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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 24, 1995.

I hereby designate the Honorable RANDY ''DUKE'' CUNNINGHAM to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

For the sun to brighten the day, for the rains to nurture the land, for challenges to be confronted and responsibilities to be accepted, for sacrifices to be endured and for all of life to be fully lived, for friends to accompany and for family to love, we offer these words, O God, of thanksgiving and praise. We earnestly pray that we will be faithful to the opportunities and the tasks that are before us, so that in all things, we will do Your will and serve people according to their need. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. FOX of Pennsylvania 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 PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that there will be 20 1-minute speeches on each side.

REPUBLICAN CONTRACT WITH AMERICA

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

Mr. HOKE. Mr. Speaker, last fall House Republicans entered into a Contract With America, for the first time in American political history a written contract with the American people.

We have done more in the first 80 days of this Congress than was done in the entire 103d Congress. We have an opportunity to make more changes of substance than have been made in the past 10 years.

Our contract states the following:

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

It continues that in the first 100 days we will vote on the following items:

A balanced budget amendment. We kept our promise. We passed it.

Unfunded mandates legislation. We kept our promise, with your help, and we passed it.

Line-item veto. We kept our promise.

A crime package. 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. We are doing it right now. We will pass it.

Family reinforcement to crack down on deadbeat dads, tax cuts for middle-income families, congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

GEJDENSON ELECTION STILL NOT SETTLED

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

Mrs. KENNELLY. Mr. Speaker, as a former secretary of the state of Connecticut, I have every reason to be proud of my State's tradition of honest elections and a revered court system. So it was with chagrin that I learned yesterday of a decision not to dismiss the challenge of our seated Congressman, SAM GEJDENSON, from the Second District, a decision in stark contrast to precedents established in 47 previous cases since 1969.

The facts are clear. Our colleague from Connecticut's Second District was elected and not once, not twice, but three times declared the victor, election night, in an automatic recount, and by the highest court of the State of Connecticut, our supreme court, headed by Chief Justice Peters, a revered court legalist.

''The cloud that Mr. Munster perceives,'' it was said by the court, ''has no basis in fact, law or reason. It simply does not exist.''

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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Mr. Speaker, we have laws, precedents, and standards which should govern our actions. The people of Connecticut will have every right not only to be surprised but amazed that these decisions have been set aside.

REAL WELFARE REFORM

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, for 40 years the Democrats controlled the Congress. They did nothing but protect and expand to the tune of $5 trillion a cruel welfare bureaucracy.

For 2 years the Democrats controlled the House, the Senate, and the White House and still promoted this destructive government-run, one-size-fits-all program that perpetuates a cycle of dependency.

For 2 years the President talked and talked and talked about ending welfare as we know it but did nothing, and this year, guess what? He is still silent. But since January 4, the Republican Congress has replaced talk with action, replaced rhetoric with real change.

The Republican welfare bill does not lack compassion. It is born out of compassion. The real lack of compassion was shown by those who stood by and did nothing while more and more Americans were pushed further and further away from the American dream.

Today we will pass real welfare reform and give America back that dream.

PAN AM 103 AND THE CIA

(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, there is a record $4 million reward out on the heads of two Libyans accused of blowing up Pan Am 103.

I say this is not a reward, this is a diversion. Records show that it was Iran, not Libya, that ordered the destruction of 103. In fact, Iran hired Syria and Ahmed Jabril picked 103 because it was insulated by our own CIA whose operatives were helping them get some of our hostages released. They say ''nonsense'' at the CIA.

Ladies and gentleman, it is time for the CIA to tell the American people and the families of the victims the truth. As an old sheriff, let me tell you this. If Qadhafi was responsible for 103, these two guys would have choked on a chicken bone by now. The families of victims overseas are demanding a new investigation.

My God, Congress. Let us get to the bottom of 103. This is a diversion.

WELFARE REFORM

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

Mr. NORWOOD. Mr. Speaker, I hear the other side wail and whine that we are hurting the children. Perhaps they are so busy defending the status quo that they fail to see the dismal failure our system has become. Perhaps they think it is compassionate for our system to encourage illegitimacy. Perhaps they think that it is OK for 1 in 3 babies in this Nation to be born out of wedlock. Perhaps they think it is OK that the average length of stay on welfare today is 13 years. But it is not OK, Mr. Speaker. It is unbelievable that we ever allowed the Federal Government to become the caretakers for so many people. Fortunately, Mr. Speaker, the American people know better. They realize that we can do nothing worse than to keep the current system. It is just sad to see that the other side is so wedded to big government, nanny-State programs that they fail to see what is right. * * * What is right is voting to end the current welfare system today.

A BAD REPUBLICAN WELFARE BILL

(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, I was proud last night to join all my Democratic colleagues in voting for real welfare reform. The Deal substitute was real welfare reform—it demands more responsibility by requiring that welfare recipients go to work after 2 years, and it provides more opportunity by making sure that that work pays more than welfare.

But the Republican bill before us today is more intent on punishing our children than in putting welfare recipients to work.

This bill would cut $2.3 billion from school-based nutrition programs and $7 billion from all child nutrition programs over the next 5 years. That means 2 million children would be thrown out of the School Lunch Program—20,000 in my home State of Connecticut alone.

This Republican bill punishes children in order to pay for a tax cut for the wealthiest Americans, the richest 1 percent of the people in this Nation. That is what this is all about. Today we can stop this war on kids. Vote against a bad Republican bill.

SAVE THE CHILDREN: END WELFARE AS WE KNOW IT

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

Mr. FUNDERBURK. Mr. Speaker, I really feel sorry for the liberal Democrats. They call their $5 trillion welfare nightmare compassionate. Their system is not compassionate, their system is obscene.

Today, we have an unprecedented opportunity to save the lives of millions of children who would otherwise be trapped in the system which has ruined previous generations. We cannot be intimidated by the liberals in Congress and in the media who offer no solutions, only scare tactics. They throw out words like ''cruel'' and ''mean'' but I ask you, Mr. Speaker, what is more cruel, what is more mean, than to condemn a child to life on the liberal welfare dole. That is the cruelest punishment imaginable. We cannot allow another generation of American children to fall victim to the ''compassion'' of the American left. We must be strong, we must be bold, and we must act now for H.R. 4. Our children deserve no less.

VOTE AGAINST H.R. 4, PERSONAL RESPONSIBILITY ACT

(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, yesterday I too voted for real welfare reform under the Deal bill. But the Republican welfare bill, commonly known as the let-the-children-go-hungry-so-the-rich-can-feast bill, cuts $66 billion from school breakfasts and lunches, food stamps from the elderly retirees and working poor, child care from working mothers, and yet the mean-spirited radical right majority says they are not cutting any of these programs but spending more.

Sorry, folks. They are cutting $66 billion from the needy, from school lunches and breakfasts, from the Women, Infants and Children Program, from food stamps, from AFDC and from child care, in order to give those billions to large corporations and the wealthy in tax cuts next week.

It is a sad day for our great Nation when this Congress, the people's house, takes food from the mouths of innocent children so that the rich can have pheasant under glass.

Vote against H.R. 4. It only punishes babies and children and it does not reform welfare.

REPUBLICAN WELFARE REFORM

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

Mr. JONES. Mr. Speaker, the average American family has spent over $50,000 in taxes on the war on poverty since 1965. This is an obscene amount of money, especially since it has gone to an unsuccessful cause. We must reduce this heavy burden which has been placed on the working family.

The Republican welfare proposal will save the American people approximately $60 billion over a 5-year period. The savings will go to deficit reduction

and to reduce the burden of Government, which in turn reduces taxes for the American people.

States will have authority to design their own programs to lift the poor out of poverty and to give them hope for the future.

We can not deny this opportunity for the citizens of this country. Let us join forces to pass this pro-country, pro-responsibility, and pro-family legislation.

DEMOCRATS UNITE

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

Mr. RICHARDSON. Mr. Speaker, last night Democrats united on welfare reform. We showed the American people that Democrats from across the country, from Mississippi to New York, from New Mexico to Maine, from left to right ideologically were able to come together and fight the Republican war against hard-working middle-class Americans and children.

Mr. Speaker, there are a lot of Republicans walking around with broken arms nursing their wounds because of the pounding they took from their leadership.

Mr. Speaker, the Democratic plan says no work, no welfare. Our plan is tough on fraud and abuse in welfare. It cuts Federal bureaucracy and gets people back to work. It puts savings into deficit reduction for middle-class Americans and prevents Republicans from giving special interests a tax cut.

Mr. Speaker, the Republican contract with special interest America is collapsing. Democrats are back. Our contract is with hardworking middle-class America and we are going to keep it.

CHANGING THE WELFARE MESS

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

Mr. CHABOT. Mr. Speaker, when President Clinton was a candidate, he promised to end welfare as we know it. But for the past 2 years, neither the President nor the Democrat-controlled Congress did a thing to change the welfare mess.

□ 1015

Then came November, and the American people said it is time for a change. Now the Republican majority is doing something that the Democrats could never bring themselves to do. We are changing the current broken-down welfare system that traps people in a hopeless cycle of dependence into a system that offers hope for the future.

Tough work requirements, personal responsibility, and emphasis on the family. The change is here.

WELFARE REFORM

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

Mr. MILLER of California. Mr. Speaker, the welfare reform legislation we have been considering this week has critical implications for our Nation's children. Coupled with the rescission package this body passed last week, and the promise of further cuts in programs for our children to pay for tax cuts for the richest percent of Americans, we are facing the complete dismantling of the safety net for children.

This past weekend, I held a town meeting in my congressional district to seek the views of those from the front lines who deal with troubled children on a daily basis on the consequences of the welfare reform package pushed by Gingrich and the Republicans. The rescission proposals. I heard from a broad spectrum of people—children's advocates, the educational and medical communities, professionals in child care and child protection services, the mayor of our largest city, parents and children themselves.

The picture they painted was one of abandonment—abandonment of the Federal commitment to supporting children and families. In these times when entitlement has become a dirty word, they graphically reaffirmed why entitlements exist, and how critical they are to the well-being of the children of this Nation. They also confirmed that we will be shortsighted, indeed, if we cut the fiscal lifelines that mean education, jobs, innovation, training, in our low-income communities, and our children will suffer more.

THE CONTRACT AND WELFARE REFORM

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

Mrs. KELLY. Mr. Speaker, this morning we will pass the Personal Responsibility Act of 1995. This is by far the most sweeping and far-sighted piece of social welfare legislation to come out of Congress in the last 40 years. We not only provide a true safety net for those less fortunate in our society, but we do so in the larger contexts of fiscal accountability and personal responsibility.

We save hard-working American families $69 billion,while putting more food on the plates of hungry children. This is the true spirit of our Contract With America.

Last November, Americans decided that they no longer wanted a government at odds with the people, but rather a government that worked in partnership with the people. A subtle yet striking difference in leadership.

This welfare reform package, and the contract as a whole, give the American people the leaner, more efficient, and dramatically more responsive Federal Government that they demanded last November.

Mr. Speaker, I am proud of this legislation, and I am proud of our contract. We are keeping our promises, and I believe that is what our democracy is all about.

MAKING WAR ON POOR CHILDREN

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

Mr. OLVER. Mr. Speaker, the Republicans say that the war on poverty has been lost so they are making war on poor children instead. I have got to hand it to them, though, they do not just target welfare kids, the Republican contract on America cuts income and food stamps and school breakfast and lunches, and nutrition for young mothers and care for abused children, and day care for children while their parents work, $50 billion in cuts for nearly 10 million families whose income is less than $20,000 a year, both working families and nonworking families, the Republicans do not seem to care which, families where more than 20 million children get their start in life.

