be absolutely segregated from the part of the bank that takes insured deposits from the public.'' And my bill accomplishes this by prohibiting banks and other insured institutions from gambling with derivatives on their own accounts. It exempts derivatives activity that is conducted in separately capitalized affiliates operating without the protection of the deposit insurance safety net.

Again, let me point out that not all derivatives are bad. Some are important to lower capital costs and reduce interest and other financial risks. That's why I do not cover traditional hedging transactions under my legislation.

But, it's been clear to me that highly leveraged speculation by large, federally insured banks on price changes and the like is not healthy for our economy. It also threatens the long-term stability of the financial markets and to continued viability of the deposit insurance fund system.

Of course, what individual investors knowingly do with their own money is their own business. But when financial institutions are setting up what amount to keno pits in their lobbies, it's something that should concern us all. I hope my colleagues will cosponsor this important legislation.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE DERIVATIVES LIMITATION ACT OF 1995

I. SHORT TITLE.

The act may be cited as the Derivatives Limitations Act of 1995.

II. INSURED DEPOSITORY INSTITUTIONS

(1) General Prohibition—

Except as provided below, the legislation prohibits any bank, thrift or credit union and any affiliate of such insured depository institution from engaging in any transaction involving a derivative financial instrument for the account of that institution or affiliate.

For this purpose, a ''derivative financial instrument'' means an instrument of value which is derived from the value of stocks, bonds, other loan instruments, other assets, interest or currency exchange rates, or indexes; and other instruments as determined by the appropriate federal bank regulators.

(2) Exceptions—

(a) Hedging Transactions.—An insured depository institution may engage in hedging transactions as permitted by the appropriate federal banking regulators.

For this purpose, ''hedging transaction'' generally means any transaction involving derivative financial instruments entered into in the normal course of the institution's business to reduce risk of interest rate, price change or currency fluctuations with respect to property held by the institution, or loans or other investments or obligations made or incurred by the institution.

(b) Separately Capitalized Affiliates.—A separately capitalized uninsured affiliate of an insured depository institution may engage in a transaction involving a derivative financial instrument if such affiliate complies with certain rules and regulations as issued by the appropriate federal banking regulators, including notice that none of the activities of the affiliate are insured by the federal government or the parent company of the affiliate.

(c) De Minimis Interests.—An insured depository institution may engage in transactions involving small interests in derivative financial instruments for the account of that institution as permitted by the appropriate federal bank regulators.

(d) Existing Interests.—Existing interests and the acquisition of certain reasonably related interests in derivative financial instruments are grandfathered under this legislation.●

By Mr. SIMPSON:

S. 559. A bill to amend the Lanham Act to require certain disclosures relating to materially altered films; to the Committee on the Judiciary.

THE FILM DISCLOSURE ACT OF 1995

Mr. SIMPSON. Mr. President, I rise today to introduce the Film Disclosure Act of 1995.

This legislation would recognize the interest we all have in preserving the integrity of one of the most uniquely American of art forms—the motion picture. I personally recoil at the thought of colorizing such classics as ''Casablanca'' or ''The Maltese Falcon.'' These films were intended to be shown in black and white by their creators.

Perhaps the most vivid example of an inappropriately altered film is the colorization of ''Lost Horizon.'' That film was necessarily filmed in black and white because the mythical paradise in which it is set—Shangri-La, a name that has come down through the decades—is formed by the author's and the audience's imagination. I personally knew one of the stars of the movie, Isabel Jewell, a marvelous woman, she filled me with imagination as she described the filming of that remarkable film. It is up to the viewer of ''Lost Horizon'' to ''fill in the blanks'' when visualizing that paradise. Quite frankly, I find colorization of that particular film to be demeaning and wholly inappropriate—unfair, if you will.

However, I also believe that any legislation that addresses film alteration must recognize the realities of the international market. The motion picture industry ranks high among all industries in producing a positive cash flow in the U.S. balance of trade. While protecting the artistic integrity of motion pictures, I believe it is also essential that Congress do nothing to impede or harm the financial arrangements by which motion pictures are made and distributed.

The object of this legislation is to ensure that the artistic authors of motion pictures—principal directors, screenwriters and cinematographers—may be able to inform the viewing public about any significant changes that are made to their work by studios or by television stations. The bill requires that labels be affixed to all films that are exhibited in a ''materially altered'' form. The label would contain two parts: first, the nature of the alterations would be described, and second, the objection, if any, of the principal artistic authors to the alterations would be clearly stated.

This bill does not prohibit the exhibition of materially altered films. Nor does the bill allow the principal artistic authors to have their names stricken from the altered versions of the film. The bill is ''truth in packaging.'' That is what it is, nothing more. It simply gives the consumers of films vital information on: first, the changes that have been made to the film, and second, the objection of the film's author to those changes, if such an objection exists. I might add that film authors in many European countries have much more extensive rights to object to significant alterations of their work than this bill would provide.

Here are the types of alterations—made by people other than the artistic authors—that this bill would require to be labeled: first, colorization; second, panning and scanning—changing the film's image to fit wider movies onto the narrower television screen; third, lexiconning—altering the sound track; fourth, time compression or expansion—speeding up or slowing down a film; and fifth, editing—removal of material or insertion of new material.

I know people understand that these alterations occur with surprising frequency. It is my personal belief that many of these alterations pass unnoticed by a viewing public which might wish to see the original version intended by the artist. I also believe that these alterations could discourage some artistic authors of films from making innovative films in the future. This would be a sad result.

However, let me emphasize again that this bill does not prevent alterations. It does not prevent copyright owners from changing the movie when it is distributed into the secondary markets—such as television or video stores. The bill simply will provide consumers with information on the workings of the market place for movies: it merely allows consumers of films to make the most informed choice possible when making their marketplace decision about what films to watch.

Mr. President, a little more knowledge never hurt anyone. I have visited over the years on this issue with directors and artists and actors and actresses who are offended to see the work that they have placed all of their energy and effort and skill and reputation into, seeing it jerked around, if you will, by people who have no sense or no sensitivity about the meaning of the train scene in a certain movie or this particular scene in ''High Noon'' or whatever was done with power, passion and skill by directors and actors and actresses.

That is what it is about. It is about knowledge. It is about the public's right to know. I hope that as this bill is reported to the American public, we will wrap around the cherished phrase of all journalists, the public's right to know. That is exactly what this is. More knowledge will not hurt any of the consumers. This is all the bill provides, more knowledge to the consumer about the original artist's intent when a film is publicly shown.

Mr. President, I commend this bill to my colleagues and ask for their support and ask unanimous consent a copy 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. 559

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 ''Film Disclosure Act of 1995''.

SEC. 2. AMENDMENT TO THE LANHAM ACT.

Section 43 of the Act entitled ''An Act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946, commonly known as the Lanham Act (15 U.S.C. 1125), is amended by adding at the end the following:

''(c)(1)(A) Any distributor or network that proposes to exploit a materially altered motion picture shall—

''(i) make a good faith effort to notify each artistic author of the motion picture in writing and by registered mail and in a reasonable amount of time prior to such exploitation;

''(ii) determine the objections of any artistic author so notified to any material alteration of the motion picture;

''(iii) determine the objection of any artistic author so notified by the questionnaire set forth in paragraph (9) to any type of future material alterations which are in addition to those specifically proposed for the motion picture to be exploited;

''(iv) if any objections under clause (ii) or (iii) are determined, include the applicable label under paragraph (6) or (8) in, or affix such label to, all copies of the motion picture before—

''(I) the public performance of the materially altered motion picture if it is already in distribution, or

''(II) the initial distribution of the materially altered motion picture to any exhibitor or retail provider; and

''(v) in the event of objections by an artistic author to any future material alterations, include or affix such objections to any copy of the motion picture distributed or transmitted to any exhibitor or retail provider.

''(B) Whenever a distributor or network exploits a motion picture which has already been materially altered, such distributor or network shall not be required to satisfy the requirements of subparagraph (A) (i), (ii), and (iii), if—

''(i) such distributor or network does not further materially alter such motion picture; and

''(ii) such motion picture was materially altered by another distributor or network that complied fully with all of the requirements of subparagraph (A).

''(C)(i) The requirement of a good faith effort under subparagraph (A)(i) is satisfied if a distributor or network that has not previously been notified by each artistic author of a motion picture—

''(I) requests in writing the name and address of each artistic author of the motion picture from the appropriate professional guild, indicating a response date of not earlier than 30 days after the date of the request, by which the appropriate professional guild must respond; and

''(II) upon receipt of such information from the appropriate professional guild within the time specified in the request, notifies each artistic author of the motion picture in a reasonable amount of time before the exploitation of the motion picture by such network or distributor.

''(ii) The notice to each artistic author under this paragraph shall contain a specific date, not earlier than 30 days after the date of such notice, by which the individual so notified shall respond in accordance with subparagraph (A)(ii). Failure of the artistic author or the appropriate professional guild to respond within the time period specified in the notice shall relieve the distributor or network of all liability under subparagraph (A).

''(D) The requirements of this paragraph for an exhibitor shall be limited to—

''(i) broadcasting, cablecasting, exhibiting, or distributing all labels required under this section in their entirety that are included with or distributed by the network or distributor of the motion picture; and

''(ii) including or affixing a label described in paragraphs (6) and (8) on a materially altered motion picture for any material alterations performed by the exhibitor to which any artistic author has objected under subparagraph (A)(iii).

''(E)(i) The provisions of this paragraph shall apply with respect to motion pictures intended for home use through either retail purchase or rental, except that no requirement imposed under this paragraph shall apply to a motion picture which has been packaged for distribution to retail providers before the effective date of this subsection.

''(ii) The obligations under this paragraph of a retail provider of motion pictures intended for home use shall be limited to including or distributing all labels required under this paragraph in their entirety that are affixed or included by a distributor or network.

''(F) There shall be no consideration in excess of one dollar given in exchange for an artistic author's waiver of any objection or waiver of the right to object under this subsection.

''(2)(A) Any artistic author of a motion picture that is exploited within the United States who believes he or she is or is likely to be damaged by a violation of this subsection may bring a civil action for appropriate relief, as provided in this paragraph, on account of such violation, without regard to the nationality or domicile of the artistic author.

''(B)(i) In any action under subparagraph (A), the court shall have power to grant injunctions, according to the principles of equity and upon such terms as the court deems reasonable, to prevent the violation of this subsection. Any such injunction may include a provision directing the defendant to file with the court and serve on the plaintiff, within 30 days after the service on the defendant of such injunction, or such extended period as the court may direct, a report in writing under oath setting forth in detail the manner and form in which the defendant has complied with the injunction. Any such injunction granted upon hearing, after notice to the defendant, by any district court of the United States—

''(I) may be served on the parties against whom such injunction is granted anywhere in the United States where they may be found; and

''(II) shall be operative and may be enforced by proceedings to punish for contempt, or otherwise, by the court by which such injunction was granted, or by any other United States district court in whose jurisdiction the defendant may be found.

''(ii) When a violation of any right of an artistic author is established in any civil action arising under this subsection, the plaintiff shall be entitled to the remedies provided under section 35(a).

''(iii) In any action under subparagraph (A), the court may order that all film packaging of a materially altered motion picture (including film packages of motion pictures intended for home use through either retail purchase or rental) that is the subject of the violation shall be delivered up and destroyed.

''(C) No action shall be maintained under this paragraph unless—

''(i) the action is commenced within 1 year after the right of action accrues; and

''(ii) if brought by an artistic author designee, the action is commenced within the term of copyright of the motion picture.

''(3) Any disclosure requirements imposed under the common law or statutes of any State respecting the material alteration of motion pictures are preempted by this subsection.

''(4) To facilitate the location of a potentially aggrieved party, each artistic author of a motion picture may notify the copyright owner of the motion picture or any appropriate professional guild. The professional guilds may each maintain a Professional Guild Registry including the names and addresses of artistic authors so notifying them and may make available information contained in a Professional Guild Registry in order to facilitate the location of any artistic author for purposes of paragraph (1)(A). No cause of action shall accrue against any professional guild for failure to create or maintain a Professional Guild Registry or for any failure to provide information pursuant to paragraph (1)(A)(i).

''(5) As used in this subsection—

''(A) the term 'artistic author' means—

''(i) the principal director and principal screenwriter of a motion picture and, to the extent a motion picture is colorized or its photographic images materially altered, the principal cinematographer of the motion picture; or

''(ii) the designee of an individual described in clause (i), if the designation is made in writing and signed by the principal;

''(B) the term 'colorize' means to add color, by whatever means, to a motion picture originally made in black and white, and the term 'colorization' means the act of colorizing;

''(C) the term 'distributor'—

''(i) means any person, vendor, or syndicator who engages in the wholesale distribution of motion pictures to any exhibitor, network, retail provider, or other person who publicly performs motion pictures by means of any technology, and

''(ii) does not include laboratories or other providers of technical services to the motion picture, video, or television industry;

''(D) the term 'editing' means the purposeful or accidental removal of existing material or insertion of new material;

''(E) the term 'exhibitor' means any local broadcast station, cable system, airline, motion picture theater, or other person that publicly performs a motion picture by means of any technology;

''(F) the term 'exploit' means to exhibit publicly or offer to the public through sale or lease, and the term 'exploitation' means the act of exploiting;

''(G) the term 'film' or 'motion picture' means—

''(i) a theatrical motion picture, after its publication, of 60 minutes duration or greater, intended for exhibition, public performance, public sale or lease, and

''(ii) does not include episodic television programs of less than 60 minutes duration (exclusive of commercials), motion pictures prepared for private commercial or industrial purposes, or advertisements;

''(H) the term 'lexiconning' means altering the sound track of a motion picture to conform the speed of the vocal or musical portion of the motion picture to the visual images of the motion picture, in a case in which the motion picture has been the subject of time compression or expansion;

''(I) the terms 'materially alter' and 'material alteration'—

''(i) refer to any change made to a motion picture;

''(ii) include, but are not limited to, the processes of colorization, lexiconning, time compression or expansion, panning and scanning, and editing; and

''(iii) do not include insertions for commercial breaks or public service announcements, editing to comply with the requirements of the Federal Communications Commission (in this subparagraph referred to as the 'FCC'), transfer of film to videotape or any other secondary media preparation of a motion picture for foreign distribution to the extent that subtitling and editing are limited to those alterations made under foreign standards which are no more stringent than existing FCC standards, or activities the purpose of which is the restoration of the motion picture to its original version;

''(J) the term 'network' means any person who distributes motion pictures to broadcasting stations or cable systems on a regional or national basis for public performance on an interconnected basis;

''(K) the term 'panning and scanning' means the process by which a motion picture, composed for viewing on theater screens, is adapted for viewing on television screens by modification of the ratio of width to height of the motion picture and the selection, by a person other than the principal director of the motion picture, of some portion of the entire picture for viewing;

''(L) the term 'professional guild' means—

''(i) in the case of directors, the Directors Guild of America (DGA);

''(ii) in the case of screenwriters, the Writers Guild of America–West (WGA–W) and the Writers Guild of America–East (WGA–E); and

''(iii) in the case of cinematographers, the International Photographers Guild (IPG), and the American Society of Cinematographers (ASC);

''(M) the term 'Professional Guild Registry' means a list of names and addresses of

artistic authors that is readily available from the files of a professional guild;

''(N) the term 'publication' means, with respect to a motion picture, the first paid public exhibition of the work other than previews, trial runs, and festivals;

''(O) the term 'retail provider' means the proprietor of a retail outlet that sells or leases motion pictures for home use;

''(P) the term 'secondary media' means any medium, including, but not limited to, video cassette or video disc, other than television broadcast or theatrical release, for use on which motion pictures are sold, leased, or distributed to the public;

''(Q) the term 'syndicator' means any person who distributes a motion picture to a broadcast television station, cable television system, or any other means of distribution by which programming is delivered to television viewers;

''(R) the terms 'time compression' and 'time expansion' mean the alteration of the speed of a motion picture or a portion thereof with the result of shortening or lengthening the running time of the motion picture; and

''(S) the term 'vendor' means the wholesaler or packager of a motion picture which is intended for wholesale distribution to retail providers.

''(6)(A) A label for a materially altered version of a motion picture intended for public performance or home use shall consist of a panel card immediately preceding the commencement of the motion picture, which bears one or more of the following statements, as appropriate, in legible type and displayed on a conspicuous and readable basis:

'THIS FILM IS NOT THE VERSION ORIGINALLY RELEASED. _____ mins. and _____ secs. have been cut [or, if appropriate, added]. The director, _____ _____, and screenwriter, _____ _____, object because this alteration changes the narrative and/or characterization. It has (also) been panned and scanned. The director and cinematographer, _____ _____, object because this alteration removes visual information and changes the composition of the images. It has (also) been colorized. Colors have been added by computer to the original black and white images. The director and cinematographer object to this alteration because it eliminates the black and white photography and changes the photographic images of the actors. It has (also) been electronically speeded up (or slowed down). The director objects because this alteration changes the pace of the performances.'

''(B) A label for a motion picture that has been materially altered in a manner not described by any of the label elements set forth in subparagraph (A) shall contain a statement similar in form and substance to those set forth in subparagraph (A) which accurately describes the material alteration and the objection of the artistic author.

''(7) A label for a motion picture which has been materially altered in more than one manner, or of which an individual served as more than one artistic author, need only state the name of the artistic author once, in the first objection of the artistic author so listed. In addition, a label for a motion picture which has been materially altered in more than one manner need only state once, at the beginning of the label: 'THIS FILM IS NOT THE VERSION ORIGINALLY RELEASED.'.

''(8) A label for a film package of a materially altered motion picture shall consist of—

''(A) an area of a rectangle on the front of the package which bears, as appropriate, one or more of the statements listed in paragraph (6) in a conspicuous and legible type in contrast by typography, layout, or color with other printed matter on the package; and

''(B) an area of a rectangle on the side of the package which bears, as appropriate, one or more of the statements listed in paragraph (6) in a conspicuous and legible type in contrast by typography, layout, or color with other printed matter on the package.

''(9) The questionnaire required under paragraph (1)(A)(iii) shall consist of the following statement and related questions:

'In order to conform [insert name of motion picture], of which you are an ''artistic author'', to ancillary media such as television, airline exhibition, video cassettes, video discs, or any other media, do you object to:

'(a) Editing (purposeful or accidental deletion or addition of program material)?

Yes_____ No_____

'(b) Time compression/time expansion/lexiconning?

Yes_____ No_____

'(c) Panning and scanning?

Yes_____ No_____

'(d) Colorization, if the motion picture was originally made in black and white?

Yes_____ No_____'.''

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 180 days after the date of the enactment of this Act.

By Mr. DASCHLE:

S. 560. A bill to amend section 6901 of title 31, United States Code, to entitle units of general local government to payments in lieu of taxes for nontaxable Indian land; to the Committee on Indian Affairs.

INDIAN LAND LEGISLATION

Mr. DASCHLE. Mr. President, today I introduce a bill to amend section 6901 of title 31, United States Code. This bill will provide payment in lieu of taxes to nontaxable Indian land that is conveyed to the ownership of an Indian or Indian tribe or to the United States in trust for an Indian or Indian tribe.

In 1976, Congress authorized a program to help compensate counties and units of local government for the loss of property taxes from the presence of tax-exempt Federal lands within their jurisdictions. This program, commonly referred to as payments in lieu of taxes, or PILT, is administered by the Bureau of Land Management. Payments are made for tax-exempt Federal lands administered by the BLM, Forest Service, National Park Service, U.S. Fish and Wildlife Service, and for Federal water projects and some military installations.

This amendment will provide compensation to local governments for lost revenue from land that is conveyed to an individual Indian or tribe and then converted to trust status. This amendment does not apply to Indian land that was not originally subject to property taxes or land converted to trust status prior to the enactment of this bill.

The purpose of the amendment is to provide a means for local governments to be compensated for the loss of revenue that results from the tax-exempt status of Indian land without discouraging individual Indians and tribes from converting recently purchased land holdings into trust status.

The additional PILT compensation will be minimal. Far more Indian land is converted from trust status to fee status. During the past 5 years, less than 1,000 acres have been converted to trust status in South Dakota.

This amendment is a fair and sensible approach to remedying an inequity effecting local governments in South Dakota and across the Nation.

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. 560

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

SECTION 1. PAYMENTS IN LIEU OF TAXES FOR NONTAXABLE INDIAN LAND.

Section 6901 of title 31, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''means'' and inserting ''means—

''(A) land owned by the United States Government—'';

(B) by redesignating subparagraphs (A) through (G) as clauses (i) through (vii), respectively, and adjusting the margins as appropriate; and

(C) by striking the period at the end, inserting a semicolon, and adding the following:

''(B) nontaxable Indian land.'';

(2) by redesignating paragraph (2) as paragraph (5); and

(3) by inserting after paragraph (1) the following:

''(2) 'Indian land' means land that is owned by an Indian or Indian tribe or by the United States in trust for an Indian or Indian tribe.

''(3) 'Indian tribe' means an Indian tribe, band, nation, pueblo, or other recognized group or community, including any Alaska Native Village or regional corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(4) 'nontaxable Indian land' means Indian land that—

''(A) on or after the date of enactment of this paragraph, is conveyed to the ownership of an Indian or Indian tribe or to the United States, in trust for an Indian or Indian tribe;

''(B) prior to the conveyance, was subject to taxation by a unit of general local government; and

''(C) under a provision of the Constitution of the United States or an Act of Congress, is not subject to taxation by the unit of general local government by reason of that ownership.''.

By Mr. CHAFEE:

S. 561. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Isabelle*, and for other purposes; to the Committee on Commerce, Science, and Transportation.

CERTIFICATE OF DOCUMENTATION LEGISLATION

● Mr. CHAFEE. 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. 561

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

SECTION 1. VESSEL DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 App. U.S.C. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel ISABELLE, United States official number 600655.●

By Mr. GRAMM (for himself and Mr. SHELBY):

S. 562. A bill to provide for State bank representation on the Board of Directors of the Federal Deposit Insurance Corporation, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE STATE BANK REPRESENTATION ACT

● Mr. GRAMM. Mr. President, our system of State and federally chartered banks has served Americans well over the years. Many of the bank products that are most popular with consumers were first developed by State banks.

Today, together with the chairman of the Financial Institutions Subcommittee, Senator SHELBY, I am introducing legislation to strengthen the dual banking system by providing for State bank representation on the board of Directors of the Federal Deposit Insurance Corporation [FDIC]. The FDIC Board currently is made up of five members: the Chairman of the FDIC, the Comptroller of the Currency, the Chairman of the Office of Thrift Supervision, and two independent members.

Mr. President, while the FDIC insures the deposits of both State and national banks, no one is seated at the table who can be counted on to present the perspective of State-chartered banks.

Decisions made and regulations issued by the FDIC have a powerful impact on banks, whether they have a State or national charter. We are in some degree, a dangerous degree, flying blind without having both elements of our dual banking system participating on the FDIC Board.

Our legislation contains several procedural safeguards. The bill would ensure that no one State would be favored over other States in serving on the FDIC Board. First of all, the State bank supervisor would be appointed to the Board by the President and confirmed by the Senate. Second, such a supervisor would serve for only 2 years and could not be reappointed. Neither could supervisors from the same State serve consecutive terms on the Board.

Finally, to ensure that it is the point of view of State bank supervisors that is being represented, should the individual while serving on the FDIC Board cease to be a State bank supervisor, then membership on the FDIC Board would also be lost. The President, in that case, would need to appoint another supervisor, with the advice and consent of the Senate, to serve for the remainder of the unexpired term. Such new appointment could be, but would not have to be, an individual from the same State as the individual originally appointed to that term.

As with the Comptroller of the Currency and the Chairman of the Office of Thrift Supervision, a State bank supervisor would receive no Federal salary for service as a member of the FDIC Board.

Mr. President, I believe that provision should have been made for a State bank supervisor on the FDIC Board when the Comptroller of the Currency was included on the Board. This legislation will rectify that oversight and bring about the balance that currently does not exist.

Mr. President, I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 562

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 Bank Representation Act''.

SEC. 2. STATE BANK REPRESENTATION OF FDIC BOARD OF DIRECTORS.

(a) IN GENERAL.—Section 2(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1812(a)(1)) is amended—

(1) by striking ''5 members'' and inserting ''6 members'';

(2) in subparagraph (B), by striking ''and'' at the end;

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

(4) by adding at the end the following:

''(D) 1 of whom shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals serving as State bank commissioners or supervisors (or the functional equivalent thereof) as of the date on which the appointment is made.''.

(b) LIMITATION.—Section 2(b) of the Federal Deposit Insurance Act (12 U.S.C. 1812(b)) is amended—

(1) in paragraph (1), by striking ''appointed members'' and inserting ''members appointed pursuant to subsection (a)(1)(C)''; and

(2) in paragraph (2), by striking ''appointed members'' and inserting ''members appointed pursuant to subsection (a)(1)(C)''.

(c) TERMS.—Section 2(c)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1812(c)(1)) is amended—

(1) by striking ''Each appointed member'' and inserting the following:

(A) IN GENERAL.—Each member appointed pursuant to subsection (a)(1)(C)''; and

(2) by adding at the end the following:

''(B) STATE BANK REPRESENTATIVES.—

''(i) IN GENERAL.—Except as provided in clause (ii), each member appointed pursuant to subsection (a)(1)(D) shall be appointed for a single term of 2 years.

''(ii) EXCEPTION.—If a member appointed pursuant to subsection (a)(1)(D) ceases to be a State banking commissioner or supervisor (or functional equivalent thereof) on a date prior to the expiration of the 2-year period described in clause (i), such member's membership on the Board of Directors shall terminate on that date.''.

(d) VACANCIES.—Section 2(d)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1812(d)(1)) is amended—

(1) by striking ''Any vacancy'' and inserting the following:

''(A) IN GENERAL.—Subject to the restrictions contained in subparagraph (B), any vacancy''; and

(2) by adding at the end the following:

''(B) RESTRICTIONS.—

''(i) SAME INDIVIDUAL.—In filling a vacancy on the Board of Directors pursuant to subsection (a)(1)(D), the President may not appoint an individual who has previously served as a member of the Board of Directors pursuant to subsection (a)(1)(D).

''(ii) SAME STATE.—In filling a vacancy on the Board of Directors pursuant to subsection (a)(1)(D) (other than a vacancy occurring under subsection (c)(1)(B)(ii)), the President may not appoint an individual who is serving as the State bank commissioner or supervisor (or functional equivalent thereof) of the same State as the member most recently appointed pursuant to subsection (a)(1)(D).''.

(e) NONCOMPENSATION; TRAVEL EXPENSES.—Section 2 of the Federal Deposit Insurance Act (12 U.S.C. 1812) is amended by adding at the end the following:

''(g) PERSONNEL MATTERS RELATING TO STATE BANK REPRESENTATIVES.—Members of the Board of Directors appointed pursuant to subsection (a)(1)(D)—

''(1) shall serve without compensation; and

''(2) shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board of Directors.''.

SUMMARY—STATE BANK REPRESENTATION ACT

1. Short title: ''State Bank Representation Act.''

2. Add another member to the FDIC Board of Directors, who would be a sitting state banking Supervisor or Commissioner (or the functional equivalent thereof), and who would be a full voting member.

3. This board member would be nominated by the President and confirmed by the Senate.

4. Remuneration would only be for expenses in connection with official duties as a board member; no salary.

5. Term of office would be two years. Such a board member may not be reappointed to the board for this particular seat, nor may a Supervisor from the same state serve for two consecutive terms on the board.

6. If during term of office as a member of the FDIC board the individual ceases to be a state banking Supervisor, then the person would also lose membership on the FDIC Board.●

By Mr. GREGG:

S. 563. A bill to amend the Internal Revenue Code of 1986 to treat recycling facilities as exempt facilities under the tax-exempt bond rules, and for other purposes; to the Committee on Finance.

THE ENVIRONMENTAL INFRASTRUCTURE FINANCING ACT OF 1995

● Mr. GREGG. Mr. President, I introduce the Environmental Infrastructure Financing Act of 1995. The bill will amend the Internal Revenue Code of 1986 to allow recycling facilities to be eligible for tax-exempt bond financing.

A continuing problem in the development of recycling efforts is the need for markets for the materials that are being collected. Processes exist for remanufacturing the recycled materials into new products, but they frequently require extensive capital investment.

An approach that is often attempted is the use of the Federal tax-exempt bond program, which does have a subcategory for solid waste projects. Solid waste recycling facilities should constitute a legitimate application of these funds; however, certain sections of the Tax Code define solid waste as being ''material without value.'' With recycled materials now being traded as commodities, they do, in fact, have value, making the facilities which might process them ineligible for tax-exempt financing. This definitional problem impedes the construction of recycling facilities and hurts the development of recycling materials markets.

My bill will correct this problem in the Tax Code and allow recycling facilities to obtain tax-exempt financing. The Environmental Infrastructure Financing Act of 1994 will foster the further development of the recycling industry and promote increased recycling.

Mr. President, I ask unanimous consent that a copy 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. 563

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 ''Environmental Infrastructure Financing Act of 1995''.

SEC. 2. RECYCLING FACILITIES TREATED AS EXEMPT FACILITIES.

(a) TREATMENT AS EXEMPT FACILITY BOND.—Subsection (a) of section 142 of the Internal Revenue Code of 1986 (defining exempt facility bond) is amended by striking ''or'' at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting '', or'', and by adding at the end the following new paragraph:

''(13) qualified recycling facilities.''

(b) QUALIFIED RECYCLING FACILITIES DEFINED.—Section 142 of the Internal Revenue Code of 1986 (defining exempt facility bond) is amended by adding at the end the following new subsection:

''(k) QUALIFIED RECYCLING FACILITIES.—

''(1) IN GENERAL.—For purposes of subsection (a)(13), the term 'qualified recycling facilities' means any facility used exclusively—

''(A) to sort and prepare municipal, industrial, and commercial refuse for recycling, or

''(B) in the recycling of qualified refuse.

''(2) QUALIFIED REFUSE.—For purposes of this subsection, the term 'qualified refuse' means—

''(A) yard waste,

''(B) food waste,

''(C) waste paper and paperboard,

''(D) plastic scrap,

''(E) rubber scrap,

''(F) ferrous and nonferrous scrap metal,

''(G) waste glass,

''(H) construction and demolition waste, and,

''(I) biosolids (sewage sludge).

(3) RECYCLING.—For purposes of this subsection, the term 'recycling' includes either—

''(A) processing (including composting) qualified refuse to a point at which such refuse has commercial value; or

''(B) manufacturing products from qualified refuse when such refuse constitutes at least 40 percent, by weight or volume, of the total materials introduced into the manufacturing process.

''(4) SPECIAL RULE.—Refuse shall not fail to be treated as waste merely because such refuse has a market value at the place such refuse is located only by reason of the value of such refuse for recycling.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.●

By Mr. BIDEN:

S. 564. A bill to confer and confirm Presidential authority to use force abroad, to set forth principles and procedures governing the exercise of that authority, and thereby to facilitate cooperation between the President and Congress in decisions concerning the use or deployment of U.S. Armed Forces abroad in situations of actual or potential hostilities.

USE OF FORCE ACT

Mr. BIDEN. Mr. President, I rise today to introduce a piece of legislation that I worked on for the last several years. As time has passed, I believe my arguments for the legislation in the first instance are even more relevant today than they were then.

This legislation will replace the War Powers Resolution of 1973, and it is designed to provide a framework for joint congressional-Executive decisionmaking about the most solemn decision that a nation can make: to send women and men to fight and die for their country.

Decades ago, a noted scholar, Edwin Corwin, characterized constitutional provisions regarding the foreign policy of the Nation as an invitation to struggle—a struggle between the executive branch and the legislative branch.

Professor Corwin's maxim accurately describes over 200 years of constitutional history—two centuries of tension between the executive and the legislative branches regarding the war power.

But over the past four decades, what was intended as a healthy struggle between the executive and legislative branches has become an extremely excessively divisive and chronically debilitating struggle.

The primary cause, in my view, is that Presidents have pushed the limits of Executive prerogative, Democratic Presidents as well as Republican Presidents. Their rationale has been the supposed burden of Presidential responsibility imposed by the stresses and dangers of the cold war.

The era began in 1950, when President Truman deployed forces to defend South Korea without any congressional authorization.

With elaborate legal argument, Truman asserted an inherent Presidential authority to act unilaterally to protect the broad interests of American foreign policy.

A nearly lone voice of concern, Senate minority leader—Mr. Republican—Robert Taft—known, as I said, as Mr. Republican—declared that the President had usurped authority, in violation of the laws and the Constitution.

But Taft's pronouncements availed him little, a fate that would often befall similar Executive attempts to restrain Executive aggrandizement.

The dissenters were overwhelmed by the proponents of a thesis: The thesis that in the nuclear age—when the fate of the planet itself appeared to rest with two men thousands of miles apart—Congress had little choice, or so it was claimed, but to cede tremendous authority to the Executive.

By the beginning of the 1970's, that thesis had become doctrine.

In 1970, when President Nixon sent United States forces into Cambodia with neither congressional authorization nor even consultation, his accompanying assertions of autonomous Presidential powers were so sweeping and so extreme that the Senate began a search—a search led by Republican Senator Jacob Javits and strongly supported by Democratic Senator and hawk John Stennis—the Senate began a search for some means of rectifying what was now perceived as a dangerous constitutional imbalance in favor of the Executive.

The result was the enactment, in 1973—my first year in the U.S. Senate—of the War Powers Resolution over a Presidential veto.

Today, over two decades later, few would dispute that the War Powers Resolution has failed to fulfill its intent and has been, to state it quite simply, ineffective.

It is commonly said that every President has disputed the constitutionality of the War Powers Act, but that is not wholly true. President Ford took no issue with the act while he was in office.

And President Carter explicitly vowed to comply with its provisions, declaring that he would neither endorse nor challenge its constitutionality.

Moreover, the Carter Justice Department conducted a detailed analysis of the resolution and declared, quite explicitly, that its most critical mechanism—the timetable for congressional authorization of use of force abroad—is fully and unambiguously constitutional.

Unfortunately, under the Ford and Carter administrations, no body of practice under the resolution developed, because the only two military actions of that period—the *Mayaguez* incident under President Ford and Desert One under President Carter—were over almost before they began.

Then came President Reagan and President Bush, who dealt with the resolution pragmatically while declaring their blanket opposition to its provisions.

Their assertion of the doctrine of broad Executive powers—what I call the monarchist viewpoint—is best exemplified by President Bush's statement on the eve of the gulf war.

With half a million American forces standing ready in Saudi Arabia, President Bush petulantly declared that he did not need permission from some old goat in the Congress to kick Saddam out of Kuwait.

Although Mr. Bush eventually sought congressional support in the gulf, he did so reluctantly, and continued to assert that he sought only support, refusing to concede that congressional authorization was a legal necessity.

More recently, the notion of broad Executive power was claimed on the eve of the invasion of Haiti—an invasion that, thankfully, was averted by a last-minute diplomatic initiative.

Last summer, Clinton administration officials characterized the Haiti operation as a mere police action, a semantic dodge designed to avoid the need for congressional authorization.

Some of my Democratic colleagues suggested that the war clause of the Constitution was entirely ceremonial and that the President had virtually unlimited discretion to order an invasion of Haiti. These were some of the same Democrats who stood here on the floor and said President Bush did not have the authority to act in the gulf without congressional assent; proving the axiom that Senators and Congressmen tend to pick what side of their issue they are on depending on the partisan need.

We have the interesting phenomena, Republicans on the floor who said there was a broad range of congressional authority, but when it came to Clinton exercising it, saying, no, he did not have the authority; and Democrats who were on the floor telling President Bush he did not have the authority but saying, no, President Clinton does. To be sure, there were some of my Republicans and Democratic friends who were consistent—who may have questioned the President's policy in Haiti but did not question the right to deploy those troops in the absence of congressional consent.

In my view, the assertions expressed during the Haitian crisis underscore that the doctrine asserted by President Nixon 25 years ago still grips the executive branch. More alarming, the congressional viewpoints I summarized suggest that the legislative surrender of the war power continues, based in part on whether or not the man or woman in power is a man of your party and whether you agree with him on the substance of the action.