Are the Republicans using those $50 billion to cut the explosion of deficits from 12 years under voodoo economics? Not on your life. They are using those $50 billion taken from low-income families and their children to give tax cuts to the richest 2 percent of Americans.

Only in NEWT GINGRICH's America would taking $50 billion from 25 percent of Americans and giving it to American millionaires be even thinkable.

THE IMPORTANCE OF BIODIVERSITY

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

Mr. GILCHREST. Mr. Speaker, today, I would like to talk to you about the drug taxol. Taxol was first used on a trial basis in 1983 to treat ovarian and breast cancer. Today, it is the most effective treatment for achieving remission in advanced ovarian cancer. It took researchers over 20 years, testing thousands of plant and animal extracts from all over the world to come up with a safe and effective compound able to kill cancer in humans. Now, taxol gives new hope to many of the women who suffer from breast and ovarian cancer, which now kills almost 40,000 women a year.

This amazing drug was originally derived from a tree called the Pacific yew. The yew three is found in the old growth forests of the Pacific Northwest and was once burned as scrap. It takes from 3 to 12 trees to provide enough taxol for each cancer patient. Each tree takes about 100 years to reach maturity.

It is important for us to see the connection between the Endangered Species Act, biological diversity, and taxol.

WHO IS IMMORAL AND WHO IS CORRUPT?

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

Mr. RANGEL. Mr. Speaker, my dear friends and colleagues, yesterday I was attacked by one of my Republican friends as supporting a corrupt and immoral welfare system, and then he scurried off the floor. This morning, I was attacked by my Speaker for being wedded to an immoral welfare system. But it was not on the floor. It was in a plush hotel in New York City, being dined by some of the most successful businessmen that we have.

Mr. Speaker, wherever you are, whether it is old policy or Old Testament or New Testament, leave that beautiful hotel before you come back to your job and visit the lesser among us, visit those who are hungry, some without homes, without jobs, and without hope and see what is corrupt and immoral when we in this House have seen fit to cut from these people $69 billion.

Is this to reduce the deficit, is this for our national interests? No, it is for special interests.

Let us see who is immoral and who is corrupt.

REINVENTING WELFARE

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

Mrs. SEASTRAND. Mr. Speaker, reinventing welfare has been tried six times. The result: More and more spending, less and less results.

Today we will decide whether we want so-called reinvented welfare or whether we want fewer individuals on the cruel cycle of government dependence. Today, we decide if we believe those in our local communities know better how to help their own communities or whether Washington knows best. Today we decide between ending the welfare entitlement mentality or spending more money to perpetuate the current cruel welfare state.

Those of us who are ready to end the failed liberal welfare system have to stand up and cast a tough vote. The defenders of the current welfare state will accuse us of being cruel, not acknowledging that the current system turns welfare clients into its victims. Our vote will begin the process of changing a cruel welfare system into a system of hope, independence and opportunity based on the dignity of work and personal responsibility. We must act today.

CONCEPTS IN THE DEAL BILL WILL SURVIVE

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

Mr. LEVIN. Mr. Speaker, the Deal bill did not receive a majority of the votes yesterday but its basic concepts will survive, indeed prevail.

The potentially historic unanimous vote of Democrats on the Deal substitute resulted not only from hard work but mainly from its content.

In a word, Deal is mainstream, the House Republican version is extreme.

The status quo on welfare is dead; the question is what will replace it.

I predict that the version coming out of the Senate will be much closer to Deal than to the House Republican version.

As to work—the key to welfare reform—as the CBO has started, Deal will move people from welfare to work; the House Republican version is mainly a hollow promise.

Likewise on child and medical care for children of parents who should be required to move off of welfare to work.

The Senate also will not adopt the House Republicans' punitive provisions relating to children of teen mothers, second children; hundreds of thousands of seriously handicapped children; kids in foster care or up for adoption, as well as legal taxpaying immigrants.

Deal will indeed live another day.

SECRETARY CISNEROS SHOULD MAKE PUBLIC COPIES OF GIFT TAX RETURNS FOR YEARS IN QUESTION

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

Mr. SENSENBRENNER. Mr. Speaker, HUD Secretary Henry Cisneros had a reason to lie to the FBI when he told them that he never gave his former mistress more than $10,000 a year unless he filed gift tax returns reporting higher payments. Federal tax law gives individuals a $10,000 annual exemption from gift taxes to a single donee, or $20,000 if the donor's spouse joins in the gift.

Secretary Cisneros ought to make public copies of all gift tax returns for years he gave his former mistress more than $10,000. If he fails to do so, the Attorney General should broaden her request for an independent counsel to look into possible tax law violations by Cisneros.

A PROMISE OF SIMPLE DECENCY TO IMMIGRANTS

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

Mr. MENENDEZ. Mr. Speaker, yesterday, the chairman of the Ways and Means Committee pointed with pride to ancestors who came here not with their hands out, but to work.

I must ask the chairman, did any of his distinguished ancestors receive free government land?

The great State of Texas was founded by pioneers drawn there by government land grants. For example, in 1838, Texas gave one John Archer more than a thousand acres in Shelby County.

I guess that is not welfare.

We remember this history with pride because such grants brought to our shores people who built not only the State of Texas, but the wealthiest Nation on Earth.

The time for free land is over. But as the son of immigrants, I ask from the sons and daughters of earlier settlers a simple promise to those who came later: If you come here legally, if you work hard, if you pay your taxes, and abide by our laws, and fall on hard times through no fault of your own, you will be eligible to help your sick child, or infirm wife. That is simple human decency. We do not want land, we just want fairness.

HELPING AMERICANS GET OFF WELFARE

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

Mr. KINGSTON. Mr. Speaker, not long ago a fisherman off the coast of Savannah discovered if he sailed his boats to a certain spot each day and fed a school of dolphins that they would start gathering at that spot daily. Next he observed a lot of Yankees heading south on I–95 who had pockets and briefcases and purses full of money.

So, being an astute entrepreneur, he then put one and one together and he said, hey tourists, want to see some fish? For 20 bucks I will take you out in my boats. You will see hundreds of them, and for an extra 5 bucks I will throw in a fish head and you too can play Jacques Cousteau, and the tourists just kept pulling off I–95 and jamming the exit.

The fisherman was growing rich and the dolphins fat. Then enter Fish and Wildlife. Hold everything, they said, you cannot do this; you are making the fish dependent, you are disturbing their ability to fend for themselves. And they were right. It was not in the best long-term interests of the dolphins.

Question: Why do not we elevate people to the same status of dolphins? Let us consider what the welfare system is doing to our fellow man.

If the dolphin beaches itself, let us help it back out to the ocean. If a fellow American falls down, let us help him get back up, but let us not throw him in a hopeless mire of a welfare system that does not work.

SUFFER THE LITTLE CHILDREN

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

Ms. FURSE. Mr. Speaker, I have listened these past few days with growing disbelief to the things said by Republicans about welfare and welfare recipients. I ask my colleagues: Do you live in the same America the rest of us live in? Get out of your warm cars. Do as I do; walk, walk, on the streets of America because you will see homeless on the streets of America, and there are thousands and thousands of children who are homeless, and they are hungry, and they are cold, and they are frightened, and they live in America.

I have read so many stories about how religious so many of the new Members are, how they go to Bible study and prayer meetings, and I say to them remember what Christ said. He said: ''Suffer the little children to come unto me.''

I ask you, no I beg you, remember that quote and not make the little children suffer any more. Put the children first, not this phony contract with the wealthiest of Americans.

Vote ''no'' on this cruel welfare bill.

□ 1030

SUPPORT REAL CHANGE IN WELFARE

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

Mr. EWING. Mr. Speaker, I am tired of the misleading rhetoric from the other side of the aisle regarding welfare reform.

They talk about real welfare reform. They talk about being mean to children. That is just incorrect.

They would have us believe that every welfare family is an ''Ozzie and Harriet'' family, the family next door, fallen on hard times. Ladies and gentlemen, those families will still have welfare available to them if they need it.

Welfare reform is aimed at those who are on it for generations and who use the rewards for their personal pleasure, not to help their children.

It is time that if you really want welfare reform you quit saying it and put your actions where your words are. Do not just say you really want change when you really want to just throw more money at a failed system.

WHAT SHOULD THE AMERICAN PEOPLE BELIEVE?

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

Mr. CARDIN. Mr. Speaker, the Republicans claim that they will spend 4.5 percent more money on feeding children. They are outraged that we accuse them of cutting spending for kids.

But they have a problem. Because they also say they will spend less on food for kids—$6.5 billion less over 5 years. They plan to use the $6.5 billion to pay for tax cuts.

The Republicans say they are cutting bureaucrats, not food. But the entire annual cost to administer the Food and Nutrition Service is $146 million. At that rate, if we do not spend any money on bureaucrats, it will take 44 years to save $6.5 billion.

So what should the American people believe? The Republicans tell our children they are not cutting their school lunches, but they are using these savings to cut taxes for the wealthy.

I think the American people know what to believe.

HELPING THE PRESIDENT DELIVER ON HIS PROMISE

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

Mr. LAHOOD. This is it, America. Today is the day. We are going to pass welfare reform. We are going to give to the President what his own party for 2 years could not give him. We are going to give him the pledge that he made to all of America, the pledge that his own party could not help him deliver for 2 years. We are going to past welfare reform and reform a system that has been lousy.

We are going to require people to work. We are not going to reward people for having more children. We are going to reform a lousy system.

For 2 years the Democrats have controlled this House, the U.S. Senate, and the White House, and they could not deliver on their promise. So today we will do that.

And I know that there will be those on their side that will join us as we pass welfare reform, because they know it is a lousy system, it does not work, and they want to help their President deliver on his promist to end welfare as we know it.

WELFARE REFORM: DO NOT PUNISH CHILDREN

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

Mr. MASCARA. Mr. Speaker, it saddens me that the debate over welfare reform has not been more bipartisan.

It is clear that a majority of Members on both sides of the aisle agree the current system is broke and needs to be fixed.

All of us agree benefits should be limited, that recipients should be required to find work, and that illegitimate births should not be rewarded

But the proper way to resolve these problems is to reform the system, not to punish children for the indiscretions of their parents.

And that is exactly what we stand ready to do today, punish children by cutting back vital nutrition programs which have proven over the years to be so successful.

Last Monday, I had lunch with students at Charleroi Elementary School in my hometown. One-third of the school's 780 children receive free or reduced priced lunch.

During my visit, I also presented a flag frown over our Capitol to a fifth grade student who wrote a winning essay on ''What It Means To Be an American.''

The bill we are about to enact is un-American. It will ultimately cut funding and reduce the number of those children entitled to receive these lunches, in some cases their major source of nutrition for the day.

These children are our tomorrow. If we do not provide for them, we are turning our back on our future.

My colleagues on the other side of the aisle know this is not right. Vote ''no'' on H.R. 4.

Mr. Speaker, I include two winning essays for the RECORD.

WHAT IT MEANS TO ME TO BE AN AMERICAN

(By Jared Dumm)

I am proud to be an American because I live in the greatest country in the world. America fought hard to gain peace, freedom, and rights for all her citizens. I would like to describe what the letters in AMERICAN mean to me.

A is for America, the greatest, strongest country in the world.

M is for the monuments, built to remember our great leaders and events in our history.

E is for equality, which insures that, no matter what our color, nationality, or religion, we are treated fairly and equally.

R is for the respect and rights we have, including free speech, religion, press, and the right to assemble.

I is for independence, for which our armed services fought, so that we can stand united and strong against our enemies.