With all respect to my colleagues and the administration, I believe this President, the last President, and the Presidents under whom I have served have misread the Constitution. Article I, section 8, clause 11, grants to the Congress the power ''To declare War, grant Letters of Marque and Reprisal and make Rules concerning Captures on Land and Water.''

To the President, the Constitution provides in article II, section 2, the role of ''Commander in Chief of the Army and Navy of the United States.'' It may fairly be said that with regard to many constitutional provisions, the framers' intent was ambiguous, but not on the war power. Both the contemporaneous evidence and the early construction of these clauses, in my view, do not leave much room for doubt.

The original draft of the U.S. Constitution would have given the Congress the power to ''make war.'' At the Constitutional Convention in Philadelphia, a motion was made to change to ''make war,'' to ''declare war.''

The reason for the change is very instructive. At the convention, James Madison and Elbridge Gerry argue for an amendment solely in order to permit the President the power ''to repel sudden attacks.'' They were fearful if you said it was the power of the Congress to make war, that could be read to deny the President the authority without congressional power to repel sudden attacks.

Just one delegate at the convention, Pierce Butler of South Carolina, suggested that the President should be given the power to initiate war. All others disagreed. Only one to suggest that the President had the power to initiate war. The rationale for vesting the power to launch war in the U.S. Congress was quite simple: The framers knew their history. The framers' thoughts were dominated by their experience with the British king who had unfettered power to start wars and spend the treasure and blood of his nation. Such powers the framers were determined to deny the President of the United States.

George Mason, for example, explained that he was opposed to giving the power to initiate war to the President because the President, the Executive, he believed, was not to be safely trusted with that power. Even Alexander Hamilton, a staunch advocate of Presidential power, emphasized that the President's power as Commander in Chief would be ''much inferior'' to the British kings, amounting to ''nothing more than the supreme command and direction of the military and naval forces,'' while that of the British king ''extends to the declaring of war and the raising and regulation of fleets and armies—all which [by the U.S.] Constitution would appertain to the legislature.''

It is frequently contended by those who favor vast Presidential powers that Congress was granted only ceremonial power to declare war, in effect, a designation to provide fair notice to the opposing States, and legal notice to neutral parties. At least that is what they argue.

But the framers had little interest, it seems, in the ceremonial aspects of war. The real issue was congressional authorization of war. As Hamilton noted in Federalist 25, ''The ceremony of a formal denunciation of war has of late fallen into disuse.'' Indeed, by one historian's account, just 1 war in 10 was formally declared in the years between 1700 and 1870—1 in 10.

The proposition that Congress had the power to initiate all wars except to repel attack on the United States is also strengthened in view of the second part of the war clause. That is the power to ''grant Letters of Marque and Reprisal.''

Now, most Americans, I daresay most Members of Congress, I daresay most members of Government, do not even know what the ''power to grant Letters of Marque and Reprisal'' means and why it is in the Constitution. An anachronism today, letters of marque and reprisals were licenses issued by governments, usually to private citizens, but on occasion to government agents, empowering these private citizens or government agents to seize enemy ships or take action on land, short of all-out war.

In essence, it was the 18th century version of what we now regard as limited war or police actions. That is what letters of marque and reprisal were. If you are having trouble with pirates off the coast, you are not looking to declare war. The Federal Government, in this case the Congress, could go out and hire out, give permission to, give a letter of marque and reprisal to a local. Think of it in terms of a local security agency that comes by and patrols your neighborhoods. You could give letters of marque or reprisal and say, ''You are authorized under the law, through the Congress, to go seize those pirate ships.''

That is what it was about. A leading commentator of the day—that is, the late 1700's—a leading commentator of the day on international law explained the distinction this way: ''A perfect war is that which entirely interrupts the tranquility of the state. An imperfect war, on the contrary, is that which does not entirely interrupt the peace. Reprisals are that imperfect kind of war.''

So, when we hear people talk about imperfect wars, it is used as a term of art as it was used back in the late 1700's. The framers undoubtedly knew that reprisals or imperfect wars could lead to general or all-out wars. England, for example, had fought five wars between 1652 and 1756 which were preceded by public naval reprisals.

That is, if you gave these letters of marque to someone or a group of people to go out and seize shipping, it was acknowledged that that could lead to a larger war. If the nation from which those ships came decided that it was not in their interest, they may very well send a larger armada and you are at war. You move from that imperfect war to the so-called perfect war—an odd phrase, ''perfect war.''

Surely, those who met at Philadelphia, all learned men, knew and understood this history of marque and reprisals. Given this understanding, the only logical conclusion that the framers intended by vesting the power to grant these letters of marque and reprisal authorizing imperfect war in the Congress, could be that it was designed to grant to Congress the power to initiate all hostilities, even limited wars.

To review for a second, they changed from ''make'' to ''declare'' in the Constitution for the purpose of allowing the President not to initiate a war, perfect or imperfect, large or small, but for the purpose of allowing the President to respond to a sudden attack.

Then to be sure everyone understood what they meant, they said, ''And by the way, we are going to vest in the section of the Constitution that relates to congressional power the exclusive power to the Congress of issuing these letters of marque and reprisal.''

So they not only said Congress can only initiate war and the President can only respond, but even limited war only the Congress can initiate.

A comparison of the war clause to related constitutional provisions suggest that this interpretation is the correct one. Unlike other foreign affairs provisions in the Constitution which grant to the President and the Senate the shared power to make treaties and appoint ambassadors, when it comes to the war power the Constitution provides a role for the Senate and the House of Representatives—but not a shared responsibility between the branches.

The inclusion of the House, in particular, suggests a determination to mandate that public consensus be achieved before the initiation of a war.

Think about it. If the Founders thought that they should not give the power to raise taxes to the Senate because we were more like the House of Lords, and that all taxes must be initiated in the House of Representatives, why did they do that? They did that because they knew that taxation could affect people's lives so drastically that it should be a democratic decision and it should be made first and foremost in the people's house, that group of legislators who stand for election every 2 years and are immediately answerable to the public.

If they thought it was so important and so critical that taxes should be determined by the people's house because it had such an impact on the lives of the average citizen, what do you think they thought about the power of a Government to take your son or daughter and send them to war and die? It is illogical to me, and those who say that the President has this exclusive authority, to suggest that they would worry about taxation but not worry about taking a nation to war, which can cost them their lives, their monetary treasure, their lifeblood.

The inclusion of the House in the decision to go to war was because the House was designed to be closely attuned to the views of the Nation and thereby would provide a means for gauging and ensuring public support for any war.

Moreover, with both Chambers involved in the decision to go to war, the initiation of war could necessarily be slowed by the simple fact that securing passage of statutory authorization or a declaration of war through both Houses is potentially a time-consuming and cumbersome process. That is what it was intended to be, because when one goes to war, you cannot say, short of surrender, 2 weeks into it or 1 month into it, ''By the way, we made a mistake, we're passing legislation to correct it.'' You can do that with taxes. You can pass a tax bill and 2 months later, 3 months later say, ''We made a mistake and rescind it.'' You do not rescind a war.

So it was intended—it was intended—in the Constitution that decision to go to war—not to repel attack, to go to war—to initiate war, to alter the state of peace, it was intended that it should be a process that consumed some time.

It is bordering on the irrational, in my view, to suggest that the framers thought the appointment of ambassadors, although an important task, but not of the same consequence as war, that the appointment of ambassadors was so critical that they gave the Senate a veto power over it, but they considered the war powers so trivial that the decision to send Americans to fight and die was left deliberately vague so as to permit the Executive reasonable discretion to launch hostilities at his or her whim.

I think that is irrational for anyone to think that is what the Framers thought, that who we have as Ambassador to England is so important that we are not going to leave it to a President alone, we are going to require the Senate to go along with it, but going to war with England was so trivial that we did not have to consult the United States Senate or did not have to consult the people's House before a President could take us to war. That is, in my humble opinion, an irrational view.

In the same vein, I am continually amazed that many of my colleagues who zealously guard the Senate's power to advise and consent to treaties and to ambassadorial appointments, so cavalierly cede the war power to the Executive. I find that fascinating. What more can impact on the life of the average American than taking the Nation to war? Why would they possibly have left that to the President alone but said, ''By the way, when you want to stop a war, when you want to have a treaty, the President has no authority to do that. He has to come to us and get a supermajority.''

Does that make any sense? Talk about tortured logic. Yet, we have people on this floor, in the 22 years I have been here—and when I got here, the Vietnam war was still going on; that is one of the reasons I ran for the Senate in the first place—we have Members in both political parties with whom I have served and have great respect saying, ''War is up to the President, but who the Ambassador is, you better check with me.'' War is up to the President. But whether there is a peace treaty, you better check with me.

I would respectfully suggest the reason that many have adopted that position is they do not have the political courage to take a stand on whether or not we should go to war.

In sum, to accept the proposition that the war power is merely ceremonial, or applies only to big wars, is to read much of the war clause out of the U.S. Constitution. And such a reading is supported neither by the plain language of the text or the original intention of the Framers of the Constitution.

In describing the Framers' intent, I hasten to add a caveat. We should always be cautious about our ability to divine the intentions of those who came 200 years before us, particularly when the documentary record is not at all voluminous.

But any doubt about the wisdom of relying on original intent alone, in my view, is dispelled in view of the actions of the early Presidents, early Congresses, and early Supreme Court decisions.

EARLY PRACTICE—SHEDDING LIGHT ON THE FRAMERS' INTENT

Let me speak to that a minute. Advocates of Executive power often assert that Presidents have used force throughout our history without congressional consent. But with all due respect, history does not support that claim.

Indeed, our earliest Presidents, who were involved in the ratification of the Constitution, were extremely cautious about encroaching on Congress' power under the war clause.

Our first President, George Washington, adhered to the view that only Congress could authorize offensive action. Writing in 1793, President Washington stated that offensive operations against an Indian tribe, the Creek Nation, depended on congressional action alone.

Let me quote from what Washington wrote. Washington as President said:

> The Constitution vests the power of declaring war with the Congress; therefore, no offensive expedition of importance can be undertaken until after they have deliberated upon the subject, and authorized such a measure.

That was George Washington.

During the Presidency of John Adams, the United States engaged in an undeclared naval war with France. These military engagements were clearly authorized by the Congress in a series of incremental statutes.

The naval war with France also yielded three important Supreme Court decisions regarding the scope of the war power.

In 1799, Congress authorized the President to intercept any United States vessel headed to France. President Adams subsequently ordered the Navy to seize any ship traveling to or from France. The Supreme Court declared the seizure of a United States vessel traveling from France to be illegal, thus ruling that Congress had the power not only to authorize limited war but also to limit Presidential power to take military action.

The Court ruled in two other cases bearing on the question of limited war. Wars, the Court said, even if ''imperfect,'' are nonetheless wars.

In still another case, Chief Justice Marshall opined that:

> The whole powers of war [are] by the Constitution . . . vested in the Congress . . . [which] may authorize general hostilities . . . or partial war.

Now, modern monarchists, those who lean and tilt so far to the President on this, refer habitually to the actions of our third President, Thomas Jefferson, in coping with the Barbary pirates. But Jefferson's actions provide little solace to advocates of that position.

In May of 1801, President Jefferson deployed a small squadron of ships to the Mediterranean to deter attacks against American shipping. Acting under the authority of an act of Congress which mandated that six frigates be maintained in the Navy during peacetime, Jefferson instructed the naval commander that if he arrived and found that the Barbary powers had declared war against the United States, to take action if necessary ''to protect commerce.''

But when he learned that the leader of Tripoli had, in fact, declared war, Jefferson referred the matter to the Congress.

Reporting on a small skirmish won by a U.S. ship, Jefferson noted that the American ship was authorized by the Constitution, without the sanction of Congress, to go beyond the line of defense, and thus the U.S. commander did not take possession of the ship or retain its crew as prisoners of war.

Jefferson sought further guidance from Congress about the next step, and I quote:

> The legislature will doubtless consider whether, by authorizing measures of offence also, [Congress] will . . . place our forces on an equal footing [with the Tripolitan forces].

Congress promptly enacted a statute empowering Jefferson to protect U.S. shipping, and to seize vessels owned by the Tripoli regime. The legislation passed 2 years later gave explicit support for ''warlike operations against Tripoli or other Barbary powers.''

I believe this episode, and the historical record of actions taken by other early Presidents, has significantly more bearing on the meaning of the war clause than the record of Presidents in the modern era.

The reasons should be obvious. The men who were at Philadelphia and wrote the Constitution—or, as in Jefferson's case, participated in the ratification debates in the States—had a much better understanding of the intended meaning of the constitutional provisions than those of us 200 years later have. They participated.

Their actions while in office should, therefore, be given great weight in interpreting the constitutional clauses in question. As Chief Justice Warren once wrote, ''The precedential value of [prior practice] tends to increase in proportion to the proximity'' to that Constitutional Convention.

RESTORING THE CONSTITUTIONAL BALANCE

Unfortunately, this constitutional history seems largely forgotten, and the doctrine of Presidential power that arose during the four decades of the cold war continues to remain in vogue—even, to my dismay, among many of my colleagues in the Congress.

To accept this situation requires us to believe that the constitutional imbalance serves our Nation well. But it can hardly be said that it does.

As matters now stand, Congress is denied its proper role in sharing the decision to commit American troops, and the President is deprived of the consensus he needs to help carry that policy through.

Only by establishing an effective war powers mechanism can we ensure that both of these goals are met. More importantly, we will guarantee that the will of the American people will stand behind the commitment of U.S. forces.

The question then is this: How to revise the War Powers Resolution in a manner that gains bipartisan support as well as the support of the Executive?

In the past two decades, a premise has gained wide acceptance that the War Powers Resolution is fatally flawed. Indeed, there are flaws in the resolution, but they need not have been fatal.

For that law was designed—by legislators who were statesmen of a markedly conservative stripe—to embody constitutional principles and to set forth practical procedures.

Ironically, a law designed to improve executive-legislative branch comity on the war power has instead contributed to frequent squabbles about the minutiae of the law's provisions.

In 1988, determining that a review of the War Powers Resolution was in order, the Foreign Relations Committee established a special subcommittee to assume the task.

As chairman of the subcommittee, I conducted an exhaustive series of hearings, the most extensive hearings held in recent times on this subject.

Over the course of 2 months, the subcommittee heard from many distinguished witnesses: Former President Ford, former Secretaries of State and Defense, former Joint Chiefs of Staff, former Members of Congress who drafted the law, and many constitutional scholars.

At the end of that process, I produced a lengthy law review article describing how the War Powers Resolution might be thoroughly rewritten to overcome its actual and perceived liabilities.

I envisaged its replacement by a new act entitled ''The Use of Force Act''—which would aim to achieve, at long last, the goal of its predecessor: To restore the balance of power between the executive and legislative branches regarding the war power for purposes of complying with the intent and will of the American people as well as the Constitution.

That effort provided the foundation for the legislation I introduce today. The bill that I offer has many elements; I will briefly summarize the most important.

First, it bears emphasis that my bill would replace the War Powers Resolution with a new version. But I should make clear that I retain its central element: A time-clock mechanism that limits the President's power to use force abroad.

That mechanism, I should repeat, was found to be unambiguously constitutional in a 1980 opinion issued by the Office of Legal Counsel at the Department of Justice.

It is often asserted that the time-clock provision is unworkable, or that it invites our adversaries to make a conflict so painful in the short run so as to induce timidity in the Congress, forcing the President to remove troops.

But with or without a war powers law, American willingness to undertake sustained hostilities will always be subject to democratic pressures. A statutory mechanism is simply a means of delineating procedure.

And the procedure set forth in this legislation assures that if the President wants an early congressional vote on a use of force abroad, his congressional supporters can produce it.

Recent history tells us, of course, that the American people, as well as Congress, rally around the flag—rally around the President—rally around the Commander in Chief—in the early moments of a military deployment.

Second, my bill defuses the specter that a timid Congress can simply sit on its hands and permit the authority for a deployment to expire.

As noted above, it establishes elaborate expedited procedures designed to ensure that a vote will occur. And it explicitly defeats the timid Congress specter by granting to the President the authority he has sought if these procedures nonetheless fail to produce a vote.

Thus, if the President requests authority for a sustained use of force—one outside the realm of emergency—

and Congress fails to vote, the President's authority is extended indefinitely.

Third, the legislation delineates what I call the going-in authorities for the President to use force.

One fundamental weakness of the War Powers Resolution is that it fails to acknowledge powers that most scholars agree are inherent Presidential powers, such as the power to repel an armed attack upon the United States or its Armed Forces, or to rescue Americans abroad.

My legislation corrects this deficiency—and thus avoids the endless dispute over where the exact location of the line between what the President already possesses independently and what Congress was bestowing upon him by legislation—where that line rests.

The bill enumerates five instances where the President may use force:

First, to repel attack on U.S. territory or U.S. forces;

Second, to deal with urgent situations threatening supreme U.S. interests—i.e. the Cuban missile crisis;

Third, to extricate imperiled U.S. citizens;

Fourth, to forestall or retaliate against specific acts of terrorism; and

Fifth, to defend against substantial threats to international sea lanes or airspace.

It may be that no such enumeration can be exhaustive. But it is worth noting that the circumstances set forth would have sanctioned virtually every use of force by the United States since World War II.

This concession of authority is circumscribed by the maintenance of the time-clock provision. After 60 days have passed—2 months—the President's authority would expire, unless 1 of 3 conditions had been met:

First, Congress has declared war or enacted specific statutory authorization; or

Second, the President has requested authority for an extended use of force but Congress has failed to act on that request, notwithstanding the expedited procedures established by this act—that is, Congress, if he asks to continue the force must act to tell him he cannot or it is presumed he can continue—or;

Third, the President has certified the existence of an emergency threatening the supreme national interests of the United States; in which case he can continue the force in place.

The legislation also affirms the importance of consultation between the President and Congress and establishes a new means to facilitate that consultation.

To overcome the common complaint that Presidents must contend with ''535 secretaries of state''—that is 535 Members of Congress—the Use of Force Act establishes a congressional leadership group with whom the President is mandated to consult on the use of force.

Another infirmity of the War Powers Resolution is that it fails to define ''hostilities.'' Thus, Presidents frequently engaged in a verbal gymnastics of insisting that ''hostilities'' were not ''imminent.'' Even when hundreds of thousands of troops were positioned in the Arabian desert opposite Saddam's legions, President Bush argued that they were not in an area of hostilities and, even if they were, there was no prospect of imminent hostilities. Therefore the War Powers Act would not be triggered and engaged.

Therefore, my legislation includes a more precise definition of what constitutes the use of force. And this definition contains two elements:

First, a new commitment of U.S. forces, and second, the deployment is aimed at deterring a specific threat, the forces deployed have incurred or inflicted casualties, or are operating with a substantial possibility of incurring or inflicting casualties.

If those conditions are met then there is a use of force as defined in the law.

Finally, to make the statutory mechanism complete, the Use of Force Act provides a means for judicial review.

Like many of my colleagues, I am reluctant to inject the judiciary into decisions that should be made by the political branches. Therefore, the provision is extremely limited: It empowers a three-judge panel to decide only whether the time-clock mechanism has been triggered.

I have no illusions that enacting this legislation will be easy. The experience of the War Powers Resolution gives witness to the difficulty of finding the proper balance between the executive and legislative branches on war powers.

But I am determined to try. The status quo, with Presidents asserting broad executive powers, and Congress often content to surrender its constitutional powers, serves neither branch, and clearly does not serve the American people.

More fundamentally, it does not serve the men and women who risk their lives to defend our interests. For that, ultimately, must be the test of any war powers law.

Mr. President, some would argue now that the cold war is over there is less need for this delineation of authority, this new set of ground rules. I would argue nothing could be further from the truth. We are more likely to be pulled into hostilities—although not a world war III in all probability. More Americans have been engaged in areas of hostility, have been killed, and have been put on the battlefield since the cold war has ended than all during the cold war but for Korea and Vietnam, in little parts of the world all over the world: Bosnia, Somalia, and Haiti. What happens in a decade, a year from now—in the Ukraine, Byelarus, Russia—or any number of places where there might be hostilities and Americans or entire divisions of Americans may be called to action?

So, Mr. President, I think to have an ordered plan to diminish the bickering between the executive and legislative branches on this issue is more needed today than it has been at any time.

Mr. President, I ask unanimous consent that the text of the bill that I have sent to the desk and the accompanying section-by-section analysis be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 564

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 ''Use of Force Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Congressional findings.
Sec. 4. Statement of purpose.
Sec. 5. Definitions.

TITLE I—GENERAL PROVISIONS

Sec. 101. Authority and governing principles.
Sec. 102. Consultation.
Sec. 103. Reporting requirements and referral of reports.
Sec. 104. Conditions for extended use of force.
Sec. 105. Measures eligible for congressional priority procedures.
Sec. 106. Funding limitations.
Sec. 107. Judicial review.
Sec. 108. Interpretation.
Sec. 109. Severability.
Sec. 110. Repeal of the War Powers Resolution.

TITLE II—EXPEDITED PROCEDURES

Sec. 201. Congressional priority procedures.
Sec. 202. Repeal of obsolete expedited procedures.

SEC. 3. CONGRESSIONAL FINDINGS.

The Congress affirms that—

(1) the provisions of the United States Constitution compel the President and Congress to engage actively and jointly in decisions to use force abroad;

(2) joint deliberation by the two branches will contribute to sound decisions and to the public support necessary to sustain any use of force abroad; and

(3) a statutory framework, devised to promote consultation and timely authorization as may be needed for specific uses of force, can facilitate cooperation between the Congress and the President in such decisionmaking.

SEC. 4. STATEMENT OF PURPOSE.

(a) IN GENERAL.—The purpose of this Act is to confer and confirm Presidential authority to use force abroad, to set forth principles and procedures governing the exercise of that authority, and thereby to facilitate cooperation between the President and Congress in decisions concerning the use or deployment of United States Armed Forces abroad in situations of actual or potential hostilities.

(b) EXCLUSIVITY OF PROVISIONS.—Because this Act confirms all of the President's inherent constitutional authority to use force abroad and confers additional authority, this Act applies to all uses of force abroad by the United States.

SEC. 5. DEFINITIONS.

As used in this Act—

(1) a ''use of force abroad'' occurs when—

(A) United States Armed Forces are—

(i) introduced into a foreign country,

(ii) deployed to expand significantly the United States military presence in a foreign country, or

(iii) committed to new missions or objectives in a foreign country, or in international airspace, or on the high seas; and

(B) such forces—

(i) have been deployed to deter an identified threat, or a substantial danger, of military action by other forces; or

(ii) have incurred or inflicted casualties or are operating with a substantial possibility of incurring or inflicting casualties;

(2) the term ''foreign country'' means any land outside the United States, its territorial waters as recognized by the United States, and the airspace above such land and waters;

(3) the term ''high seas'' means all waters outside the territorial sea of the United States and outside the territorial sea, as recognized by the United States, of any other nation;

(4) the term ''international terrorism'' means activities that—

(A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or any State;

(B) appear to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by assassination or kidnapping; and

(C) transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to coerce or intimidate, or the locale in which their perpetrators operate or seek asylum;

(5) the term ''United States'' means the several States, the District of Columbia, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, American Samoa, Guam, the United States Virgin Islands, and any other possession of the United States; and

(6) the term ''Use of Force Report'' means the report described in section 103(a).

TITLE I—GENERAL PROVISIONS

SEC. 101. AUTHORITY AND GOVERNING PRINCIPLES.

(a) AUTHORITY.—In the absence of a declaration of war or statutory authorization for a specific use of force, the President, through powers vested by the Constitution of the United States and by this Act, is authorized to use force abroad in accordance with this Act—

(1) to repel an armed attack upon the United States or its armed forces;

(2) to respond to a foreign military threat that severely and directly jeopardizes the supreme national interests of the United States under emergency conditions that do not permit sufficient time for Congress to consider statutory authorization or a declaration of war;

(3) to extricate citizens and nationals of the United States located abroad from situations involving a direct and imminent threat to their lives;

(4) to forestall an imminent act of international terrorism directed at citizens or nationals of the United States or to retaliate against the perpetrators of a specific act of international terrorism directed at such citizens or nationals; and

(5) to protect internationally recognized rights of innocent and free passage in the air and on the seas in circumstances where the violation, or threat of violation, of such rights poses a substantial danger to the safety of American citizens or the national security of the United States.

(b) GOVERNING PRINCIPLES.—In exercising the authority set forth in subsection (a), the President shall, without limitation on the constitutional power of Commander in Chief, adhere rigorously to principles of necessity and proportionality, as follows:

(1) PRINCIPLES OF NECESSITY:

(A) Force may not be used for purposes of aggression.

(B) Before the use of force abroad, the President shall have determined, with due consideration to the implications under international law, that the objective could not have been achieved satisfactorily by means other than the use of force.

(2) PRINCIPLES OF PROPORTIONALITY:

(A) The use of force shall be exercised with levels of force, in a manner, and for a duration essential to and directly connected with the achievement of the objective.

(B) The diplomatic, military, economic, and humanitarian consequences of such action shall be in reasonable proportion to the benefits of the objective.

SEC. 102. CONSULTATION.

(a) PRIOR CONSULTATION REQUIRED.—Except where an emergency exists that does not permit sufficient time to consult Congress, the President shall seek the advice of the Congress before any use of force abroad.

(b) CONGRESSIONAL LEADERSHIP GROUP.—(1) To facilitate consultation between the President and the Congress, there is established within the Congress the Congressional Leadership Group on the Use of Force Abroad (hereafter in this Act referred to as the ''Congressional Leadership Group'').

(2) The Congressional Leadership Group shall be composed of—

(A) the Speaker of the House of Representatives and the President pro tempore of the Senate;

(B) the Majority Leader and the Minority Leader of the Senate and the Majority Leader and the Minority Leader of the House of Representatives;

(C) the chairman and ranking minority member of each of the following committees of the Senate: the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence; and

(D) the chairman and ranking minority member of each of the following committees of the House of Representatives: the Committee on International Relations, the Committee on National Security, and the Permanent Select Committee on Intelligence.

(3) The Speaker of the House of Representatives and the Majority Leader of the Senate shall each serve as co-chairman of the Congressional Leadership Group.

(c) REGULAR CONSULTATIONS.—(1) Except as the parties may otherwise determine, whenever Congress is in session, meetings shall be held, in open or closed session, for the purpose of facilitating consultation between Congress and the President on foreign and national security policy, as follows:

(A) The President shall meet at least once every four months with the Congressional Leadership Group.

(B) The Secretary of State shall meet at least once every two months with the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(C) The Secretary of Defense shall meet at least once every two months with the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(D) The Director of Central Intelligence shall meet at least once every two months with the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) Such consultation shall have, among its primary purposes—

(A) identifying potential situations in which the use of force abroad might be necessary and examining thoroughly the advisability and lawfulness of such use of force; and

(B) in those instances in which a use of force abroad has already been undertaken, discussing how such use of force complies with the objectives and the authority required to be cited in the appropriate Use of Force Report and the governing principles set forth in section 101(b).

(d) EMERGENCY CONSULTATIONS.—Under emergency circumstances affecting United States national security interests, the President should meet promptly with the Congressional Leadership Group on his own initiative or upon receipt of a special request from its co-chairmen that is made on their own initiative or pursuant to a request from a majority of the members of the Congressional Leadership Group.

SEC. 103. REPORTING REQUIREMENTS AND REFERRAL OF REPORTS.

(a) USE OF FORCE REPORT REQUIRED.—Not later than 48 hours after commencing a use of force abroad, the President shall submit to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report stating—

(1) the objective of such use of force;

(2) in the absence of a declaration of war or specific statutory authorization for such use of force, the specific paragraph or paragraphs of section 101(a) setting forth the authority for such use of force; and

(3) the manner in which such use of force complies, and will continue to comply with, the governing principles set forth in section 101(b).

Any such report shall be known as a Use of Force Report and shall state that it is submitted pursuant to this subsection.

(b) PERIODIC REPORTING REQUIRED.—Whenever force is used abroad, the President shall, so long as the United States Armed Forces continue to be involved in the use of force, report to Congress periodically on the status, scope, and expected duration of such use of force. Such reports shall be submitted at intervals to be determined jointly by the President and the Congressional Leadership Group.

(c) REFERRAL OF REPORTS.—Each report transmitted under this section shall be immediately referred to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(d) RECONVENING CONGRESS.—If, when a report is transmitted under this section, the Congress has adjourned sine die or has adjourned for any period in excess of three calendar days, the Speaker of the House of Representatives and the Majority Leader of the Senate, if they deem it advisable (or if petitioned by a majority of the members of the Congressional Leadership Group or by 30 percent of the membership of either House of Congress) shall jointly request the President to convene Congress in order that it may consider the report and take appropriate action pursuant to this Act.

SEC. 104. CONDITIONS FOR EXTENDED USE OF FORCE.

The President may continue a use of force abroad for longer than 60 calendar days after the date by which the appropriate Use of Force Report is required to be submitted only if—

(1) Congress has declared war or provided specific statutory authorization for the use of force abroad beyond such period;

(2) the President has requested that Congress enact a joint resolution constituting a declaration of war or statutory authorization under section 105(a) but such joint resolution has not been subject to a vote in each House of Congress, notwithstanding the expedited procedures to which such joint resolution would be entitled; or

(3) the President has determined and certified to the Speaker of the House of Representatives and the President pro tempore of the Senate that an emergency exists that threatens the supreme national interests of the United States and requires the President to exceed such period of limitation.

SEC. 105. MEASURES ELIGIBLE FOR CONGRESSIONAL PRIORITY PROCEDURES.

(a) ELIGIBLE JOINT RESOLUTIONS.—A joint resolution shall be entitled to the expedited procedures set forth in section 201—

(1) if such resolution—

(A) is introduced in a House of Congress by a Member of Congress pursuant to a request by the President made in writing to that Member, or

(B) is introduced in a House of Congress and satisfies the cosponsorship criteria set forth in subsection (c); and—

(2) if such resolution—

(A) constitutes a declaration of war or specific statutory authorization within the meaning of this Act, or

(B) requires the President to terminate, limit, or refrain from a use of force abroad.

(b) ELIGIBLE CONCURRENT RESOLUTIONS.—A concurrent resolution shall be entitled to the expedited procedures set forth in section 201 if such resolution satisfies the cosponsorship criteria set forth in subsection (c) and contains a finding that—

(1) a use of force abroad began on a specific date or that a Use of Force Report was required to be submitted;

(2) a use of force abroad has exceeded the period of limitation set forth in section 104;

(3) the President has acted outside the authority of section 101(a) or abused the authority of section 104(3); or

(4) a use of force is otherwise being conducted in a manner inconsistent with the provisions of this Act.

(c) COSPONSORSHIP CRITERIA.—A joint resolution described in subsection (a)(1)(B) or a concurrent resolution described in subsection (b) is a resolution for purposes of section 201 if such resolution has been cosponsored—

(1) by a majority of the members of the Congressional Leadership Group who are members of the House of Congress in which it is introduced; or

(2) by 30 percent of the membership of the House of Congress in which it is introduced.

SEC. 106. FUNDING LIMITATIONS.

(a) PROHIBITION.—No funds made available under any provision of law may be obligated or expended for any use of force abroad inconsistent with the provisions of this Act.

(b) POINT OF ORDER.—(1) Whenever the Congress adopts a concurrent resolution making a finding under paragraph (2), (3), or (4) of section 105(b), it shall thereafter not be in order in either House of Congress to consider any bill or joint resolution or any amendment thereto, or any report of a committee of conference, which authorizes or provides budget authority to carry out such use of force.

(2) Any committee of either House of Congress that reports any bill or joint resolution, and any committee of conference which submits any conference report to either such House, authorizing or providing budget authority which has the effect of providing resources to carry out any such use of force, shall include in the accompanying committee report or joint statement, as the case may be, a statement that budget authority for that purpose is authorized or provided in such bill, resolution, or conference report.

SEC. 107. JUDICIAL REVIEW.

(a) STANDING.—(1) Any Member of Congress may bring an action in the United States District Court for the District of Columbia for declaratory judgment on the grounds that the provisions of this Act have been violated.

(2) A copy of any complaint in an action brought under paragraph (1) shall be promptly delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

(b) THREE-JUDGE COURT.—Any action brought under subsection (a) shall be heard and determined by a three-judge court in accordance with section 2284 of title 28, United States Code.

(c) JUSTICIABILITY.—(1) In any action brought under subsection (a), the United States District Court and the United States Supreme Court, if applicable, shall not refuse to make a determination on the merits based upon the doctrine of political question, remedial discretion, equitable discretion, ripeness, or any other finding of nonjusticiability, unless such refusal is required by Article III of the Constitution.

(2) Notwithstanding the number, position, or political party affiliation of any party to an action brought under subsection (a), it is the intent of Congress that the United States District Court and, if applicable, the United States Supreme Court infer that Congress would disapprove of any use of force inconsistent with the provisions of this Act and find that an impasse exists between Congress and the Executive which requires judicial resolution.

(d) JUDICIAL REMEDIES.—If the United States District Court, in an action brought under subsection (a), finds that a Use of Force Report was required to have been submitted under this Act but was not submitted, it shall issue an order declaring that the period set forth in section 104 has begun on the date of the United States District Court's order or on a previous date, as may be determined by the United States District Court.

(e) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order entered by the United States District Court in an action brought under subsection (a), including any finding that a Use of Force Report was or was not required to have been submitted to the Congress, shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered, and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under this section shall be issued by a single Justice of the Supreme Court.

(f) EXPEDITED JUDICIAL CONSIDERATION.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite, to the greatest possible extent consistent with Article III of the Constitution, the disposition of any matter brought under this section.

SEC. 108. INTERPRETATION.

(a) CONSTRUCTION.—Nothing in this Act may be construed as requiring any use of force abroad.

(b) SPECIFIC AUTHORIZATION REQUIRED.—Authority to use force may not be inferred—

(1) from any provision of law, unless such provision states that it is intended to constitute specific statutory authorization within the meaning of this Act; or

(2) from any treaty heretofore or hereafter ratified unless such treaty is implemented by a statute stating that it is intended to constitute specific statutory authorization within the meaning of this Act.

(c) STATUS OF CERTAIN CONGRESSIONAL ACTIONS.—The disapproval by Congress of, or the failure of Congress to approve, a measure—

(1) terminating, limiting, or prohibiting a use of force; or

(2) containing a finding described in section 105(b);

may not be construed as indicating congressional authorization or approval of, or acquiescence in, a use of force abroad, or as a congressional finding that a use of force abroad is being conducted in a manner consistent with this Act.

SEC. 109. SEVERABILITY.

(a) SEVERABILITY.—Except as provided in subsection (b), if any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to any other person or circumstance shall not be affected thereby.

(b) EXCEPTION.—If section 101(b), 103, 104, or 106 of this Act or the application thereof to any person or circumstance is held invalid, section 101(a) of this Act shall be deemed invalid and the application thereof to any other person or circumstance shall be null and void.

SEC. 110. REPEAL OF THE WAR POWERS RESOLUTION.

The War Powers Resolution (50 U.S.C. 1541 et seq.; Public Law 93–148), relating to the exercise of war powers by the President under the Constitution, is hereby repealed.

TITLE II—EXPEDITED PROCEDURES

SEC. 201. CONGRESSIONAL PRIORITY PROCEDURES.

(a) DEFINITIONS.—For purposes of this section—

(1) the term ''resolution'' means any resolution described in subsection (a) or (b) of section 105; and

(2) the term ''session days'' means days on which the respective House of Congress is in session.

(b) REFERRAL OF RESOLUTIONS.—A resolution introduced in the House of Representatives shall be referred to the Committee on International Relations of the House of Representatives. A resolution introduced in the Senate shall be referred to the Committee on Foreign Relations of the Senate.

(c) DISCHARGE OF COMMITTEE.—(1) If the committee to which is referred a resolution has not reported such a resolution (or an identical resolution) at the end of 7 calendar days after its introduction, such committee shall be discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House of Congress involved.