C is for the Constitution, the greatest document in the world, which protects and guarantees us life, liberty, and the pursuit of happiness.

A is for our anthem, ''The Star Spangled Banner,'' which makes us swell with pride when we hear it.

N is for our nation, the best in the world, where we can live in freedom and peace.

For all the above reasons, I feel very lucky and proud to be an American.

WHAT IT MEANS TO ME TO BE AN AMERICAN

(By Holly McLoy)

I'm only eleven years old but my mother has taught me to love my country. I admire the customs and traditions of my country. It makes me have a feeling that I belong.

If I were raised in another country I probably would be a much different person. As an American I can attend the church of my choice. If I lived in another country I may be forced to go to a church not of my choice.

I have the freedom of attending public school instead of being forced to attend school separated from my family.

As a child I respect the American flag. It is very special to me. The flag represents the United States of America. When the flag passes in a parade I place my hand over my heart.

As an American I feel free I can do as I please, I can choose between right and wrong and tell the difference between good and bad.

I am proud to be an American. When I attended a prade in Belle Verion honoring all the men and women who served their country in Operation Desert Storm I was sad and happy at the same time. I was happy the war wasover but sad for the ones that died. This occusin made me more aware that I was an American. America is a great land to live in.

REFORMING THE WELFARE PROGRAM

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

Mr. CHAMBLISS. Mr. Speaker, today is truly a historic day in the House as it is on the verge of doing what should have been done many years ago, reform a welfare program that does not work for the poorest Americans.

The Republican welfare reform bill will cap benefits and allow States to decide for themselves how to prioritize their resources. Our bill tightens up enforcement provisions against deadbeat dads, encourages welfare recipients to work, and discourages illegitimacy.

I have a message for the other side of the aisle and it is the same message the American people sent last November: The time has come to reassess the Federal Government's role in the lives of the American people. That means making the tough decisions and learning for the first time in Washington to say ''No.''

Mr. Speaker, our position is clear: The new majority is passing its contract. Bills that matter to the American people. Meanwhile, the minority is reduced to scare-tactics aimed at children and the elderly.

Mr. Speaker, the wheels are not coming off this contract, they are just beginning to turn.

THE LINE-ITEM VETO

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

Mr. WILLIAMS. Mr. Speaker, my colleagues, have you seen the line-item veto bill that the Senate passed last night? In order to take care of their concerns, their legitimate concerns, that some of us in the House share about the potential unconstitutional nature of allowing a President a line-item veto, of allowing a President to reach inside of an appropriation bill and strike a section of it, in order to get around that constitutional provision, they passed a line-item veto bill which would require the President to veto not 1 of 13 appropriation bills that we would send him; we would now send him one bill for every item appropriated.

We would now, under line-item veto, send the President a minimum of 10,000 appropriations bills, 10,000 appropriation bills instead of the current 13.

I think that, instead of trying to find Rube Goldberg convoluted ways to subvert the Constitution, we ought to pay more attention to trying to discipline our own spending habits.

BREAKING THE CYCLE OF DEPENDENCY

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

Mr. FOX of Pennsylvania. Mr. Speaker, our current welfare system erodes the basic building blocks of our society, discourages work, destroys families, and forces reliance on the Government.

Just since 1989, the welfare rolls have grown 31 percent.

As President Franklin Delano Roosevelt said in 1935, to dole out relief is to administer a narcotic, a subtle destroyer of the human spirit.

That is why we are here this week, to break the cycle of dependency created by the narcotic of welfare and restore hope and independence to millions of Americans. The Republican welfare reform plan would help able-bodied people come off welfare with job counseling, job training, and job placement.

It increases funding for school nutrition programs, day care for children, and WIC, and lets States decide how best to run their own welfare program. It eliminates discriminatory delays in adoption.

That is sound, compassionate policy, Mr. Speaker. It is time we applied the principles of family, work, and self-reliance that built our country. The Republican welfare reform plan moves us significantly in this direction.

For the sake of our children and grandchildren, let us reform welfare now.

CONTRACT AGAINST AMERICA'S CHILDREN AND FAMILIES

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

Mr. RUSH. Mr. Speaker, last night we witnessed an all-out war waged by the Republican majority against the most vulnerable of our society, our impoverished children.

My colleagues on the other side of the aisle will tell us that block grants will actually provide more services for less money.

Well, Mr. Speaker, let me tell the American people that this is not the case.

Under the Republican plan, actual disbursement funds for school lunches and WIC programs will be cut by more than $2 billion.

Over the past several weeks I have received thousands of letters, cards, and drawings from young children in my district, who under this plan, will be forced to carry the burden of tax cuts for the wealthy on their tiny shoulders. They tell me how much they need these programs to grow up healthy and strong. They tell me that without school lunches they will go to school hungry and not ready to learn.

Mr. Speaker, we are witnessing an all-out attack on the most defenseless of our society by the majority party in Congress. We must make a stand against these callous actions. We cannot let the poor and the hungry in the Nation fall victim to this outdated and cold-hearted legislative agenda.

SUPPORT AND PASS THE NEW WELFARE REFORM PACKAGE

(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, this country has spent $5 trillion over the last 30 years on a system that has produced more people than ever in poverty. It is a broken system that teaches exactly the wrong things. It is antiwork, it is antiproperty, and it is antifamily.

Because of this system, we have condemned second and third generations to the same life of poverty, not only financial poverty but poverty of spirit.

People need to work. You cannot have self-esteem without accomplishment. You cannot have accomplishment without work.

Let us give our people hope, dignity through work. Let us pass H.R. 4, the new welfare reform package.

THE DEAL SUBSTITUTE SOLVED THE WELFARE MESS

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

Mr. DURBIN. Mr. Speaker, everyone concedes, Democrat, Republican, and Independent alike, that the welfare system in America is a failure. My political party, the Democrats, should not be so proud that they do not concede that fact as well. But the Republicans should not be so spiteful or short-sighted as to believe that just ending or getting tough on welfare will solve the problem.

We have got to take people off of welfare and put them to work. That is why we had 205 Members, 1 courageous Republican, and all of the Democrats on this side of the aisle who voted, voted for the Deal substitute last night. Liberals, conservatives came together and said, ''Let us put people to work.''

Why does the Republican welfare reform bill fail when it comes to work? Because they will not invest money in education, training, day care, the obvious things you need to bring someone off welfare.

What do the Republicans do with the money they save from their welfare reform? They put it into a tax cut, a tax cut for the privileged few. Now, does that make sense?

If we are going to solve the welfare mess for good, take people off welfare permanently. We need to put them to work. The Deal substitute did it. The Republican welfare plan does not.

TIME TO CHANGE THE WELFARE SYSTEM

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

Mr. RIGGS. Mr. Speaker and my colleagues, it is hard to know what to make of my liberal colleagues as they come to the well and ooze compassion and sport their politically correct ties, when they claim they want to end welfare as we know it. After all, they had ample opportunity to change to system during the last 2 years when they controlled both Houses of Congress and the White House.

But the sad fact is they do not want to change the welfare system, because they like it. They like it because it is good for them politically, and the truth of the matter is that the welfare bureaucracy and welfare recipients have become a core constituency of the national Democratic Party.

The American people know the current welfare system is a disaster, especially for children. Children on welfare do worse in school. They tend to have more developmental problems, and they are far more likely to end up on welfare themselves.

How can my liberal colleagues come down here and defend the current welfare systems, one which promotes intergenerational dependency on welfare, which leads to family disintegration and soaring rates of illegitimacy? How can they look the American people in the eye and say we need more of the same?

It is time to change the welfare system in America, Mr. Speaker, and change it we will for the children of this country.

CHILDREN WILL BE HURT BY THE REPUBLICAN WELFARE REFORM PROPOSAL

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

Mr. GENE GREEN of Texas. Mr. Speaker, today Congress will pass a welfare bill that will cut $35.1 million out of the school lunches in the State of Texas, according to my outside-the-beltway analysis from our State comptroller in Texas.

Today the Republican majority will rejoice, but the children will be hurt. Many of my Democratic Members have been sporting ties and scarves from Save the Children, and I even heard this morning one Republican Member offered to have a secondary market in used ties.

But I am going to save mine until October and November of 1996, so when the kids start getting their lunches taken away from them, the voters will remember in November who took those lunches away.

MEANINGFUL WELFARE REFORM TODAY

(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, the gentlewoman from Oregon offered us a scriptural admonition this morning. She quoted the words of Jesus Christ, ''Suffer the little children and let them come unto me.'' No interpretation, no translation of that scripture have I seen that ever said, ''Let them go unto a Federal Government.''

Mr. Speaker, it is a simple fact, liberal Democrats oppose changing this welfare state. It suits them just fine. They created it, and they have supported it since the 1960's.

Despite the overwhelming evidence that welfare has played a major role in the breakdown of American society, liberal Democrats continue their love affair with this failed system. They seem willing to do anything to defend this failed welfare state, including a curious inability to properly count wholesale distortion of facts and shameful name-calling.

Mr. Speaker, the good news today is that the liberal Democrats' days are numbered. They no longer have a monopoly over this Congress, and their pals in the media can count fewer and fewer followers. The only refuge now for these liberal Democrats is the bureaucracy, but even this will not escape the glare of public scrutiny.

The American people have grown tired of seeing this Federal Government become the charity of first resort. Today we will have meaningful welfare reform.

□ 1045

EFFECTS OF THE REPUBLICAN WELFARE PLAN ON FLORIDA

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

Mrs. THURMAN. Mr. Speaker, the Deal bill was not about the status quo. But let me tell you what the Republicans do to my State of Florida, and I hope my colleagues from Florida are listening also.

Block-granting cash assistance for needy families will result in Florida receiving $412 million less.

Block-granting Federal funding for abused and neglected children and children in foster care, Florida lost $121 million. Repealing nutrition programs including school lunch and WIC for needy families and replacing them with a lump sum capped at less than the rate of inflation will result in $338 million less to Florida. The Republican plan would impose a rigid cap on food stamp spending allowing no adjustments for economic slumps. As a result, a $1.2 billion loss to Florida. These are just a few of the cuts. When you add them up, Florida will lose $3.87 billion.

Mr. Speaker, it is not about change on that side, it is not about change, it is about our children. We are not talking about status quo here.

CURRENT WELFARE SYSTEM IS CRUEL TO CHILDREN

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

Ms. DUNN of Washington. Mr. Speaker, over the last few days we have spent a great deal of time listening to opponents of the Republican welfare overhaul talking about how cruel this bill is to children. Mr. Speaker, let me tell you what cruelty is. Cruelty is the current welfare system that has wasted $5 trillion of taxpayer money and yet has failed to lift children from poverty.

Cruelty is the current welfare system that condemns so many of these children to a life surrounded by crime and violence and lack of ambition.

Cruelty is the current welfare system that condemns the children of these children to face the same circumstances in an endless cycle of poverty and hopelessness.

Mr. Speaker, let me tell you what the most cruel and mean-spirited act of all is: It is the cruelty found in the current liberal opposition to our bill. The liberals in Congress built this current welfare system, the system is a failure.

Today the Congress will overhaul this failed system and end cruelty to children.

WELFARE REFORM

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

Ms. MCKINNEY. Mr. Speaker, as the Gingrich Republicans prepare for their blitzkrieg against the poor, and say things that I hope they do not mean, I would like to read a letter from one of their supporters, obviously inspired by their rhetoric.