(2) After a committee reports or is discharged from a resolution, no other resolution with respect to the same use of force may be reported by or be discharged from such committee while the first resolution is before the respective House of Congress (including remaining on the calendar), a committee of conference, or the President. This paragraph may not be construed to prohibit concurrent consideration of a joint resolution described in section 105(a) and a concurrent resolution described in section 105(b).

(d) CONSIDERATION OF RESOLUTIONS.—(1)(A) Whenever the committee to which a resolution is referred has reported, or has been discharged under subsection (c) from further consideration of such resolution, notwithstanding any rule or precedent of the Senate,

including Rule 22, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House of Congress to move to proceed to the consideration of the resolution and, except as provided in subparagraph (B) of this paragraph or paragraph (2) of this subsection (insofar as it related to germaneness and relevancy of amendments), all points of order against the resolution and consideration of the resolution are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall be in order, except that such motion may not be entered for future disposition. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House of Congress, to the exclusion of all other business, until disposed of, except as otherwise provided in subsection (e)(1).

(B) Whenever a point of order is raised in the Senate against the privileged status of a resolution that has been laid before the Senate and been initially identified as privileged for consideration under this section upon its introduction pursuant to section 105, such point of order shall be submitted directly to the Senate. The point of order, ''The resolution is not privileged under the Use of Force Act'', shall be decided by the yeas and the nays after four hours of debate, equally divided between, and controlled by, the Member raising the point of order and the manager of the resolution, except that in the event the manager is in favor of such point of order, the time in opposition thereto shall be controlled by the Minority Leader or his designee. Such point of order shall not be considered to establish precedent for determination of future cases.

(2)(A)(i) Consideration in a House of Congress of the resolution, and all amendments and debatable motions in connection therewith, shall be limited to not more than 12 hours, which, except as otherwise provided in this section, shall be equally divided between, and controlled by, the Majority Leader and the Minority Leader, or by their designees.

(ii) The Majority Leader or the Minority Leader or their designees may, from the time under their control on the resolution, allot additional time to any Senator during the consideration of any amendment, debatable motion, or appeal.

(B) Only amendments which are germane and relevant to the resolution are in order. Debate on any amendment to the resolution shall be limited to 2 hours, except that debate on any amendment to an amendment shall be limited to 1 hour. The time of debate for each amendment shall be equally divided between, and controlled by, the mover of the amendment and the manager of the resolution, except that in the event the manager is in favor of any such amendment, the time in opposition thereto shall be controlled by the Minority Leader or his designee.

(C) One amendment by the Minority Leader is in order to be offered under a one-hour time limitation immediately following the expiration of the 12-hour time limitation if the Minority Leader has had no opportunity to offer an amendment to the resolution thereto. One amendment may be offered to the amendment by the Minority Leader under the preceding sentence, and debate shall be limited on such amendment to one-half hour which shall be equally divided between, and controlled by, the mover of the amendment and the manager of the resolution, except that in the event the manager is in favor of any such amendment, the time in opposition thereto shall be controlled by the Minority Leader or his designee.

(D) A motion to postpone or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is in order, except that such motion may not be entered for future disposition, and debate on such motion shall be limited to 1 hour.

(3) Whenever all the time for debate on a resolution has been used or yielded back, no further amendments may be proposed, except as provided in paragraph (2)(C), and the vote on the adoption of the resolution shall occur without any intervening motion or amendment, except that a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House of Congress may occur immediately before such vote.

(4) Appeals from the decisions of the Chair relating to the application of the Rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be limited to one-half hour of debate, equally divided between, and controlled by, the Member making the appeal and the manager of the resolution, except that in the event the manager is in favor of any such appeal, the time in opposition thereto shall be controlled by the Minority Leader or his designee.

(e) TREATMENT OF OTHER HOUSE'S RESOLUTION.—(1) Except as provided in paragraph (2), if, before the passage by one House of a resolution of that House, that House receives from the other House a resolution, then the following procedures shall apply:

(A) The resolution of the sending House shall not be referred to a committee in the receiving House.

(B) With respect to a resolution of the House receiving the resolution, the procedure in that House shall be the same as if no resolution had been received from the sending House, except that the resolution of the sending House shall be considered to have been read for the third time.

(C) If the resolutions of the sending and receiving Houses are identical, the vote on final passage shall be on the resolution of the sending House.

(D) If such resolutions are not identical—

(i) the vote on final passage shall be on the resolution of the sending House, with the text of the resolution of the receiving House inserted in lieu of the text of the resolution of the sending House;

(ii) such vote on final passage shall occur without debate or any intervening action; and

(iii) the resolution shall be returned to the sending House for proceedings under subsection (g).

(E) Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution originated in the receiving House.

(2) If one House receives from the other House a resolution before any such resolution is introduced in the first House, then the resolution received shall be referred, in the case of the House of Representatives, to the Committee on International Relations and, in the case of the Senate, to the Committee on Foreign Relations, and the procedures in that House with respect to that resolution shall be the same under this section as if the resolution received had been introduced in that House.

(f) TREATMENT OF IDENTICAL RESOLUTIONS.—If one House receives from the other House a resolution after the first House has disposed of an identical resolution, it shall be in order to proceed by nondebatable motion to consideration of the resolution received by the first House, and that received resolution shall be disposed of without debate and without amendment.

(g) PROCEDURES APPLICABLE TO AMENDMENTS BETWEEN THE HOUSES OF CONGRESS.—The following procedures shall apply to dispose of amendments between the Houses of Congress:

(1) Upon receipt by a House of Congress of a message from the other House with respect to a resolution, it is in order for any Member of the House receiving the message to move to proceed to the consideration of the respective resolution. Such motion shall be disposed of in the same manner as a motion under subsection (d)(1)(A). Such a motion is not in order after conferees have been appointed.

(2)(A) The time for debate in a House of Congress on any motion required for the disposition of an amendment by the other House to the resolution shall not exceed 2 hours, equally divided between, and controlled by, the mover of the motion and manager of the resolution at each stage of the proceedings between the two Houses, except that in the event the manager is in favor of any such motion, the time in opposition thereto shall be controlled by the Minority Leader or his designee.

(B) The time for debate for each amendment to a motion shall be limited to one-half hour.

(C) Only motions proposing amendments which are germane and relevant are in order.

(h) PROCEDURES APPLICABLE TO CONFERENCE REPORTS AND PRESIDENTIAL ACTION.—(1) Either House of Congress may disagree to an amendment or amendments made by the other House to a resolution or may insist upon its amendment or amendments to a resolution, and request a conference with the other House at anytime. In the case of any disagreement between the two Houses of Congress with respect to an amendment or amendments to a resolution which is not resolved within 2 session days after a House of Congress first amends the resolution originated by the other House, each House shall be deemed to have requested and accepted a conference with the other House. Upon the request or acceptance of a conference, in the case of the Senate, the President pro tempore shall appoint conferees and, in the case of the House of Representatives, the Speaker of the House shall appoint conferees.

(2) In the event the conferees are unable to agree within 72 hours after the second House is notified that the first House has agreed to conference, or after each House is deemed to have agreed to conference, they shall report back to their respective House in disagreement.

(3) Notwithstanding any rule in either House of Congress concerning the printing of conference reports in the Congressional Record or concerning any delay in the consideration of such reports, such report, including a report filed or returned in disagreement, shall be acted on in the House of Representatives or the Senate not later than 2 session days after the first House files the report or, in the case of the Senate acting first, the report is first made available on the desks of the Senators.

(4) Debate in a House of Congress on a conference report or a report filed or returned in disagreement in any such resolution shall be limited to 3 hours, equally divided between the Majority Leader and the Minority Leader, and their designees.

(5) In the case of a conference report returned to a House of Congress in disagreement, an amendment to the amendment in disagreement is only in order if it is germane and relevant. The time for debate for such an amendment shall be limited to one-half

hour, to be equally divided between, and controlled by, the mover of the amendment and the manager of the resolution, except that in the event the manager is in favor of any such amendment, the time in opposition thereto shall be controlled by the Minority Leader or his designee.

(6) If a resolution is vetoed by the President, the time for debate in consideration of the veto message on such measure shall be limited to 20 hours in each House of Congress, equally divided between, and controlled by, the Majority Leader and the Minority Leader, and their designees.

(i) RULES OF THE SENATE AND THE HOUSE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 202. REPEAL OF OBSOLETE EXPEDITED PROCEDURES.

Section 1013 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (50 U.S.C. 1546a), relating to expedited procedures for certain joint resolutions and bills, is repealed.

USE OF FORCE ACT—SECTION-BY-SECTION ANALYSIS

Section 1. Short Title. The title of the bill is the ''Use of Force Act (UFA).''

Section 2. Table of Contents.

Section 3. Findings. This section sets forth three findings regarding the need to provide a statutory framework to facilitate joint decisionmaking between Congress and the President regarding decisions to use force abroad.

Section 4. Statement of Purpose. The key phrase in this section is ''confer and confirm Presidential authority.'' The Use of Force Act is designed to bridge the long-standing—and, for all practical purposes, unresolvable—dispute over precisely what constitutes the President's ''inherent'' authority to use force. Whereas the War Powers Resolution purported to delineate the President's constitutional authority and to grant no more, the Use of Force Act sets forth a range of authorities that are practical for the modern age and sufficiently broad to subsume all presidential authorities deemed ''inherent'' by any reasonable constitutional interpretation.

Section 5. Definitions. This section defines a number of terms, including the term ''use of force abroad,'' thus correcting a major flaw of the War Powers Resolution, which left undefined the term ''hostilities.''

As defined in the Use of Force Act, a ''use of force abroad'' comprises two prongs:

(1) a deployment of U.S. armed forces (either a new introduction of forces, a significant expansion of the U.S. military presence in a country, or a commitment to a new mission or objective); and

(2) the deployment is aimed at deterring an identified threat, or the forces deployed are incurring or inflicting casualties (or are operating with a substantial possibility of incurring or inflicting casualties.

TITLE I—GENERAL PROVISIONS

Section 101. Authority and Governing Principles. This section sets forth the Presidential authorities being ''conferred and confirmed.'' Based on the Constitution and this Act, the President may use force—

(1) to repel an attack on U.S. territory or U.S. forces;

(2) to deal with urgent situations threatening supreme U.S. interests;

(3) to extricate imperiled U.S. citizens;

(4) to forestall or retaliate against specific acts of terrorism;

(5) to defend against substantial threats to international sea lanes or airspace.

Against a complaint that this list is excessively permissive, it should be emphasized that these are the President's initial authorities to undertake a use of force—so-called ''going in'' authorities—and that the ''staying in'' conditions set forth in section 104 will, in most cases, bear heavily on the President's original decision.

This section also sets forth two governing principles; necessity and proportionality. Although unavoidably imprecise in definition, these principles set important criteria against which any use of force can be evaluated.

Section 102. Consultation. Section 102 affirms the importance of consultation between the President and Congress and establishes a new means to facilitate it. To overcome the common complaint that Presidents must contend with ''535 secretaries of state,'' the UFA establishes a Congressional Leadership Group with whom the President is mandated to consult on the use of force.

A framework of regular consultations between specified Executive branch officials and relevant congressional committees is also mandated in order to establish a ''norm'' of consultative interaction and in hope of overcoming what many find to be the overly theatrical public-hearing process that has superseded the more frank and informal consultations of earlier years.

Note: An alternative to the Use of Force Act is to repeal (or effectively repeal) the War Powers Resolution and leave in its place only a Congressional Leadership Group. (This is the essence of S.J. Res. 323, 100th Congress, legislation to amend the War Powers Resolution introduced by Senators Byrd, Warner, Nunn, and Mitchell in 1988.) This approach, which relies on ''consultation and the Constitution,'' avoids the complexities of enacting legislation such as the UFA but fails to solve chronic problems of procedure or authority, leaving matters of process and power to be debated anew as each crisis arises. In contrast, the Use of Force Act would perform one of the valuable functions of law, which is to guide individual and institutional behavior.

Section 103. Reporting Requirements. Section 103 requires that the President report in writing to the Congress concerning any use of force, not later than 48 hours after commencing a use of force abroad.

Section 104. Conditions for Extended Use of Force. Section 104 sets forth the ''staying in'' conditions: that is, the conditions that must be met if the President is to sustain a use of force he has begun under the authorities set forth in section 101. A use of force may extend beyond 60 days only if—

(1) Congress has declared war or enacted specific statutory authorization;

(2) the President has requested authority for an extended use of force but Congress has failed to act on that request (notwithstanding the expedited procedures established by Title II of this Act);

(3) the President has certified the existence of an emergency threatening the supreme national interests of the United States.

The second and third conditions are designed to provide sound means other than a declaration of war or the enactment of specific statutory authority by which the President may engage in an extended use of force. Through these conditions, the Use of Force Act avoids two principal criticisms of the War Powers Resolution: (1) that Congress could irresponsibly require a force withdrawal simply through inaction; and (2) that the law might, under certain cricumstances, unconstitutionally deny the President the use of his ''inherent'' authority.

To defuse the specter of a President hamstrung by a Congress too timid or inept to face its responsibilities, the UFA uses two means: first, it establishes elaborate expedited procedures designed to ensure that a vote will occur, second, it explicitly defeats the ''timid Congress'' specter by granting to the President the authority he has sought if these procedures nonetheless fail to produce a vote. Thus, if the President requests authority for a sustained use of force—one outside the realm of emergency—and Congress fails to vote, the President's authority is extended indefinitely.

The final condition should satisfy all but proponents of an extreme ''monarchist'' interpretation under which the President has the constitutional authority to use force as he sees fit. Under all other interpretations, the concept of an ''inherent'' authority depends upon the element of emergency: the need for the President to act under urgent circumstances to defend the nation's security and its citizens. If so, the UFA protects any ''inherent'' presidential authority by affirming his ability to act for up to 60 days under the broad-ranging authorities in section 101 and, in the event he is prepared to certify an extended national emergency, to exercise the authority available to him through the final condition of section 104.

Section 105. Measures Eligible for Congressional Priority Procedures. This section establishes criteria by which joint and concurrent resolutions become eligible for the expedited procedures created by Title II of the UFA.

A joint resolution that declares war or provides specific statutory authorization—or one that terminates, limits, or prohibits a use of force—becomes eligible if it is introduced: (1) pursuant to a written request by the President to any one member of Congress; (2) if cosponsored by a majority of the members of the Congressional leadership Group in the house where introduced; or (3) if cosponsored by 30 percent of the members of either house. Thus, there is almost no conceivable instance in which a President can be denied a prompt vote: he need only ask one member of Congress to introduce a resolution on his behalf.

A concurrent resolution becomes eligible if it meets either of the cosponsorship criteria cited above and contains a finding that a use of force abroad began on a certain date, or has exceeded the 60 day limitation, or has been undertaken outside the authority provided by section 101, or is being conducted in a manner inconsistent with the governing principles set forth in section 101.

While having no direct legal effect, the passage of a concurrent resolution under the UFA could have considerable significance: politically, it would represent a clear, prompt, and formal congressional repudiation of a presidential action; within Congress, it would trigger parliamentary rules blocking further consideration of measures providing funds for the use of force in question (as provided by section 106 of the UFA); and juridically, it would become a consideration in any action brought by a member of Congress for declaratory judgment and injunctive relief (as envisaged by section 107 of the UFA).

Section 106. Funding Limitations. This section prohibits the expenditure of funds for any use of force inconsistent with the UFA.

Further, this section exercises the power of Congress to make its own rules by providing that a point of order will lie against any measure containing funds to perpetuate a use of force that Congress, by concurrent resolution, has found to be illegitimate.

Section 107. Judicial Review. This section permits judicial review of any action brought by a Member of Congress on the grounds that the UFA has been violated. It does so by—

(1) granting standing to any Member of Congress who brings suit in the U.S. District Court for the District of Columbia;

(2) providing that neither the District Court nor the Supreme Court may refuse to make a determination on the merits based on certain judicial doctrines, such as political question or ripeness (doctrines invoked previously by courts to avoid deciding cases regarding the war power);

(3) prescribing the judicial remedies available to the District Court; and

(4) creating a right of direct appeal to the Supreme Court and encouraging expeditious consideration of such appeal.

It bears emphasis that the remedy prescribed is modest, and does not risk unwarranted interference of the judicial branch in a decision better reposed in the political branches. The bill provides only that the court may declare that the 60-day period set forth in Section 104 has begun.

Section 108. Interpretation. This section clarifies several points of interpretation, including these: that authority to use force is not derived from other statutes or from treaties (which create international obligations but not authority in a domestic, constitutional context); and that the failure of Congress to pass any joint or concurrent resolution concerning a particular use of force may not be construed as indicating congressional authorization or approval.

Section 109. Severability. This section stipulates that certain sections of the UFA would be null and void, and others not affected, if specified provisions of the UFA were held by the Courts to be invalid.

Section 110. Repeal of WPR. Section 110 repeals the War Powers Resolution of 1973.

TITLE II—EXPEDITED PROCEDURES

Section 201. Priority Procedures. Section 201 provides for the expedited parliamentary procedures that are integral to the functioning of the Act. (These procedures are drawn from the war powers legislation cited earlier, introduced by Senator Robert Byrd et al. in 1988.)

Section 202. Repeal of Obsolete Expedited Procedures. Section 202 repeals other expedited procedures provided for in existing law.

Mr. BIDEN. Mr. President, I thank the Chair for being so gracious as to not only sit there, but to pay attention to what I had to say. I am flattered he would listen. I hope that he and others will engage their significant legislative skills in trying to work out a feasible war powers mechanism—whether it is exactly what I have proposed or something else—so we avoid the kind of gridlock that has occurred already in the last several years.

I thank the Chair. I thank my good friend from California who has been waiting to be recognized.

I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, thank you very much.

I want to say to my friend from Delaware that it is very important that he continue to work on this matter of the War Powers Act because what happens to us so often is we get into a discussion about it just when we are in the middle of a conflict. That is not the time that is appropriate, and this is.

So I just wanted to thank him for his leadership.

By Mr. ROCKEFELLER (for himself, Mr. GORTON, Mr. MCCONNELL, Mr. LIEBERMAN, Mr. DODD, Mr. PRESSLER, Mr. HATCH, Mr. EXON, Mr. INHOFE, Mrs. HUTCHISON, and Mr. CHAFEE):

S. 565. A bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE PRODUCT LIABILITY FAIRNESS ACT OF 1995

Mr. ROCKEFELLER. Mr. President, today I am pleased to introduce the Product Liability Fairness Act of 1995 with my esteemed colleague from Washington, Senator GORTON. Senator GORTON and I have joined together to introduce this much needed legislation to improve our Nation's product liability laws with a bipartisan group of our colleagues, Mr. MCCONNELL, Mr. LIEBERMAN, Mr. DODD, Mr. PRESSLER, Mr. HATCH, Mr. EXON, Mr. INHOFE, Mrs. HUTCHISON, and Mr. CHAFEE. We believe the time has come to reform our current system so that injured people are more likely to be compensated and so that businesses are not crushed by the costs of nonmeritorious inappropriate lawsuits.

Senator GORTON and I have worked diligently over recent months to hone this product liability reform legislation in order to insure that it strikes the right balance between the interests of both consumers and business, and recognizing that under our current system, legal professionals are most often the biggest and often sole winners in product liability cases. Adjustments were made to reflect substantive and other concerns which we concluded were obstacles to the enactment of this necessary legislation. We believe we have significantly improved the legislation from earlier drafts and been responsive to the issues which prevented earlier enactment of this legislation.

Before I review the reasons why I believe reform of this system is imperative and what has motivated me to work so hard to refine this bill, year after year, I want to take a moment to express my deep admiration for the work of the Senator from Washington and that of his staff. I have great respect for Senator GORTON's intellect and insight, and want to acknowledge his contribution to the improvement in this legislation—and the role he will play in pushing it to final enactment. It is a privilege to work with the distinguished new chairman of the Commerce Committee in crafting this year's bill.

Our bill will encourage alternative dispute resolution as a way of getting parties to have their cases heard without going through the time and expense of a court trial. It will apply different responsibilities to a product seller as opposed to a manufacturer to avoid the kind of lawsuits that cast a wide net in the hopes of catching a cash cow. Our bill will give consumers more time to pursue legal action and it will allow consumers greater awards for punitive damages.

This effort is nothing new for me. For years I have called for legal reforms to make the system more efficient, less costly, and fairer to consumers and business alike. I am tired of West Virginia businesspeople and workers and consumers paying the price for this inequitable, ineffective legal tangle. Paying higher costs for things or being denied new products because manufacturers are scared to assume the exposure that comes with it. And then, when a problem does arise, being forced to spend ridiculous amounts of money and invest years in the hopes of maybe getting some satisfaction.

The product liability system is broken, and it is hurting the people of West Virginia, and Washington, and every State in between. The Rockefeller-Gorton bill aims to reform the laws so product liability is not an anchor around the American economy. Our approach is bipartisan and balanced and, I think, far-removed from the extreme bill in the House that is long on special interest needs and short on public interest fairness.

If today's product liability laws achieve one thing, it is that it is an equal opportunity victimizer. Injured consumers oftentimes find it impossible to get a just and prompt resolution, and just as frequently, blameless manufacturers are forced to spend thousands of dollars on baseless lawsuits. The system frequently allows negligent companies to avoid penalties and even rewards undeserving plaintiffs.

Product liability law should deter wasteful suits and discipline culpable practices but not foster hours of waste and endless litigation.

Under the patchwork system we now have, depending on which of the 51 different jurisdictions you are in, product liability is not more reliable than a roll of the dice. Today a consumer, seeking fair compensation for harm done by a manufacturer must brace for a legal ordeal, often tilted in favor of business. Consumers generally recover just one-third of their actual damages. And that is when they can recover damages at all after fighting their way through statutes of limitation and corporate shell games that make assigning true liability ofttimes impossible. If a consumer can plow through this maze, they must be able to endure years of litigation that wrack up legal fees faster than a taxi meter in rush-hour traffic.

And businesses are little better off. Perhaps the biggest manufacturers can ride out costly litigation with less financial drain than consumers, but businessowners face a dizzying number of lawsuits too often without merit. The result? Manufacturers abandon research and development on new products that could invite future lawsuits, and prices on products are inflated to compensate for liability insurance or huge legal retainers. Price inflation passed on to consumers who are now doubly squeezed by the liability labyrinth.

The Product Liability Fairness Act aims to correct this. Today, Senator GORTON and I introduce our bipartisan bill, with an impressive group of Senate cosponsors, and expect to begin hearings in his Commerce Subcommittee on Consumer Affairs in about a month.

Just the other day, the Washington Post quoted a business executive who said, basically, that American businesses can be lumped into two groups: those that have been sued and those that will be sued. That is no way for American industry to operate and it results in pitting consumers against business to the detriment of both. The Rockefeller-Gorton bill is a step at easing this tension and restoring some common sense to the American legal system.

Mr. President, I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 565

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 ''Product Liability Fairness Act of 1995''.

SEC. 2. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) CLAIMANT.—The term ''claimant'' means any person who brings a product liability action and any person on whose behalf such an action is brought. If an action is brought through or on behalf of—

(A) an estate, the term includes the decedent; or

(B) a minor or incompetent, the term includes the legal guardian of the minor or incompetent.

(2) CLAIMANT'S BENEFITS.—The term ''claimant's benefits'' means an amount equal to the sum of—

(A) the amount paid to an employee as workers' compensation benefits; and

(B) the present value of all workers' compensation benefits to which the employee is or would be entitled at the time of the determination of the claimant's benefits, as determined by the appropriate workers' compensation authority for harm caused to an employee by a product.

(3) CLEAR AND CONVINCING EVIDENCE.—

(A) IN GENERAL.—Subject to subparagraph (A), the term ''clear and convincing evidence'' is that measure of degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established.

(B) DEGREE OF PROOF.—The degree of proof required to satisfy the standard of clear and convincing evidence shall be—

(i) greater than the degree of proof required to meet the standard of preponderance of the evidence; and

(ii) less than the degree of proof required to meet the standard of proof beyond a reasonable doubt.

(4) COMMERCIAL LOSS.—The term ''commercial loss'' means any loss incurred in the course of an ongoing business enterprise consisting of providing goods or services for compensation.

(5) DURABLE GOOD.—The term ''durable good'' means any product, or any component of any such product, which has a normal life expectancy of 3 or more years or is of a character subject to allowance for depreciation under the Internal Revenue Code of 1986, and which is—

(A) used in a trade or business;

(B) held for the production of income; or

(C) sold or donated to a governmental or private entity for the production of goods, training, demonstration, or any other similar purpose.

(6) ECONOMIC LOSS.—The term ''economic loss'' means any pecuniary loss resulting from harm (including any medical expense loss, work loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities), to the extent that recovery for the loss is permitted under applicable State law.

(7) HARM.—The term ''harm'' means any physical injury, illness, disease, or death caused by a product. The term does not include commercial loss or loss or damage to a product itself.

(8) INSURER.—The term ''insurer'' means the employer of a claimant, if the employer is self-insured, or the workers' compensation insurer of an employer.

(9) MANUFACTURER.—The term ''manufacturer'' means—

(A) any person who is engaged in a business to produce, create, make, or construct any product (or component part of a product), and who designs or formulates the product (or component part of the product), or has engaged another person to design or formulate the product (or component part of the product);

(B) a product seller, but only with respect to those aspects of a product (or component part of a product) which are created or affected when, before placing the product in the stream of commerce, the product seller produces, creates, makes, constructs, designs, or formulates, or has engaged another person to design or formulate, an aspect of a product (or component part of a product) made by another person; or

(C) any product seller that is not described in subparagraph (B) that holds itself out as a manufacturer to the user of the product.

(10) NONECONOMIC LOSS.—The term ''noneconomic loss''—

(A) means subjective, nonmonetary loss resulting from harm, including pain, suffering, inconvenience, mental suffering, emotional distress, loss of society and companionship, loss of consortium, injury to reputation, and humiliation; and

(B) does not include economic loss.

(11) PERSON.—The term ''person'' means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity).

(12) PRODUCT.—

(A) IN GENERAL.—The term ''product'' means any object, substance, mixture, or raw material in a gaseous, liquid, or solid state that—

(i) is capable of delivery itself or as an assembled whole, in a mixed or combined state, or as a component part or ingredient;

(ii) is produced for introduction into trade or commerce;

(iii) has intrinsic economic value; and

(iv) is intended for sale or lease to persons for commercial or personal use.

(B) EXCLUSION.—The term ''product'' does not include—

(i) tissue, organs, blood, and blood products used for therapeutic or medical purposes, except to the extent that such tissue, organs, blood, and blood products (or the provision thereof) are subject, under applicable State law, to a standard of liability other than negligence; and

(ii) electricity, water delivered by a utility, natural gas, or steam.

(13) PRODUCT LIABILITY ACTION.—The term ''product liability action'' means a civil action brought on any theory for harm caused by a product.

(14) PRODUCT SELLER.—

(A) IN GENERAL.—The term ''product seller'' means a person who—

(i) in the course of a business conducted for that purpose, sells, distributes, leases, prepares, blends, packages, labels, or otherwise is involved in placing a product in the stream of commerce; or

(ii) installs, repairs, or maintains the harm-causing aspect of the product.

(B) EXCLUSION.—The term ''product seller'' does not include—

(i) a seller or lessor of real property;

(ii) a provider of professional services in any case in which the sale or use of a product is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(iii) any person who—

(I) acts in only a financial capacity with respect to the sale of a product; and

(II) leases a product under a lease arrangement in which the selection, possession, maintenance, and operation of the product are controlled by a person other than the lessor.

(15) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States, or any political subdivision thereof.

(16) TIME OF DELIVERY.—The term ''time of delivery'' means the time when a product is delivered to the first purchaser or lessee of the product that was not involved in manufacturing or selling the product, or using the product as a component part of another product to be sold.

SEC. 3. APPLICABILITY; PREEMPTION.

(a) APPLICABILITY.—

(1) ACTIONS COVERED.—Subject to paragraph (2), this Act applies to any product liability action commenced on or after the date of enactment of this Act, without regard to whether the harm that is the subject of the action or the conduct that caused the harm occurred before such date of enactment.

(2) ACTIONS EXCLUDED.—

(A) ACTIONS FOR DAMAGE TO PRODUCT OR COMMERCIAL LOSS.—A civil action brought for loss or damage to a product itself or for commercial loss, shall not be subject to the provisions of this Act governing product liability actions, but shall be subject to any applicable commercial or contract law.

(B) ACTIONS FOR NEGLIGENT ENTRUSTMENT.—A civil action for negligent entrustment shall not be subject to the provisions of this Act governing product liability actions, but shall be subject to any applicable State law.

(b) SCOPE OF PREEMPTION.—

(1) IN GENERAL.—This Act supersedes a State law only to the extent that State law applies to an issue covered under this Act.

(2) ISSUES NOT COVERED UNDER THIS ACT.—Any issue that is not covered under this Act, including any standard of liability applicable to a manufacturer, shall not be subject to this Act, but shall be subject to applicable Federal or State law.

(c) STATUTORY CONSTRUCTION.—Nothing in this Act may be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any law;

(2) supersede any Federal law, except the Act of April 22, 1908 (35 Stat. 65 et seq., chapter 149; 45 U.S.C. 51 et seq.) (commonly known as the ''Federal Employers' Liability Act'') and the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.);

(3) waive or affect any defense of sovereign immunity asserted by the United States;

(4) affect the applicability of any provision of chapter 97 of title 28, United States Code;

(5) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation;

(6) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum; or

(7) supersede any statutory or common law, including any law providing for an action to abate a nuisance, that authorizes a State or person to institute an action for civil damages or civil penalties, cleanup costs, injunctions, restitution, cost recovery, punitive damages, or any other form of relief relating to contamination or pollution of the environment (as defined in section 101(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601(8)) or the threat of such contamination or pollution.

(d) CONSTRUCTION.—To promote uniformity of law in the various jurisdictions, this Act shall be construed and applied after consideration of its legislative history.

(e) EFFECT OF COURT OF APPEALS DECISIONS.—Notwithstanding any other provision of law, any decision of a circuit court of appeals interpreting a provision of this Act (except to the extent that the decision is overruled or otherwise modified by the Supreme Court) shall be considered a controlling precedent with respect to any subsequent decision made concerning the interpretation of such provision by any Federal or State court within the geographical boundaries of the area under the jurisdiction of the circuit court of appeals.

SEC. 4. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.

(a) IN GENERAL.—

(1) SERVICE OF OFFER.—A claimant or a defendant in a product liability action that is subject to this Act may, not later than 60 days after the service of the initial complaint of the claimant or the applicable deadline for a responsive pleading (whichever is later), serve upon an adverse party an offer to proceed pursuant to any voluntary, nonbinding alternative dispute resolution procedure established or recognized under the law of the State in which the product liability action is brought or under the rules of the court in which such action is maintained.

(2) WRITTEN NOTICE OF ACCEPTANCE OR REJECTION.—Except as provided in paragraph (3), not later than 10 days after the service of an offer to proceed under paragraph (1), an offeree shall file a written notice of acceptance or rejection of the offer.

(3) EXTENSION.—The court may, upon motion by an offeree made prior to the expiration of the 10-day period specified in paragraph (2), extend the period for filing a written notice under such paragraph for a period of not more than 60 days after the date of expiration of the period specified in paragraph (2). Discovery may be permitted during such period.

(b) DEFENDANT'S PENALTY FOR UNREASONABLE REFUSAL.—

(1) IN GENERAL.—The court shall assess reasonable attorney's fees (calculated in accordance with paragraph (2)) and costs against the offeree, if—

(A) a defendant as an offeree refuses to proceed pursuant to the alternative dispute resolution procedure referred to subsection (a)(1);

(B) final judgment is entered against the defendant for harm caused by the product that is the subject of the action; and

(C) the refusal by the defendant to proceed pursuant to such alternative dispute resolution was unreasonable or not made in good faith.

(2) REASONABLE ATTORNEY'S FEES.—For purposes of this subsection, a reasonable attorney's fee shall be calculated on the basis of an hourly rate, which shall not exceed the hourly rate that is considered acceptable in the community in which the attorney practices law, taking into consideration the qualifications and experience of the attorney and the complexity of the case.

(c) GOOD FAITH REFUSAL.—In determining whether the refusal of an offeree to proceed pursuant to the alternative dispute procedure referred to in subsection (a)(1) was unreasonable or not made in good faith, the court shall consider such factors as the court considers appropriate.

SEC. 5. LIABILITY RULES APPLICABLE TO PRODUCT SELLERS.

(a) GENERAL RULE.—

(1) IN GENERAL.—In any product liability action that is subject to this Act filed by a claimant for harm caused by a product, a product seller other than a manufacturer shall be liable to a claimant, only if the claimant establishes—

(A) that—

(i) the product that allegedly caused the harm that is the subject of the complaint was sold by the product seller;

(ii) the product seller failed to exercise reasonable care with respect to the product; and

(iii) the failure to exercise reasonable care was a proximate cause of harm to the claimant;

(B) that—

(i) the product seller made an express warranty applicable to the product that allegedly caused the harm that is the subject of the complaint, independent of any express warranty made by a manufacturer as to the same product;

(ii) the product failed to conform to the warranty; and

(iii) the failure of the product to conform to the warranty caused harm to the claimant; or

(C) that—

(i) the product seller engaged in intentional wrongdoing, as determined under applicable State law; and

(ii) such intentional wrongdoing was a proximate cause of the harm that is the subject of the complaint.

(2) REASONABLE OPPORTUNITY FOR INSPECTION.—For purposes of paragraph (1)(A)(ii), a product seller shall not be considered to have failed to exercise reasonable care with respect to a product based upon an alleged failure to inspect a product if the product seller had no reasonable opportunity to inspect the product that allegedly caused harm to the claimant.

(b) SPECIAL RULE.—A product seller shall be deemed to be liable as a manufacturer of a product for harm caused by the product if—

(1) the manufacturer is not subject to service of process under the laws of any State in which the action may be brought; or

(2) the court determines that the claimant would be unable to enforce a judgment against the manufacturer.

SEC. 6. DEFENSES INVOLVING INTOXICATING ALCOHOL OR DRUGS.

(a) GENERAL RULE.—Notwithstanding any other provision of law, a defendant in a product liability action that is subject to this Act shall have a complete defense in the action if the defendant proves that—

(1) the claimant was under the influence of intoxicating alcohol or any drug that may not lawfully be sold over-the-counter without a prescription, and was not prescribed by a physician for use by the claimant; and

(2) the claimant, as a result of the influence of the alcohol or drug, was more than 50 percent responsible for the accident or event which resulted in the harm to the claimant.

(b) CONSTRUCTION.—For purposes of this section, the determination of whether a person was intoxicated or was under the influence of intoxicating alcohol or any drug shall be made pursuant to applicable State law.

SEC. 7. REDUCTION FOR MISUSE OR ALTERATION OF PRODUCT.

(a) GENERAL RULE.—

(1) IN GENERAL.—Except as provided in subsection (c), in a product liability action that is subject to this Act, the damages for which a defendant is otherwise liable under applicable State law shall be reduced by the percentage of responsibility for the harm to the claimant attributable to misuse or alteration of a product by any person if the defendant establishes that such percentage of the harm was proximately caused by a use or alteration of a product—

(A) in violation of, or contrary to, the express warnings or instructions of the defendant if the warnings or instructions are determined to be adequate pursuant to applicable State law; or

(B) involving a risk of harm which was known or should have been known by the ordinary person who uses or consumes the product with the knowledge common to the class of persons who used or would be reasonably anticipated to use the product.

(2) USE INTENDED BY A MANUFACTURER IS NOT MISUSE OR ALTERATION.—For the purposes of this Act, a use of a product that is intended by the manufacturer of the product does not constitute a misuse or alteration of the product.

(b) STATE LAW.—Notwithstanding section 3(b), subsection (a) of this section shall supersede State law concerning misuse or alteration of a product only to the extent that State law is inconsistent with such subsection.