The letter reads:

> After watching your Negro boss do her jungle act about bringing back the brown shirts, I think we need some color shirts to control these Negro females who pop out ——— Negro children like monkeys in the jungle. No, I think the monkeys are more civilized. We real Americans don't intend to support ——— Negro children who live like rats in a hole and don't have a chance to become human. The welfare system is the cause. Even whites are becoming trash just like Negroes who pop out all these ——— Negro children. Don't you understand that we Americans are trying to civilize you? Why do you fight it so hard? The jungle is in Africa, though you have turned D.C. into an American jungle. Grow up and become an American.

Mr. Speaker, the spirit of GOP welfare reform lives in these words.

TERM LIMITS

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

Mr. COOLEY. Mr. Speaker, as a strong supporter of term limits, I have underscored my commitment by cosponsoring several measures that would allows States to determine their own limits on U.S. Representatives while ensuring that some measure of limitation would be placed on Representatives whose States did not enact term limits.

I and most of my colleagues want term limits. I also have no desire whatsoever to preempt States Law.

However, I have no intention of letting this historic opportunity pass us by. I would hope that the scorched-earth critics who will accept no less than their position also see the light. We may not always agree on the number of years but, we do agree on the necessity of limits.

More importantly, I believe that the people who elected us realize that we do not live in a perfect world. They realize that some limits are better than no term limits at all.

Mr. Speaker, I hope that during the debate on term limits we will not lose sight of our ultimate goal—to enact term limits that will return this body to the people.

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, today the debate in the House on the Personal Responsibility Act will conclude.

One of the issues that remains as a point of contention is whether the Personal Responsibility Act cuts or increases spending for child nutrition programs.

When we spend less, that is a ''cut.''

The Republican majority calls these cuts ''savings.''

But, while insisting on calling them savings, they refuse to apply the money to deficit reduction.

Instead, they intend to apply these savings to tax cuts for the wealthiest Americans.

It may seem confusing—however—let me summarize.

The Republicans say their bill will ''increase'' spending. To increase spending, they want to ''reduce'' spending and call a cut a savings—but instead of applying the savings to reduce the deficit, they want to apply the savings to a tax cut. By applying the savings to a tax cut—they will increase spending. Does that make it more clear?

Some refer to this logic as ''sincere confusion.''

In my State of North Carolina, we call it sleight of hand.

If it was not so sad, it would be very funny.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CUNNINGHAM). This concludes the 1-minutes this morning. Further 1-minutes will be taken at the end of legislative business.

PERSONAL RESPONSIBILITY ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 119 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4.

□ 1057

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 further consideration of the bill (H.R. 4) to restore the American family, reduce illegitimacy, control welfare spending and reduce welfare dependence, with Mr. LINDER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, March 23, 1995, the amendment in the nature of a substitute consisting of the text of H.R. 1267 offered by the gentleman from Georgia [Mr. DEAL], had been disposed of.

For what purpose does the gentlewoman from Hawaii [Mrs. MINK] rise?

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. MINK OF HAWAII

Mrs. MINK of Hawaii. Mr. Chairman, pursuant to the rule, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mrs. MINK of Hawaii:

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Family Stability and Work Act of 1995''.

SEC. 2. REFERENCE TO SOCIAL SECURITY ACT.

Except as otherwise specifically provided, wherever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

SEC. 3. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Reference to Social Security Act.
Sec. 3. Table of contents.

TITLE I—IMPROVING AID TO FAMILIES WITH DEPENDENT CHILDREN

Sec. 101. Increase in standard earned income disregard.
Sec. 102. Increase in State flexibility regarding recipient participation in jobs program.
Sec. 103. Elimination of different treatment of 2-parent families.
Sec. 104. Extension of transitional child care guarantee.
Sec. 105. Increase in Federal matching rates for child care.
Sec. 106. Increase in jobs program funding.
Sec. 107. Requirement with respect to jobs program participation rate.
Sec. 108. Increase in matching rates for States whose recipients leave AFDC for paid employment.
Sec. 109. Increase in at-risk child care funding.
Sec. 110. Improvements in jobs program self-sufficiency planning and case management.
Sec. 111. Change in mandatory services and activities under the jobs program.
Sec. 112. Jobs creation and work experience program.
Sec. 113. Provisions generally applicable to the jobs program.

TITLE II—MAKING WORK PAY

Sec. 201. Transitional medicaid benefits.
Sec. 202. Temporary exclusion of earned income for purposes of determining rent paid for units in federally assisted housing.
Sec. 203. Continuation of food stamp benefits.

TITLE III—IMPROVING CHILD SUPPORT ENFORCEMENT

Subtitle A—Eligibility and Other Matters Concerning Title IV–D Program Clients

Sec. 301. State obligation to provide paternity establishment and child support enforcement services.
Sec. 302. Distribution of payments.
Sec. 303. Due process rights.
Sec. 304. Privacy safeguards.

Subtitle B—Program Administration and Funding

Sec. 311. Federal matching payments.
Sec. 312. Performance-based incentives and penalties.
Sec. 313. Federal and State reviews and audits.
Sec. 314. Required reporting procedures.
Sec. 315. Automated data processing requirements.
Sec. 316. Director of CSE program; staffing study.
Sec. 317. Funding for secretarial assistance to State programs.
Sec. 318. Reports and data collection by the Secretary.

Subtitle C—Locate and Case Tracking

Sec. 321. Central State and case registry.
Sec. 322. Centralized collection and disbursement of support payments.
Sec. 323. Amendments concerning income withholding.
Sec. 324. Locator information from interstate networks.
Sec. 325. Expanded Federal Parent Locator Service.
Sec. 326. Use of social security numbers.

Subtitle D—Streamlining and Uniformity of Procedures

Sec. 331. Adoption of uniform State laws
Sec. 332. Improvements to full faith and credit for child support orders.
Sec. 333. State laws providing expedited procedures

Subtitle E—Paternity Establishment

Sec. 341. State laws concerning paternity establishment.
Sec. 342. Outreach for voluntary paternity establishment.

Subtitle F—Establishment and Modification of Support Orders
Sec. 351. National Child Support Guidelines Commission.
Sec. 352. Simplified process for review and adjustment of child support orders.
Subtitle G—Enforcement of Support Orders
Sec. 361. Federal income tax refund offset.
Sec. 362. Internal revenue service collection of arrears.
Sec. 363. Authority to collect support from Federal employees.
Sec. 364. Enforcement of child support obligations of members of the Armed Forces.
Sec. 365. Motor vehicle liens.
Sec. 366. Voiding of fraudulent transfers.
Sec. 367. State law authorizing suspension of licenses.
Sec. 368. Reporting arrearages to credit bureaus.
Sec. 369. Extended statute of limitation for collection of arrearages.
Sec. 370. Charges for arrearages.
Sec. 371. Denial of passports for nonpayment of child support.
Sec. 372. International child support enforcement.
Subtitle H—Medical Support
Sec. 381. Technical correction to ERISA definition of medical child support order.
Subtitle I—Effect of Enactment
Sec. 391. Effective dates.
Sec. 392. Severability.
TITLE IV—REAUTHORIZATION OF CHILD CARE AND DEVELOPMENT BLOCK GRANT
Sec. 431. Reauthorization of child care and development block grant.
TITLE V—AMENDMENTS TO THE INTERNAL REVENUE CODE
Sec. 501. Increase in top marginal rate under section 11.
TITLE VI—EFFECTIVE DATE
Sec. 601. Effective date.

TITLE I—IMPROVING AID TO FAMILIES WITH DEPENDENT CHILDREN

SEC. 101. INCREASE IN STANDARD EARNED INCOME DISREGARD.

Clause (ii) of section 402(a)(8)(A) (42 U.S.C. 602(a)(8)(A)(ii)) is amended by striking ''$90'' and inserting ''$170''.

SEC. 102. INCREASE IN STATE FLEXIBILITY REGARDING RECIPIENT PARTICIPATION IN JOBS PROGRAM.

(a) CHANGES IN STATE PLAN REQUIREMENTS.—Paragraph (19) of section 402(a) (42 U.S.C. 602(a)(19)) is amended to read as follows:

''(19) provide—

''(A) that the State has in effect and operation a job opportunities and basic skills training program which meets the requirements of part F;

''(B) that, not later than 30 days after approving the application of a family for aid under the State plan approved under this part, the State shall—

''(i) conduct an initial assessment of the self-sufficiency needs of the family that includes an assessment of the family circumstances, the educational, child care, and other supportive services needs, and the skills, prior work experience, and employability of each recipient;

''(ii) determine whether it would be appropriate to require or permit any member of the family to participate in the program of the State under part F; and

''(iii) advise the family of the availability of child care assistance under section 402(g) for participation in education, training, and employment;

''(C) that—

''(i) the costs of attendance by a recipient at an institution of higher education (as defined in section 481(a) of the Higher Education Act of 1965), or a school or course of vocational or technical training, shall not constitute federally reimbursable expenses for purposes of section 403; and

''(ii) the costs of day care, transportation, and other services which are necessary (as determined by the State agency) for such attendance in accordance with section 402(g) are eligible for Federal reimbursement so long as the recipient is making satisfactory progress in such institution, school, or course and such attendance is consistent with the employment goals in the recipient's self-sufficiency plan developed under part F;

''(D) that—

''(i) if an individual who is required by the State to participate in the program of the State under part F fails without good cause to participate or refuses without good cause to accept employment in which such individual is able to engage which is offered through the public employment offices of the State, or is otherwise offered by an employer if the offer of such employer is determined to be a bona fide offer of employment—

''(I) the family of the individual shall cease to be eligible for aid under this part; unless

''(II) such individual is a member of a family in which both parents are living at home, and his or her spouse has not failed to comply under this clause, in which case the needs of such individual shall not be taken into account in making the determination with respect to his or her family under paragraph (7) of this subsection;

''(ii) any sanction described in clause (i) shall continue until the failure to comply ceases;

''(iii) no sanction shall be imposed under this subparagraph—

''(I) on the basis of the refusal of an individual to accept any employment (including any employment offered under the program), if the employment does not pay at least the Federal minimum wage under section 6(a) of the Fair Labor Standards Act of 1938; or

''(II) on the basis of the refusal of an individual to participate in the program or accept employment (including any employment offered under the program), if child care (or day care for any incapacitated individual living in the same home as a dependent child) is necessary for an individual to participate in the program or accept employment, such care is not available, and the State agency fails to provide such care; and

''(H) the State agency may require a participant in the program to accept a job only if such agency assures that the family of such participant will experience no net loss of cash income resulting from acceptance of the job; and any costs incurred by the State agency as a result of this subparagraph shall be treated as expenditures with respect to which section 403(a)(1) or 403(a)(2) applies;''.

(b) CHANGE IN PAYMENT TO STATES.—Section 403(l) (42 U.S.C. 603(l)) is amended by striking paragraph (2).

SEC. 103. ELIMINATION OF DIFFERENT TREATMENT OF 2-PARENT FAMILIES.

(a) IN GENERAL.—Section 402(a) (42 U.S.C. 602(a)) is amended by striking paragraph (41).

(b) CONFORMING AMENDMENTS.—

(1) Section 402(a)(38)(B) (42 U.S.C. 602(a)(38)(B)) is amended by striking ''or in section 407(a)''.

(2) Section 402(a) (42 U.S.C. 602(a)) is amended by striking paragraph (42).

(3) Section 402(g)(1)(A)(ii) (42 U.S.C. 602(g)(1)(A)(ii)) is amended by striking ''hours of, or increased income from,'' and inserting ''income from''.

(4) Section 406(a)(1) (42 U.S.C. 606(a)(1)) is amended by striking ''who has been deprived'' and all that follows through ''incapacity of a parent''.

(5) Section 406(b)(1) (42 U.S.C. 606(b)(1)) is amended by striking ''and if such relative'' and all that follows through ''section 407''.