(c) WORKPLACE INJURY.—Notwithstanding subsection (a), the amount of damages for which a defendant is otherwise liable under State law shall not be reduced by the application of this section with respect to the conduct of any employer or coemployee of the plaintiff who is, under applicable State law concerning workplace injuries, immune from being subject to an action by the claimant.

SEC. 8. UNIFORM STANDARDS FOR AWARD OF PUNITIVE DAMAGES.

(a) GENERAL RULE.—Punitive damages may, to the extent permitted by applicable State law, be awarded against a defendant in a product liability action that is subject to this Act if the claimant establishes by clear and convincing evidence that the harm that

is the subject of the action was the result of conduct that was carried out by the defendant with a conscious, flagrant indifference to the safety of others.

(b) LIMITATION ON AMOUNT.—The amount of punitive damages that may be awarded for a claim in any product liability action that is subject to this Act shall not exceed 3 times the amount awarded to the claimant for the economic injury on which the claim is based, or $250,000, whichever is greater. This subsection shall be applied by the court and the application of this subsection shall not be disclosed to the jury.

(c) BIFURCATION AT REQUEST OF EITHER PARTY.—

(1) IN GENERAL.—At the request of either party, the trier of fact in a product liability action that is subject to this Act shall consider in a separate proceeding whether punitive damages are to be awarded for the harm that is the subject of the action and the amount of the award.

(2) ADMISSIBLE EVIDENCE.—

(A) INADMISSIBILITY OF EVIDENCE RELATIVE ONLY TO A CLAIM OF PUNITIVE DAMAGES IN A PROCEEDING CONCERNING COMPENSATORY DAMAGES.—If either party requests a separate proceeding under paragraph (1), in any proceeding to determine whether the claimant may be awarded compensatory damages, any evidence that is relevant only to the claim of punitive damages, as determined by applicable State law, shall be inadmissible.

(B) PROCEEDING WITH RESPECT TO PUNITIVE DAMAGES.—Evidence that is admissible in the separate proceeding under paragraph (1)—

(i) may include evidence of the profits of the defendant, if any, from the alleged wrongdoing; and

(ii) shall not include evidence of the overall assets of the defendant.

SEC. 9. UNIFORM TIME LIMITATIONS ON LIABILITY.

(a) STATUTE OF LIMITATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2) and subsection (b), a product liability action that is subject to this Act may be filed not later than 2 years after the date on which the claimant discovered or, in the exercise of reasonable care, should have discovered, the harm that is the subject of the action and the cause of the harm.

(2) EXCEPTIONS.—

(A) PERSON WITH A LEGAL DISABILITY.—A person with a legal disability (as determined under applicable law) may file a product liability action that is subject to this Act not later than 2 years after the date on which the person ceases to have the legal disability.

(B) EFFECT OF STAY OR INJUNCTION.—If the commencement of a civil action that is subject to this Act is stayed or enjoined, the running of the statute of limitations under this section shall be suspended until the end of the period that the stay or injunction is in effect.

(b) STATUTE OF REPOSE.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), no product liability action that is subject to this Act concerning a product that is a durable good alleged to have caused harm (other than toxic harm) may be filed after the 20-year period beginning at the time of delivery of the product.

(2) STATE LAW.—Notwithstanding paragraph (1), if pursuant to an applicable State law, an action described in such paragraph is required to be filed during a period that is shorter than the 20-year period specified in such paragraph, the State law shall apply with respect to such period.

(3) EXCEPTION.—A motor vehicle, vessel, aircraft, or train that is used primarily to transport passengers for hire shall not be subject to this subsection.

(c) TRANSITIONAL PROVISION RELATING TO EXTENSION OF PERIOD FOR BRINGING CERTAIN ACTIONS.—If any provision of subsection (a) or (b) shortens the period during which a product liability action that could be otherwise brought pursuant to another provision of law, the claimant may, notwithstanding subsections (a) and (b), bring the product liability action pursuant to this Act not later than 1 year after the date of enactment of this Act.

SEC. 10. SEVERAL LIABILITY FOR NONECONOMIC LOSS.

(a) GENERAL RULE.—In a product liability action that is subject to this Act, the liability of each defendant for noneconomic loss shall be several only and shall not be joint.

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—Each defendant shall be liable only for the amount of noneconomic loss allocated to the defendant in direct proportion to the percentage of responsibility of the defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which the defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant under this section, the trier of fact shall determine the percentage of responsibility of each person responsible for the amount of noneconomic loss caused to the claimant, whether or not such person is a party to the action.

SEC. 11. WORKERS' COMPENSATION SUBROGATION STANDARDS.

(a) GENERAL RULE.—

(1) RIGHT OF SUBROGATION.—

(A) IN GENERAL.—An insurer shall have a right of subrogation against a manufacturer or product seller to recover any claimant's benefits relating to harm that is the subject of a product liability action that is subject to this Act.

(B) WRITTEN NOTIFICATION.—To assert a right of subrogation under subparagraph (A), the insurer shall provide written notice to the court in which the product liability action is brought.

(C) INSURER NOT REQUIRED TO BE A PARTY.—An insurer shall not be required to be a necessary and proper party in a product liability action covered under subparagraph (A).

(2) SETTLEMENTS AND OTHER LEGAL PROCEEDINGS.—

(A) IN GENERAL.—In any proceeding relating to harm or settlement with the manufacturer or product seller by a claimant who files a product liability action that is subject to this Act, an insurer may participate to assert a right of subrogation for claimant's benefits with respect to any payment made by the manufacturer or product seller by reason of such harm, without regard to whether the payment is made—

(i) as part of a settlement;

(ii) in satisfaction of judgment;

(iii) as consideration for a covenant not to sue; or

(iv) in another manner.

(B) WRITTEN CONSENT.—Except as provided in subparagraph (C)—

(i) an employee shall not make any settlement with or accept any payment from the manufacturer or product seller without the written consent of the insurer; and

(ii) no release to or agreement with the manufacturer or product seller described in clauses (i) through (iv) of subparagraph (A) shall be valid or enforceable for any purpose without the consent of the insurer.

(C) EXEMPTION.—Subparagraph (B) shall not apply in any case in which the insurer has been compensated for the full amount of the claimant's benefits.

(3) HARM RESULTING FROM ACTION OF EMPLOYER OR COEMPLOYEE.—

(A) IN GENERAL.—If, with respect to a product liability action that is subject to this Act, the manufacturer or product seller attempts to persuade the trier of fact that the harm to the claimant was caused by the fault of the employer of the claimant or any coemployee of the claimant, the issue of that fault shall be submitted to the trier of fact, but only after the manufacturer or product seller has provided timely written notice to the employer.

(B) RIGHTS OF EMPLOYER.—

(i) IN GENERAL.—Notwithstanding any other provision of law, with respect to an issue of fault submitted to a trier of fact pursuant to subparagraph (A), an employer shall, in the same manner as any party in the action (even if the employer is not a named party in the action), have the right to—

(I) appear;

(II) be represented;

(III) introduce evidence;

(IV) cross-examine adverse witnesses; and

(V) present arguments to the trier of fact.

(ii) LAST ISSUE.—The issue of harm resulting from an action of an employer or coemployee shall be the last issue that is presented to the trier of fact.

(C) REDUCTION OF DAMAGES.—If the trier of fact finds by clear and convincing evidence that the harm to the claimant that is the subject of the product liability action was caused by the fault of the employer or a coemployee of the claimant—

(i) the court shall reduce by the amount of the claimant's benefits—

(I) the damages awarded against the manufacturer or product seller; and

(II) any corresponding insurer's subrogation lien; and

(ii) the manufacturer or product seller shall have no further right by way of contribution or otherwise against the employer.

(D) CERTAIN RIGHTS OF SUBROGATION NOT AFFECTED.—Notwithstanding a finding by the trier of fact described in subparagraph (C), the insurer shall not lose any right of subrogation related to any—

(i) intentional tort committed against the claimant by a coemployee; or

(ii) act committed by a coemployee outside the scope of normal work practices.

(b) ATTORNEY'S FEES.—If, in a product liability action that is subject to this section, the court finds that harm to a claimant was not caused by the fault of the employer or a coemployee of the claimant, the manufacturer or product seller shall reimburse the insurer for reasonable attorney's fees and court costs incurred by the insurer in the action, as determined by the court.

SEC. 12. FEDERAL CAUSE OF ACTION PRECLUDED.

The district courts of the United States shall not have jurisdiction under section 1331 or 1337 of title 28, United States Code, over any product liability action covered under this Act.

SUMMARY OF THE PRODUCT LIABILITY FAIRNESS ACT

Alternative Dispute Resolution (ADR): Either party may offer to participate in a voluntary, non-binding state-approved ADR procedure. If a defendant unreasonably refuses to participate and a judgment is entered for the claimant, the defendant must pay the claimant's reasonable legal fees and costs. There is no penalty for claimants who refuse to participate in an ADR procedure. No penalty may be assessed against a defendant unless judgment is entered for the claimant.

Product Sellers: Product sellers will be liable only for their own negligence or failure to comply with an express warranty. However, if the manufacturer cannot be brought into court or is unable to pay a judgment, the seller shall be liable as if it were a manufacturer. This assures that injured persons will always have available an avenue for recovery.

Alcohol and Drugs: The defendant has an absolute defense if the plaintiff was under the influence of intoxicating alcohol or illegal drugs and the condition was more than 50 percent responsible for plaintiff's injuries.

Misuse and Alteration: The bill limits a defendant liability if the product user has misused or altered the product in an unforeseeable manner.

Punitive Damages: Punitive damages may be awarded if a plaintiff proves, by clear and convincing evidence, that the harm was caused by defendant's ''conscious, flagrant indifference to the safety of others.'' To streamline litigation, trials may be bifurcated so the punitive damages phase is separate from the proceedings on compensatory damages. Courts may award punitive damages up to three times economic damages, or $250,000, whichever is greater.

Statute of Limitations: The pro-plaintiff statute of limitations is two years, which begins to run when the claimant reasonably should have discovered both the harm and cause.

Statute of Repose: The statute of repose is for capital and durable goods used in the workplace, and is set at 20 years.

Joint and Several Liability: The bill abolishes joint liability with respect to non-economic damages, such as pain and suffering. States are permitted to provide joint liability for economic damages, such as medical expenses and lost wages, so that these damages are always fully compensated in all cases.

Workers' Compensation Offset: An employer's right to recover worker's compensation benefits from a manufacturer whose product allegedly harmed a worker is preserved unless the manufacturer can prove, by clear and convincing evidence, that the employer caused the injury.

Mr. GORTON. Mr. President, I am pleased to join with Senator ROCKEFELLER to introduce legislation that will bring common sense back to America's product liability system. The Product Liability Fairness Act of 1995 is a bipartisan proposal that takes a moderate, sensible approach to product liability reform.

As an attorney myself, I recognize that America's trial lawyers would like to see me disbarred for introducing this bill.

It should come as no surprise that they are planning to spend $20 million to defeat this legislation. They're making millions off the current system, and the legislation we're introducing today will put an end to the lawyers' financial free-for-all.

Consider just a couple of cases from my own State of Washington. Connelly Water Skis of Lynnwood pays $345,000 a year for liability insurance even though they have never lost a liability case. They paid more than $83,000 in legal expenses to defend themselves in a case in which the plaintiff has asked be dismissed. They paid more than $12,000 to defend themselves in a case in which no Connelly product was involved.

Commercial Plastics of Seattle, which manufacturers candy dispensers, has been sued in a case involving a drunken woman who pulled a unit off a grocery store shelf on New Year's Eve. She wasn't hurt, but she is suing for mental anguish caused by the embarrassment of the incident.

Bayliner Boats of Everett manufactures a 25-foot hard-top boat with the steering station inside. The plaintiff sawed a hole through the hard top—kind of like a sunroof. He was sitting on the top driving the boat with his feet. He saw an oncoming boat and tried to honk the horn with his toe. He turned the boat to the left with his feet, and shifted his weight to the right to counter the turn. He fell overboard, was injured, and is now suing Bayliner.

Keep in mind that these examples come from a State where limits on punitive damages are already in place.

Does it make sense for consumers to pay higher prices for water skis or other equipment because the person used the product incorrectly? Does it make sense for consumers to pay higher costs for products because someone did something that defies all common sense? Does it make sense for consumers to pay higher prices for products because some inebriated person injures, and even embarrasses him or herself?

And most importantly, does it make sense that trial attorneys are ripping off consumers around the country when they make millions of dollars off these cases?

Out of every dollar spent on product litigation, more than 50 percent of the money goes to the lawyers. They're the only ones winning anything. Their opposition to this legislation is only about protecting their fees—not protecting consumers.

Consider the Chicago law firm that issued a bulletin to its clients stating: ''We are pleased to announce that we obtained for our client the largest verdict ever for an arm amputation: $7.8 million.''

Consider the new Florida company, called ''Went For It,'' that researches the names of accident victims and sells them to lawyers.

Consider the New York lawyer found guilty of using a pickax to enlarge a pothole before he photographed it for a client with a personal injury claim.

It's outrageous.

This country desperately needs a fair and efficient product liability system. A fair and efficient product liability system should have consistent standards and yield predictable results. It should award damages in proportion to the harm suffered and those damages should be paid only by those responsible. A fair and efficient system should award damages in a timely manner without incurring large, wasteful transaction costs.

The status quo defended mightily by the trial lawyers is far from fair or efficient. Consumers, those injured by faulty products, and American businesses all suffer as a result of selfish lawyers.

Fair compensation is not awarded in a timely fashion. Cases drag on for years. Over 20 percent of seriously injured persons receive no compensation for 5 years. A 1989 GAO study says that the average case takes nearly 3 years to resolve, and longer if there is an appeal. When compensation is awarded, transaction costs—such as attorney's fees—absorb too much money that should have gone to injured persons.

Not only does the present product liability system generate excessive costs and delay, it does not compensate injured persons in proportion to their losses. If a person's injuries are minor, they can expect to receive a windfall of nearly nine times their losses. If their injuries are severe, they should expect to receive only 15 percent of their losses. A severely injured person cannot afford to gamble on the outcome of lengthy litigation. As a result, many are forced to settle for an amount far less than their injuries merit.

Injured persons are not the only ones that are treated unfairly by the tort system. That system imposes inordinate costs on the U.S. economy. Domestic manufacturers face product liability costs up to 20 to 50 times higher than those paid by foreign competitors.

These excessive costs put American business at a competitive disadvantage in world markets. Important sectors of our domestic economy are losing substantial market shares to foreign competitors. For example, the Association of Manufacturing Technology estimates its member companies have lost, in recent years, nearly 25 percent of their market share to foreign competitors. Much of this loss is attributed to the excessive costs of the current product liability system, which wastes vital resources and inhibits the development and marketing of innovative products. The U.S. machine tool industry spends seven times more on product liability costs than on research and development.

When the job creators have to pay insurance premiums instead of salaries, we've got a lot of people on unemployment for no good reason. Listen to the small business owner in Hoquiam who pays more in product liability premiums than he does in Federal taxes. Listen to the small business owner in Spokane who says his insurance premiums often equal his before-tax profits.

This is outrageous.

Innovation is also squelched because manufacturers decide not to market new products due to these excessive transaction costs and the possibility of unjustified, unpredictable but nonetheless crushing liability. These concerns further stifle innovation because scientific research essential for advanced product development, is foregone.

For instance, promising AIDS vaccines have been shelved. New hazardous waste cleanup technologies have been shelved. Asbestos substitutes have been

shelved. The list of valuable products and life-saving medicines that have been shelved and kept from the market goes on, and on, and on, and on.

The current system is clearly broken, and it must be fixed. I hope that my colleagues will join with Senator ROCKEFELLER and me in supporting a bill that seeks in a balanced way to introduce fairness and efficiency to our product liability system.

Mr. MCCONNELL. Mr. President, I am pleased to join my colleagues in the introduction of the Product Liability Reform Act of 1995. Our litigation system needs repair; less than half—43 cents to be precise—of every dollar spent in the liability system goes to injured victims. More than half of every dollar represents transactions costs—lawyers' fees, the cost of keeping the courts running, and other associated expenses of the legal system. Something is seriously wrong with a system that pays out more to those who run the legal system than to those who need it for dispute resolution.

And, litigation costs drain billions of dollars from our economy. We know there is a litigation tax associated with putting goods and services in the stream of commerce. For example, the price, on average, of an 8-foot ladder is $119.33. But the actual cost is only $94.47, with the litigation tax representing 25 percent of the cost. And, the litigation tax for a heart pacemaker is 20 percent, driving the cost up an additional $3,000. (Source: Newsweek, Oct. 25, 1993, reprinting from, ''The 96 Billion Dollar Game,'' Philip Hermann.)

This litigation tax impedes innovation and invention. Companies hesitate to put products on the market because of the high risk of litigation. That means fewer choices for consumers and a shrinking share of the global market for American companies.

And unless we fix the problems of our legal system, the situation is bound to get worse. Longer delays in the courts, increased inefficiency and unpredictability in getting compensation to victims, and more burdens on productivity and invention.

This bill is a significant step in the right direction. It offers a national answer to a nationwide problem—uniformity and certainty in America's product liability laws.

The bill will not prevent those injured by defective products from receiving fair compensation for their injuries. Rather, it will offer some protection for those parties who had no connection to the defects in the product from unfairly and unreasonably having to pay the tab in a lawsuit. But, make no mistake about it, those who are responsible for the defects will be held accountable for the injuries they cause.

In addition, this bill restores the element of punishment to punitive damages. In the current environment, the quest for punitive damages is like taking a chance on the lottery—some plaintiffs win big and many win nothing at all. Often times, the award of punitive damages bears no relationship to the injuries suffered. The bill will link punitive damages to the economic loss by providing that where punitive damages are awarded, they should be awarded in an amount of three times the economic loss or $250,000, whichever is greater.

The time for this bill is long overdue. I look forward to its prompt consideration in the Commerce Committee and speedy action on the Senate floor.

Mr. LIEBERMAN. Mr. President, I am proud to join a broad bipartisan group of eight Senators led by my distinguished colleagues, Senators ROCKEFELLER and GORTON, in introducing a bill to address one of the most important issues facing this Congress—product liability reform. This is my third effort to pass much-needed changes to the product liability system and, after years of frustration, I believe we are finally going to succeed. This year's bill builds on last year's effort and is the fairest and strongest bill possible.

No one should be praising the status quo. The current system is inefficient, unpredictable, costly, slow, and inequitable. And everyone pays: plaintiffs, defendants, manufacturers, product sellers, and consumers. This bill addresses these problems by making a number of balanced and limited changes intended to reduce transaction costs, provide greater certainty to everyone, and increasing the competitiveness of U.S. firms. I urge my colleagues to support this bill.

Mr. President, I did not join the fight for product liability reform until my second year in the Senate. I came here as a former State attorney general who had been active in consumer protection. I knew that some consumer groups opposed Federal product liability legislation, and as a former State official, I was hesitant to step into an area that had traditionally been the province of State law. In fact, as attorney general of Connecticut and a member of the National Association of Attorneys General, I voted for resolutions opposing earlier Federal product liability legislation that would have swept away virtually all State product liability laws and repealed the doctrine of strict liability for product defects.

But as I traveled around the State of Connecticut, this problem—product liability litigation—kept coming up in my discussions with small business men and women, with small and large manufacturing companies, and with plant managers. They told me of problems they had experienced with the product liability system, of the expense of defending yourself even when you win, of the cost of settlements to avoid paying litigation costs, and of the time and energy that product liability suits diverted away from the business of designing new products and bringing them to market.

One of my favorite examples concerns an experience of Mr. Robert Lyons, who runs the Bilco Co. in New Haven, CT. Bilco, a small company, manufactures roof hatch doors. Several years ago, Mr. Lyons and his colleagues at Bilco invented an ingenious safety feature called the LadderUP Safety Post. This device attached to the ladder that led to the roof hatch. When the hatch was opened, the LadderUP Safety Post would automatically extend through the opening to a height several feet above the level of the roof. This allowed a person climbing out of the top of the hatch to hold on to the pole as he or she stepped up onto the roof.

After Bilco put the LadderUP Safety Post on the market, Bilco was sued by a person who had fallen when using a Bilco hatch without the device. The plaintiff argued that Bilco should only have sold its roof hatch with a LadderUP device, and that Bilco should not have permitted its customers simply to buy a hatch. The plaintiff also argued that Bilco should have more widely advertised its product. Despite the fact that anyone who uses a ladder surely must know that you have to be careful when climbing on the top rungs, and the fact that the builder had chosen not to buy or retrofit the hatch with a LadderUP device, Bilco ended up paying $20,000 to settle this case out of court, judging that to be cheaper than going through full litigation.

Now there are some people who will say, so what is wrong with that? After all, a person who was injured received $20,000 to help compensate for his injuries. But the flaw with the reasoning should be apparent. Private businesses cannot print money. A $20,000 payment here was $20,000 less to be invested in new plant equipment, in developing new products, or hiring new people. And what did Mr. Lyons and Bilco actually do to deserve having to pay $20,000? They invented and put on the market a new product, a new safety device. They did not build the building with the roof hatch, they did not install the hatch, they were not the ones who decided to forego purchasing a LadderUP Safety Post for use with the hatch. All they did was to build a better mousetrap. And for that, a lawyer beat a path to their door.

The injustice of this case points out a fundamental problem with our product liability system. At a time when we need to be rebuilding our country's manufacturing base, to be promoting innovation in our manufacturing sector, to be designing, building and bringing to market the next generation of high-quality, high-value added products the world will need, our liability system chills innovation like a bucket of cold water.

The debate should really center around consumers, because it is consumers who suffer because of this system, not simply businesses. Consumers are the ones who have to pay higher prices in order to cover product liability-related costs. If a ladder costs 20

percent more because of liability-related costs, consumers—not businesses—end up paying that 20 percent premium.

Consumers are also the ones who suffer when valuable innovations do not occur, or when needed products like life-saving medical devices or earthquake shock absorbers do not come to market because no one will supply the necessary raw materials.

Last term, at a hearing on product liability and sales of raw materials for medical devices, Mr. Mark Reily described what life would be like for his then 9-year-old son, Thomas Reily, if he could no longer obtain a replacement for the silicone shunt in Thomas' head: ''The fluid builds pressure inside the head, like steam building inside a locked pressure cooker. If left untreated, it is a well-documented fact that the patient will initially suffer severe brain damage, become comatose and ultimately die.'' Mr. Reily pleaded for us to reform our product liability laws to ensure that raw materials for Thomas' shunt will continue to be available to the shunt's makers. Mark and Thomas Reily are consumers who are being hurt, not helped, by our product liability system.

The point that Mr. Reily and his son drove home is that the best interests of consumers as a whole are not always identical to the interests of people who are seeking compensation. The people who suffer or die because a new drug or medical device was never developed, or was delayed in its development, are hurt as surely as those who suffer because a device malfunctioned or a drug was improperly designed. These silent victims of our product liability system's chilling effect on innovation are consumers whose interests also deserve protection.

Of course, even for its putative beneficiaries, people who are injured by defective products, the legal system hardly can be said to work well. GAO, in its five-State survey, found that product liability cases took an average of 2½ years just to reach trial. If the case was appealed, it took, on average, another year to resolve. This is a very long time for an injured person to wait for compensation.

In some instances too, our product liability laws have erected barriers to suit that just do not make sense. For example, in some States, the statute of limitations—the time within which a lawsuit can be brought—begins to run even though the injured person did not know they were injured and could not have known that the product was the cause. In those States, the time in which to bring a suit can expire before the claimant knows or could ever know there is a suite to bring.

Mr. President, no one will argue that this bill will cure all the ills in our product liability system. That would require a gargantuan overhaul and I doubt we can reach agreement as to what that would look like. But we can, I believe, work to enact a balanced package of reforms that works incrementally to eliminate the worst aspects of our current system, to restore some balance to our product liability system. I believe this bill is just such a balanced package.

For people injured by defective products, this bill makes a set of very important and beneficial changes. First, it enacts uniform, nationwide statute of limitations of 2 years from the date the claimant knew or should have discovered both the fact he or she was injured and the cause of the injury. Injured people will no longer lose the right to sue before they knew both that they were hurt and that a specific product caused their injury.

Second, this bill will force defendants to enter alternative dispute resolution processes which can resolve a case in months rather than years. If the defendant unreasonably refuses to enter into ADR, it can be liable for all of claimant's costs and attorney's fees. On the other hand, if a plaintiff unreasonably refuses to enter ADR, she will suffer no penalty.

For workers who face possible injury in the workplace, this bill will reform the product liability system to give employers a stronger incentive to provide a safe workplace. Under current law, an employer is often permitted to recoup the entire amount of workers compensation benefits paid to an employee who was injured by a defective machine, even if the employer contributed significantly to the injury by, for example, running the machine at excessive speeds or removing safety equipment. This essentially means that an employer can end up paying nothing despite the fact that their misconduct was a significant cause of the injury.

This bill would change this. When an employer is found, by clear and convincing evidence, to be partly responsible for an injury, the employer loses recoupment in proportion to its contribution to the injury. This does not change the amount of money going to the injured person, but it makes the employer responsible for its conduct.

For manufacturers, this bill reforms the product liability system to establish a nationwide standard for punitive damages of proof of conscious, flagrant indifference to public safety by clear and convincing evidence. The clear and convincing evidence standard is already the law in over 25 States. Punitive damages in these product liability cases would also be limited to the greater of $250,000 or three times the amount of economic damages. The American College of Trial Lawyers and ALI support this provision. It will bring some reasonable limits to what too often just results in windfalls to particular claimants instead of the original purpose—punishing defendant's wrongful behavior.

Manufacturers of durable goods—goods with life expectancy over 3 years that are used in the workplace—will also be assured that they cannot be sued more than 20 years after they deliver a product. This will bring an end to suits such as the one in which Otis Elevator was sued over a 75-year-old elevator that had been modified and maintained by a number of different owners and repair persons through the decades. By the way, this same provision will not apply to household goods such as refrigerators, and is only intended to cover those workplace injuries that are already covered by workers compensation.

Manufacturers will also have some protection against ''deep pocket'' liability. While the bill still permits States to hold all defendants jointly liable for economic damages such as lost wages, foregone future earnings, past and future medical bills, and cost of replacement services, noneconomic damages such as pain and suffering will be apportioned among codefendants on the basis of each defendant's contribution to the harm. In addition, if the plaintiff misused or altered a product, or used the product under the influence of drugs or alcohol, the manufacturers share of the damages will also be reduced.

For wholesalers and retailers, they will, in the majority of cases, be relieved of the threat that they can be held liable for the actions of others. Under current law, for example, the owner of the corner hardware store could be sued for injuries resulting from a power saw just as if she was the manufacturer of a power saw, even if she had no input in the design or assembly of the power saw and had done nothing other than to inspect a sample to make sure there were no obvious flaws and to put the items on the shelf.

For our American economy and industrial base, passage of this product liability reform legislation will move us back to promoting innovation and the development and commercialization of new products. Passing this bill will create and save jobs here, not overseas.

After years of debate, this compromise bill balances important issues: It is pro-business and pro-consumer. It is pro-innovation and pro-safety. But most importantly, it finally balances the scales of justice properly to ensure that victims of defective products remain compensated while consumers receive the best products available. It is incremental reform. And it is a key component of any strategy for long-term economic growth, and for rebuilding our country's manufacturing base.

Let me say finally, that in the upcoming months, this bill will be debated over and over. In that rhetoric and inevitable soundbites, one thing should not be lost. This bill does not absolve a company from making an unsafe product. If a company has made a defective product, it must be held fully accountable. Period. But when a company does follow the rules and makes a safe product, it should not have to settle frivolous claims simply to avoid the expense of litigation and protect

against the risk that a huge and irrational judgment will be awarded against it.

The time has come for us to move forward, to give this balanced package a chance for full consideration by this body. We owe it to the American people to look beyond the rhetoric. We owe it to the American people to pass this bill. Mr. President, I urge my colleagues to support and enact these overdue reforms.

Mr. DODD. Mr. President, I am pleased to join with the bipartisan group of Senators who are original cosponsors of the Product Liability Fairness Act of 1995. I would also like to commend Senators ROCKEFELLER, GORTON, and LIEBERMAN for all of their hard work on this legislation.

The current product liability system simply does not serve anyone well. The American people know the problem—the results in a product liability case depend primarily on a person's ability to afford a good lawyer. That's true whether you are a consumer injured by an unsafe product, or a businessperson trying to defend yourself against an unjustified lawsuit.

For consumers, the studies show that injured people must wait too long for fair compensation. A recent study by the General Accounting Office found that cases take about 3 years to be resolved—longer if there is an appeal.

Other studies show dramatically different compensation for similar injuries incurred in the very same way. Wealthier and better educated people fare far better than low-income people and less well-educated people.

So the present system is not serving the needs of our injured citizens. At the same time, it's not serving the needs of American businesses. They are reluctant to introduce new products because they are not sure what kind of liability they will face under the laws of 55 States and territories.

This uncertainty is particularly difficult for small businesses, who cannot afford the huge legal costs of the present system. And these are not legal costs that fall only on unscrupulous manufacturers—many companies have run up enormous legal bills only to be vindicated by the courts. Of course, those victories are hollow at best.

And what happens if an American business is afraid to innovate, or forced to defer investment on research and development? Are those only problems for particular businesses, and unworthy of serious attention—of course not. If American businesses are unable to bring innovative products to the marketplace, or forced to take helpful products off the market, we all lose.

The search for an AIDS vaccine is a good example. At least one company, Biogen in Massachusetts, terminated its investment in an AIDS vaccine because of product liability fears.

And this problem is not limited to particular products or companies. The current product liability system threatens entire industries. The contraceptive industry is one example. A 1990 report issued by the National Research Council and the Institute of Medicine concluded that ''product liability litigation has contributed significantly to the climate of disincentives for the development of contraceptive products.''

The American Medical Association has documented this problem:

> In the early 1970's, there were 13 pharmaceutical companies actively pursuing research in contraception and fertility. Now, only one U.S. company conducts contraceptive and fertility research.

Is our country well-served by a system that prevents contraceptives, and other critical medical products, from coming to the market? Who benefits from that result?

And if the present system is not working—if it helps neither people who are injured by products nor the businesses who are trying to develop life-saving products—what should we do? Should we simply give up and walk away? Should we say that there's nothing we can do—the problem's too big for us too handle? Of course not—we owe it to the American people to try to do better.

With passage of the Product Liability Fairness Act we will do better. This legislation may not solve all of the problems in the product liability system, but it will improve that system for everyone—for the injured people who need fast and fair compensation, for consumers who need quality products to choose from, for those businesses who are at the cutting edge of international competition, and for workers who depend on a strong economy to support their families. The moderate reforms in this measure will reduce the abuses in the current system without eliminating solid protections for those who are victimized by defective or dangerous products.

Let me highlight some of the key provisions. First, this measure will provide a more uniform system of product liability. Since about 70 percent of all products move between States, it makes sense to have a federal system for resolving disputes. With Federal rules in place, there will be more certainty in the system, and the excessive costs in the present system should come down.

The provisions in the bill that encourage alternative dispute resolution will also help reduce the costs in the current system. Currently, too much money goes to transaction costs, primarily lawyers fees, and not enough goes to victims. A 1993 survey of the Association of Manufacturing Technology found that every 100 claims filed against its members cost a total of $10.2 million. Out of that total, the victims received only $2.3 million with the rest of the money going to legal fees and other costs. Clearly, we need to implement a better system in which the money goes to those who need it—injured people.

Most importantly, and I cannot emphasize this enough, the moderate reforms in this bill offer a balanced approach to the needs of both consumers and businesses. Consumers will benefit, for example, from a statute of limitations provision that preserves a claim until 2 years after the consumer should have discovered the harm and the cause. In many cases, injured people are not sure what caused their injuries and, under the current system, they lose their ability to sue. With this legislation, people injured by products will have adequate time to bring a lawsuit.

Businesses will also benefit from this legislation. For example, in order to recover punitive damages, the plaintiff will have to prove, by clear and convincing evidence, that the harm was caused by the defendant's ''conscious, flagrant indifference to the safety of others.'' This provision will allow defendants to have a clear understanding of when they may be subject to this quasi-criminal penalty.

Under this measure, defendants also have an absolute defense if the plaintiff was under the influence of intoxicating alcohol or illegal drugs and the condition was more than 50 percent responsible for plaintiff's injuries. This provision, it seems to me, is nothing more than common sense. Why should manufacturers pay for the misconduct of intoxicated people?

Furthermore, product sellers will only be liable for their own negligence or failure to comply with an express warranty. But as an added protection for injured people, this rule will not apply if the manufacturer cannot be brought into court or if the claimant would be unable to enforce a judgment against the manufacturer. This provision will eliminate the need for sellers to hire lawyers in a high percentage of the roughly 95 percent of the cases where they are presently not found to be at fault.

Mr. President, this is an issue that many of us have spent a great deal of time on. My involvement dates back to 1986, when I worked on a reform proposal with our distinguished former colleague, Senator Danforth. We did not get very far with that bill. But the effort to improve the product liability system has gained momentum in recent years, and I am optimistic that we can pass this legislation during this Congress.

Because of the enormous costs associated with the product liability system, both economic and social, we must address this issue with the seriousness that it deserves. Unfortunately, in the past, some have characterized the debate as a battle between the manufacturers and the insurance companies on the one side, and consumers and trial attorneys on the other. Some have viewed this legislation in antagonistic terms, with one side winning and one side losing.

Of course, the problem is much more complex than that and the solution

will be much more complex. As this bill moves forward, we will hear from many concerned citizens who can help us refine this legislation. I also look forward to working with my colleagues and the Clinton administration to strengthen this measure. But our Nation cannot afford to maintain the status quo, and this bill will take us a long way toward a fairer product liability system.

Mr. PRESSLER. Mr. President, I am pleased to be an original cosponsor of this important legislation. Our existing product liability system is a disaster. It is inefficient and unfair. The Senate Committee on Commerce, Science, and Transportation has long recognized these problems and has reported favorably a reform bill in six previous Congresses.

The Product Liability Fairness Act of 1995 is a balanced bill that will make substantial progress in addressing the many problems with our current system. This bill is good for consumers, good for businesses—especially small businesses—and good for those legitimately injured by faulty products.

I thank Senator GORTON and Senator ROCKEFELLER for their excellent work in preparing this bill. Their solid working relationship on this issue is indicative of the bipartisan support for these essential reforms.

Mr. President, I have long been a supporter of product liability reform and will make every effort to advance the reform effort.

Mr. HATCH. Mr. President, I am extremely pleased to cosponsor the Product Liability Fairness Act of 1995 with Senators ROCKEFELLER and GORTON, and many others. I commend their longstanding leadership on this issue.

This act represents a truly bipartisan effort to correct what many have long recognized to be malfunctions in our product liability system. We want American business to grow, to provide more jobs and more affordable consumer goods, and to continue to make medical and technological breakthroughs that benefit the people of Utah and all Americans. We can do that as well as make sure those who are wrongfully harmed in the marketplace are properly compensated, if we go about it in a rational way.

Under the current system, however, American manufacturers have been forced to devote far too many resources to the costs of product liability actions, and consumers have ultimately had to bear those costs. Punitive damage awards have particularly grown out of control and have crippled our manufacturers, distributors, and retailers. We have all heard about astronomical punitive damage awards for spilled coffee and other horror stories. What we often fail to focus on is where these terrific sums are coming from and the insidious economic damage that is caused by forcing the reallocation of millions of dollars away from productive, job creating uses.

The long and short of it is that the current system is harming both companies, workers, and consumers and is desperately in need of the reforms we propose today.

Let no one misunderstand what this bill does. It does not prevent injured people from being compensated for the harms caused to them by defective products. I strongly believe that those who are unfortunate enough to be harmed by defective products should have appropriate remedies and should be compensated for the harm they suffer.

However, product liability law as it stands today is severely skewed. What this law does is correct certain specific inequities in the law as it stands and make those corrections uniform nationwide. Many States, for example, have already enacted reforms at the State level that art similar to those we introduce today.

Under the law as it stands in many other States, however, manufacturers and others can be held responsible for striking amounts of damages for harm that they did not cause—just because another party cannot or will not pay its fair share. In addition, juries may award runaway amounts of punitive damages for a relatively small amount of harm, and courts can lack the power to adequately restrict those awards once made.

The threat alone of excessive punitive damages can force parties to settle under conditions in which they otherwise would not. Finally, as in numerous other areas of the law, litigation costs in product liability cases continue to soar.

All of this harms our economy. It removes companies' incentives to invest and discourages them from researching and developing newer and safer products. It limits the amount companies can spend on wages, research, and technology. All of this hurts consumers and workers. Litigation costs and the higher insurance costs that companies must pay to cover their expected liability are ultimately passed on to consumers. Of the cost of a simple ladder, for example, a shocking 20 percent goes to paying the costs of product liability litigation. Those costs impact the prices we pay for all sorts of other goods and services that we need and use everyday, and prevent the development and marketing of products we would like to use but cannot because companies are afraid to develop them.

These problems cannot be addressed comprehensively without a uniform, nationwide solution. I look forward to working with my colleagues to get this bill to the President.

Mr. President, I should also note that I expect to introduce civil justice reform which goes beyond product liability issues in the near future.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 566. A bill for the relief of Richard M. Sakakida; to the Committee on Armed Services.

PRIVATE RELIEF LEGISLATION

• Mr. AKAKA. Mr. President, in behalf of myself and Senator INOUYE, I am reintroducing today legislation I offered in the previous Congress for the private relief of Richard Motoso Sakakida of Fremont, CA. My bill would require the military to review whether the retired lieutenant colonel deserves the Congressional Medal of Honor, Distinguished Service Cross, or Silver Star for actions related to his service in the Philippines during World War II.

Despite many courageous and daring actions he undertook as an Army undercover agent before and during the Japanese occupation of the islands, Colonel Sakakida has never been officially recognized for his service there, largely because much of his work was classified, and therefore unknown, until well after the war. Despite efforts undertaken in his behalf by fellow veterans and Members of Congress to accord him the honors he deserves, the Army has refused to consider his case, citing a statute limiting the Medal of Honor or Distinguished Service Cross to those whose recommendations are received within 2 years of the act justifying the awards, or, in the case of World War II veterans, by 1951.

Mr. President, I believe a brief review of Colonel Sakakida's wartime exploits will convince my colleagues of the need to enact this legislation.

In March 1941, 9 months before the Japanese attack on Pearl Harbor, Richard Sakakida, the son of Japanese parents who immigrated to Hawaii at the beginning of the century, and another nisei from Hawaii became the first Japanese-Americans recruited to the Army's Counter Intelligence Police [CIP]. This unit would later become the Army Counter Intelligence Corps, or CIC.

Sworn in as a sergeant. Sakakida was sent to the Philippines, then an American possession; his mission was to spy on Japanese with possible connections to the Japanese military. There, Sakakida was able to masquerade as a draft evader from Hawaii and talk himself into being admitted to an all-Japanese residential hotel in Manila. Under cover of a prearranged job, and without any prior training or experience, he succeeded in establishing a clandestine intelligence collection operation out of his hotel room. As a measure of the success of his penetration of the Japanese community, Sakakida was even offered a post with the Japanese consulate in Mindanao.

The outbreak of war abruptly ended that possibility. Instead of returning to the American side, Sakakida was asked to stay with the Japanese community to continue his work. He relied on sheer resourcefulness to talk his way past unwitting American and Filipino security guards at the gate to the emergency Japanese relocation compound, where Japanese nationals were

being detained. His vulnerability was compounded by the fact that only a few men were aware of his secret work. In fact, he was eventually arrested on spy charges by the Philippine Constabulary and subjected to punishing interrogation at Bilibid Prison. Throughout the ordeal Sakakida maintained his cover story, as he was later able to do with his Japanese captors.

Fortuitously, he was eventually recognized by a Filipino agent who was aware of his undercover status; unfortunately, this also compromised his cover among Philippine authorities. A ruse involving his return to the Japanese compound and unceremonious arrest by American agents was staged in an attempt to maintain his cover in the Japanese community, but the rapid advance of the Japanese Army ended hopes for his return to the Japanese. For the first time since he arrived in the islands, he reentered the American fold.

Back in military uniform with the CIP, Sargent Sakakida was tasked with interrogating Japanese civilians and POW's in Manila, Bataan, and Corregidor. He translated Japanese diaries and Bataan, and Corregidor. He translated Japanese diaries and combat documents, prepared propaganda leaflets in Japanese, and called upon the Japanese to surrender in loudspeaker broadcasts. He also monitored Japanese air-ground communications and deciphered enemy codes. At Bataan, he singled out and translated a key captured Japanese document that led to the destruction of a large battalion-size force that was attempting a landing there. It was one of the few, perhaps only, major American battlefield successes in a string of setbacks that led to the downfall of Bataan.

When the final surrender of the Philippines became imminent at Corregidor in 1942, General MacArthur ordered Sakakida's evacuation to Australia. In spite of the prospect of certain imprisonment, possible torture, and perhaps execution at the hands of the Japanese, he chose to give up his seat on one of the last escape aircraft to a nisei lawyer. Sakakida was aware that the lawyer had a family and for various reasons would have faced serious reprisals had he been captured. As a result, by his own hand, Sakakida became the only Japanese-American to be captured by the Japanese forces in the Philippines.

Sakakida spent 6 months in a Manila prison, where he would be mercilessly interrogated and tortured. His situation was compounded by the fact that, under existing Japanese law, everyone of Japanese ancestry was considered a citizen of the empire; thus, Sakakida was viewed as a traitor. He was strung up by the arms in such a way that his shoulders were literally dislocated. His captors forced water into him, and struck his swollen stomach repeatedly; they also burned his body with lighted cigarettes. Incredibly, through it all, Sakakida would adhere to his story that he was a civilian forced to work for the U.S. Army.

After being tortured, Sakakida spent more time in Bilibid Prison, where he underwent more interrogation for alleged treason. When treason charges against him were dropped, he was assigned to work for the Japanese judge advocate of the 14th Army Headquarters, although Japanese counter-intelligence agents continued their attempts to elicit his true identity through trick questions and other stratagems. He took advantage of his position to aid secretly a number of allied prisoners of war who were being held there for trial for attempting to escape; Sakakida smuggled food to them and imaginatively interpreted for them during their trials. One of these men, a naval officer who was later to become an Oklahoma supreme court justice, believes he escaped execution only through Sakakida's intervention and assistance during the trial.

During this time, he established contact with the Filipino guerrilla underground, through which he funnelled important Japanese troop and shipping information to MacArthur in Australia. Sakakida's reporting from Manila also contributed to the destruction of a major Japanese task force headed for Davao by American submarines that lay in wait for the convoy. The huge Japanese setback abruptly ended the Japanese advance toward Australia, saving it from an invasion.

Sakakida then engineered a daring prison break from Mantinlupa Prison that freed the guerrilla leader Ernest Tupas and 500 of his men. Sakakida himself chose to remain behind in order to continue his intelligence activities from the enemy's midst. Thereafter, Sakakida was able to relay additional tactical information to MacArthur through the guerrillas.

After American forces invaded the Philippines, Sakakida escaped from the retreating Japanese forces at Baguio. During a firefight between American and Japanese troops, he suffered shrapnel wounds in the stomach. For the next several months Sakakida wandered alone in the jungle, living off the land, debilitated by his wound. He finally happened upon American troops, whom he eventually convinced of his identity. At that point, he was informed that the war was over.

Mr. President, this is a thumbnail sketch of Richard Sakakida's record of service in the Philippines. Naturally, it cannot do justice to the full tale of his courage, daring, sacrifice, and endurance. I have omitted many other incidents that displayed Sakakida's courage and fortitude. In fact, for a variety of reasons, including the secrecy surrounding his intelligence activities, his story has never been told in its entirety until relatively recently.

Mr. President, because Sakakida's activities were classified, few were in a position to recommend him for the Medal of Honor or other high award for valor. Much of what we know is largely anecdotal, because circumstances dictated that the presence of any official records would be damaging not only to his personal safety but also to the diplomatic and military efforts of the United States. Now, time has lifted the veil of secrecy, but many of the records of his activities are missing or were never kept; in addition, many witnesses who could have spoken of his exploits were either killed during the war or have since passed away in the period between the end of the war and the vitiation of the official blackout on Sakakida's operations. In spite of this catch-22 situation, I believe that ample evidence exists to support the awarding of the Congressional Medal of Honor to Colonel Sakakida. I believe this especially in view of the fact that the whole of his activities is informed by a supreme consistency, validated by objective events, that only the truth bears.

Nevertheless, after Colonel Sakakida's story was publicly revealed several years ago, and his record formally brought to the Army's attention by fellow veterans as well as by my Hawaii colleague, Representative PATSY MINK, the Army's Military Awards Branch refused to consider him for the Medal of Honor. The Army, citing the statute I have referred to earlier, stated that Sakakida's recommendation must have been submitted through official military channels shortly after the end of the war, by 1951. The Army refused to consider the special circumstances surrounding Sakakida's case, namely, that the nature of his intelligence work prevented his story from being appropriately considered prior to the delimiting date. In fact, as I have alluded to before, he was officially enjoined from talking about his intelligence activities during World War II until 1972, more than 20 years after the statutory deadline, when they were declassified and he was no longer bound by his secrecy oath. As a result, Colonel Sakakida's contributions to the allied victory have been overlooked by history and by his country.

This is a tragic oversight. Colonel Sakakida has been inducted into the Military Intelligence Hall of Fame. He has been honored repeatedly by his Japanese-American comrades-in-arms, notably members of the all-Nisei Military Intelligence Service and the 100th Infantry Battalion/442d Regimental Combat Team. At least one book, and chapters in many others, has been devoted to his wartime accomplishments. And, he has been awarded four different medals by the Philippine Government, including the Philippine Legion of Honor Award.

Thus, it seems that everyone but our own Government has recognized Colonel Sakakida's heroic military service in the Philippines. Indeed, the Army has never accorded Sakakida a single award or commendation for bravery associated with his undercover work in the archipelago.

Mr. President, I cannot help wondering if Colonel Sakakida's ethnic heritage has had something to do with this slight. While the Army apparently does not keep statistics on the ethnic breakdown of valor awards, one could make the case that Japanese-Americans have been underdecorated with respect to the Medal of Honor.

According to the book, ''Nisei: The Quiet Americans,'' by Bill Hosokawa, no Japanese-American had been awarded a Medal of Honor at the end of World War II. It was only when a member of the all-Nisei 100th/442d, the most highly decorated military unit in American history made this known to Congress that the medal was awarded posthumously to one of its members.

Hosokawa noted that a number of the Japanese-Americans in the 100th/442d were recommended for the Medal of Honor, but in each case, somewhere along the line, the request was denied and the lesser, Distinguished Service Cross presented instead. As of the late 1960s, according to Hosokawa, only one other Japanese-American received the Medal of Honor, for his service in the Korean war. I have been unable to find data on Vietnam or post-Vietnam conflicts, which is significant in itself. I have no doubt Nisei like Colonel Sakakida suffered racial prejudice at the onset of hostilities with Japan; the unjust internment of Japanese-Americans is proof enough of this.

There have been other allegations of discrimination in the medal awarding process. Apparently, only one black American received the Medal of Honor for World War I service, and that happened only after the Army conducted research to determine if there had been any barriers to black soldiers in the medal recognition process. And, recently, a retired lieutenant colonel who is African-American alleged he was denied the Medal of Honor for his heroics in Korea because of discrimination.

The Army has contracted a second study on black winners of the Medal of Honor in World War II that will presumably throw additional light on this sensitive subject. However, I also understand there are no plans to study Asian-Americans or any other ethnic group.

In any event, Mr. President, whether Colonel Sakakida is a victim of discrimination, an outdated law, or merely circumstance, his record is compelling enough to warrant formal review.

My bill would accomplish this by authorizing the President to award the Medal of Honor, Distinguished Service Cross, or Silver Star to Colonel Sakakida. The award would be made on the basis of a positive review of his military records by the Secretary of the Army, free of any statutory time restrictions that may pertain to these awards.

Let me stress that this bill does not direct the President to award the Medal of Honor to Colonel Sakakida outright, but to do so only if a review of his records determines that he is indeed deserving of the Nation's highest military decoration.

This bill has the strong support of the Japanese-American veterans organizations as well as the Japanese-American community at large. I also have a letter of support from the Philippine Embassy for this effort. I ask unanimous consent that these messages of support, as well as a copy of the bill, be included in the RECORD at the conclusion of my remarks.

Mr. President, I do not offer this legislation entirely in Richard Sakakida's behalf. For Richard Sakakida is already amply bestowed with badges of honor—in the scars that deface his body, in the medication he takes to dull the constant pain he suffers from his wounds, and in the silent knowledge that he rendered extraordinary services to the Nation in its time of need. Rather, I offer this legislation in our collective behalf. For, in honoring individuals such as Richard Sakakida, we honor ourselves—by reaffirming the value of the freedoms that men and women like him have sacrificed so much to preserve.

In closing, I should note that since I last introduced this bill, Colonel Sakakida has suffered serious health problems. It is therefore important that Congress act with dispatch, if Colonel Sakakida is to be appropriately honored for his courageous actions.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JAPANESE AMERICAN CITIZENS LEAGUE,
San Francisco, CA, January 31, 1995.

Hon. DANIEL K. AKAKA,
U.S. Senate, Washington, DC.

DEAR SENATOR AKAKA: The Japanese American Citizens League (JACL), the largest Asian Pacific American civil rights organization in the United States, strongly supports your legislative initiative to require the United States Army to consider awarding the Congressional Medal of Honor to retired Air Force Lieutenant Colonel Richard M. Sakakida in recognition of his work as a Military Intelligence Service (MIS) Officer.

LTC Sakakida was among the first to be recruited for the all-Nisei MIS unit which provided invaluable intelligence support to combat units throughout the Pacific during World War II. His extraordinary exploits while serving as an undercover agent in the Philippines are legendary and have been well chronicled. The government of the Philippines recently awarded him the Philippine Legion of Honor for his heroic actions as an undercover agent. He was also honored by being installed in the MIS Hall of Fame.

LTC Sakakida is worthy of recognition by the United States Army for his meritorious service to the military effort during World War II. JACL enthusiastically supports your efforts to secure proper acknowledgement for him.

Sincerely yours,

RANDALL SENZAKI,
Executive Director.

JAPANESE AMERICAN CITIZENS LEAGUE,
Washington, DC, July 28, 1994.

Hon. DANIEL K. AKAKA,
U.S. Senate, Washington, DC.

DEAR SENATOR AKAKA: The Japanese American Citizens League (JACL), the nation's largest Asian Pacific American civil rights organization, strongly supports your legislative initiative to require the United States Army to consider awarding the Congressional Medal of Honor, or other appropriate medal of valor, to retired Air Force Lieutenant Colonel Richard M. Sakakida in recognition of his work as a Military Intelligence Service (MIS) Officer.

Colonel Sakakida was among the first to be recruited for the all-Nisei MIS unit which provided invaluable intelligence support to combat units throughout the Pacific during World War II. His extraordinary exploits while serving as an undercover agent in the Philippines are legendary and have been well chronicled. The government of the Philippines recently awarded him the Philippine Legion of Honor for his heroic actions as an undercover agent. He was also honored by being installed in the MIS Hall of Fame.

Colonel Sakakida is worthy of recognition by the United States Army for his meritorious service to the military effort during World War II. JACL enthusiastically applauds your efforts to secure proper acknowledgement for him.

Please let me know if there is anything we can do to support your efforts.

Sincerely yours,

KAREN K. NARASAKI,
Washington, DC Representative.

NATIONAL ASIAN PACIFIC AMERICAN LEGAL CONSORTIUM,
Washington, DC, August 1, 1994.

Hon. DANIEL K. AKAKA,
U.S. Senate, Washington, DC.

DEAR SENATOR AKAKA: On behalf of the National Asian Pacific American Legal Consortium, I am writing to support your efforts to require the U.S. Army to consider awarding the Congressional Medal of Honor, or other appropriate medal of valor, to retired Air Force Lieutenant Colonel Richard M. Sakakida for his heroic efforts in the Philippines during World War II.

As one of the first to be recruited into the all-nisei Military intelligence Service, which provided invaluable intelligence support to combat units during World War II throughout the Pacific, Lieutenant Colonel Sakakida is one of the most eminent of a group of men whose contributions to the Allied victory never have been fully acknowledged or appreciated.

Lieutenant Colonel Sakakida's incredible exploits while serving as an undercover agent in the Philipines are legendary indeed. His story has been related in several histories and recollections about World War II. In addition, he is a member of the Military Intelligence Hall of Fame and a recipient of the Philippine Legion of Honor. It is time the U.S. government offered similar recognition for the tremendous sacrifices by this brave man.

Thank you again for your efforts to secure proper recognition for Lieutenant Colonel Sakakida. The Consortium fully supports your initiative.

The National Asian Pacific American Legal Consortium is a not-for-profit, nonpartisan organization whose mission is to advance the legal and civil rights of Asian Pacific Americans through litigation, advocacy, public education, and public policy development.

Very truly yours,

PHILIP TAJITSU NASH, ESQ.,
Executive Director.

442ND VETERANS CLUB,
Honolulu, HI, July 27, 1994.

Hon. DANIEL AKAKA,
U.S. Senate, Washington DC.

DEAR SENATOR AKAKA: The 442nd Veterans Club supports your efforts to require the U.S. Army to consider awarding the Congressional Medal of Honor, or other appropriate medal of valor, to retired Air Force Lt. Colonel Richard M. Sakakida for his heroic efforts in the Philippines during World War II.

As one of the first to be recruited into the all-Nisei Military Intelligence Service, which provided invaluable intelligence support to combat units during World War II throughout the Pacific, Lt. Colonel Sakakida is one of the most eminent of a group of men whose contributions to the Allied victory never have been fully appreciated.

Lt. Col. Sakakida incredible exploits while serving as an undercover agent in the Philippines are the stuff of legend. His story has been related in several histories and recollections about World War II. In addition, he is a member of the Military Intelligence Hall of Fame and a recipient of the Philippine Legion of Honor. It is time the United States government offered similar recognition for the tremendous sacrifices by this brave man.

Thank you again for your efforts to secure proper recognition for Lt. Col. Sakakida. The 442nd fully supports your initiative.

Sincerely,

HENRY KUNIYUKI,
President.

ROCKY MOUNTAIN MILITARY INTELLIGENCE SERVICE VETERANS CLUB,
Denver, CO, February 10, 1995.

Hon. DANIEL K. AKAKA,
U.S. Senate, Washington, DC.

DEAR SENATOR AKAKA: Our MIS Veterans club is pleased to resubmit a letter in behalf of your efforts to gain belated but deserved official recognition for Richard Sakakida for his heroic military actions before and during World War II in the Philippines. Clearly Richard Sakakida's efforts and contributions toward a just victory deserve the highest awards that a grateful nation can bestow.

It is perhaps fitting to recognize that our nation is a great social experiment—proving to a world torn by ethnic and cultural strife that citizens from diverse origins and environments can live together and can demonstrate their courage and loyalty to that experiment. Our heroes can come from a variety of sources, and Richard Sakakida's humble but somewhat typical background adds to that variety. It is also fitting that this nation should seek out, recognize and honor those who rise above their challenges to add their names to our roster of heroes. It is unfortunate that the passage of time often dims our ardor for recognition because too often we are a nation of instantaneous celebrities. It is also unfortunate that there are no official records of Richard Sakakida's exploits because the circumstances of his actions precluded their presence. These conditions do not however diminish the magnitude and heroism of his actions and this nation can do no less than to acknowledge his valiant contributions.

All of our club members share a military intelligence background and we have lived with the knowledge that the use of a foreign language in a military confrontation is not given adequate recognition. The ability to use that language is often the crucial difference between success and failure of a military operation. Richard Sakakida's language skills enabled him to earn significant military gains as well as his own survival in an extended and tense situation. We heartily endorse and encourage your efforts to gain belated but hard earned recognition for Richard Sakakida.

Sincerely,

DR. SUEO ITO,
President.

ROCKY MOUNTAIN MILITARY INTELLIGENCE SERVICE VETERANS CLUB,
Denver, CO, August 14, 1994.

Hon. DANIEL K. AKAKA,
U.S. Senate, Washington, DC.

DEAR SENATOR AKAKA: Our MIS Veterans Club has been advised of your very laudable efforts in getting official recognition for Richard Sakakida for his valiant and largely unheralded military efforts before and during World War II in the Philippines. Clearly Richard Sakakida's heroic actions merit the highest recognition that this nation can bestow.

We recognize that the accounts of Sakakida's contributions are largely anecdotal because his circumstances dictated that the presence of any official records would be damaging not only to his personal safety but also to the diplomatic and military efforts of the United States. Also his actions during and after capture by the Japanese precluded any written records.

Our club is composed of veterans with a Military Intelligence background and we all recognize the important contributions made by the citizens of the United States through their knowledge and use of language. We therefore heartily endorse and encourage your efforts in securing belated but well-earned recognition for Richard Sakakida.

Sincerely,

Dr. SUEO ITO,
President.

444D VETERANS CLUB,
Honolulu, HI, January 26, 1995.

Hon. DANIEL AKAKA,
U.S. Senate, Hart Senate Office Building, Washington, D.C.

DEAR SENATOR AKAKA: The 442nd Veterans Club supports your efforts to require the U.S. Army to consider awarding the Congressional Medal of Honor, or other appropriate medal of valor, to retired Air Force Lt. Colonel Richard M. Sakakida for his heroic efforts in the Philippines during World War II.

As one of the first to be recruited into the all-Nisei Military Intelligence Service, which provided invaluable intelligence support to combat units during World War II throughout the Pacific, Lt. Colonel Sakakida is one of the most eminent of a group of men whose contributions to the Allied victory never have been fully appreciated.

Lt. Col. incredible exploits while serving as an undercover agent in the Philippines are the stuff of legend. His story has been related in several histories and recollections about World War II. In addition, he is a member of the Military Intelligence Hall of Fame and a recipient of the Philippines Legion of Honor. It is time the United States government offered similar recognition for the tremendous sacrifices by this brave man.

Thank you again for your efforts to secure proper recognition for Lt. Col. Sakakida. The 442nd fully supports your initiative.

Sincerely,

HENRY KUNIYUKI,
President.

JAPANESE-AMERICAN VETERANS ASSOCIATION OF WASHINGTON, D.C.,
Vienna, VA, July 5, 1994.

Hon. DANIEL K. AKAKA,
U.S. Senator from Hawaii, Hart Senate Office Building, Washington, D.C.

DEAR SENATOR AKAKA: The Japanese American Veterans Association of Washington, D.C. stands in complete support of your effort to have our country award its highest military decoration to Lt. Col. Richard M. Sakakida, USAF (Ret.), for his extraordinary service to country and his heroic acts of self-sacrifice while in the Philippines as an undercover agent of the U.S. Army during World War II.

A review of the remarkable deeds and unshakable devotion to duty through the most inhuman of treatment and adverse conditions ranks Lt. Col. Sakakida among those who have served ''above and beyond'' the call of duty.

The passage of years or the resultant lack of the necessary documentation must not be the basis of denying a great American soldier his due recognition by a nation which he served to loyally and courageously.

Sincerely,

SUNAO ISHIO,
Col. AUS (Ret.),
President.

JAPANESE-AMERICAN VETERANS ASSOCIATION OF WASHINGTON, DC,
Vienna, VA, January 28, 1995.

Hon. DANIEL K. AKAKA,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR AKAKA: The Japanese-American Veterans Association of Washington, D.C., whose members include many veterans of the Military Intelligence Service of the United States Army in the Pacific Theater of Operations during World War II, enthusiastically supports your legislative efforts to encourage the Department of Defense to consider the awarding of the Congressional Medal of Honor to LTC. Richard M. Sakakida, USAF (Ret), in recognition of his heroic deeds as an officer of the US Armed Forces in the Philippines during WW II.

The Japanese American Veterans Association of Washington, D.C. has been very aware of LTC Sakakida's heroic efforts and, accordingly, honored him as one of the first recipients of its American Patriot Award in October of 1993.

LTC Sakakida has been honored with numerous commendations for his dedicated and noteworthy services and the Congressional Medal of Honor would most certainly be the culmination of national recognition of this gallant warrior's efforts.

The Japanese American Veterans Association of Washington, D.C. appreciates and commends your efforts to obtain proper acknowledgement and commendation for LTC Sakakida, which he so rightfully deserves.

If there is anything more we can do to support your efforts, please do not hesitate to call me.

Sincerely yours,

HENRY S. WAKABAYASHI
Colonel USAR (Ret.),
President.

JAPANESE-AMERICAN VETERANS ASSOCIATION,
January 21, 1995.

DANIEL K. AKAKA,
U.S. Senator from Hawaii.

DEAR SENATOR AKAKA: I consider it a great honor to support the effort to have the highest military award bestowed upon Lt. Col. Richard M. Sakakida, one of the forgotten and unsung heroes of World War II.

In more ways than one, Lt. Col. Sakakida placed devotion to duty and country above all else, disregarding any personal harm or danger to himself. When the opportunity came for him to evacuate from the Philippines for Australia as part of General MacArthur's group, he turned it down to give his place to a fellow nisei. He knew full well the horrible fate that awaited him as a prisoner of the Japanese, yet he felt that he would be

more useful by remaining behind. Lt. Col. Sakakida suffered months of indescribable torture, but he never broke. Eventually his captors accepted his cover story that he was an army deserter and was given a certain degree of freedom and responsibility. He continued to gather and send valuable information on the Japanese forces to General MacArthur's HQ in Australia through the Filipino guerrilla network. One of the most vital pieces of intelligence which he sent was about the formation of a Japanese invasion task force against Australia. Corroboration of this plan by other sources resulted in a successful Allied action against this invasion effort. While working with the guerrillas, Lt. Col. Sakakida planned and carried out the escape of several hundred Filipino Guerrillas from the prison camp. He managed to escape with a group of guerrillas, but was wounded in the stomach and separated from them in the process. Already severely wounded, Lt. Col. Sakakida's indomitable will to survive carried him through to eventual rescue by U.S. forces.

The requirement of documentation should be waived in this case because of the highly classified nature of the undercover work involved and because of the lapse of over half a century since these events occurred. It should be noted that the Philippine Government has recognized Lt. Col. Sakakida's service in the Philippine liberation campaign and has awarded him the Legion of Honor (Degree of Legionnaire).

Lt. Col. Sakakida's unparalleled and unselfish service to his country under the most adverse of situations with complete disregard for personal safety and survival is certainly ''above and beyond'' the call of duty. It calls for his country's gratitude and recognition by the awarding of the highest military decoration commensurate with his service record.

Sincerely,

SUNAO (PHIL) ISHIO
Col. AUS (Ret.),
Founder and First President.

M.I.S. ASSOCIATION OF NORTHERN CALIFORNIA, INC.,
San Francisco, CA, January 25, 1995.

Hon. DANIEL K. AKAKA,
U.S. Senator from Hawaii, Hart Senate Office Building, Washington, DC.

DEAR SENATOR AKAKA: This letter is in our support of a private bill for LTC. (Ret) Richard M. Sakakida to award him the Congressional Medal of Honor, or other appropriate medal for valor in recognition for his meritorious services as an undercover Military Intelligence Service (MIS) agent in the Philippines during World War II.

On behalf of the M.I.S. Association of Northern California, I wish to express our wholehearted appreciation and support your worthwhile and meaningful special legislation. Richard Sakakida is a member of our organization and over the past four years, we have endeavored to tell his story and seek recognition of his extraordinary service to his country in time of war. As you may know, he was the keynote speaker of the 50th MIS Anniversary Reunion in San Francisco/Monterey in November 1991. In April 1994 a videotape was made, entitled ''Mission to Manila—The Richard Sakakida Story''. A copy was delivered to your office.

Also, for the past three years, members of MIS NORCAL have been engaged in two separate actions concerning Richard Sakakida recommendation for the Award of Purple Heart for wounds sustained in the Philippines during WWII and an award for Valor. The latter is for heroic personal sacrifice, including the risk of his own life, to protect and save the lives of fellow American servicemen, while he, himself as a POW of the Japanese Military Forces. We have an unsung hero in our midst, and we welcome this opportunity to assist and support you in obtaining recognition for the highest military decoration of our country for Richard Sakakida.

Sincerely,

THOMAS T. SASAKI,
President.

MIS NORTHWEST,
Seattle, WA, July 9, 1994.

Hon. DANIEL K. AKAKA,
U.S. Senator from Hawaii, Hart Senate Office Building, Washington, DC.

DEAR SENATOR AKAKA: The Military Intelligence Service (MIS) Northwest Association wholeheartedly supports the effort to bestow upon Lt. Col. USAF (Ret.) Richard Sakakida the Congressional Medal of Honor.

We understand that this effort has been going on for a number of years without success mainly because of the passage of time and the lack of necessary documentation. Richard Sakakida is a unique American Hero. Time should not be a factor. It is never too late to acknowledge his heroic actions in the Philippines as a CIC agent which could only be classified as services performed ''above and beyond the call of duty.''

Documentation of his exploits should be properly recorded in the annals of U.S. military intelligence. Any lack of needed documentation could be supplemented by the records of the Philippine government which saw fit to award him the Philippine Legion of Honor medal. Additional documentation could be mustered from some of the 500 Filipino resistance fighters that he liberated.

We appreciate and endorse your effort to have the U.S. Army rightfully recognize the heroism of Richard Sakakida.

Yours truly,

KENICHI (KEN) SATO,
President.

MIS-NORTHWEST ASSOCIATION,
Seattle, WA, January 28, 1995.

Hon. DANIEL K. AKAKA,
U.S. Senator from Hawaii, Hart Senate Office Building, Washington, DC.

DEAR SENATOR AKAKA: The Military Intelligence Service (MIS) Northwest Association wholeheartedly supports the effort to bestow upon Lt. Col. USAF (Ret.) Richard Sakakida the Congressional Medal of Honor or other appropriate medal for valor in recognition for his meritorious service during WW II.

We understand that this effort has been going on for a number of years without success mainly because of the passage of time and the lack of necessary documentation. Richard Sakakida is a unique American Hero. Time should not be a factor. It is never too late to acknowledge his heroic actions in the Philippines as an undercover Military Intelligence Service (MIS) agent which could only be classified as services performed ''above and beyond the call of duty.''

Documentation of his exploits should be properly recorded in the annals of U.S. military intelligence. Any lack of needed documentation could be supplemented by the records of the Philippine Government which saw fit to award him the Philippine Legion of Honor medal. Additional documentation could be mustered from some of the 500 Filipino resistance fighters that he liberated.

We appreciate and endorse your effort to introduce legislation to rightfully recognize the heroism of LTC Richard Sakakida.

Yours truly,

KENICHI (KEN) SATO,
President.

M.I.S. ASSOCIATION OF NORTHERN CALIFORNIA, INC.,
San Francisco, CA, July 14, 1994.

Hon. DANIEL K. AKAKA,
U.S. Senator from Hawaii, Hart Senate Office Building, Washington, DC.

DEAR SENATOR AKAKA: I am in receipt of a letter from Mr. Sunao Ishio, President of the Japanese American Veterans Association of Washington, D.C. (JAVA) In this letter he describes your initiative with the backing of other concerned members of Congress, to introduce a private bill for LTC. (Ret.) Richard M. Sakakida to award him the Congressional Medal of Honor.

On behalf of the M.I.S. Association of Northern California, I wish to express our wholehearted appreciation and support your worthwhile and meaningful special legislation. Richard Sakakida is a member of our organization and over the past three years, we have endeavored to tell his story and seek recognition of his extraordinary service to his country in time of war. As you may know, he was the keynote speaker of the 50th MIS Anniversary Reunion in San Francisco/Monterey in November 1991. In April 1994 a videotape was made, entitled ''Mission to Manila—The Richard Sakakida Story''. A copy was delivered to your office.

Also, for the past two years, members of MIS NORCAL have been engaged in two separate actions concerning Richard Sakakida recommendation for the Award of Purple Heart for wounds sustained in the Philippines during WWII and an award for Valor. The latter is for heroic personal sacrifice, including the risk of his own life, to protect and save the lives of fellow American servicemen, while he, himself as a POW of the Japanese Military Forces. We have an unsung hero in our midst, and we welcome this opportunity to assist and support you in obtaining recognition for the highest military decoration of our country for Richard Sakakida.

Sincerely,

THOMAS T. SASAKI,
President.

CHICAGO-NISEI POST NO. 1183,
Chicago, IL, August 4, 1994.

Hon. DANIEL K. AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: As an American Legion Post consisting primarily of Nisei veterans of World War II (and subsequent conflicts), we point with considerable pride at the accomplishments of Richard Sakakida, whose remarkable achievements during WWII went unheralded until recently.

By way of further background, enclosed is an article which appeared in a CIC Journal in 1991. Those of us who met him at recent linguist reunions were overwhelmed with the story.

Further delay in recognition of his heroic exploits would be unconscionable, and we are in full support of your introduction of a private Bill to award him (albeit belatedly) the Congressional Medal of Honor.

Very truly yours,

SAM YOSHINARI,
Post Commander.

OFFICE OF VETERANS AFFAIRS,
EMBASSY OF THE PHILIPPINES,
Washington, DC, July 25, 1994.

Mr. JOHN A. TAGAMI,
Legislative Assistant, Office of Senator Daniel K. Akaka, Washington, DC.

DEAR MR. TAGAMI: In August 1993 I recommended the award of Philippine Legion of Honor to Lt. Col. Richard Sakakida on the basis of the Military Intelligence report compiled by Diane L. Hamn, (copy enclosed). My recommendation was addressed to his

Excellency President Fidel V. Ramos, President of the Philippines through the Secretary of National Defense. This was referred to G2, Armed Forces of the Philippines which went over the attached report. I do not know what exactly happened. I can only surmise that the herein report had been confirmed by records we have in the Philippines and President Fidel V. Ramos approved the award.

Let me tell you that at one time, I was informed that the recommendation may not be approved because of the prescriptive period during which the achievement may be recognized. I made appropriate representation that this prescriptive period may be waived, my reason being that the recommendation for the award could not be made earlier because the record of Lt. Col. Sakakida had been declassified very much later.

I understand from Ms. Barbara Joseph that the same objection is being raised in connection with this award of Congressional Medal of Honor. Maybe the same argument may be used.

Sincerely yours,

TAGUMPAY A. NANADIEGO,
BGen, AFP (Ret), Special Presidential Representative/Head, Office of Veterans Affairs, WDC.

Falls Church, VA, February 27, 1995.

Hon. DANIEL K. AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: If you recall, His Excellency President Fidel V. Ramos of the Republic of the Philippines approved the award of the Philippine Legion of Honor (Degree of Legionnaire) to Lt Colonel Richard M. Sakakida, USAF (Ret) for his role in the Philippine campaign during WWII. The formal presentation was held at the Carlos P. Romulo Hall of the Philippine Embassy, Washington, D.C. on April 15, 1994. You were represented at the awarding ceremony by Mr. John Tagami who read your message and that of Senator Daniel Inouye.

I am enclosing herewith a copy of the General Orders issued by the General Headquarters, Armed Forces of the Philippines announcing the award.

In my private capacity as a former enlisted man in the 31st Division (PA) called and ordered into the service of the United States Army Forces in the Far East (USAFFE) in 1942 and as a guerrilla intelligence officer of the Vera's Tayabas Guerrillas, a combat batallion which was recognized by the Sixth Army, USA in 1945, I join in the recommendations for the award of the Congressional Medal of Honor to LtCol. Sakakida.

Enclosed is a brief summary on LtCol. Sakakida's role in the Philippine campaign which is chronicled in the intelligence operation reports of the Armed Forces of the Philippines.

Sincerely,

TAGUMPAY A. NANADIEGO,
BrigGeneral, AFP (Ret).