(6) Section 407 (42 U.S.C. 607) is hereby repealed.

(7) Section 472(a) (42 U.S.C. 672(a)) is amended by striking ''or of section 407''.

(8) Section 473(a)(2)(A)(i) (42 U.S.C. 672(a)(2)(A)(i)) is amended by striking ''or section 407''.

(9) Section 1115(b) (42 U.S.C. 1315(b)) is amended by striking paragraph (5).

(10) Section 1115 (42 U.S.C. 1315) is amended by striking subsection (d).

(11) Section 1902(a)(10)(A)(i) (42 U.S.C. 1396a(a)(10)(A)(i)) is amended by striking subclause (V) and by redesignating subclauses (VI) and (VII) as subclauses (V) and (VI), respectively.

(12) Section 1905 (42 U.S.C. 1396d) is amended by striking subsection (m).

(13) Section 1905(n)(1) (42 U.S.C. 1396d(n)(1)) is amended—

(A) in subparagraph (A)—

(i) by striking ''(or'' and all that follows through ''407)''; and

(ii) by adding ''or'' at the end; and

(B) by striking subparagraph (B).

(14) Section 1925(a) (42 U.S.C. 1396r–6(a)) is amended by striking ''hours of, or income from,'' and inserting ''income from''.

(15) Section 204(b)(2) of the Family Support Act of 1988 (42 U.S.C. 681 note) is amended by striking the semicolon and all that follows through ''1998''.

SEC. 104. EXTENSION OF TRANSITIONAL CHILD CARE GUARANTEE.

Clause (iii) of section 402(g)(1)(A) (42 U.S.C. 602(g)(1)(A)(iii)) is amended to read as follows:

''(iii) A family shall only be eligible for child care provided under clause (ii)—

''(I) for a period of 24 months after the last month for which the family received aid to families with dependent children under this part; or

''(II) until the income of the family exceeds by more than 200 percent the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved;

whichever occurs first.''.

SEC. 105. INCREASE IN FEDERAL MATCHING RATES FOR CHILD CARE.

(a) AFDC AND TRANSITIONAL CHILD CARE.—

(1) INCREASE IN RATES FOR SEVERAL STATES AND DISTRICT OF COLUMBIA.—Clause (i) of section 402(g)(3)(A) (42 U.S.C. 602(g)(3)(A)(i)) is amended by striking ''1905(b)).'' and inserting ''1905(b)), increased by 10 percentage points.''.

(2) INCREASE IN RATES FOR OTHER STATES.—Clause (ii) of section 402(g)(3)(A) (42 U.S.C. 602(g)(3)(A)(ii)) is amended by striking ''1118).'' and inserting ''1118), increased by 10 percentage points.''.

(b) AT-RISK CHILD CARE.—Subparagraph (A) of section 403(n)(1) (42 U.S.C. 603(n)(1)(A)) is amended by inserting ''increased by 10 percentage points'' before ''of the expenditures''.

SEC. 106. INCREASE IN JOBS PROGRAM FUNDING.

Paragraph (3) of section 403(k) (42 U.S.C. 603(k)(3)) is amended—

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

(2) in subparagraph (F), by striking ''and each succeeding fiscal year,'' and inserting a comma at the end; and

(3) by inserting after subparagraph (F) the following:

''(G) $1,500,000,000 in the case of fiscal year 1997,

''(H) $1,900,000,000 in the case of fiscal year 1998,

''(I) $2,800,000,000 in the case of fiscal year 1999,

''(J) $3,700,000,000 in the case of fiscal year 2000, and

''(K) $5,000,000,000 in the case of fiscal year 2001,''.

SEC. 107. REQUIREMENT WITH RESPECT TO JOBS PROGRAM PARTICIPATION RATE.

(a) REQUIREMENT.—Section 402 (42 U.S.C. 602) is amended by inserting after subsection (c) the following:

''(d)(1) With respect to the program established by a State under part F, the State shall achieve a participation rate for the following fiscal years of not less than the following percentage:

''Fiscal year:	Percentage:
1997	15
1998	20
1999	25
2000	30
2001	35
2002	40
2003 or later	50.

''(2) As used in this subsection, the term 'participation rate' means, with respect to a State and a fiscal year, an amount equal to—

''(A) the average monthly number of individuals who, during the fiscal year, participate in the State program established under part F; divided by

''(B) the average monthly number of individuals who, during the fiscal year, are adult recipients of aid under the State plan approved under part A or participate in the State program established under part F.

''(3) Each State that operates a program under part F for a fiscal year shall submit to the Secretary a report on the participation rate of the State for the fiscal year.

''(4)(A) If a State reports that the State has failed to achieve the participation rate required by paragraph (1) for the fiscal year, the Secretary may make recommendations for changes in the State program established under part F. The State may elect to follow such recommendations, and shall demonstrate to the Secretary how the State will achieve the required participation rates.

''(B) Notwithstanding subparagraph (A), if a State fails to achieve the participation rate required by paragraph (1) for 2 consecutive fiscal years, the Secretary may require the State to make changes in the State program established under part F.''.

(b) CHANGE IN PAYMENT TO STATES.—Section 403(l) (42 U.S.C. 603(l)) is amended by striking paragraphs (3) and (4).

SEC. 108. INCREASE IN MATCHING RATES FOR STATES WHOSE RECIPIENTS LEAVE AFDC FOR PAID EMPLOYMENT.

(a) INCREASE IN JOBS MATCHING RATE.—Section 403(l) (42 U.S.C. 603(l)), as amended by section 102(b), is amended by inserting after paragraph (1) the following:

''(2)(A) Notwithstanding paragraph (1), the Secretary shall pay to a State, with respect to expenditures made by the State that are described in paragraph (1)(A)(ii)(II), an amount equal to the greater of 70 percent or the Federal medical assistance percentage (as defined in section 1118 in the case of any State to which section 1108 applies, or as defined in section 1905(b) in the case of any other State) increased by 10 percent if the number of qualified families with respect to the State for a fiscal year equals or exceeds the proportion specified in subparagraph (B) for such year of the total number of individuals participating in the State program established under part F during such year.

''(B) The proportion specified in this subparagraph is—

''(i) ¼ for fiscal year 1998;

''(ii) ⅓ for fiscal year 1999;

''(iii) ½ for fiscal year 2000, and for each fiscal year thereafter.

''(C) For purposes of subparagraph (A), the term 'qualified family' means, with respect to a State for a fiscal year, a family—

''(i) that was receiving aid from the State under this part during such year;

''(ii) a member of which ceased to participate in the State program established under part F during such year as the result of the employment of such member in a job (other than a job provided under the job creation and work experience program under section 482(e)); and

''(iii) ceased to receive such aid as a result of such employment.''

(b) INCREASE IN TRANSITIONAL CHILD CARE RATE.—Paragraph (3) of section 402(g) (42 U.S.C. 602(g)(3)) is amended by adding at the end the following:

''(C) Notwithstanding subparagraph (A), in the case of amounts expended for child care pursuant to paragraph (1)(A)(ii) by any State that satisfies the requirement in section 403(l)(2)(A), the applicable rate for purposes of section 403(a) shall be the percentage specified in subparagraph (A) for such amounts, increased by 10 percentage points.''.

SEC. 109. INCREASE IN AT-RISK CHILD CARE FUNDING.

Subparagraph (B) of section 403(n)(2) (42 U.S.C. 603(n)(2)(B)) of the Social Security Act is amended—

(1) in clause (iv), by striking ''and'' at the end;

(2) in clause (v), by striking ''1995, and for each fiscal year thereafter.'' and inserting ''1995;''; and

(3) by adding at the end the following:

''(vi) $300,000,000 for fiscal year 1996;

''(vii) $800,000,000 for fiscal year 1997;

''(viii) $1,300,000,000 for fiscal year 1998;

''(ix) $1,800,000,000 for fiscal year 1999;

''(x) $2,300,000,000 for fiscal year 2000; and

''(xi) $2,800,000,000 for fiscal year 2001.''.

SEC. 110. IMPROVEMENTS IN JOBS PROGRAM SELF-SUFFICIENCY PLANNING AND CASE MANAGEMENT.

Section 482(b) (42 U.S.C. 682(b)) is amended—

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

''(b) SELF-SUFFICIENCY PLAN.—'';

(2) by striking paragraph (1)(A), redesignating paragraph (1)(B) as paragraph (1)(A), and adjusting the placement and margins of paragraph (1)(A) (as so redesignated) accordingly;

(3) in paragraph (1)(A) (as redesignated by paragraph (2))—

(A) by striking ''such assessment,'' and inserting ''the initial assessment of self-sufficiency under section 402(a)(19)(B),''; and

(B) by striking ''employability plan'' each place such term appears and inserting ''self-sufficiency plan'';

(4) in paragraph (2)—

(A) by striking ''initial assessment and review and the development of the employability plan'' and inserting ''initial assessment of self-sufficiency and the development of the self-sufficiency plan'';

(B) by striking ''the State agency may require'' and inserting ''the State agency shall require''; and

(C) by striking ''If the State agency exercises the option under the preceding sentence, the State agency must'' and inserting ''The State agency must''; and

(5) in paragraph (3)—

(A) by striking ''may assign'' and inserting ''shall assign''; and

(B) by adding at the end the following:

''Case management services under this paragraph shall continue for a period of not fewer than 90 days after a participant becomes employed, and, at the option of the State, the State may extend such period to not more than 365 days.''.

SEC. 111. CHANGE IN MANDATORY SERVICES AND ACTIVITIES UNDER THE JOBS PROGRAM.

(a) MANDATORY AND PERMISSIBLE SERVICES AND ACTIVITIES.—Subparagraph (A) of section 482(d)(1) (42 U.S.C. 682(d)(1)(A)) is amended to read as follows:

''(d) SERVICES AND ACTIVITIES UNDER THE PROGRAM.—(1)(A) In carrying out the program, each State shall make available a broad range of services and activities to aid in carrying out the purpose of this part. Such services and activities—

''(i) shall include—

''(I) educational activities (as appropriate), including high school or equivalent education (combined with training as needed), basic and remedial education to achieve a basic literacy level, and education for individuals with limited English proficiency;

''(II) job skills training;

''(III) job readiness activities to help prepare participants for work;

''(IV) job development and job placement;

''(V) a job creation and work experience program as described in subsection (e); and

''(VI) group and individual job search as described in subsection (f); and

''(ii) may include—

''(I) on-the-job training; and

''(II) any other work experience program approved by the Secretary.''.

(b) ELIMINATION OF REQUIREMENT WITH RESPECT TO CERTAIN EDUCATIONAL ACTIVITIES.—Section 482(d) (42 U.S.C. 682(d)) is amended—

(1) by striking paragraph (2); and

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

SEC. 112. JOBS CREATION AND WORK EXPERIENCE PROGRAM.

Section 482 (42 U.S.C. 682) is amended—

(1) by striking subsections (e) and (f);

(2) by redesignating subsections (g), (h), and (i) as subsections (f), (g), and (h); and

(3) by inserting after subsection (d) the following:

''(e) JOBS CREATION AND WORK EXPERIENCE PROGRAM.—

''(1) IN GENERAL.—In carrying out the program, each State shall establish a jobs creation and work experience program in accordance with this subsection.

''(2) GENERAL REQUIREMENTS.—A jobs creation and work experience program is a program that provides employment in the public sector or in the private sector in accordance with the following requirements:

''(A) PARTICIPATION.—A State shall require an individual to participate in the jobs creation and work experience program if the individual—

''(i) is eligible to receive aid under the State plan approved under part A;

''(ii) is prepared to commence employment, as determined under the self-sufficiency plan developed for the individual under subsection (b)(1)(A); and

''(iii) has demonstrated that the individual is not otherwise able to obtain employment in the public or private sectors.