AWARD OF THE PHILIPPINE LEGION OF HONOR—(DEGREE OF LEGIONNAIRE)

By direction of the President, pursuant to paragraph 1–6e, Section II, Chapter 1, Armed Forces of the Philippines Regulations G 131–053, this Headquarters, dated 1 July 1986, the PHILIPPINE LEGION OF HONOR in the degree of Legionnaire is hereby awarded to Mr. Richard M. Sakakida for exceptionally meritorious conduct in the performance of outstanding service to the Filipino—American freedom fighters as the United States undercover counterintelligence agent from 22 April 1941 to 20 September 1945. At the outbreak of World War II, then Sergeant Sakakida was shipped out from Honolulu to the Philippines to monitor the activities of the Japanese community in Manila. When Corregidor surrendered to the Japanese Imperial Forces in 1942, he was taken as prisoner of war, was tortured and brought to Bilibid Prison. Later, he was utilized as interpreter for court martial proceedings for American and Filipino prisoners and on many occasions, interceded on behalf of the POWs by translating testimony in their favor. He engineered and successfully carried out a daring prison break from Muntinlupa Prison, releasing over 500 Filipino guerrillas with the assistance of some Filipinos. In July 1945, after his escape from prison, he was wounded in a skirmish between Filipino guerrillas and Japanese forces. He rejoined General Douglas MacArthur's returning forces in the liberation of the Philippines after a long trek across miles of jungle terrain. By these achievements, Mr. Sakakida contributed immeasurably to the liberation of the Philippines, thereby earning for himself the respect and admiration of the Filipino people.

By Order of the Secretary of National Defense.

LISANDRO C ABADIA,
General, AFP, Chief of Staff.

RICHARD M. SAKAKIDA

Richard Sakakida's undercover intelligence work during World War II parallels Arthur Komori's in that both were from Hawaii and were selected over a number of candidates in March 1941 for the secret CIP (Counter Intelligence Police) undercover mission, until they sneaked ashore in Manila.

Once landed, Sakakida, pretending to be a draft evader from Hawaii, checked into the Nishikawa Hotel. He soon got a clerical job there checking passports and filling out passport entry forms of visiting Japanese. He obtained valuable information during this time. He even found work as a sales representative of Sears Roebuck to complete his cover, while he wove himself into the fabric of Manila's Japanese business community, passing on his findings to CIP chief, Major Nelson Raymond. One of Sakakida's assignments was to befriend a Nisei serving as local advisor to the Japanese Consulate in Manila and collect information from that source.

On December 8, 1941, when the Japanese bombed Manila and the United States declared war on Japan, Sakakida, as previously planned, voluntarily turned himself in at the Nippon Club Evacuation Center with the rest of the Japanese in Manila. One day, Sakakida, escorted by the Philippine Constabulary, went marketing for foodstuff for the other detainees. When he stopped at the Nishikawa Hotel to pick up his belongings, the Filipino Secret Service arrested him as a spy and hauled him to Philippine Constabulary headquarters for interrogation. U.S. CIP agents eventually rescued him.

Back in military uniform with the CIP Sakakida interrogated Japanese civilians until December 23, 1941, when the advancing Japanese Army forced the evacuation of the American military in Manila to Bataan and Corregidor. On Bataan, Sakakida interrogated Japanese POWs, translated Japanese diaries and combat documents, prepared propaganda leaflets in Japanese, and called upon the Japanese to surrender by loudspeaker broadcasts Assisting Army Signal Intelligence, he monitored Japanese air-ground communications and deciphered Japanese codes. He preformed critical intelligence work in Malinta Tunnel on Corregidor which came under intense daily bombing by Japanese planes.

After three months of bitter fighting, the lack of relief supplies and replacements forced the exhausted, malnourished, disease-ridden Americans to capitulate. Bataan fell on April 8, 1942, and 76,000 defeated American and Filipino troops embarked upon the infamous ''Bataan Death March'' that killed over half their numbers. General MacArthur ordered the evacuation to Australia of his two valuable Nisei linguists, Komori and Sakakida, but the latter chose to give up his seat on the escape aircraft to a civilian Nisei. With no chance, therefore to escape, Sakakida became one of General Wainwright's tragic survivors of Corregidor to surrender to the Japanese Army.

As the only American Nisei POW known to have been captured by the Japanese, Sakakida spent six months incarcerated on Corregidor. The Kenpei Tai quizzed him mercilessly and tortured him. Sakakida steadfastly endured, adhering to his story of being a civilian, forced to work for the U.S. Army after the war began. In December 1942, Sakakida was thrown into Bilibid Prison. The enemy questioned Sakakida's renunciation of his Japanese citizenship prior to the war but, because he was born of Japanese parents, considered he could be tried for treason. He faced an almost certain death sentence if tried before a Japanese military tribunal. The Japanese 14th Army HQ verified from the Foreign Minister that Sakakida's Japanese citizenship had indeed been voided (fortuitously, Sakakida's mother had cancelled his dual citizenship in August 1941 after his departure). On February 11, 1943, ''Kigensetsu,'' (Empire Day), Sakakida was advised the treason charge would be dropped. Despite the hideous torture suffered at the hands of his Japanese captors, the marks of which remain evident today, Richard Sakakida never broke down and never revealed his undercover role and mission against the Japanese.

Sakakida was then assigned to work for Chief Judge Advocate Col. Nishiharu and remained under continued surveillance, subjected to periodic attempts at entrapment to elicit his true identity. During this period, Sakakida established contact with the Filipino guerrilla underground through which he managed to funnel vital military information to MacArthur's HQ in Australia. His most crucial report cited Japanese troop and shipping activity. The report also advised of preparations for an invasion of Australia to be launched from Davao, Mindanao, by the Japanese 35th Army with 15 troop transports and destroyers. Sakakida later learned from an officer of the sole surviving ship that American submarines had annihilated that convoy, probably reported in WW II history as the Battle of the Bismarck Sea.

Sakakida also engineered a daring prison break from Muntinglupa Prison by disguising as a Japanese security officer. The escape freed guerrilla leader Ernesto Tupas and 500 of his men. Tupas escaped to the Rizal mountains, where he established radio contact with MacArthur's HQ through which Sakakida could relay more tactical information gleaned from the 14th Army HQ where he worked. This could be the only instance in World War II where a U.S. Military intelligence agent relayed information from the very heart of the enemy's headquarters.

After October 1944, when the American forces invaded Leyte and American planes bombed Manila, inflicting heavy damage, General Yamashita moved his headquarters north to Baguio. As the American invading forces encircled the beleagured Yamashita's 14th Army, Sakakida encountered increasing hostility from his captors and decided to make his break. In June 1945, he escaped from the retreating Japanese forces and fled into the hills where he joined a band of guerrillas. During a firefight between the guerrillas and the Japanese a shell fragment hit Sakakida in the stomach. The retreating guerrillas had to abandon him. For the next

several months, Sakakida wandered alone through the mountainous jungle, scrounging for food from the wild. He was weakened with his stomach wound and ravaged by malaria, dysentery and beriberi. His hair and beard grew long and wild; insect bites and sores covered his skin. His clothes hung in tatters; semi-starvation emaciated him.

One day, unaware that the war had already ended, he saw a group of approaching soldiers wearing unfamiliar uniforms and deep helmets, unlike the pie-plated American helmets of 1942. He thought they were Germans. But his heart leaped as he heard them speaking English. Sakakida emerged from his jungle hiding, waving his arms and yelling ''Don't shoot!'' and then fervently convinced the dubious American GIs that this ragged and haggard Japanese-looking soldier was an American sergeant captured by the Japanese at Corregidor. He begged them to call the CIC to verify his claim. Two hours later two CIC lieutenants drove up in a jeep, leaped out to identify him and welcomed him back to the CIC ranks. They took him back to the field office of the 441st Detachment where Sgt. Richard Sakakida was home at last. His long, lonely, fearful, tortuous ordeal as an undercover agent in the Philippines finally ended. On July 1, 1988, Lt. Col. Richard Sakakida was inducted into the Military Intelligence Hall of Fame at Fort Huachuca, Arizona.●

ADDITIONAL COSPONSORS

S. 44

At the request of Mr. REID, the names of the Senator from Washington [Mr. GORTON), the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of S. 44, a bill to amend title 4 of the United States Code to limit State taxation of certain pension income.

S. 145

At the request of Mr. GRAMM, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 145, a bill to provide appropriate protection for the constitutional guarantee of private property rights, and for other purposes.

S. 190

At the request of Mr. PRESSLER, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 190, a bill to amend the Fair Labor Standards Act of 1938 to exempt employees who perform certain court reporting duties from the compensatory time requirements applicable to certain public agencies, and for other purposes.

S. 216

At the request of Mr. HATCH, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 216, a bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 240

At the request of Mr. DOMENICI, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 240, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the Act.

S. 256

At the request of Mr. DOLE, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 256, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 327

At the request of Mr. HATCH, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 327, a bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home.

S. 374

At the request of Mr. KOHL, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 374, a bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes.

S. 403

At the request of Mr. AKAKA, the names of the Senator from Vermont [Mr. LEAHY] and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of S. 403, a bill to amend title 38, United States Code, to provide for the organization and administration of the Readjustment Counseling Service, to improve eligibility for readjustment counseling and related counseling, and for other purposes.

S. 447

At the request of Mr. INHOFE, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 447, a bill to provide tax incentives to encourage production of oil and gas within the United States, and for other purposes.

S. 503

At the request of Mrs. HUTCHISON, the names of the Senator from South Dakota [Mr. PRESSLER] and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of S. 503, a bill 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 in order to ensure that constitutionally protected private property rights are not infringed, and for other purposes.

S. 530

At the request of Mr. GREGG, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of 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.

SENATE CONCURRENT RESOLUTION 3

At the request of Mr. SIMON, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of Senate Concurrent Resolution 3, a concurrent resolution relative to Taiwan and the United Nations.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, March 15, 1995, for purposes of conducting a full committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BOND. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet Wednesday, March 15, 1995, in room 215 of the Dirksen Senate Office Building, beginning at 9:30 a.m., to conduct a markup on H.R. 831.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, March 15, 1995, beginning at 2:30 p.m., in room 485 of the Russell Senate Office Building on S. 349, a bill to reauthorize appropriations for the Navajo-Hopi Relocation Housing Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on effective health care reform in a changing marketplace, during the session of the Senate Wednesday, March 15, 1995, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BOND. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet for the session of the Senate Wednesday, March 15, 1995, at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND FORCES

Mr. BOND. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces of the Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, March 15,

1995, in open session, to receive testimony on Army Force modernization in review of the defense authorization request for fiscal year 1996 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OCEANS AND FISHERIES

Mr. BOND. Mr. President, I ask unanimous consent that the Oceans and Fisheries Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet on March 15, 1995, at 3 p.m. on the Coast Guard authorization for fiscal year 1996.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, WASTE CONTROL, AND RISK ASSESSMENT

Mr. BOND. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Waste Control, and Risk Assessment be granted permission to meet Wednesday, March 15, at 9 a.m. to consider S. 534, a bill to amend the Solid Waste Disposal Act to provide flow control authority and authority for States to limit the interstate transportation of municipal solid waste.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO MRS. ALICE SPARKS

● Mr. MCCONNELL. Mr. President, I rise today to pay tribute to an outstanding Kentuckian who was recently honored with the Kentucky Enquirer's Woman of the Year award. Mrs. Alice Sparks of Crescent Springs, KY, has dedicated her time and energy for the betterment of northern Kentucky and its citizens.

Mrs. Sparks has made it common practice to work hard for the causes that she deems important. She has always strived to make a difference, especially when it comes to education. This interest in education has been acknowledged by her appointment to chair the Northern Kentucky University board of regents.

In addition, Mrs. Sparks has been politically active for the past 40 years. Often, her political interest has been combined with her interest in education. In particular, she helped usher in the Kentucky Education Reform Act, a major piece of legislation in my State.

Mr. President, I ask my colleagues to join me in paying tribute to Alice Sparks, the Kentucky Enquirer's Woman of the Year. I know that Mrs. Sparks will continue to display the leadership and dedication that she has demonstrated so capably in the past.

Mr. President, I ask that the Enquirer's March 6, 1995, article on Alice Sparks be printed in the RECORD.

The article follows:

[From the Kentucky Enquirer, Mar. 6, 1995]

SPARKS FLIES INTO ADVENTURES WITH APLOMB

(By Krista Ramsey)

Alice Sparks sits contentedly behind her desk in a nondescript corner of the WCET–TV (Channel 48) studios, and it's hard to imagine that a week earlier the 60-year-old was swimming with the piranhas in the Amazon.

It's not much easier to picture her tearing across the explosive Brazil-Colombia border in a Volkswagen caravan.

It was ''just for fun,'' she says of the escapade, the third in a series of adventure vacations that have taken her to Tanzania and the mountains of Costa Rica. Back at the WCET studios, she says, is where the real pressure lies.

For 11 years, the Crescent Sprints resident and WCET trustee has been scheduling chairman for the Action Auction, the station's annual April fund-raiser. From her office, she routes more than 4,400 items to be sold over a 10-day period.

''I'm laid back in a lot of ways, but I'm also dead serious,'' she says of the auction. ''Don't get in my way when we go on the air.''

No one does.

Sparks is granite sheathed in satin. She has the savvy of a political trench worker sweetened with the smile of a homecoming queen.

When the cause is right—and the cause is always education—Sparks can be found in the back halls of WCET lining up auction chattel, or in the back rooms of the state Capitol in Frankfort, lobbying for legislative support.

As state legislative chair for the Kentucky PTA from 1988 to 1993, Sparks served as midwife as the Commonwealth gave birth to the Kentucky Education Reform Act (KERA) of 1990.

The legislation changed everything, from how schools are funded to how students are arranged in classes. It sparked controversies, which never deterred Sparks.

''I like all of KERA,'' she says firmly. ''I can see the results. There are now more opportunities for parental involvement in the schools than ever before.'' Status quo wasn't good enough, she says. The Commonwealth was ready to take a risk.

Sparks is comfortable with risk, piranha and otherwise.

''I like to gamble,'' she admits conspiratorially, leaning across her desk. ''My father liked to gamble. In the summer, we'd play cards all night.'' The itch still sends Sparks off on periodic trips to Las Vegas, and to play the ponies locally.

Besides how to spot a good poker hand, Sparks' father taught her to like another kind of risk. He was a printer at the Louisville Courier-Journal, and became an international representative for the printers union. A staunch Democrat, he always was concerned with social issues, she remembers.

The political bug bit his daughter as well, but the Republican strain. Her entry into Kentucky politics began nearly 40 years ago, when she left college and went to work as a social secretary for Mildred Chandler, wife of former Gov. A.B. ''Happy'' Chandler.

''The Chandlers made me a member of the family,'' she says. ''I had an apartment right by the mansion. I learned a lot. I met a lot of influential people.''

Later, she served on the Kenton County Republican Executive Committee, and is a member of the local and statewide Women's Political Caucus and the Kenton County Republican Women's Club.

In 1992, she earned an appointment to the Northern Kentucky University Board of Regents. Two years later, she became the first woman to chair the board. When Sparks speaks of NKU, she uses the collegial ''we.''

''We're playing the third-place team,'' she says of men's basketball. ''We need a new science building,'' she says of the university as a whole.

Sparks' involvement with a cause, says W. Wayne Godwin, general manager of WCET, is paid for with ''personal currency.''

''Alice gives her causes her dedication, energy and thoroughness,'' Godwin says. ''She works at an institutional level—as a trustee or board member—but she always stays focused on the personal level.''

Sparks works so hard that the thought of spare time makes her nervous, she says. She has cut back on socializing to make room for more causes, but chooses carefully. Many, like her membership on the board of the Greater Cincinnati Film Commission, are a chance to make sure Northern Kentucky is well represented.

In daily life, little fazes Sparks. She bounced through her South American trip in turbulent skies without complaint. On her return, she was gracious about finding a stuffed wildebeest in her family room, a gift of her son-in-law.

She knows who she is, what she can do and what she's after. She's used to moving things along, from goods at the Action Auction to play on a golf course.

''I do still golf, especially at benefits,'' she says. ''But I always stand on the green and admit I cheat. I don't have time to worry about a bad lie. I just kick it out.''●

THE WELCOME AND THE UNWELCOME

● Mr. SIMON. Mr. President, yesterday my colleague Senator MURKOWSKI and I rose to speak about the U.S. Government's shameful treatment of the democratically-elected leader of loyal friend of the United States. We were speaking of President Lee Teng-hui of Taiwan, who has been informed that, despite an invitation, he will not be admitted to the U.S. to attend his class reunion at Cornell this June. To admit President Lee, we are told, could jeopardize important interests we have in a key bilateral relationship, our relationship with China.

Sometimes, though, the U.S. is prepared to run such risks. Despite strong objections from the United Kingdom, our longstanding ally, we have admitted Gerry Adams, the leader of the Sinn Fein, to our country. Indeed, Mr. Adams is receiving a level of attention that a head of state might envy; he will even be welcomed to the White House on St. Patrick's Day.

I recognize the need to take risks for peace sometimes; the possibility of a fair and lasting solution in Northern Ireland may be worth taking a few chances for. But shouldn't we also be willing to take a few chances for Taiwan, a country that, in its adoption of democratic principles and its commitment to free market economics, can serve a model to many other countries in Asia? Other countries including, I would stress, China itself.

An editorial in today's Wall Street Journal does a particularly good job of highlighting the inconsistency between the welcome the U.S. extends to Mr.

Adams, and the insulting brush off we give President Lee. I ask that the editorial ''Two Visitors'' be printed in the RECORD.

The editorial follows:

REVIEW AND OUTLOOK—TWO VISITORS

Gerry Adams can tour the United States, but Lee Teng-hui can't. Gerry Adams will be feted and celebrated Friday at the White House, but when Lee Teng-hui's plane landed in Honolulu last year, the U.S. government told him to gas up and get out. The Gerry Adams who is being treated like a head of state by the Clinton Administration is the leader of Sinn Fein, the political arm of the Irish Republican Army. The Lee Teng-hui who has been treated like an international pariah by the Administration is the democratically elected President of the Republic of China, or Taiwan. The disparate treatment of these two men tells an awful lot about the politics and instincts of the Clinton presidency.

Gerry Adams's face will be all over the news for his Saint Paddy's Day party with Bill O'Clinton at the White House, so we'll start with the background on the less-publicized President of Taiwan.

Cornell University has invited President Lee to come to the school's Ithaca, N.Y., campus this June to address and attend an alumni reunion. In 1968, Mr. Lee received his doctorate in agricultural economics from Cornell. The following year, the American Association of Agricultural Economics gave Mr. Lee's doctoral dissertation, on the sources of Taiwan's growth, its highest honor. In 1990, Taiwan's voters freely elected Mr. Lee as their President. He has moved forcefully to liberalize Taiwan's political system, arresting corrupt members of his own party. Last year, The Asian Wall Street Journal editorialized: ''Out of nothing, Taiwan's people have created an economic superpower relative to its population, as well as Asia's most rambunctious democracy and a model for neighbors who are bent on shedding authoritarian ways.''

Asked last month about President Lee's visit to Ithaca, Secretary of State Christopher, who professes to wanting closer links with Taiwan, said that ''under the present circumstances'' he couldn't see it happening. The Administration doesn't want to rile its relationship with Beijing. The Communist Chinese don't recognize Taiwan and threaten all manner of retaliation against anyone who even thinks about doing so. That includes a speech to agricultural economists in upstate New York. This, Secretary Christopher testified, is a ''difficult issue.''

Sinn Fein's Gerry Adams, meanwhile, gets the red carpet treatment at 1600 Pennsylvania Avenue. Mr. Adams assures his American audiences that the IRA is out of the business of blowing body parts across the streets of London. He promises the doubters that if people give him money, it won't be used to buy more guns, bullets and bombs for the high-strung lads of the IRA.

Now before the Irish American communities of Queens and Boston get too roiled over our skepticism toward Northern Ireland's most famous altar boy, we suggest they take their grievances to John Bruton, who is Irish enough to be the Prime Minister of Ireland. He, too, will be at Bill Clinton's St. Patrick's Day party for Gerry Adams, and he has a message for the two statesmen: The IRA has to give up its arms. ''This is an item on the agenda that must be dealt with,'' Premier Bruton said Monday in Dublin. ''It's a very serious matter. There are genuine fears felt by members of the community that have been at the receiving end of the violence.''

We don't at all doubt that somewhere amid the Friday merriment, Mr. Clinton will ask Mr. Adams to give up the guns and that Mr. Adams will tell the President that is surely the IRA's intent, all other matters being equal.

It is hard to know precisely what motivates Mr. Clinton to lionize a Gerry Adams and snub a Lee Tenghut. The deference to China doesn't fully wash, because when Britain—our former ally in several huge wars this century—expressed its displeasure over the Adams meeting, the White House essentially told the Brits to lump it. Perhaps the end of the Cold War has liberated liberal heads of state into a state of lightheadedness about such matters. We note also this week that France's President Francois Mitterrand has been entertaining Fidel Castro at the Elysees Palace.

But it's still said that Bill Clinton has a great sense of self-preservation. So if he's willing to personally embrace Gerry Adams while stiffing the Prime Minister of England and forbidding the President of Taiwan to spend three days with his classmates in Ithaca, there must be something in it somewhere for him.●

THE PAPERWORK REDUCTION ACT OF 1995—MESSAGE FROM THE HOUSE

Mr. DOLE. Madam President, I ask that the Chair lay before the Senate a message from the House of Representatives on:

(S. 244) An act 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, to the Committee on Governmental Affairs.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 244) entitled ''An Act 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'', do pass with the following amendment:

Strike out all after the enacting clause, and insert:

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 interagency 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 burden 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.

Mr. DOLE. Madam President, I move that the Senate disagree to the amendment of the House, agree to the conference requested by the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. ROTH, Mr. COHEN, Mr. COCHRAN, Mr. GLENN, and Mr. NUNN conferees on the part of the Senate.

ORDERS FOR THURSDAY, MARCH 16, 1995

Mr. DOLE. Madam President, I ask unanimous consent when the Senate completes its business today it stand in adjournment until the hour of 9 a.m. Thursday, March 16, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak for up to 5 minutes each, with the exception of the following: Senator CRAIG, 35 minutes; Senator PRYOR, 15 minutes; Senator DORGAN, 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. For the information of all Senators, if we can reach an agreement for a short list of amendments to the supplemental appropriations bill, it will be my intention to call the bill back before the Senate in order to complete action on it expeditiously, and I think that means around 2 o'clock in the afternoon. Then we would hope to move to the line-item veto at that point.

I urge my colleagues—I know everybody feels compelled, because it is permitted in the Senate, to offer everything that they have ever thought of on every bill that comes through here.

I hope, at least it is my understanding, the President very much wants the supplemental appropriation bill. The Defense Department has been calling on a daily basis. I have notified the White House that if they were really interested in getting this bill done maybe they could help talk some of their colleagues off offering amendments, so we are working on that. We will be working on it overnight.

If an amendment is acceptable, that is one thing. If it is something that is going to take a long time to debate, then we would hope it would be called up at a later time.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. DOLE. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:50 p.m., recessed until Thursday, March 16, 1995, at 9 a.m.

EXTENSIONS OF REMARKS

A NEW REPRESSIVE POLICE APPARATUS IN RUSSIA?

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. SMITH of New Jersey. Mr. Speaker, since the demise of the Soviet Union, and the dissolution of its repressive police state, Russian society now faces the challenge of balancing law and order with protection of individual liberties. We are all aware that Russia is experiencing a dramatic rise in crime and a high rate of violence. Unfortunately, the cure envisioned by the Russian Government for this dilemma may be worse than the disease.

According to recent reports, the lower house of the Russian Parliament—the Duma—has voted overwhelmingly in favor of a bill proposed by President Yeltsin that would dramatically expand the powers of the domestic intelligence agency of the Russian Federation, known as the Federal Counterintelligence Service, or FSK. FSK agents would be able to enter homes, government offices and businesses without a search warrant from a court or the prosecutors office, as had been the case previously. The FSK would manage its own jails, and could employ undercover personnel working in other government agencies.

Bear in mind where the FSK stands philosophically these days. I would call attention to a FSK report published on January 10 of this year in the Moscow newspaper Nezavisimaya Gazeta. In this report, the FSK accuses various foreign policy research centers, nongovernmental organizations, and foundations such as the Soros Foundation and Ford Foundation, of being used by United States secret services to conduct intelligence-gathering and subversive activities on the Russian territory. For instance, the FSK alleges that American specialists have set up a ''network of contacts for information on legal sources'' in Russia that would become a foundation for clandestine sources should United States-Russian relations worsen. Of course, this analysis came from the folks who reportedly did the planning for the Chechnya operation.

The Russian population is plagued by crime and corruption and, therefore, I can understand how this bill could be widely popular. The bill was approved in the Duma through the democratic process. But, Mr. Speaker, we all know that even democratically passed laws, especially those passed in the heat of the moment, can be seriously flawed. The key principle is protection of the civil liberties of minorities while carrying out the will of the majority. A Russian journalist quoted in the February 28, 1995, Washington Post said, ''In this country, people don't understand [about civil liberties] until the moment the FSK people come to their flats and knock on their door.''

Mr. Speaker, as I noted, crime and corruption are an overwhelming problem in Russia today, and our colleagues in the Russian parliament are faced with the serious task of developing the proper legislation to combat it. But, as chairman of the Commission on Security and Cooperation in Europe, an organization vitally concerned with the principle of rule of law in the OSCE signatory states, I would urge the Federal Assembly and President Yeltsin to deliberate very carefully before giving the domestic security service such expansive powers. In legal terms, these proposed powers may even violate the Russian Constitution. In operational terms, there may soon be little to distinguish the FSK from the KGB of the cold-war era.

TRIBUTE TO EARL THOMAS HUCKLE

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. CAMP. Mr. Speaker, Earl Thomas Huckle lived his life by a code of ''community first.'' While best known as the former editor and publisher of the Cadillac Evening News, the impact of his service to the entire area will be felt for generations.

Earl found and promoted the local chapter of the Kiwanis Club; he served for many years on the chamber of commerce; was a member of the Mercy Hospital Advisory Board and later, chairman; he served as chairman of the Retail Merchant's Association; was on the board of directors of Cadillac's first Community Chest; and was a noted historian with a northern Michigan flavor.

In addition, Earl saw the hope and promise in the children of his community. He worked tirelessly on their behalf. Whether encouraging safe skiing techniques, sponsoring competitions or spending time with his 3 children or 6 grandchildren, Earl Thomas Huckle knew that children are the key to the future.

His work with the Cadillac Evening News is legendary. He worked hard with his father to make that newspaper not only the leading source of news in the community, but one of the most productive and responsible newspapers in the State. As its publisher, he revolutionized the printing operation by introducing computer typesetting and offset printing; as its editor, he provided consistent and thoughtful commentary on local and world events.

The citizens of the greater Cadillac area will surely miss the presence of Earl Thomas Huckle. His joy in his family and his contributions to that community will live forever.

CHILD NUTRITION PROGRAMS

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. HILLIARD. Mr. Speaker, the Republican forces of Speaker GINGRICH are attempting to justify the block granting of child nutrition program funding by arguing that it actually increases the child nutrition funding nationwide by 4.5 percent.

It seems as though the Republicans will say almost anything to hide that they have cut children's food programs to fund tax breaks for the rich.

The fact is, that Federal funding for our child nutrition and WIC programs, will be slashed by GINGRICH's Republicans by over $2 billion over 5 years.

While the Republicans slash and cut our children's food programs, they are taking care of their wealthy friends.

In fact, the Ways and Means Committee yesterday reported on the Republican tax break plan for the rich. More than 76 percent of the benefits for the break go to people earning over $100,000 a year.

Speaker GINGRICH, why is your Republican Party sacrificing our children to make the rich, richer?

TRIBUTE TO CLARION AREA JAYCEES

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. CLINGER. Mr. Speaker, I rise today to honor a group that has proudly been serving the Clarion community for an outstanding number of years. I am pleased to recognize the Clarion Area Jaycees on this their 30th year of continued service.

In 1965, this organization was founded for the sole purpose of improving the community around them. I am sure these young people were not aware of all the great things they would eventually, and continue to, accomplish. It is no small task for a group to work together closely and be productive for such a long period of time. As one generation of volunteers contributes to the Clarion area, the next generation readies itself for future challenges. Their dedication throughout the 30 years is apparent in every project they take on.

The Jaycees' enormous contributions are not felt by just a few individuals, but by the entire population. The work they do touches every member of the community. The creed of the Jaycees is, ''service to humanity is the best work of life.'' It is obvious to all of us that these are not just words, but a conviction for this group of men and women. As a member of the community that is touched by the Clarion Area Jaycees, I want to thank them for all of their hard work. The mission of the Jaycees is fulfilled with every person they help. So in keeping with that tradition, I have the utmost confidence this organization will continue to render valuable services.

Today marks the Jaycees' celebration of 30 years of service. This event is made even more special by the fact the entire community can join in this special occasion; this accomplishment has certainly benefited us all.

Mr. Speaker, it is my distinct pleasure to recognize the Clarion Area Jaycees on this milestone. Once again, I want to thank them for all of their devoted service and my best wishes for continued success.

REPUBLICANS SHOULD SUPPORT THE COMMUNITY SERVICE BLOCK GRANT

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. FRANK of Massachusetts. Mr. Speaker, I think it useful for me to share with my colleagues a brief but very pointed letter from Mark Sullivan, who is the head of the community action agency in the city of Fall River, Citizens, Inc. Mr. Sullivan is one of the outstanding leaders in the fight to improve the quality of life for people in the lower economic brackets, and he has been doing it long enough to have considerable perspective. Thus, he points out that the arguments in favor of the creation of the community action agency, and their subsequent inclusion in a community service block grant, grew from concern that we bypass bureaucracy and provide help directly to the people most in need. Citizens for Citizens is one of the organizations that exemplifies the success of this approach. And because the point Mr. Sullivan makes about the relevance of that experience to much of the rhetoric we are now hearing from my Republican colleagues, I ask that this letter be printed here.

CITIZENS FOR CITIZENS, INC.,
Fall River, MA, January 31, 1995.

DEAR BARNEY: I just finished watching a 30 year history of the War on Poverty on PBS and the irony of history repeating itself became crystal clear.

The basic concept of all the programs in the War on Poverty was the empowerment of local citizens to make decisions and help design economic programs that affect their lives.

Thirty years later, the new majority in Congress headed by Speaker of the House Gingrich, is talking about designing government so that citizens will be empowered to make economic decisions on the local level for policies that affect their lives.

It seems to be redundant to reinvent the wheel when there is a Community Service Block Grant which serves all of the purposes and meets all of the criteria as established by the new leadership; albeit, it deals with low-income people who need the economic empowerment the most.

I believe that Speaker Gingrich, with his background as a historian has a knowledge and appreciation of these programs for economic empowerment.

I welcome him as a spokesman for the need to extend and expand the Community Action Agency through increased funding for the Community Services Block Grant, and wish you would thank him for his generous forthcoming support.

COMMITTEE FUNDING RESOLUTION

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. PACKARD. Mr. Speaker, I want to commend Chairman THOMAS for his hard work and diligence in bringing the committee funding resolution to the floor today. This bill represents the new Republican Congress commitment to downsizing and accountability.

On the very first day of the 104th Congress Republicans voted to cut our own committee staffs by one-third. We proved to the American people that we are serious about keeping our commitment to giving them the smaller, more effective Government they voted for.

This bill before us today shows the American people that we are keeping our promise. Chairman THOMAS has introduced a funding request that reflects the change we voted for just a few short months ago. It represents the largest decrease in committee funding ever.

Spending the taxpayers' money wisely is important. Chairman THOMAS' bill not only downsizes Congress but introduces a new level of accountability. Changing the way committees pay for staff and supplies forces them to justify every penny they spend.

Congress must now publicly authorize all committee spending every 2 years and fund all staff salaries out of a single account. For the first time, committees will have to account for all of their operating expenses. Congress will no longer hide long distance phone call charges or paper costs in extraneous accounts. The American people will see just how we spend their money.

Mr. Speaker, as chairman of the Legislative Branch Subcommittee of Appropriations I am responsible for funding congressional operations. Mr. THOMAS' bill offers guidelines to my subcommittee—guidelines which I am proud to accept.

He and I both share a commitment to the American people who work hard for the tax dollars they have to send to Washington. The least we can do is spend those dollars wisely.

TERM LIMITS

HON. JAY DICKEY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. DICKEY. Mr. Speaker, I have been a supporter of term limits since my initial election to the House in 1992, and I continue to support term limits today. Due to provisions added to House Joint Resolution 2 during the February 28, 1995, House Judiciary Committee markup, I can no longer support this bill.

In its current form, House Joint Resolution 2 preempts State term limit laws, like amendment No. 73, passed by the voters of my home State of Arkansas. The amended bill also removes the lifetime cap for service in the House. Specifically, it would allow a Member to serve six terms, sit out one term, then serve six terms more. That is not real term limits.

LEGAL REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 15, 1995, into the CONGRESSIONAL RECORD.

LEGAL REFORM

The House last week approved three bills that would effect wide-ranging legal reforms in civil lawsuits. The measures respond to a public perception that the legal system has become burdened with excessive costs and long delays and that the growing number of lawsuits, particularly frivolous suits, are swamping the courts. These bills seek to curb lawsuit abuse which weakens the economy, eliminates jobs, and injures our global competitiveness.

I supported two of the three bills, albeit with some reservations. The civil justice system needs reform—and these bills are a first step in the reform process—but the bills considered in the House were poorly drafted and hastily considered and they overreach. My greatest concern is that their impact would be to tilt the courts in favor of large companies at the expense of individual plaintiffs. My expectation is these problems will be addressed during Senate consideration.

PRODUCT LIABILITY REFORM

This measure, which I supported, would for the first time create a uniform product liability law (covering state and federal actions) in three areas: punitive damages; joint and several liability; and fault-based liability for product sellers. First, the bill caps non-economic and punitive damages for all civil lawsuits. Punitive damages are awarded to punish negligence, rather than to compensate a victim, and non-economic damages are for things such as pain and suffering. Non-economic damages would be capped at $250,000, and punitive damages would be capped at three times the claimant's award for monetary losses (such as lost wages and medical bills) or $250,000—whichever is greater. Second, the bill restricts ''joint and several liability'' by allowing non-economic damages only up to the level of a defendant's responsibility. In other words, someone who is only 20% responsible would pay only 20% of the non-economic damages. Third, the bill prohibits product liability suits for injuries caused by products that are more than 15 years old, unless the product is expressly guaranteed for a longer period, or if the product causes a chronic illness that does not appear for more than 15 years (such as asbestos).

It is probably necessary to narrow the risk of manufacturers' and sellers' liability in certain cases involving defective products. Juries are sometimes confused and sometimes come in with awards that are neither reasonable nor justified by the evidence. In many cases, judges routinely reduce those jury awards drastically, but perhaps not in all cases. The restrictions on joint and several liability also make sense. The important link is between behavior and responsibility, and the bill limits a defendant's liability to the share of damages caused by his own actions.

Capping punitive damages, however, has to be approached with great care. This bill represents a federal encroachment on well established state authority and responsibility. Furthermore, high punitive damages serve to keep a manufacturer on his toes.

SECURITIES LITIGATION REFORM

This bill, which I supported, would limit so-called ''strike'' lawsuits—class action lawsuits filed by stockholders against companies or stockbrokers for having misrepresented the company's economic position when the class of stockholders decided to buy the stock. Further, the bill limits security fraud suits by individual stockholders for similar claims of misrepresentation.

The problem of frivolous class action lawsuits against a company as soon as its stock drops is a real one. Because their stock prices are so volatile, high technology companies are especially vulnerable. Even so, we do not want to weaken the deterrent to financial fraud. To this end, the House, with my support, approved amendments to promote public disclosure of stock information; narrow exceptions to defendant liability; and define the responsibilities of accountants in reporting cases of fraud to federal regulators.

CIVIL LITIGATION REFORM

This bill, would make several significant changes in the federal civil justice system. First, it would require losing parties in federal civil cases to pay the attorneys' fees of the winning party under certain circumstances. Second, the bill would restrict the admission of scientific evidence in federal court. Third, the measure would make sanctions against lawyers who file frivolous lawsuits mandatory, rather than leaving the decision to the judge.

I opposed the bill primarily because of its ''loser pays'' provisions. A key principle of the American system is accessible justice and I do not want to pass laws which prohibit or deter an individual from a meritorious vet risky lawsuit for fear that the penalty would be financial ruin. Everybody wants to curb frivolous lawsuits—and I supported an amendment that would give a defendant the opportunity to seek dismissal of a frivolous suit.

The bill, in contrast, would place average Americans at a disadvantage in disputes with large corporations, for whom the risk of paying opposing attorneys is simply the cost of doing business. A middle-income plaintiff could be forced to accept a small settlement unless he or she is willing to assume the risk of being financially ruined by the payment of the fees of the other side's attorneys, who may be expensive corporate lawyers.

CONCLUSION

In general, I think the entire legal reform package deserves a searching examination in the Senate. I have been impressed throughout the debate that the House has focused on a tide of anecdotes purporting to show the American legal system as out of control, swamped with frivolous product liability and personal damage suits. I am less sure that the evidence supports the lesson of those anecdotes.

The balance that must be struck is to protect the people's right to sue while at the same time reducing frivolous and expensive lawsuits. That is not an easy balance to strike and the details reaching that balance become very complicated. My hope is that the Senate will improve upon the House-passed bills. I am inclined to think that they are simply too raw to be enacted in their present form.

IN HONOR OF THE GIRL FRIENDS, INC.

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. CLYBURN. Mr. Speaker, I would like to take this opportunity to bring to the attention of my distinguished colleagues the fine record of one of the oldest civic/social organizations of African-American women in these United States—the Girl Friends, Inc. Founded in 1972, its primary focus was to promote friendship and to foster goodwill. Under the legal guidance of the Honorable Thurgood Marshall, the organization was incorporated in 1938.

The Girl Friends, Inc. is a national organization comprised of 1,250 socially and professionally prominent women, including national political figures, Federal judges, medical doctors, college presidents, accountants, lawyers, and teachers.

Presently, there are 40 chapters located in major American cities, representing leaders and spheres of influence with an ongoing commitment to contribute to civic activities that enhance the quality of community life.

The organization has given major financial assistance to community organizations, including the United Negro College Fund, the NAACP legal defense fund, the children's defense fund, and the NAACP.

Though its local chapters, it gives annually to local groups such as the heart fund, the sickle cell fund, the Cancer Research Foundation, the Boys and Girls Club of America, and local theatre groups for children.

I would like to congratulate the national president of the Girl Friends, Inc., Mrs. Virginia Scott Speller of Houston, TX, for giving leadership during these days of extending a helping hand to those in our communities who are in need, especially students who want to complete a college education and senior citizens who need care and attention.

I also salute the more than 1,200 members who take time from their professional duties to give of themselves to help make our country a responsive and caring Nation.

Mr. Speaker, I commend the national officers and all of the 40 chapters of the Girl Friends, Inc. for their 68 years of service to these United States.

TRIBUTE TO THE MEMORY OF BOBBY CAPÓ

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. SERRANO. Mr. Speaker, tomorrow, March 16, the New York Office of the Puerto Rico Federal Affairs Administration will unveil a pictorial stamp cancellation to honor a giant of romantic music and borinquen patriotism, Bobby Capó. I rise to pay tribute to the memory of this extraordinary and beloved individual.

Felix Manuel Rodríguez ''Bobby'' Capó was born in Coamo, Puerto Rico in 1922. Having moved to New York as a young man in the 1930s, Bobby Capó encountered for the first time a land of cold winters and often chilly race relations. He set about very early in life to overcome these features with the warmth of his music and personality.

In the course of his 68 years Bobby Capó composed over 2,000 songs and released more than 50 record albums. But these figures do not do justice to the influence of this superb artist. Possessing a lyrical tenor, perfect pitch and supreme grace, Bobby Capó was a dynamic showman whose tours and television appearances in New York, Puerto Rico and the rest of the United States and Latin America were vital to the popularization of the romantic style. His great ballads ''Piel Canela,'' ''Juguete'' and ''Sin Fe,'' sung by hundreds of artists around the world, are timeless classics that will forever convey the mystery of romantic love.

Mr. Speaker, as the first Puerto Rican to direct his own television shows and appear in Mexican films, Bobby Capó was a theatrical phenomenon as well. But he was much more than an entertainer. A man for all seasons, in his later years he became increasingly involved in public affairs. He served as Director of the New York Office of the Puerto Rico Federal Affairs Administration, he founded and was the first president of the Puerto Rico Guild of Artists, and in numerous capacities promoted a better understanding of Puerto Rican and Hispanic culture. Moreover, in many personal acts of advocacy and political action he proved himself a dedicated and energetic defender of the less fortunate in our society.

Mr. Speaker, I was extremely privileged to have known Bobby Capó, to have had him as an inspiration and a mentor. His romanticism, his devotion to the island of his birth, and his sheer love of life are elements of his spirit which have struck a deep chord with me and with many thousands of others. I remain a devoted fan of his enduring music and memory, both of which will live on forever in the hearts of his admirers. I ask my colleagues to join me in appreciation of the life and legacy of this wonderful man.

LED ASTRAY BY THE POVERTY ''EXPERTS''

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. CRANE. Mr. Speaker, Mr. Walter Williams, a professor of economics at George Mason University, has formulated a decorous and forthright theory which reveals the malignant problems caused by American dependence on the welfare state.

Since the 1960's, Federal welfare policies have only resulted in a debilitating reliance by American citizens on a Federal Government not created to function in this area. Unfortunately, this institution—the welfare state—has become a permanent and detrimental fixture in our society.

I commend to the attention of my colleagues the following article written by Mr. Williams entitled, ''Led astray by the poverty 'experts'.'' May we all learn from his insights and wisdom as the 104th Congress embarks on the reformation of the outdated welfare policies plaguing our Nation.

LED ASTRAY BY THE POVERTY 'EXPERTS'

(By Walter Williams)

Much of what's wrong in our country is the result of heeding the words of ''experts'' and ''intellectuals,'' whose advice defies every notion of common sense.

Take skyrocketing black illegitimacy. But first, let's put it into perspective. In 1940, black illegitimacy was 19 percent. Today, it's 68 percent and estimated to be 75 percent by the year 2000. As early as the 1870s, up to 80 percent of black kids lived in two-parent families. Between 1905 and 1925, 85 percent of Harlem youngsters lived in two-parent families. Today, fewer than 40 percent of black kids live in two-parent families. The black family could survive slavery and Jim Crowism but not the welfare state.

During the '60s, now-Sen. Daniel Patrick Moynihan wrote a report concluding, ''At the heart of the deterioration of the fabric of Negro family,'' At that time, black illegitimacy was 30 percent. Liberals attacked the report. Civil rights leader Bayard Rustin said, ''What may be a disease to the white middle class may be a healthy adaptation of the Negro lower class.'' Floyd McKissick, director of COPE, echoed that sentiment, saying, ''Just because Moynihan believes in middle-class values doesn't mean they are the best for everyone in America.''

Those sentiments were supported by many, including supposed intellectuals. Andrew Cherlin, a Johns Hopkins professor and sociologist, argued it had yet to be shown that the ''absence of a father was directly responsible for any of the supposed deficiencies of broken homes.'' Mr. cherlin concluded that the real issue ''is not the lack of male presence but the lack of male income.'' In other words, fathers can be replaced by a monthly welfare check. That's a stupid idea, but we bought it.

When Mr. Moynihan completed his report, according to Rowland Evans and Robert Novak, attempts were made to repress its release. Professors Lee Rainwater and Williams Yancey suggested ''it would have been well to reduce the discussion of illegitimacy because of the inflammatory nature of the issue with its inevitable overtones of immorality.''

According to William Bennett, writing in the American Enterprise (January-February 1995), ''More than 70 percent of black children will have been supported by Aid to Families with Dependent Children payments at one point or another during childhood.'' He adds, ''The most serious problems afflicting our society today are manifestly moral, behavioral and spiritual, and therefore remarkably resistant to government cures.'' That recognition is thankfully slowly dawning upon us after years of listening to experts and their destructive nonsense.

But the experts are doing their level best to keep us befuddled. They continue to preach nonsense like the proposition that crime and other forms of antisocial behavior are caused by poverty. The truth of the matter is the causal direction may be the other way around: Poverty is caused by crime and antisocial behavior. After all, poverty is the likely result when a person does not respect the rights and property of others and ignores the values of hard work, sacrifice and deferment of gratification.

Congress has put welfare reform high on its agenda. In seeking advice on what to do, they should summarily disqualify all the experts whose advice we've listened to in the past that has resulted in today's calamity. If I had it my way, there'd be a blanket exclusion of anyone from any government agency dealing with poverty and anyone who has received a government grant to do research on poverty.

DEMOLAY MONTH

HON. STEVE LARGENT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. LARGENT. Mr. Speaker, March is DeMolay Month, when the Order of DeMolay—an international Masonic-related, fraternal, civic service organization for young men 13 to 21—celebrates its 76th anniversary. DeMolay is a youth development organization based on seven virtues needed in today's society—filial love; reverence for sacred things, such as God; courtesy; comradeship; fidelity; moral and physical cleanness; and patriotism. DeMolay promotes scholarship and provides a full package of leadership, athletic, social, and civic service activities to interest today's young men.

This year Delta Chapter, located in Jenks, OK and 1 of 4 DeMolay chapters in my congressional district, celebrates its 60th anniversary. For the first time in its history, Delta Chapter was recently named 1994 Oklahoma DeMolay Association Chapter of the Year. Last year, the chapter sponsored two recycling drives and a severe weather seminar for the Jenks community and held civic service and charitable projects for the Tulsa and Jenks Community Food Banks, Scottish Rite Childhood Language Clinics, Tulsa Area Book Bank, Big Brothers and Big Sisters of Green County, and the Oklahoma Masonic Home for the Aged.

Several prominent scientists, educators, business leaders, astronaunts—and several former or current members of Congress—were active DeMolays in their youth. Distinguished political commentator and Tulsa-native Paul Harvey is a former member of Delta Chapter.

At a time when teenage drug use and gangs command the attention of the media, and teenage violence has reached near-epidemic levels, it is refreshing to recognize the leadership and good citizenship demonstrated by members of the Order of DeMolay.

THE ECONOMIC IMPACT OF COMMUNICATIONS DEREGULATION

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. DELAY. Mr. Speaker, Government regulations impose a tremendous burden on our Nation's economy. Excessive regulations result in higher prices for American consumers and fewer jobs for American workers. One of the primary goals of the Contract With America is to reduce onerous Government regulations and break down unnecessary barriers to competition. In that regard, I was especially interested to learn of a new study released by the independent Wharton Econometrics Forecasting Associates [WEFA] Group. Their study documents the positive impact that would result from greater competition in the U.S. communications industry. They conclude that full, immediate, and simultaneous competition in all communications markets would result in more jobs, lower prices, and a stronger economy. I urge my colleagues to carefully consider the results of the WEFA study as we continue to more forward with our efforts to deregulate our Nation's economy.

ECONOMIC IMPACT OF DEREGULATING THE U.S. COMMUNICATIONS INDUSTRIES—HIGHLIGHTS OF FINDINGS

OVERVIEW

The 104th Congress is in the process of reforming the nation's outdated communications laws. A fundamental concern in this process involves when and to what extent cable TV, long distance and local telecommunications markets should be opened to competition. Opinions range from opening all markets immediately to creating lengthy approval processes for competitive entry.

A study released by renowned independent economic forecasting firm, The WEFA Group, quantifies the impact that various policy options will have on diverse economic indicators, including job-creation, economic growth, technological innovation, consumer savings and the balance of trade. Specifically, the WEFA study compares three approaches:

Immediate, full competition—removal of legal and regulatory barriers to market entry; change from traditional rate-of-return regulation to price-cap regulation for any noncompetitive service; complete deregulation of competitive services; and, all markets open simultaneously on January 1, 1996.

Competition phased in over two to three years—local competition occurs a year ahead of long distance competition, with full competition by 1998.

Competition phased in over four to five years—local competition occurs a year ahead of long distance competition, with full competition by 2000.

FINDINGS AND ANALYSIS

I. Immediate competition means new jobs, economic growth, consumer savings

Full, immediate and simultaneous competition in all communications markets will result in more jobs, lower prices and a stronger economy than any other option. The study finds that immediate and full competition in the telecommunications industry will achieve:

New jobs

3.4 million additional U.S. jobs would be created over the next ten years as a result of full, immediate competition in all communications markets. These jobs would be spread across all states and all major industry groups, including: 498,000 new jobs in manufacturing; 423,000 new construction jobs; 923,000 new jobs in wholesale and retail trade; 1.4 million new jobs in the service sector.

Economic growth

Once competition is brought fully and immediately to the communications industry, the benefits of lower prices, enhanced services and newer technology will boost economic activity throughout the economy. Specifically, within ten years, America would experience: $298 billion increase in annual Real Gross Domestic Product; $162 billion increase in annual Real Personal Consumption; $14 billion improvement in annual balance of trade; $140 billion improvement in the annual national budget deficit; an average increase of $850 in the per year disposable income of each U.S. household.

Consumer savings

American consumers would receive substantial benefits from immediate competition in all communications markets. The study concluded that competition, which will bring greater network efficiencies, including bandwidth expansion and increased use of digital services, will result in a 23% decrease in telecommunications prices over

the next ten years. A large portion of this is due to a 35% decline in long-distance toll rates over the first five years of deregulation. Specifically, immediate competition would:

Save consumers nearly $550 billion over the next ten years from lower telecommunications rates, including: $333 billion in consumer savings from lower long distance rates; $107 billion in consumer savings from lower cellular rates; $78 billion in consumer savings from lower cable TV rates; $32 billion in consumer savings from lower local rates.

II. Delayed competition means fewer jobs, slower economy, higher rates

In addition to the immediate competition model, the study forecasts the economic effect of two other models, assuming that it takes three and five years, respectively, to achieve full competition—including removal of entry barriers, change from rate-of-return regulation to price-cap regulation from rate-of-return regulation for noncompetitive services, and deregulation of competitive services.

A three-year delay in full competition would result in the creation of 1.5 million fewer jobs than would immediate deregulation over the next five years. A five-year delay would mean 1.9 million fewer jobs over the next five years.

A three-year delay in deregulation would result in $137 billion less in real GDP, and a five year delay would mean $171 billion less in real GDP over the next ten years.

III. The long-distance market is currently not competitive

Contrary to industry arguments, there is no real competition in the long distance industry today. The long distance companies have not lowered their rates, despite steep declines in local access charges, the most significant cost of providing service. In fact, the big three long distance companies have raised rates in an oligopolistic fashion six times in the past three years (see chart 1). In a truly competitive industry prices do not go up when costs go down.

This lack of real competition in the long distance industry may be the biggest barrier to entry facing competitors in the local market.

(1) State regulators fear that opening local and short-haul long distance would result in drastic losses in the access charge subsidies that help pay for universal service in residential and rural areas.

(2) Full and immediate competition, which includes lifting the long-distance restriction, would mitigate the losses of these access charges. As a result of full competition, local rates would decrease 1% per year over the next ten years.

IV. Regulatory reform is necessary

The study concludes that telecommunications companies must be free of pricing regulations that discourage investment in new network services if the full benefits of competition are to be realized. Specifically, the study finds:

Rate-of-return regulation, designed to constrain earnings under the ''natural monopolies'' of the past, only slows the rate of network investment and the introduction of new technologies in today's environment of competition and technological convergence.

Price regulation allows incumbent carriers to re-price existing services and to introduce new services in response to competition, while still holding prices below that which might occur in the absence of regulation. In competitive markets, competition and not artificial regulatory distinctions should determine pricing.

V. Delayed competition inhibits new services, creates ''economic welfare loss''

A significant benefit of the Immediate Regulatory Relief model is that lower rates, better service and increased investment all would accelerate the affordable delivery of advanced services like health care, education, telecommuting and more.

On the other hand, the study finds that delaying competition in communications will also delay the deployment of new, advanced services. Each delay in the deployment of these new services, results in a significant cost to American's economy and society as a whole—a cost quantified as ''economic welfare loss.''

The economic welfare loss of new services delayed as a result of current barriers to competition amounts to more than $110 billion per year of delay. This economic welfare loss includes, among other items: $40 billion per year in residential medical and education services; $20.4 billion per year in residential advanced information services; $28.8 billion per year in residential and business video conferencing; $10.3 billion per year in expanded residential entertainment programming.

Full competition in communications markets would result in a gain of between $750 and $1,000 in consumer welfare per year, per U.S. household, as a result of new services deployed.

Methodology

Through years of research, The WEFA Group has developed a set of forecasting models that provide the framework for developing consistent and accurate views of the impact of various market and policy developments on specific industries and the U.S. economy. In July 1993, the WEFA Group completed a study titled The Economic Impact of Eliminating the Line-of-Business Restrictions on the Bell Companies. That study showed that full competition would result in millions of new jobs, significant benefits for the American economy, accelerated innovation and infrastructure investment lower telecommunications rates and encourage the development of enhanced information services. The result would be substantial consumers savings and the creation of millions of new jobs.

This study uses an updated methodology to examine the costs already incurred by delaying regulatory reform and evaluate the costs of further delays in deregulation.

It takes a well-defined set of assumptions and adjustments gained from research and analysis of the telecommunications industry and imposes them on the WEFA models. It forecasts the effects not only on the telecommunications industry but on the industries that buy from and supply to the telecommunications industry, and reviews how the supply and demand on both sides impacts industry prices.

Each study model assumes the eventual onset of full competition, including: (1) the removal of Federal and state regulatory barriers to competition; (2) the replacement of ''cost plus'' rate-of-return regulation with a streamlined form of price regulation for noncompetitive services; and (3) complete deregulation of competitive service offerings.

The models differ in two significant respects: one, the timing of full competition; and, two, the sequencing—while the Immediate Regulatory Relief scenario represents simultaneous entry into all markets, the three and five year delay scenarios open the local market to competition before the long-distance market.

THE PRESSLER AMENDMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. HAMILTON. Mr. Speaker, next month Pakistani Prime Minister Benazir Bhutto comes to Washington and will be conferring with Members in several meetings on the Hill.

Bilateral relations between the United States and Pakistan since 1990 have been dominated by the Pressler amendment, which stipulates that no United States assistance shall be furnished to Pakistan, and no military equipment or technology shall be sold or transferred to Pakistan, until the President on an annual basis certifies that Pakistan does not possess a nuclear explosive device.

In an effort to inform Members prior to Prime Minister Bhutto's visit to the Hill about this legislation and its impact on United States-Pakistani relations, I ask permission to include in the *Record* testimony I submitted a few days ago to the Senate Committee on Foreign Relations.

THE PRESSLER AMENDMENT STATEMENT BY REPRESENTATIVE LEE H. HAMILTON, SUBMITTED TO THE SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS, SENATE COMMITTEE ON FOREIGN RELATIONS

First of all, Mr. Chairman, I wish to congratulate you for calling this hearing on a most timely subject. Four weeks from today, Pakistani Prime Minister Benazir Bhutto will be visiting Capitol Hill. Holding this hearing today on what has become the defining element in the bilateral U.S.-Pakistani relationship serves an important purpose by forcing us to examine the current status of, and prospects for, that relationship.

Let me add that I deeply appreciate the courtesy you have afforded me by inviting me to submit testimony as part of the official record of this hearing.

I also wish to take a moment to pay tribute to the two American diplomats who were killed yesterday in Karachi. The tragic deaths of Mr. Durell and Ms. Vanlandingham, as well as the wounding of Mr. McCloy, should serve to remind us that courageous American men and women place their lives on the line daily on behalf of the United States. I am sure that you join me in saluting their dedication and sacrifice, and calling upon the Pakistani government to spare no effort to bring their killers to justice.

Mr. Chairman, you have called this hearing to discuss our nonproliferation policies in South Asia. There are few issues of greater importance to U.S. security. The previous director of the Central Intelligence Agency identified the Indian Subcontinent as the most likely place in the world for the outbreak of a nuclear conflict—a catastrophe that would affect the United States as well as more than one billion people in South Asia.

Moreover, a failure to stop the spread of nuclear weapons in South Asia will also limit our ability to keep such weapons out of the hands of Iran, Iraq, North Korea, and other would-be nuclear powers. A world with fifteen or twenty nuclear weapons states is a world we don't wish to contemplate. So the importance of your hearing today—coming as it does only weeks before the international community is to convene in New York to determine the fate of the Nuclear Nonproliferation Treaty—cannot be overestimated.

Mr. Chairman, my argument today can be summarized in a few brief propositions: Pakistan is a country the United States cannot and should not ignore. The Pressler amendment has undermined our bilateral relations with Pakistan. As a nonproliferation tool, the Pressler amendment has outlived its usefulness, and is now counterproductive. It is time to modify this amendment, or even to lift it altogether.

Allow me to amplify each of these propositions in turn.

I. PAKISTAN IS A COUNTRY THE UNITED STATES CANNOT AND SHOULD NOT IGNORE

U.S. National Interests: Why is it in the national interest of the United States to maintain decent relations with Pakistan?

There is, first of all, the matter of sheer numbers. Pakistan is the 7th largest nation in the world. It is the world's second largest Moslem nation. Size alone compels the United States to pay attention to Pakistan.

Second, considerations of global and regional security make cooperation with Islamabad important for the United States. Pakistan occupies a strategic location on the map. It is situated near major countries—China, Russia, Iran, India—and neighbors the Middle East, the Persian Gulf, and central Asia. Its army is the world's eighth largest. Even in a post-cold war world, the United States should not ignore these geopolitical and geostrategic considerations.

In addition, the United States has an important interest in working to prevent the outbreak of a South Asian war that could spiral into a nuclear conflict. We can best promote regional peace and stability if we have good relations with Pakistan as well as India.

Third, Pakistan has been an active supporter of United Nations peacekeeping activities. Its 7,000 troops in Somalia comprised the largest international component in that difficult operation. Islamabad contributed more than one thousand troops to the U.N. operation in Cambodia. It currently has 3,000 soldiers in Bosnia. In fact, Pakistan has provided more troops for U.N. peacekeeping efforts around the world than any other country—including our own.

Fourth, this and previous administrations have identified missile and nuclear nonproliferation as a primary component of U.S. security. As one of the world's few nuclear weapons-capable states not a party to the Nuclear Nonproliferation Treaty [NPT], Pakistan is crucial to the success of our global nonproliferation efforts. Similarly, it is in our national interest to prevent the deployment of the ballistic missiles both India and Pakistan are developing.

The fifth reason we should not ignore Pakistan relates to our desire to combat international terrorism and drug trafficking. Yesterday's tragic events in Karachi have once more brought home to us the grave threat posed by terrorism. The value of Pakistani cooperation in the fight against terrorism was vividly demonstrated last month when Prime Minister Bhutto, in the face of certain domestic opposition, moved swiftly to extradite to the United States the individual alleged to be the mastermind behind the 1993 bombing of the World Trade Center.

On the narcotics front, Pakistan is a conduit for opium and heroin grown in Afghanistan, the second largest opium producer in the world. If the deadly flow of Afghan drugs is to be stanched, we must have Pakistani cooperation. And while we have not been fully satisfied with the steps Pakistan has taken in the counter-narcotics area in recent years, just last week President Clinton stated that the government of Pakistan has laid the foundation for significant progress during the current year in the fight against illicit drugs.

Sixth, the United States has a clear-cut interest in encouraging democracy, pluralism, secularism, and a respect for human rights in Pakistan. Pakistan can be a model of a democratic, secular Islamic state, a partner in the effort to combat the spread of religious and ideological extremism. The administration believes that Pakistan has used its moderating influence with other Islamic countries. We should seek to buttress that influence.

Finally, economic and trade considerations call for friendly relations with Pakistan. Admittedly these U.S. interests are not as important in a statistical sense as in some other countries. Nonetheless, we have an interest in promoting continued economic reform, deregulation, and trade liberalization in Pakistan.

U.S.-Pakistani differences: Let me hasten to add, Mr. Chairman, that none of this suggests that we see eye to eye with Pakistan on all important issues. We don't. We would like to see Islamabad join the NPT, but it refuses to do so. We wish Pakistan would cease all military support for the Kashmiri insurgents. We want more vigorous law enforcement against the druglords. We are concerned about the uneven respect given human rights in Pakistan. We are sometimes dismayed by what passes for democratic politics in Pakistan.

But most fundamentally, we believe that Pakistan, by choosing to embark upon a nuclear weapons program, has broken its pledge to us in a way that directly challenges U.S. national interests.

The substantial levels of U.S. assistance provided to Pakistan throughout the 1980s were part of an explicit bargain: we would furnish Pakistan with financial and military aid, in return for which Islamabad would forgo the nuclear weapons option. Pakistan violated that bargain. The subsequent deterioration in our bilateral relations flows directly from that action. Until Pakistan redresses that breach of faith, ties between our two countries will never recapture the warmth and sense of common purpose they possessed a decade ago.

In the sense, it is neither prudent nor possible to ''let bygones be bygones.'' But at the same time, insofar as it advances American purposes, we should try to build on the shared interests I have set forth above in order to promote U.S. foreign policy and national security objectives.

II. THE PRESSLER AMENDMENT HAS UNDERMINED OUR BILATERAL RELATIONS WITH PAKISTAN

After a close and productive relationship throughout the 1980s, bilateral ties between Washington and Islamabad plummeted after President Bush proved unable in 1990 to certify, under the Pressler amendment, that Pakistan does not possess a nuclear explosive device.

In the four-and-a-half years since then, the Pressler amendment has been by far the most important element shaping the bilateral relationship. By banning aid and most military sales and transfers, the amendment has sharply limited the possibility of a U.S.-Pakistani collaborative relationship.

In some respects, it is surprising that U.S.-Pakistani relations have remained as good as they have since 1990. Islamabad continues to attach great importance to its relationship with Washington. There exists in Pakistan, especially at the official level, a deep reservoir of good will toward the United States.

Nonetheless, there is no denying that the Pressler amendment has had a corrosive impact on bilateral ties. Moreover, so long as Pressler remains the law of the land, relations are unlikely to improve. Secretary Perry's trip to Pakistan in January, for all the warm sentiments it evoked, did not break the fundamental impasse between Washington and Islamabad.

The F–16 Problem: During Prime Minister Bhutto's visit to Washington next month, the single most important item on her agenda will be the F–16s Pakistan bought, but which have not been directed because of Pressler amendment restrictions. If Ms. Bhutto fails to persuade the United States to release the F–16s, she will at a minimum ask for the return of the $658 million Pakistan has paid for these warplanes.

I am worried about the creation of excessive expectations for the prime minister's visit. Pakistan is unlikely to get the F–16s. More than that, serious problems stand in the way of returning the full $658 million. This money has already been paid to the manufacturer. The U.S. government does not have the ability to give the money back, even if it were so inclined.

We face the distinct possibility, therefore, that someone who has been a good friend to the United States, the head of government of an important country with longstanding ties to the United States, is about to come to Washington for what many of her countrymen may see as a diplomatic fiasco.

And all this, ironically, because of legislation that, when adopted in 1985, was designed as a Pakistan-friendly amendment. The members of this subcommittee will recall that when Sen. Pressler first offered his amendment, he envisioned it as a means of heading off far more punitive legislation.

III. THE PRESSLER AMENDMENT HAS OUTLIVED ITS USEFULNESS

Speaking to a New York audience recently, Secretary Perry called the Pressler amendment ''a blunt instrument'' that has undercut our influence in Pakistan and hindered our efforts to avert a nuclear arms race in South Asia.

I concur. It has reduced our voice in a large, militarily-significant, moderate Islamic country. It has led to an increase in Chinese, and possibly Iranian, influence in Pakistan. It has hampered our ability to achieve other important U.S. objectives in the region, such as strengthening democracy and human rights, fighting illicit narcotics, and promoting economic development.

Even in the area of nonproliferation, the Pressler amendment has become counterproductive. It has given India no incentive to engage in meaningful negotiations on nonproliferation, since New Delhi prefers a status quo that punishes only Pakistan. It has, by reducing Pakistan's conventional strength, given arguments to those in Pakistan who wish to pursue the nuclear option more vigorously. It even threatens to drive Pakistan into an unholy nuclear partnership with Iran, Iraq, or other would-be proliferations—though to date, fortunately, there is no evidence that Pakistan has succumbed to this temptation.

Let me remind this subcommittee that the Pressler amendment was never intended to be triggered. Its proponents hoped that by drawing a clear line, they would give Pakistan an incentive to avoid crossing that line. Once those hopes were dashed and the amendment was invoked, it lost its usefulness. In the four-plus years since then, our once flourishing partnership with Pakistan has deteriorated, while nuclear tensions on the Subcontinent, and the possibility of a nuclear catastrophe, remain unabated.

IV. IT'S TIME TO MODIFY THE PRESSLER AMENDMENT

I suppose it is no surprise that my own preferences would be to repeal this legislation altogether. But, Mr. Chairman, I can

count votes, and I understand that this does not appear to be the position held by a majority of my colleagues.

As the next best thing, then, I think your Committee should ask the administration to take another look at what the Pressler amendment requires—to see if there are opportunities for useful modification.

This is not a radical suggestion. Indeed, both this and the previous administration have already begun to do this. So has the Congress. For instance:

In each of the past three years, the foreign operations bill has contained a provision allowing the U.S. government to spend monies for assistance programs in Pakistan operated by non-governmental organizations. Last year, for the first time, USAID provided nearly $10 million for child survival and female literacy programs in Pakistan.

Under the terms of the Pressler amendment, Pakistan is not permitted to receive International Military Education and Training [IMET]. But in January, Secretary Perry agreed in principle that Islamabad could purchase professional military education [PME] courses, so long as the transfer of technology was not involved.

What I am proposing now is that the administration, in close consultation with the Congress, push this process forward. Certain desirable steps will require legislative action, but there are also steps the administration, after consultation with Congress, should take on its own. For instance:

(1) Pakistan should be made eligible for Overseas Private Investment Corporation [OPIC] insurance programs. OPIC is not an aid donating agency. Its purpose is to promote U.S. business interests in overseas markets. By withholding OPIC eligibility, we only penalize our own business community. OPIC, moreover, has the added virtue of being self-financing.

(2) The Administration should waive the storage fees charged to Pakistan for holding its F–16s—fees that amount to $50,000 per plane per year. We are refusing to release the airplanes, as the Pressler amendment requires, and then we insist that Pakistan pay us for holding them. This doesn't pass the common sense test.

(3) The Administration should move forward with Secretary Perry's suggestion that Pakistan be allowed to purchase PME courses. In this way, we will strengthen military-to-military ties, at a time when the Pakistani military, which for much of the country's history had been a threat to democracy, may now be the ultimate guarantor of Pakistani democracy. (The army's role during the year-long political crisis of 1993, for instance, has been viewed by many observers as positive.)

(4) We should provide visa enforcement training for Pakistani customs employees. Here again, this is a common sense move. Slowing down illegal immigration to the United States is in our interest.

(5) We should be offering flight safety training to Pakistani air controllers. Since this would be of direct value to U.S. travelers, it is difficult to see why anyone should object.

(6) I would like to see the provisions contained in recent foreign operations bills maintained or even expanded, in order to permit limited economic assistance for social programs—population planning, for instance, or primary education, or rural clinics. While any assistance made available in this fashion would be modest in amount, it would send the message that the United States has not turned its back on a friend.

(7) Finally, I believe that fairness and good policy require that we return some of the military items that the Pakistani military sent here for repair or other work prior to the invocation of the Pressler amendment, and which we have kept because of the Pressler legislation.

Conclusion: None of these steps in and of themselves will turn the U.S.-Pakistani relationship around. But they would have a symbolic importance out of all proportion to their actual significance. They would say to the Pakistanis that we still value their friendship, that we care about this relationship. And they would help contribute to the success of Prime Minister Bhutto's visit.

I would urge the Administration to consult closely with the Congress before taking any of these steps. I am pleased to note that considerable consultation already has taken place. I would now encourage the Executive to come forward with specific recommendations, and I would encourage my colleagues in the Legislative branch to give such recommendations serious consideration.

From the standpoint of advancing U.S. policy objectives in South Asia, as well as promoting our global nonproliferation goals, we should accept the fact that the Pressler amendment, however well intended, has outlived its usefulness. The administration and the Congress should acknowledge this reality, and move to place our South Asia policy on a sounder footing.

The first step should be to life some of the restrictions imposed by the Pressler amendment. I urge the members of this distinguished subcommittee to take the lead in this enterprise.

BLACK PRESS WEEK

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mrs. KENNELLY. Mr. Speaker, I rise to recognize the invaluable contributions of the African-American press. From the founding of the Freedom's Journal, to the pioneering work of Ebony founder John Johnson, to the contributions of the National Newspaper Publishers Association [NNPA], the African-American press has been in the forefront of news coverage and a force for social change. It is fitting that we honor these and other leaders during National Black Press Week.

This year, Ebony magazine is celebrating its 50th anniversary. Its founder and publisher, Mr. John Johnson, was recently awarded the prestigious Communication Award from the Center for Communication for this pioneering efforts on behalf of African-Americans. His work and values are embodied in Ebony, a premier American magazine known for its excellence.

Mr. Johnson's work has helped pave the way for many African Americans in journalism. Within my own congressional district, there are newspapermen of great distinction: Mr. William Hales, editor and publisher of the Hartford Inquirer; Mr. Edgar Johnson, editor of the West Indian American; and Mr. John Allen, editor-in-chief of the North End Agent. Each one has distinguished himself and his paper by informing the community about relevant issues and pressing for social change. They have increased public awareness on issues of importance to the African-American and West Indian-American community.

My district is richer for the contributions of these men and their papers. Today, their work is made possible in part by the legacy of the Nation's first African-American newspaper, the Freedom's Journal. Mr. John Brown Russwurm and Mr. Samuel E. Cornish founded this paper to honor the ideals of the rights and liberties guaranteed in the Constitution, and out of their appreciation for the rich diversity of African-American culture. Their first steps helped pave the way for the many men and women who followed in their footsteps. And they enriched the lives of all of us.