''(B) PERIODIC JOB SEARCH REQUIRED.—As a continuing condition of eligibility to participate in the jobs creation and work experience program, each participant in the program shall periodically engage in job search.

''(C) ENTRY-LEVEL POSITIONS.—

''(i) IN GENERAL.—Subject to clause (ii), the jobs creation and work experience program shall provide entry-level positions, to the extent practicable.

''(ii) NO INFRINGEMENT ON PROMOTIONAL OPPORTUNITIES.—A job shall not be created in a promotional line that will infringe in any way upon the promotional opportunities of

persons employed in jobs not subsidized under this subsection.

''(D) MAXIMUM PERIOD OF SUBSIDIZED EMPLOYMENT AT SAME POSITION.—The jobs creation and work experience program shall not permit an individual to remain in the program for more than 24 months.

''(E) MINIMUM WAGE REQUIREMENT.—An individual participating in the jobs creation and work experience program may not be required to accept any employment if the wage rate for such employment does not equal or exceed the minimum wage rate then in effect under section 6 of the Fair Labor Standards Act of 1938.

''(3) WAGES TREATED AS EARNED INCOME.—Wages paid under a program established under this subsection shall be considered to be earned income for purposes of any provision of law.

''(4) PRESERVATION OF ELIGIBILITY FOR CHILD CARE ASSISTANCE AND MEDICAID BENEFITS.—Any individual who becomes ineligible to receive aid under a State plan approved under part A by reason of income from employment provided under a program established under this subsection to the caretaker relative of the family of which the individual is a member shall for purposes of eligibility for child care benefits under section 402(g)(1)(A)(i) and for purposes of eligibility for medical assistance under the State plan approved under title XIX, be considered to be receiving such aid for so long as the subsidized employment provided to the individual under this subsection continues.''.

SEC. 113. PROVISIONS GENERALLY APPLICABLE TO THE JOBS PROGRAM.

Section 484 (42 U.S.C. 684) is amended by striking subsections (b), (c), and (d) and inserting the following:

''(b)(1)(A) Funds provided for a program established under section 482 may be used only for programs that do not duplicate any employment activity otherwise available in the locality of the program.

''(B) Funds provided for a program established under section 482 shall not be paid to a private entity to conduct activities that are the same or substantially equivalent to activities provided by a State in which the entity is located or by an agency of local government with jurisdiction over the locality in which the entity is located, unless the requirements of paragraph (2) are met.

''(2)(A) An employer shall not displace an employee or position, including partial displacement such as reduction in hours, wages, or employment benefits, as a result of the use by the employer of a participant in a program established under section 482.

''(B) No work assignment under a program established under section 482 shall result in any infringement of the promotional opportunities of any employed individual.

''(C)(i) A participant in a program established under section 482(e) shall not perform any services or duties or engage in activities that would otherwise be performed by an employee as part of the assigned duties of the employee.

''(ii) A participant in a program established under section 482 shall not perform any services or duties or engage in activities that—

''(I) will supplant the hiring of employed workers; or

''(II) are services, duties or activities with respect to which an individual has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures.

''(iii) A participant in a program established under section 482 shall not perform services or duties that have been performed by or were assigned to any—

''(I) presently employed worker if the participant is in a program established under section 482(e);

''(II) employee who recently resigned or was discharged;

''(III) employee who—

''(aa) is the subject of a reduction in force; or

''(bb) has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures;

''(IV) employee who is on leave (terminal, temporary, vacation, emergency, or sick); or

''(V) employee who is on strike or is being locked out.

''(c)(1) Sections 142(a), 143(a)(4), 143(a)(5), and 143(c)(2) of the Job Training Partnership Act shall apply to employment provided through any program established under section 482 of this Act.

''(2) Sections 130(f) and 176(f) of the National and Community Service Act of 1990 shall apply to employment provided through any program established under section 482 of this Act.

''(d)(1) A participant in a program established under subsection (e) of section 482 may not be assigned to fill any established unfilled position vacancy.

''(2)(A) A program established under section 482 may not be used to assist, promote, or deter union organizing.

''(B) A program established under section 482 may not be used to impair existing contracts for services or collective bargaining agreements.''.

TITLE II—MAKING WORK PAY

SEC. 201. TRANSITIONAL MEDICAID BENEFITS.

(a) EXTENSION OF MEDICAID ENROLLMENT FOR FORMER AFDC RECIPIENTS FOR 1 ADDITIONAL YEAR.—

(1) IN GENERAL.—Section 1925(b)(1) (42 U.S.C. 1396r–6(b)(1)) is amended by striking the period at the end and inserting the following: '', and that the State shall offer to each such family the option of extending coverage under this subsection for any of the first 2 succeeding 6-month periods, in the same manner and under the same conditions as the option of extending coverage under this subsection for the first succeeding 6-month period.''.

(2) CONFORMING AMENDMENTS.—Section 1925(b) (42 U.S.C. 1396r–6(b)) is amended—

(A) in the heading, by striking ''EXTENSION'' and inserting ''EXTENSIONS'';

(B) in the heading of paragraph (1), by striking ''REQUIREMENT'' and inserting ''IN GENERAL'';

(C) in paragraph (2)(B)(ii)—

(i) in the heading, by striking ''PERIOD'' and inserting ''PERIODS'', and

(ii) by striking ''in the period'' and inserting ''in each of the 6-month periods'';

(D) in paragraph (3)(A), by striking ''the 6-month period'' and inserting ''any 6-month period'';

(E) in paragraph (4)(A), by striking ''the extension period'' and inserting ''any extension period''; and

(F) in paragraph (5)(D)(i), by striking ''is a 3-month period'' and all that follows and inserting the following: ''is, with respect to a particular 6-month additional extension period provided under this subsection, a 3-month period beginning with the first or fourth month of such extension period.''.

(b) IMPOSITION OF PREMIUM PERMITTED ONLY DURING ADDITIONAL EXTENSION PERIODS.—

(1) IN GENERAL.—Section 1925(b)(5)(A) of such Act (42 U.S.C. 1396r–6(b)(5)(A)) is amended by striking ''(D)(i)),'' and inserting ''(D)(i)) occurring during the second or third additional extension period provided under this subsection,''.

(2) CONFORMING AMENDMENT.—Section 1925(b)(1) of such Act (42 U.S.C. 1396r–6(b)(1)), as amended by subsection (a)(1), is amended by inserting after ''same conditions'' the following: ''(except as provided in paragraph (5)(A))''.

(c) EXTENSION OF COVERAGE FOR LOW-INCOME CHILDREN.—Section 1925(b) of such Act (42 U.S.C. 1396r–6(b)) is amended by adding at the end the following new paragraph:

''(6) EXTENSION OF COVERAGE FOR LOW-INCOME CHILDREN.—

''(A) IN GENERAL.—Notwithstanding any other provision of this title, each State plan approved under this title shall provide that the State shall offer (in the last month of the third additional extension period provided under paragraph (1)) to each eligible low-income child who has received assistance pursuant to this section during each of the 6-month periods described in subsection (a) and paragraph (1) the option of coverage under the State plan, in the same manner and under the same conditions as the option of extending coverage under paragraph (1) for the second and third additional extension periods provided under such paragraph.

''(B) ELIGIBLE LOW-INCOME CHILD DEFINED.—In subparagraph (A), the term 'eligible low-income child' means an individual who has not attained 18 years of age and whose family income does not exceed 200 percent of the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar quarters beginning on or after October 1, 1996, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

SEC. 202. TEMPORARY EXCLUSION OF EARNED INCOME FOR PURPOSES OF DETERMINING RENT PAID FOR UNITS IN FEDERALLY ASSISTED HOUSING.

(a) IN GENERAL.—Notwithstanding any other provision of law, the amount of rent payable by a qualified family for a qualified dwelling unit may not be increased because of the increased income due to the employment referred to in subsection (b)(2)(A) for the period that begins upon the commencement of such employment and ends—

(A) 24 months thereafter, or

(B) upon the first date after the commencement of such employment that the income of the family exceeds 200 percent of the official poverty line (as defined by the Office of Management and Budget and revised periodically in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved, whichever occurs first.

(b) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) QUALIFIED DWELLING UNIT.—The term ''qualified dwelling unit'' means a dwelling unit—

(A) for which assistance is provided by the Secretary of Housing and Urban Development in the form of any grant, contract, loan, loan guarantee, cooperative agreement, rental assistance payment, interest subsidy, insurance, or direct appropriation, or that is located in a project for which such assistance is provided; and

(B) for which the amount of rent paid by the occupying family is limited, restricted, or determined under law or regulation based on the income of the family.

(2) QUALIFIED FAMILY.—The term ''qualified family'' means a family—

(A) whose income increases as a result of employment of a member of the family who was previously unemployed; and

(B) who was receiving aid to families with dependent children under a State plan approved under part A of title IV of the Social Security Act immediately before such employment.

SEC. 203. CONTINUATION OF FOOD STAMP BENEFITS.

(a) AMENDMENT.—Section 5(c) of the Food Stamp Act of 1977 (7 U.S.C. 2014(c)) is amended by adding at the end the following:

''Notwithstanding any other provision of this subsection, in the case of a household that receives benefits under part A of title IV of the Social Security Act and whose income increases because a member of such household obtains employment, the earned income from such employment shall be excluded during a 2-year period for purposes of determining eligibility under such standards unless the aggregate income of such household exceeds the poverty line by more than 200 percent.''.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall not apply with respect to certification periods beginning before the date of the enactment of this Act.

TITLE III—IMPROVING CHILD SUPPORT ENFORCEMENT

Subtitle A—Eligibility and Other Matters Concerning Title IV–D Program Clients

SEC. 301. STATE OBLIGATION TO PROVIDE PATERNITY ESTABLISHMENT AND CHILD SUPPORT ENFORCEMENT SERVICES.

(a) STATE LAW REQUIREMENTS.—Section 466(a) (42 U.S.C. 666(a)) is amended by adding at the end the following new paragraph:

''(12) USE OF CENTRAL CASE REGISTRY AND CENTRALIZED COLLECTIONS UNIT.—Procedures under which—

''(A) every child support order established or modified in the State on or after October 1, 1998, is recorded in the central case registry established in accordance with section 454A(e); and

''(B) child support payments are collected through the centralized collections unit established in accordance with section 454B—

''(i) on and after October 1, 1998, under each order subject to wage withholding under section 466(b); and

''(ii) on and after October 1, 1999, under each other order required to be recorded in such central case registry under this paragraph or section 454A(e), except as provided in subparagraph (C); and

''(C)(i) parties subject to a child support order described in subparagraph (B)(ii) may opt out of the procedure for payment of support through the centralized collections unit (but not the procedure for inclusion in the central case registry) by filing with State agency a written agreement, signed by both parties, to an alternative payment procedure; and

''(ii) an agreement described in clause (i) becomes void whenever either party advises the State agency of an intent to vacate the agreement.''.

(b) STATE PLAN REQUIREMENTS.—Section 454 (42 U.S.C. 654) is amended—

(1) by striking paragraph (4) and inserting the following:

''(4) provide that such State will undertake—

''(A) to provide appropriate services under this part to—

''(i) each child with respect to whom an assignment is effective under section 402(a)(26), 471(a)(17), or 1912 (except in cases where the State agency determines, in accordance with paragraph (25), that it is against the best interests of the child to do so); and

''(ii) each child not described in clause (i)—

''(I) with respect to whom an individual applies for such services; and

''(II) (on and after October 1, 1998) each child with respect to whom a support order is recorded in the central State case registry established under section 454A, regardless of whether application is made for services under this part; and

''(B) to enforce the support obligation established with respect to the custodial parent of a child described in subparagraph (A) unless the parties to the order which establishes the support obligation have opted, in accordance with section 466(a)(12)(C), for an alternative payment procedure.''; and

(2) in paragraph (6)—

(A) by striking subparagraph (A) and inserting the following:

''(A) services under the State plan shall be made available to nonresidents on the same terms as to residents;'';

(B) in subparagraph (B)—

(i) by inserting ''on individuals not receiving assistance under part A'' after ''such services shall be imposed''; and

(ii) by inserting ''but no fees or costs shall be imposed on any absent or custodial parent or other individual for inclusion in the central State registry maintained pursuant to section 454A(e)''; and

(C) in each of subparagraphs (B), (C), and (D)—

(i) by indenting such subparagraph and aligning its left margin with the left margin of subparagraph (A); and

(ii) by striking the final comma and inserting a semicolon.

(c) CONFORMING AMENDMENTS.—

(1) Section 452(g)(2)(A) (42 U.S.C. 652(g)(2)(A)) is amended by striking ''454(6)'' each place it appears and inserting ''454(4)(A)(ii)''.

(2) Section 454(23) (42 U.S.C. 654(23)) is amended, effective October 1, 1998, by striking ''information as to any application fees for such services and''.

(3) Section 466(a)(3)(B) (42 U.S.C. 666(a)(3)(B)) is amended by striking ''in the case of overdue support which a State has agreed to collect under section 454(6)'' and inserting ''in any other case''.

(4) Section 466(e) (42 U.S.C. 666(e)) is amended by striking ''or (6)''.

SEC. 302. DISTRIBUTION OF PAYMENTS.

(a) DISTRIBUTIONS THROUGH STATE CHILD SUPPORT ENFORCEMENT AGENCY TO FORMER ASSISTANCE RECIPIENTS.—Section 454(5) (42 U.S.C. 654(5)) is amended—

(1) in subparagraph (A)—

(A) by inserting ''except as otherwise specifically provided in section 464 or 466(a)(3),'' after ''is effective,''; and

(B) by striking ''except that'' and all that follows through the semicolon; and

(2) in subparagraph (B), by striking '', except'' and all that follows through ''medical assistance''.

(b) DISTRIBUTION TO A FAMILY CURRENTLY RECEIVING AFDC.—Section 457 (42 U.S.C. 657) is amended—

(1) by striking subsection (a) and redesignating subsection (b) as subsection (a);

(2) in subsection (a), as redesignated—

(A) in the matter preceding paragraph (2), to read as follows:

''(a) IN THE CASE OF A FAMILY RECEIVING AFDC.—Amounts collected under this part during any month as support of a child who is receiving assistance under part A (or a parent or caretaker relative of such a child) shall (except in the case of a State exercising the option under subsection (b)) be distributed as follows:

''(1) an amount equal to the amount that will be disregarded pursuant to section 402(a)(8)(A)(vi) shall be taken from each of—

''(A) amounts received in a month which represent payments for that month; and

''(B) amounts received in a month which represent payments for a prior month which were made by the absent parent in the month when due;

and shall be paid to the family without affecting its eligibility for assistance or decreasing any amount otherwise payable as assistance to such family during such month;'';

(B) in paragraph (4), by striking ''or (B)'' and all that follows and inserting ''; then (B) from any remainder, amounts equal to arrearages of such support obligations assigned, pursuant to part A, to any other State or States shall be paid to such other State or States and used to any such arrearages (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing); and then (C) any remainder shall be paid to the family.''.

(3) by inserting after subsection (a), as redesignated, the following new subsection:

''(b) ALTERNATIVE DISTRIBUTION IN CASE OF FAMILY RECEIVING AFDC.—In the case of a State electing the option under this subsection, amounts collected as described in subsection (a) shall be distributed as follows:

''(1) an amount equal to the amount that will be disregarded pursuant to section 402(a)(8)(A)(vi) shall be taken from each of—

''(A) amounts received in a month which represent payments for that month; and

''(B) amounts received in a month which represent payments for a prior month which were made by the absent parent in the month when due;

and shall be paid to the family without affecting its eligibility for assistance or decreasing any amount otherwise payable as assistance to such family during such month;

''(2) second, from any remainder, amounts equal to the balance of support owed for the current month shall be paid to the family;

''(3) third, from any remainder, amounts equal to arrearages of such support obligations assigned, pursuant to part A, to the State making the collection shall be retained and used by such State to pay any such arrearages (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing);

''(4) fourth, from any remainder, amounts equal to arrearages of such support obligations assigned, pursuant to part A, to any other State or States shall be paid to such other State or States and used to pay any such arrearages (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing); and

''(5) fifth, any remainder shall be paid to the family.''.

(c) DISTRIBUTION TO A FAMILY NOT RECEIVING AFDC.—

(1) IN GENERAL.—Section 457(c) (42 U.S.C. 657(c)) is amended to read as follows:

''(c) IN CASE OF FAMILY NOT RECEIVING AFDC.—Amounts collected by a State agency under this part during any month as support of a child who is not receiving assistance under part A (or of a parent or caretaker relative of such a child) shall (subject to the remaining provisions of this section) be distributed as follows:

''(1) first, amounts equal to the total of such support owed for such month shall be paid to the family;

''(2) second, from any remainder, amounts equal to arrearages of such support obligations for months during which such child did not receive assistance under part A shall be paid to the family;

''(3) third, from any remainder, amounts equal to arrearages of such support obligations assigned to the State making the collection pursuant to part A shall be retained and used by such State to pay any such arrearages (with appropriate reimbursement of

the Federal Government to the extent of its participation in the financing);

''(4) fourth, from any remainder, amounts equal to arrearages of such support obligations assigned to any other State pursuant to part A shall be paid to such other State or States, and used to pay such arrearages, in the order in which such arrearages accrued (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 1999.

(d) DISTRIBUTION TO A CHILD RECEIVING ASSISTANCE UNDER TITLE IV–E.—Section 457(d) (42 U.S.C. 657(d)) is amended, in the matter preceding paragraph (1), by striking ''Notwithstanding the preceding provisions of this section, amounts'' and inserting the following:

''(d) IN CASE OF A CHILD RECEIVING ASSISTANCE UNDER TITLE IV–E.—Amounts''.

(e) REGULATIONS.—The Secretary of Health and Human Services shall promulgate regulations—

(1) under part D of title IV of the Social Security Act, establishing a uniform nationwide standard for allocation of child support collections from an obligor owing support to more than one family; and

(2) under part A of such title, establishing standards applicable to States electing the alternative formula under section 457(b) of such Act for distribution of collections on behalf of families receiving Aid to Families with Dependent Children, designed to minimize irregular monthly payments to such families.

(f) CLERICAL AMENDMENT.—Section 454 (42 U.S.C. 654) is amended—

(1) in paragraph (11), by striking ''(11)'' and inserting ''(11)(A)''; and

(2) by redesignating paragraph (12) as subparagraph (B) of paragraph (11).

(g) MANDATORY CHILD SUPPORT PASS-THROUGH.—

(1) IN GENERAL.—Section 402(a)(8)(A)(vi) (42 U.S.C. 602(a)(8)(A)(vi)) is amended—

(A) by striking ''$50'' each place such term appears and inserting ''$50, or, if greater, $50 adjusted by the CPI (as prescribed in section 406(i));''; and

(B) by striking the semicolon at the end and inserting ''or, in lieu of each dollar amount specified in this clause, such greater amount as the State may choose (and provide for in its State plan);''.

(2) CPI ADJUSTMENT.—Section 406 (42 U.S.C. 606) is amended by adding at the end the following:

''(i) For purposes of this part, an amount is 'adjusted by the CPI' for any month in a calendar year by multiplying the amount involved by the ratio of—

''(1) the Consumer Price Index (as prepared by the Department of Labor) for the third quarter of the preceding calendar year, to

''(2) such Consumer Price Index for the third quarter of calendar year 1996,

and rounding the product, if not a multiple of $10, to the nearer multiple of $10.''.

SEC. 303. DUE PROCESS RIGHTS.

(a) IN GENERAL.—Section 454 (42 U.S.C. 654), as amended by section 102(f) of this Act, is amended by inserting after paragraph (11) the following new paragraph:

''(12) provide for procedures to ensure that—

''(A) individuals who are applying for or receiving services under this part, or are parties to cases in which services are being provided under this part—

''(i) receive notice of all proceedings in which support obligations might be established or modified; and

''(ii) receive a copy of any order establishing or modifying a child support obligation, or (in the case of a petition for modification) a notice of determination that there should be no change in the amount of the child support award, within 14 days after issuance of such order or determination;

''(B) individuals applying for or receiving services under this part have access to a fair hearing that meets standards established by the Secretary and ensures prompt consideration and resolution of complaints (but the resort to such procedure shall not stay the enforcement of any support order); and

''(C)(i) individuals adversely affected by the establishment or modification of (or, in the case of a petition for modification, the determination that there should be no change in) a child support order shall be afforded not less than 30 days after the receipt of the order or determination to initiate proceedings to challenge such order or determination; and

''(ii) the State may not provide to any noncustodial parent of a child representation relating to the establishment or modification of an order for the payment of child support with respect to that child, unless the State makes provision for such representation outside the State agency;''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective on October 1, 1997.

SEC. 304. PRIVACY SAFEGUARDS.

(a) STATE PLAN REQUIREMENT.—Section 454 (42 U.S.C. 454) is amended—

(1) by striking ''and'' at the end of paragraph (23);

(2) by striking the period at the end of paragraph (24) and inserting ''; and''; and

(3) by adding after paragraph (24) the following:

''(25) will have in effect safeguards applicable to all sensitive and confidential information handled by the State agency designed to protect the privacy rights of the parties, including—

''(A) safeguards against unauthorized use or disclosure of information relating to proceedings or actions to establish paternity, or to establish or enforce support;

''(B) prohibitions on the release of information on the whereabouts of one party to another party against whom a protective order with respect to the former party has been entered; and

''(C) prohibitions on the release of information on the whereabouts of one party to another party if the State has reason to believe that the release of the information may result in physical or emotional harm to the former party.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective on October 1, 1997.

Subtitle B—Program Administration and Funding

SEC. 311. FEDERAL MATCHING PAYMENTS.

(a) INCREASED BASE MATCHING RATE.—Section 455(a)(2) (42 U.S.C. 655(a)(2)) is amended to read as follows:

''(2) The applicable percent for a quarter for purposes of paragraph (1)(A) is—

''(A) for fiscal year 1997, 69 percent,

''(B) for fiscal year 1998, 72 percent, and

''(C) for fiscal year 1999 and succeeding fiscal years, 75 percent.''.

(b) MAINTENANCE OF EFFORT.—Section 455 (42 U.S.C. 655) is amended—

(1) in subsection (a)(1), in the matter preceding subparagraph (A), by striking ''From'' and inserting ''Subject to subsection (c), from''; and

(2) by inserting after subsection (b) the following new subsection:

''(c) MAINTENANCE OF EFFORT.—Notwithstanding the provisions of subsection (a), total expenditures for the State program under this part for fiscal year 1997 and each succeeding fiscal year, reduced by the percentage specified for such fiscal year under subsection (a)(2) (A), (B), or (C)(i), shall not be less than such total expenditures for fiscal year 1996, reduced by 66 percent.''.