Mr. Speaker, I would like to congratulate the NNPA on its 168th anniversary and also to thank all the journalists who carry on the traditions that make Black Press Week a distinguished celebration.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 16, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 17

9:30 a.m.
Environment and Public Works
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.
SD–406

10:00 a.m.
Judiciary
To hold hearings on proposed legislation to reform the Federal regulatory process.
SD–226

MARCH 20

2:00 p.m.
Foreign Relations
Business meeting, to consider S. Con. Res. 6, to express the sense of the Senate concerning compliance by the Government of Mexico regarding certain loans, S. 384, to require a report on U.S. support for Mexico during its debt crisis, S. Con. Res. 3, relating to Taiwan and the United States, S. Con. Res. 4, expressing the sense of Congress with respect to the North-South Korea Agreed Framework, S. Con. Res. 9, expressing the sense of the Congress regarding a private visit by President Lee Teng-hui of the Republic of China on Taiwan to the U.S., Treaty Doc. 103–25, with respect to restrictions on the use of certain conventional weapons, and pending nominations.
SD–419

Indian Affairs
To hold oversight hearings on the impact in Indian Country of proposed rescissions of fiscal year 1995 Indian program funds and of proposals to consolidate or block grant Federal programs funds to the several states.
SR–485

MARCH 21

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on the nomination of Daniel Robert Glickman, of Kansas, to be Secretary of Agriculture.
SD–G50

Commerce, Science, and Transportation
To hold hearings on telecommunications policy reform issues, focusing on cable rates, broadcast, and foreign ownership.
SR–253

Environment and Public Works
To hold hearings to examine the impact of regulatory reform proposals on environmental and other laws within the jurisdiction of the committee.
SD–406

Special on Aging
To hold hearings to examine the scope of health care fraud.
SH–216

10:00 a.m.
Energy and Natural Resources
Energy Production and Regulation Subcommittee
To hold hearings on S. 92, to provide for the reconstitution of outstanding repayment obligations of the Administrator of the Bonneville Power Administration for the appropriated capital investments in the Federal Columbia River Power System.
SD–366

Foreign Relations
To hold hearings on S. 5, to clarify the war powers of Congress and the President in the post-Cold War period, and H.R. 7, to revitalize the national security of the United States.
SD–419

Governmental Affairs
Business meeting, to mark up proposed legislation to reform the Federal regulatory process.
SD–342

Labor and Human Resources
Aging Subcommittee
To hold oversight hearings on the implementation of the Older Americans Act, focusing on Title III.
SD–430

2:00 p.m.
Foreign Relations
To continue hearings on S. 5, to clarify the war powers of Congress and the President in the post-Cold War period, and H.R. 7, to revitalize the national security of the United States.
SD–419

MARCH 22

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Fish and Wildlife Service, Department of the Interior.
SD–192

Energy and Natural Resources
To hold oversight hearings to review a report prepared for the committee on the clean-up of Hanford Nuclear Reservation.
SD–366

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Natural Resources Conservation Service, Department of Agriculture.
SD–138

Judiciary
To hold hearings on an analysis of Federal assistance to State and local law enforcement agencies.
SD–226

2:30 p.m.
Indian Affairs
To hold hearings on S. 441, to authorize funds for certain programs under the Indian Child Protection and Family Violence Prevention Act.
SR–485

MARCH 23

9:00 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR–253

9:30 a.m.
Labor and Human Resources
Education, Arts and Humanities Subcommittee
To hold oversight hearings on direct lending practices.
SD–430

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Railroad Administration, Department of Transportation, and the National Passenger Railroad Corporation (Amtrak).
SD–192

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Bureau of Alcohol, Tobacco and Firearms and the United States Customs Service, Department of the Treasury.
SD–192

Armed Services
Personnel Subcommittee
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 the Department of Defense medical program and related health care issues.
SR–222

Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings on proposed legislation to approve the National Highway System and transportation issues related to clean air conformity requirements.
SD–406

3:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Institutes of Health, Department of Health and Human Services.
SD–138

MARCH 24

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Housing and Urban Development.
SD–138

MARCH 27

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Executive Office of the President, and the General Services Administration.
SD–138

MARCH 28

9:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on Army programs.
SD–138

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Bureau of Land Management, Department of the Interior.
SD–116

Governmental Affairs
Oversight of Government Management and The District of Columbia Subcommittee
To hold oversight hearings to examine initiatives to reduce the cost of Pentagon travel processing.
SD–342

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for foreign assistance programs, focusing on Africa humanitarian and refugee issues.
SD–192

MARCH 29

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

Special on Aging
To hold hearings to examine ways that individuals and families can better plan and pay for their long term care needs.
SD–628

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Food Safety and Inspection Service, Animal and Plant Health Inspection Service, Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, all of the Department of Agriculture.
SD–138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Judiciary, Administrative Office of the Courts, and the Judicial Conference.
S–146, Capitol

10:30 a.m.
Indian Affairs
Business meeting, to consider pending calendar business.
SR–485

MARCH 30

9:30 a.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 506, to reform Federal mining laws.
SD–366

Rules and Administration
To hold hearings to examine the future of the Smithsonian Institution.
SR–301

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of AMVETS, American Ex-Prisoners of War, Vietnam Veterans of America, Blinded Veterans Association, and the Military Order of the Purple Heart.
345 Cannon Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Aviation Administration, Department of Transportation.
SD–192

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold oversight hearings on the implementation of the science programs of the National Science Foundation and activities of the Office of Science and Technology Policy (Executive Office of the President).
SR–253

Environment and Public Works
Transportation and Infrastructure Subcommittee
To resume hearings on proposed legislation to approve the National Highway System and other related transportation requirements.
SD–406

MARCH 31

9:30 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation to strengthen and improve United States agricultural programs, focusing on agricultural credit.
SR–332

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Veterans Affairs, the Court of Veteran's Appeals, and Veterans Affairs Service Organizations.
SD–138

APRIL 3

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Internal Revenue Service, Department of the Treasury, and the Office of Personnel Management.
SD–138

APRIL 4

9:30 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation to strengthen and improve United States agricultural programs, focusing on market effects of Federal farm policy.
SR–332

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Park Service, Department of the Interior.
SD–138

APRIL 5

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Aeronautics and Space Administration.
SD–192

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the U.S. Forest Service land management planning process.
SD–366

Rules and Administration
To resume hearings to examine the future of the Smithsonian Institution.
SR–301

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Agricultural Research Service, Cooperative State Research, Education, and Extension Service, Economic Research Service, and the National Agricultural Statistics Service, all of the Department of Agriculture.
SD–138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Immigration and Naturalization Service, and the Bureau of Prisons, both of the Department of Justice.
S–146, Capitol

2:30 p.m.
Indian Affairs
To hold oversight hearings on welfare reform in Indian Country.
SR–485

APRIL 6

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Emergency Management Agency.
SD–138

10:00 a.m.
Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings on proposed legislation to approve the National Highway System, issues related to the Woodrow Wilson Bridge, and the innovative financing of transportation facilities.
SD–406

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of the Treasury and the Office of Management and Budget.
SD–116

APRIL 26

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for energy conservation.
SD–116

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Food

and Consumer Service, Department of Agriculture.

SD–138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Legal Services Corporation.

S–146, Capitol

11:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for fossil energy, clean coal technology, Strategic Petroleum Reserve, and the Naval Petroleum Reserve.

SD–116

APRIL 27

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Transit Administration, Department of Transportation.

SD–192

MAY 2

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Forest Service of the Department of Agriculture.

SD–138

MAY 3

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Environmental Protection Agency, the Council on Environmental Quality, and the Agency for Toxic Substances and Disease Registry.

SD–192

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Agriculture.

SD–138

MAY 4

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Coast Guard, Department of Transportation.

SD–192

MAY 5

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for Environmental Protection Agency science programs.

SD–138

MAY 11

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Bureau of Indian Affairs, Department of the Interior.

SD–116

1:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Indian Health Service, Department of Health and Human Services.

SD–116

MAY 17

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of the Interior.

SD–192

Daily Digest

HIGHLIGHTS

Senate agreed to the Conference Report on the Unfunded Mandate Reform Act.

Senate

Chamber Action

Routine Proceedings, pages S3909–S4000

Measures Introduced: Eleven bills were introduced, as follows: S. 557–567. **Pages S3963–64**

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 S3909–18, S3926–39, S3944–61

Pending:

Bumpers Amendment No. 330, to restrict the obligation or expenditure of funds on the NASA/Russian Cooperative MIR program. **Page S3909**

Withdrawn:

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 S3909–18, S3928–29**

During consideration of this measure today, Senate took the following action:

By 58 yeas to 39 nays (Vote No. 103), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate failed to close further debate on Kassebaum Amendment No. 331 (to committee amendment beginning on page 1, line 3), listed above. **Page S3918**

A unanimous-consent agreement was reached providing for the pending cloture vote on the Kassebaum Amendment No. 331 (listed above), scheduled to occur on Thursday, March 16, be vitiated, the amendment be withdrawn, and the bill be returned to the Senate calendar. **Page S3961**

Unfunded Mandates/Conference Report: By 91 yeas to 9 nays (Vote No. 104), Senate agreed to the conference report on S. 1, to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations. **Pages S3918–22**

Paperwork Reduction Act: Senate disagreed to the amendment of the House to 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, agreed to the request for a conference thereon, and appointed as conferees Senators Roth, Cohen, Cochran, Glenn, and Nunn.

Pages S3994–S4000

Senate Disaster Task Force Report: Senate received the final report of the Senate Task Force on Funding Disaster Relief. **Page S3922**

Messages From the President: Senate received the following message from the President of the United States: Transmitting the report of the Executive order prohibiting certain transactions with respect to the development of Iranian petroleum resources; referred to the Committee on Banking, Housing, and Urban Affairs. (PM–33). **Page S3963**

Messages From the President: **Page S3963**

Messages From the House: **Page S3963**

Measures Referred: **Page S3963**

Measures Placed on Calendar: **Pages S3949, S3963**

Communications: **Page S3963**

Statements on Introduced Bills: **Pages S3964–92**

Additional Cosponsors: Page S3992

Authority for Committees: Pages S3992–93

Additional Statements: Pages S3993–94

Record Votes: Two record votes were taken today. (Total—104) Pages S3918, S3922

Adjournment: Senate convened at 9:30 a.m., and adjourned at 6:50 p.m., until 9 a.m., on Thursday, March 16, 1995. (For Senate's program, see the remarks of the Majority Leader in today's RECORD on page S4000.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—AGRICULTURE

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, and Related Agencies held hearings on proposed budget estimates for fiscal year 1996 for farm and foreign agriculture services of the Department of Agriculture, receiving testimony from Eugene Moos, Under Secretary for Farm and Foreign Agricultural Services; Grant B. Buntrock, Acting Administrator, Consolidated Farm Service Agency; and August Schumacher, Administrator, Foreign Agricultural Service, all of the Department of Agriculture.

Subcommittee will meet again on Wednesday, March 22.

APPROPRIATIONS—JUSTICE

Committee on Appropriations: Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies held hearings on proposed budget estimates for fiscal year 1996 for the Department of Justice, receiving testimony from Janet Reno, Attorney General, Department of Justice.

Subcommittee will meet again tomorrow.

APPROPRIATIONS—BONNEVILLE POWER ADMINISTRATION

Committee on Appropriations: Subcommittee on Energy and Water Development held hearings on proposed budget estimates for fiscal year 1996 for the Bonneville Power Administration, receiving testimony from Alice M. Rivlin, Director, Office of Management and Budget; Randy Hardy, Administrator, Bonneville Power Administration, Department of Energy; Mark Crisson, Tacoma Public Utilities, Tacoma, Washington; Richard E. Dyer, Portland General Electric Company, Portland, Oregon; Richard Holder, Reynolds Metals Corp., Washington, D.C.; K.C. Golden, Northwest Conservation Act Coalition, Seattle, Washington; Ralph Cavanagh, Natural Resources Defense Council, San Francisco, California; Donald Sampson, Umatilla Indian Tribe, Oregon; Warren Seyler, Spokane Indian Tribe, Washington; Jim Baker, Sierra Club, Pullman, Washington; Glenn Vanselow, Pacific Northwest Waterways Association, Vancouver, Washington; and DeWitt Moss, North Side Canal Company, Jerome, Idaho.

Subcommittee recessed subject to call.

APPROPRIATIONS—SMITHSONIAN INSTITUTION

Committee on Appropriations: Subcommittee on Interior and Related Agencies held hearings on proposed budget estimates for fiscal year 1996 for the Smithsonian Institution, receiving testimony from I. Michael Heyman, Secretary, and Constance B. Newman, Under Secretary, both of the Smithsonian Institution.

Subcommittee will meet again on Wednesday, March 22.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Airland Forces held 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, receiving testimony from Gilbert F. Decker, Assistant Secretary of the Army for Research, Development, and Acquisition; Maj. Gen. Ronald V. Hite, USA, Deputy for System Management and International Cooperation, and Lt. Gen. Otto J. Guenther, Director of Information Systems for Command, Control, Communications, and Computers, both of the Office of the Assistant Secretary for Research, Development, and Acquisition; and Maj. Gen. Edward G. Anderson III, USA, Assistant Deputy Chief of Staff for Operations and Plans, Force Development.

Subcommittee recessed subject to call.

AUTHORIZATION—COAST GUARD

Committee on Commerce, Science, and Transportation: Subcommittee on Oceans and Fisheries concluded hearings on proposed legislation authorizing funds for fiscal year 1996 for the United States Coast Guard, after receiving testimony for Adm. Robert E. Kramek, USCG, Commandant, United States Coast Guard, Department of Transportation.

BUSINESS MEETING

Committe on Energy and Natural Resources: Committee ordered favorably reported the following bills:

S. 395, to provide for the sale of Alaska Power Administration and to lift the Alaska North Slope crude oil export ban, with an amendment;

H.R. 400, to provide for the exchange of lands within Gates of the Arctic National Park, with an amendment. (As approved by the committee, the

amendment incorporates the text of S. 536 as Title II of the bill);

H.R. 400, to provide for the conveyance of lands to certain individuals in Butte County California;

S. 226, to designate additional and as within the Chaco Culture Archaeological Protection Sites;

S. 444, to provide for the purchase of common stock of Cook Inlet Region;

S. 115, to authorize the Secretary of the Interior to acquire and to convey certain lands or interests in lands to improve the management, protection, and administration of Colonial National Historical Park in the State of Virginia, with an amendment;

S. 134, to provide for the acquisition of certain lands formerly occupied by the Franklin D. Roosevelt family, with an amendment in the nature of a substitute;

S. 188, to establish the Great Falls Historic District in the State of New Jersey;

S. 127, to improve the administration of the Women's Rights National Historical Park in the State of New York, with an amendment in the nature of a substitute;

S. 225, to remove the jurisdiction of the Federal Energy Regulatory Commission to license projects on fresh waters in the State of Hawaii;

S. 359, to provide for the extension of certain hydroelectric projects located in the State of West Virginia;

S. 421, to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in Kentucky;

S. 461, to authorize extension of the time limitation for a Federal Energy Regulatory Commission issued hydroelectric license;

S. 223, to provide funds to the Palisades Interstate Park Commission for acquisition of land in the Sterling Forest area of the New York/New Jersey Highlands Region;

S. 522, to provide for a limited exemption to the hydroelectric licensing provisions of part I of the Federal Power Act for certain transmission facilities associated with the El Vado Hydroelectric Project in New Mexico;

S. 538, to reinstate the permit for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Oregon;

S. 549, To extend the deadline under the Federal Power Act applicable to the construction of three hydroelectric projects in the State of Arkansas;

An original bill to provide for the exchange of lands within Gates of the Arctic National Park, to provide for the conveyance of lands within Butte County, California, to designate the Chaco Culture Archaeological Protection Sites, to provide for the purchase of common stock of Cook Inlet Region, to provide for the conveyance of land in Colonial National Historical Park in Virginia, to provide for the acquisition of lands formerly occupied by the Franklin D. Roosevelt family, to establish the Great Falls Historic District in New Jersey, to improve the administration of the Women's Rights National Historical Park in New York, and to provide for the acquisition of land in the Sterling Forest area of the New York/New Jersey Highlands Region. (As approved by the committee, the bill incorporates the text of H.R. 440, S. 226, S. 444, S. 115, S. 134, S. 188, S. 127, and S. 223); and

An original bill to remove the jurisdiction of the FERC to license projects on fresh waters in Hawaii, to provide for the extension of certain hydroelectric projects located in West Virginia, to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in Kentucky, to extend the time limitation for a FERC-issued hydroelectric licenses, to provide for an exemption to the hydroelectric licensing provisions of part I of the Federal Power Act for certain transmission facilities associated with the El Vado Hydroelectric Project in New Mexico, to reinstate the permit for, and extend the deadline of a hydroelectric project in Oregon, to extend the deadline applicable to the construction of three hydroelectric projects in Arkansas, and to exempt hydro projects of less than 5 megawatts in Alaska from jurisdiction. (As approved by the committee, the bill incorporates the text of S. 225, S. 359, S. 421, S. 461, S. 522, S. 538, S. 549, and a related committee amendment.)

INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE

Committee on Environment and Public Works: Subcommittee on Superfund, Waste Control, and Risk Assessment approved for full committee consideration, with amendments, S. 534, to amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste.

HEALTH INSURANCE DEDUCTION EXTENSION

Committee on Finance: Committee ordered favorably reported, with an amendment in the nature of a substitute, H.R. 831, to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission.

HEALTH CARE REFORM

Committee on Labor and Human Resources: Committee resumed hearings to examine health care reform issues in a changing marketplace, receiving testimony from Minnesota State Representative Lee Greenfield, Minneapolis, on behalf of The Reforming States Group; Paul M. Ellwood, The Jackson Hole Group, Teton Village, Wyoming; Diane Rowland, Henry J. Kaiser Family Foundation, Frank Cummings, Lebouf, Lamb, Greene and MaCrae, Richard E. Curtis, Institute for Health Policy Solutions, and Richard I. Smith, Association of Private Pension and Welfare Plans, all of Washington, D.C.; and Josephine Musser, National Association of Insurance Commissions, Madison, Wisconsin.

Hearings were recessed subject to call.

NAVAJO-HOPI RELOCATION PROGRAM

Committee on Indian Affairs: Committee concluded hearings on S. 349, to authorize funds through fiscal year 1997 for the Navajo-Hopi Relocation Housing Program, after receiving testimony from Albert A. Hale, Navajo Nation, Window Rock, Arizona; Ferrell Secakuku, Hop Tribal Council, Kykotsmovi, Arizona; and Christopher J. Bavasi, Office of Navajo-Hopi Indian Relocation, Flagstaff, Arizona.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: Seventeen public bills, H.R. 1240–1256; and one resolution, H. Con. Res. 40, were introduced. **Pages H3275–76**

Reports Filed: Reports were filed as follows:

H.R. 483, to amend title XVIII of the Social Security Act to permit Medicare select policies to be offered in all States, amended (H. Rept. 104–79, Part 1);

H.R. 1134, to amend title XVIII of the Social Security Act to extend certain savings provisions under the Medicare Program, as incorporated in the budget submitted by the President for fiscal year 1996 (H. Rept. 104–80, Part 1);

H.R. 1157, to restore families, promote work, protect endangered children, increase personal responsibility, attack welfare dependency, reduce welfare fraud, and improve child support collections (H. Rept. 104–81, Part 1); and

H. Res. 116, providing for consideration of H.J. Res. 73, proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives (H. Rept. 104–82). **Page H3275**

Motion To Adjourn: By a yea-and-nay vote of 49 yeas to 367 nays, with 1 voting ''present,'' Roll No. 235, the House rejected the Volkmer motion to adjourn. **Page H3163**

Committee Funding: By a yea-and-nay vote of 421 yeas to 6 nays, Roll No. 236, the House agreed to H. Res. 107, providing amounts for the expenses of certain committees of the House of Representatives in the One Hundred Fourth Congress. **Pages H3163–72**

Agreed to the committee amendment in the nature of a substitute. **Pages H3164–71**

Emergency Supplemental Appropriations: House completed all general debate and began consideration of amendments to H.R. 1158, making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995; but came to no resolution thereon. Consideration of amendments will result on Thursday, March 16. **Pages H3194–H3272**

Agreed To:

The Livingston amendment that restores the $37 million rescinded for the Congregate Housing Services Program; and offsets this by increasing to $75 million the amount rescinded from NASA science, aeronautics, and technology activities; **Pages H3218–19**

The Young of Florida amendment that restores the $206 million rescinded from VA medical care and construction funding; and offsets this by increasing to $416 million the amount rescinded from the National and Community Service Program (agreed to by a recorded vote of 382 ayes to 23 noes, with 27 voting ''present,'' Roll No. 239); **Pages H3220–30**

The Porter technical amendment, as modified, and amended by the Castle amendment that transfers $10 million from the Eisenhower Professional State Grants Program to the Drug Abuse Resistance Education (DARE) Program; **Pages H3242–47**

The Murtha amendment that requires the net budget authority savings to be used for deficit reduction (agreed to by a recorded vote of 421 ayes to 1 no, Roll No. 241); **Pages H3247–50**

The DeLay amendment that increases the amount rescinded from the Occupational Safety and Health Administration (OSHA) salaries and expenses by $3.5 million (agreed to by a recorded vote of 254 ayes to 168 noes, Roll No. 242); **Pages H3250–55**

The Obey amendment that requires all the net savings to be used for deficit reduction by creating a deficit reduction ''lockbox'' into which such savings would be deposited (agreed to by a recorded vote of 418 ayes to 5 noes, Roll No. 243); **Pages H3255–58**

The Rogers amendment, as modified, that transfers $3 million from the acquisition and maintenance of buildings abroad account of the Department of State to the scientific and technical research and services account of the Department of Commerce (agreed to by a recorded vote of 419 ayes to 8 noes, Roll No. 244); and **Pages H3258–63**

Rejected:

The Yates amendment that sought to strike the provision mandating specified levels of timber salvage sales on Federal lands in fiscal years 1995 and 1996 (rejected by a recorded vote of 150 ayes to 275 noes, with 1 voting ''present,'' Roll No. 240); **Pages H3230–42**

The Crane amendment that sought to rescind an additional $65 million from the Corporation for Public Broadcasting in fiscal year 1996 and an additional $121 million in fiscal year 1997; and to restore $50 million of the rescinded from the ''Tech Prep'' Vocational Education Program (rejected by a recorded vote of 72 ayes to 350 noes, Roll No. 245); and **Pages H3263–68**

The Rohrabacher amendment that sought to rescind an additional $5 million from the Department of Energy fossil energy research and development activities (rejected by a recorded vote of 142 ayes to 274 noes, Roll No. 246). **Pages H3268–72**

A point of order was sustained against the Obey amendment that sought to strike the provision rescinding $50 million in Veterans Administration (VA) medical care funding, and $156 million in VA hospital construction funding, and offset these amounts by increasing the amount rescinded from the NASA science, aeronautics and technology account from $38 million to $244 million. **Pages H3219–20**

H. Res. 115, the rule under which the bill is being considered, was agreed to earlier by a recorded vote of 242 ayes to 190 noes, Roll No. 238. Agreed to the Dreier technical amendment by a yea-and-nay vote of 226 yeas to 204 nays, Roll No. 237. **Pages H3172–93**

Committees To Sit: The following committees and their subcommittees received permission to sit on Thursday, March 16, during proceedings of the House under 5-minute rule: Committees on Agriculture, Banking and Financial Services, Commerce, Economic and Educational Opportunities, International relations, National Security, Resources, Science, Small Business, Transportation and Infrastructure, and Veterans Affairs. **Page H3272**

Unfunded Mandates: It was made in order that when the House considers the conference report on S. 1, the Unfunded Mandate Reform Act of 1995, that all points of order against the conference report be waived. **Page H3272**

Presidential Message—National Emergency With Respect To Iran: Read a message from the President wherein he reports that he has exercised his statutory authority to declare a national emergency to respond to the actions and policies of the Government of Iran—referred to the Committee on International Relations and ordered printed (H. Doc. No. 104–46). **Page H3273**

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on pages H3276–77.

Senate Messages: Messages received from the Senate today appear on page H3189.

Quorum Calls—Votes: Three yea-and nay votes and nine recorded votes developed during the proceedings of the House today and appear on pages H3163, H3171–72, H3192, H3193, H3229–30, H3241–42, H3249–50, H3254–55, H3258, H3262–63, H3268, and H3271–72. There were no quorum calls.

Adjournment: Met at 10:00 a.m., and adjourned at 11:53 p.m.

Committee Meetings

AGRICULTURE, RURAL DEVELOPMENT, FDA, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies continued appropriation hearings. Testimony was heard from Members of Congress and public witnesses.

COMMERCE, JUSTICE, STATE AND JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State and the Judiciary, and Related Agencies held a hearing on Commerce Department Technology Programs. Testimony was heard from the following officials of the Department of Commerce: Mary Good, Under Secretary, Technology; Arati Prabhakar, Director, National Institute of Standards and Technology; and Bruce A. Lehman, Assistant Secretary and Commissioner of Patents and Trademarks.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development met in executive session to hold a hearing on Atomic Energy Defense Activities. Testimony was heard from Harold Smith, Assistant to the Secretary (Atomic Energy), Department of Defense; and the following officials of the Department of Energy: Victor H. Reis, Assistant Secretary, Defense Programs; Kenneth E. Baker, Acting Director, Office of Nonproliferation and National Security; Adm. Bruce Demars, USN, Deputy Assistant Director, Naval Reactors; Gregory P. Rudy, Acting Director, Office of Fissile Materials Disposition; and Robert W. DeGrasse, Jr., Director, Office of Worker and Community Transition.

FOREIGN OPERATIONS APPROPRIATIONS

Committee on Appropriations: Subcommittee on Foreign Operations, Export Financing, and Related Agencies held a hearing on the United Nations/Madeleine Albright. Testimony was heard from the following officials of the Department of State: Ambassador Madeleine K. Albright, Permanent Representative to the United Nations; and Douglas J. Bennet, Assistant Secretary, International Organization Affairs.

LABOR—HHS—EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education and Related Agencies held a hearing on the National Heart, Lung, and Blood Institute, and the National Institute of Dental Research. Testimony was heard from the following officials of the Department of Health and Human Services: Claude J. M. Lenfant, Director, National Heart, Lung, and Blood Institute; and Dushanka Kleinman, Acting Director and Deputy Director, National Institute of Dental Research.

NATIONAL SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on National Security held a hearing on Fiscal Year 1996/1997 Army Budget Overview, and on Army Acquisition Programs. Testimony was heard from the following officials of the Department of the Army: Togo D. West, Jr., Secretary; Gen. Gordon R. Sullivan, USA, Chief of Staff; Gilbert F. Decker, Assistant Secretary (Research, Development and Acquisition); Lt. Gen. Otto J. Guenther, USA, Director, Information Systems for C4, Office of the Assistant Secretary (RDA); Maj. Gen. Ronald V. Hite, USA, Deputy for Systems Management, Office of the Assistant Secretary (RDA); and Maj. Gen. Edward G. Anderson III, USA Assistant Deputy Chief of Staff, Operations and Plans for Force Development.

TRANSPORTATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation, and Related Agencies held a hearing on Air Traffic Control Privatization. Testimony was heard from Representative Oberstar; the following officials of the Department of Transportation; Federico Peña, Secretary; and David R. Hinson, Administrator, FAA; Kenneth M. Mead, Director, Transportation Issues, GAO; and public witnesses.

FINANCIAL SERVICES COMPETITIVENESS ACT

Committee on Banking and Financial Services: Continued hearings on the following: H.R. 1062, Financial Services Competitiveness Act of 1995; Glass-Steagall Reform; and related issues. Testimony was heard from Arthur Levitt, Jr., Chairman, SEC; and James L. Bothwell, Director, Financial Institutions and Markets Issues, General Government Division, GAO.

MISCELLANEOUS MEASURES

Committee on Commerce: Ordered reported the following bills: H.R. 1218, to extend the authority of the Federal Communications Commission to use competitive bidding in granting licenses and permits; H.R. 1217, Medicare Parts B and C Administration Budget Savings Extension Act of 1995; and H.R. 1216, amended, USEC Privatization Act.

AGE DISCRIMINATION IN EMPLOYMENT AMENDMENTS

Committee on Economic and Educational Opportunities: Ordered reported H.R. 849, Age Discrimination in Employment Amendments of 1995.

FEDERAL RETIREMENT REFORM ACT

Committee on Government Reform and Oversight: Began consideration of H.R. 1185, Federal Retirement Reform Act of 1995.

Committee recessed subject to call.

HAAS VERSUS BASS DISMISSED

Committee on House Oversight: Task Force on Contested Election assigned to the Second Congressional District of New Hampshire met and approved a motion to dismiss *Joseph Haas* v. *Charles Bass* case.

NORTHERN IRELAND

Committee on International Relations: Held a hearing on Northern Ireland. Testimony was heard from Representatives Manton, King, Neal, Walsh, and Kennedy of Massachusetts; Richard Holbrooke, Assistant Secretary, European and Canadian Affairs, Department of State; Alan G. Hevesi, Comptroller, City of New York; and public witnesses.

HOUSING FOR OLDER PERSONS ACT

Committee on the Judiciary: Subcommittee on the Constitution approved for full Committee action H.R. 660, Housing for Older Persons Act of 1995.

DEFENSE AUTHORIZATION; PROLIFERATION THREAT

Committee on National Security: Subcommittee on Military Procurement and the Subcommittee on Research and Development continued joint hearings on fiscal year 1996 national defense authorization request, with emphasis on ballistic missile defense. Testimony was heard from Kathleen Bailey, Senior Fellow, Center for Security and Technology Studies, Lawrence Livermore National Laboratory; and public witnesses.

The Subcommittees also met in executive session to receive a classified briefing on the proliferation threat. The Subcommittee was briefed by the following officials of the CIA: Gordon Oehler, Director, Nonproliferation Center; David Ossias, National Intelligence Officer, Strategic Programs; and James Meditz, Chief, Strategic Systems Division, Office of Science and Weapons Research; and Chuck Munson, Deputy Defense Intelligence Officer, Acquisition Support, Counterproliferation, and Arms Control, Defense Intelligence Agency, Department of Defense.

ALASKA POWER ADMINISTRATION SALE ACT

Committee on Resources: Subcommittee on Water and Power Resources held a hearing on H.R. 1122, Alaska Power Administration Sale Act. Testimony was heard form John Riggs, Principal Deputy Assistant Secretary, Office of Policy, Planning and Program Evaluation, Department of Energy; Dennis McCrohan, Deputy Director, Department of Industrial Development and Export Authority, State of Alaska; and a public witness.

CONFERENCE REPORT—UNFUNDED MANDATE REFORM ACT

Committee on Rules: Granted, by a voice vote, a rule waiving clause 3 of rule XXVIII (prohibiting conference reports from exceeding the scope of legislation committed to conference) against the conference report to accompany S. 1, Unfunded Mandate Reform Act of 1995. Testimony was heard from Representatives Dreier and Portman.

TERM LIMITS CONSTITUTIONAL AMENDMENT

Committee on Rules: Granted, by a recorded vote of 9 to 3, a modified closed rule providing for 3 hours of debate on H.J. Res. 73, proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives. The rule makes in order only those amendments in the nature of a substitute printed in the report of the Committee on Rules. The rule provides that the amendments are considered as read, may only be considered in the order specified, may only be offered by the Member specified, are debatable for 1 hour equally divided between the proponent and an opponent, and may be offered notwithstanding the adoption of a previous amendment. The rule provides that if more than one amendment is adopted, the amendment adopted receiving the most affirmative votes is considered as adopted and reported to the House; in the case of a tie, the last such amendment adopted is reported. Finally, the rule provides one motion to recommit, with or without instructions.

Joint Meetings

IFES/FREE TRADE UNIONS—FORMER SOVIET UNION

Commission on Security and Cooperation in Europe: Commission met to receive a briefing on activities of the International Foundation for Electoral Systems (IFES) from Juliana Geran Pilon, Gwenn Hofmann, Linda Edgeworth, Hank Valentino, Daniel Blessington, and Catherine Barnes, all on behalf of the International Foundation for Electoral Systems, Washington, D.C.

Also, Commission met to receive a briefing on free trade unions with regard to the New Independent States of the former Soviet Union from Semyon Karikov, Association of Free Trade Unions of Ukrainian Railway Workers; and Gennady Nikitin, Association of Independent Trade Unions of Kentau, Kazakhstan.

Commission recessed subject to call.

COMMITTEE MEETINGS FOR THURSDAY, MARCH 16, 1995

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry, 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, 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.

Subcommittee on Commerce, Justice, State, and Judiciary, to hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Bureau of Investigation and Drug Enforcement Agency, both of the Department of Justice, 10 a.m., S–146, Capitol.

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.

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, 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, to hold hearings on S. 277, to impose comprehensive economic sanctions against Iran, 9:30 a.m., SD–538.

Committee on Foreign Relations, 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 the Judiciary, business meeting, to consider the nominations of Karen N. Moore, of Ohio, to be United States Circuit Judge for the Sixth Circuit; Janet B. Arterton, to be United States District Judge for the District of Connecticut; Willis B. Hunt Jr., to be United States District Judge for the Northern District of Georgia; and Charles B. Kornmann, to be United States District Judge for the District of South Dakota, and to mark up pending legislation, 10:30 a.m., SD–226.

Committe on Rules and Administration, to hold hearings to examine Architect of the Capitol funding authority for new projects, 9:30 a.m., SR–301.

NOTICE

For a listing of Senate Committee Meetings scheduled ahead, see pages E608–10 in today's RECORD.

House

Committee on Agriculture, Subcommittee on Risk Management and Specialty Crops, hearing to review the Perishable Agricultural Commodities Act, 9 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Rural Economic and Community Development, 1 p.m., 2362A Rayburn.

Subcommittee on Commerce, Justice, and State and the Judiciary, and Related Agencies, on Commerce Department Statistical Programs, 10 a.m., H–309 Capitol.

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.

Subcommittee on Interior and Related Agencies, on Territorial and International Affairs, 10 a.m., and 1:30 p.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Service and Education, on National Cancer Institute, and National Center for Research and Resources, 10 a.m., and on National Institute of Child Health and Human Development, and National Eye Institute, 2 p.m., 2358 Rayburn.

Subcommittee on Military Construction, on Guard and Reserve Programs, 9:30 a.m., B–300 Rayburn.

Committee on Banking and Financial Services, 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, to mark up the Discretionary Reduction and Control Act of 1995, 10 a.m., 210 Cannon.

Committee on Commerce, Subcommittee on Commerce, Trade and Hazardous Materials, hearing on the reauthorization of the Superfund Program, 9 a.m., 2123 Rayburn.

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, Subcommittee on Postsecondary Education and Training, to continue hearings on training issues, 9 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on Government Management, Information and Technology, hearing on H.R. 11, Family Reinforcement Act, 10 a.m., 2154 Rayburn.

Committee on International Relations, 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.

Subcommittee on Western Hemisphere Affairs, hearing on "The Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995," and the Economic Embargo of Cuba, 10 a.m., 2200 Rayburn.

Committee on the Judiciary, Subcommittee on Crime, to mark up Sexual Crimes Against Children Prevention Act of 1995, 9:30 a.m., 2226 Rayburn.

Subcommittee on Immigration and Claims, to mark up H.R. 962, to amend the Immigration Act of 1990 relating to the membership of the U.S. Commission on Immigration Reform, time to be announced, Rayburn Room, Capitol.

Committee on National Security, Subcommittee on Military Personnel, to continue hearings on fiscal year 1996 national defense authorization request, 2 p.m., 2212 Rayburn.

Subcommittee on Military Procurement, to continue hearings on fiscal year 1996 national defense authorization request, 2 p.m., 2118 Rayburn.

Subcommittee on Readiness, to continue hearings on fiscal year 1996 national defense authorization request, 10 a.m., 2212 Rayburn.

Committee on Resources, 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.

Subommittee on National Parks, Forests and Land, oversight hearing on RS 2477 Regulations, 10 a.m., 1324 Longworth.

Committee on Rules, to consider the following: H.R. 4, Personal Responsibility Act of 1995; and H.R. 1214, Personal Responsibility Act of 1995, 10 a.m., H–313 Capitol.

Committee on Science, Subcommittee on Basic Research, hearing on U.S. Fire Administration Fiscal Year 1996 Authorization, 1 p.m., 2325 Rayburn.

Subcommittee on Space and Aeronautics, hearing on NASA: The Outside Opinion, 8 a.m., 2318 Rayburn.

Committee on Small Business, hearing to review the SBA Business Development Programs, 10 a.m., 2359 Rayburn.

Committee on Standards of Official Conduct, executive, to consider pending business, 10:30 a.m., HT–2M Capitol.

Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, to mark up the Coast Guard Budget Authorization for Fiscal Year 1996, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, hearing to approve Budget recommendations to the Committee on the Budget, 9:30 a.m., 334 Cannon

Permanent Select Committee on Intelligence, executive, hearing on Counter Intelligence, 10 a.m., H–405 Capitol.

Joint Meetings

Joint Economic Committee, to hold hearings on issues relating to the Humphrey Hawkins Act, 9:30 a.m., SR–385.

Next Meeting of the SENATE

9 a.m., Thursday, March 16

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 10 a.m.), Senate may continue consideration of H.R. 889, Emergency Supplemental Appropriations/Defense, and may begin consideration of S. 4, Legislative Line Item Veto Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, March 16

House Chamber

Program For Thursday: Complete consideration of H.R. 1158, Emergency Supplemental Appropriations and Rescissions Act.

Consideration of conference report on S. 1, Unfunded Mandate Reform Act of 1995.

Extensions of Remarks, as inserted in this issue

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