SEC. 312. PERFORMANCE-BASED INCENTIVES AND PENALTIES.

(a) INCENTIVE ADJUSTMENTS TO FEDERAL MATCHING RATE.—Section 458 (42 U.S.C. 658) is amended to read as follows:

''INCENTIVE ADJUSTMENTS TO MATCHING RATE

''SEC. 458. (a) INCENTIVE ADJUSTMENT.—

''(1) IN GENERAL.—In order to encourage and reward State child support enforcement programs which perform in an effective manner, the Federal matching rate for payments to a State under section 455(a)(1)(A), for each fiscal year beginning on or after October 1, 1998, shall be increased by a factor reflecting the sum of the applicable incentive adjustments (if any) determined in accordance with regulations under this section with respect to Statewide paternity establishment and to overall performance in child support enforcement.

''(2) STANDARDS.—

''(A) IN GENERAL.—The Secretary shall specify in regulations—

''(i) the levels of accomplishment, and rates of improvement as alternatives to such levels, which States must attain to qualify for incentive adjustments under this section; and

''(ii) the amounts of incentive adjustment that shall be awarded to States achieving specified accomplishment or improvement levels, which amounts shall be graduated, ranging up to—

''(I) 5 percentage points, in connection with Statewide paternity establishment; and

''(II) 10 percentage points, in connection with overall performance in child support enforcement.

''(B) LIMITATION.—In setting performance standards pursuant to subparagraph (A)(i) and adjustment amounts pursuant to subparagraph (A)(ii), the Secretary shall ensure that the aggregate number of percentage point increases as incentive adjustments to all States do not exceed such aggregate increases as assumed by the Secretary in estimates of the cost of this section as of June 1995, unless the aggregate performance of all States exceeds the projected aggregate performance of all States in such cost estimates.

''(3) DETERMINATION OF INCENTIVE ADJUSTMENT.—The Secretary shall determine the amount (if any) of incentive adjustment due each State on the basis of the data submitted by the State pursuant to section 454(15)(B) concerning the levels of accomplishment (and rates of improvement) with respect to performance indicators specified by the Secretary pursuant to this section.

''(4) FISCAL YEAR SUBJECT TO INCENTIVE ADJUSTMENT.—The total percentage point increase determined pursuant to this section with respect to a State program in a fiscal year shall apply as an adjustment to the applicable percent under section 455(a)(2) for payments to such State for the succeeding fiscal year.

''(5) RECYCLING OF INCENTIVE ADJUSTMENT.—A State shall expend in the State program under this part all funds paid to the State by the Federal Government as a result of an incentive adjustment under this section.

''(b) MEANING OF TERMS.—For purposes of this section—

''(1) the term 'Statewide paternity establishment percentage' means, with respect to a fiscal year, the ratio (expressed as a percentage) of—

''(A) the total number of out-of-wedlock children in the State under one year of age for whom paternity is established or acknowledged during the fiscal year, to

''(B) the total number of children born out of wedlock in the State during such fiscal year; and

''(2) the term 'overall performance in child support enforcement' means a measure or measures of the effectiveness of the State agency in a fiscal year which takes into account factors including—

''(A) the percentage of cases requiring a child support order in which such an order was established;

''(B) the percentage of cases in which child support is being paid;

''(C) the ratio of child support collected to child support due; and

''(D) the cost-effectiveness of the State program, as determined in accordance with standards established by the Secretary in regulations.''.

(b) ADJUSTMENT OF PAYMENTS UNDER PART D OF TITLE IV.—Section 455(a)(2) (42 U.S.C. 655(a)(2)), as amended by section 111(a) of this Act, is amended—

(1) by striking the period at the end of subparagraph (C)(ii) and inserting a comma; and

(2) by adding after and below subparagraph (C), flush with the left margin of the subsection, the following:

''increased by the incentive adjustment factor (if any) determined by the Secretary pursuant to section 458.''.

(c) CONFORMING AMENDMENTS.—Section 454(22) (42 U.S.C. 654(22)) is amended—

(1) by striking ''incentive payments'' the first place it appears and inserting ''incentive adjustments''; and

(2) by striking ''any such incentive payments made to the State for such period'' and inserting ''any increases in Federal payments to the State resulting from such incentive adjustments''.

(d) CALCULATION OF IV–D PATERNITY ESTABLISHMENT PERCENTAGE.—(1) Section 452(g)(1) (42 U.S.C. 652(g)(1)) is amended in the matter preceding subparagraph (A) by inserting ''its overall performance in child support enforcement is satisfactory (as defined in section 458(b) and regulations of the Secretary), and'' after ''1994,''.

(2) Section 452(g)(2) (42 U.S.C. 652(g)(2)) is amended—

(A) in subparagraph (A), in the matter preceding clause (i)—

(i) by striking ''paternity establishment percentage'' and inserting ''IV–D paternity establishment percentage''; and

(ii) by striking ''(or all States, as the case may be)'';

(B) in subparagraph (A)(i), by striking ''during the fiscal year'';

(C) in subparagraph (A)(ii)(I), by striking ''as of the end of the fiscal year'' and inserting ''in the fiscal year or, at the option of the State, as of the end of such year'';

(D) in subparagraph (A)(ii)(II), by striking ''or (E) as of the end of the fiscal year'' and inserting ''in the fiscal year or, at the option of the State, as of the end of such year'';

(E) in subparagraph (A)(iii)—

(i) by striking ''during the fiscal year''; and

(ii) by striking ''and'' at the end; and

(F) in the matter following subparagraph (A)—

(i) by striking ''who were born out of wedlock during the immediately preceding fiscal year'' and inserting ''born out of wedlock'';

(ii) by striking ''such preceding fiscal year'' both places it appears and inserting ''the preceding fiscal year''; and

(iii) by striking ''or (E)'' the second place it appears.

(3) Section 452(g)(3) (42 U.S.C. 652(g)(3)) is amended—

(A) by striking subparagraph (A) and redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(B) in subparagraph (A), as redesignated, by striking ''the percentage of children born out-of-wedlock in the State'' and inserting ''the percentage of children in the State who are born out of wedlock or for whom support has not been established''; and

(C) in subparagraph (B), as redesignated—

(i) by inserting ''and overall performance in child support enforcement'' after ''paternity establishment percentages''; and

(ii) by inserting ''and securing support'' before the period.

(e) REDUCTION OF PAYMENTS UNDER PART D OF TITLE IV.—

(1) NEW REQUIREMENTS.—Section 455 (42 U.S.C. 655) is amended by inserting after subsection (b) the following:

''(c)(1) If the Secretary finds, with respect to a State program under this part in a fiscal year beginning on or after October 1, 1997—

''(A)(i) on the basis of data submitted by a State pursuant to section 454(15)(B), that the State program in such fiscal year failed to achieve the IV–D paternity establishment percentage (as defined in section 452(g)(2)(A)) or the appropriate level of overall performance in child support enforcement (as defined in section 458(b)(2)), or to meet other performance measures that may be established by the Secretary, or

''(ii) on the basis of an audit or audits of such State data conducted pursuant to section 452(a)(4)(C), that the State data submitted pursuant to section 454(15)(B) is incomplete or unreliable; and

''(B) that, with respect to the succeeding fiscal year—

''(i) the State failed to take sufficient corrective action to achieve the appropriate performance levels as described in subparagraph (A)(i) of the paragraph, or

''(ii) the data submitted by the State pursuant to section 454(15)(B) is incomplete or unreliable,

the amounts otherwise payable to the State under this part for quarters following the end of such succeeding fiscal year, prior to quarters following the end of the first quarter throughout which the State program is in compliance with such performance requirement, shall be reduced by the percentage specified in paragraph (2).

''(2) The reductions required under paragraph (1) shall be—

''(A) not less than 6 nor more than 8 percent, or

''(B) not less than 8 nor more than 12 percent, if the finding is the second consecutive finding made pursuant to paragraph (1), or

''(C) not less than 12 nor more than 15 percent, if the finding is the third or a subsequent consecutive such finding.

''(3) For purposes of this subsection, section 402(a)(27), and section 452(a)(4), a State which is determined as a result of an audit to have submitted incomplete or unreliable data pursuant to section 454(15)(B), shall be determined to have submitted adequate data if the Secretary determines that the extent of the incompleteness or unreliability of the data is of a technical nature which does not adversely affect the determination of the level of the State's performance.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 403 (42 U.S.C. 603) is amended by striking subsection (h).

(B) Section 452(a)(4) (42 U.S.C. 652(a)(4)) is amended by striking ''403(h)'' each place such term appears and inserting ''455(c)''.

(C) Subsections (d)(3)(A), (g)(1), and (g)(3)(A) of section 452 (42 U.S.C. 652) are each amended by striking ''403(h)'' and inserting ''455(c)''.

(f) EFFECTIVE DATES.—

(1) INCENTIVE ADJUSTMENTS.—

(A) The amendments made by subsections (a), (b), and (c) shall become effective October 1, 1997, except to the extent provided in subparagraph (B).

(B) Section 458 of the Social Security Act, as in effect prior to the enactment of this section, shall be effective for purposes of incentive payments to States for fiscal years prior to fiscal year 1999.

(2) PENALTY REDUCTIONS.—

(A) The amendments made by subsection (d) shall become effective with respect to calendar quarters beginning on and after the date of enactment of this Act.

(B) The amendments made by subsection (e) shall become effective with respect to calendar quarters beginning on and after the date one year after the date of enactment of this Act.

SEC. 313. FEDERAL AND STATE REVIEWS AND AUDITS.

(a) STATE AGENCY ACTIVITIES.—Section 454 (42 U.S.C. 654) is amended—

(1) in paragraph (14), by striking ''(14)'' and insert ''(14)(A)'';

(2) by redesignating paragraph (15) as subparagraph (B) of paragraph (14); and

(3) by inserting after paragraph (14) the following new paragraph:

''(15) provide for—

''(A) a process for annual reviews of and reports to the Secretary on the State program under this part, which shall include such information as may be necessary to measure State compliance with Federal requirements for expedited procedures and timely case processing, using such standards and procedures as are required by the Secretary, under which the State agency will determine the extent to which such program is in conformity with applicable requirements with respect to the operation of State programs under this part (including the status of complaints filed under the procedure required under paragraph (12)(B)); and

''(B) a process of extracting from the State automated data processing system and transmitting to the Secretary data and calculations concerning the levels of accomplishment (and rates of improvement) with respect to applicable performance indicators (including IV–D paternity establishment percentages and overall performance in child support enforcement) to the extent necessary for purposes of sections 452(g) and 458.''.

(b) FEDERAL ACTIVITIES.—Section 452(a)(4) (42 U.S.C. 652(a)(4)) is amended to read as follows:

''(4)(A) review data and calculations transmitted by State agencies pursuant to section 454(15)(B) on State program accomplishments with respect to performance indicators for purposes of section 452(g) and 458, and determine the amount (if any) of penalty reductions pursuant to section 455(c) to be applied to the State;

''(B) review annual reports by State agencies pursuant to section 454(15)(A) on State program conformity with Federal requirements; evaluate any elements of a State program in which significant deficiencies are indicated by such report on the status of complaints under the State procedure under section 454(12)(B); and, as appropriate, provide to the State agency comments, recommendations for additional or alternative corrective actions, and technical assistance; and

''(C) conduct audits, in accordance with the government auditing standards of the United States Comptroller General—

''(i) at least once every 3 years (or more frequently, in the case of a State which fails to meet requirements of this part, or of regulations implementing such requirements,

concerning performance standards and reliability of program data) to assess the completeness, reliability, and security of the data, and the accuracy of the reporting systems, used for the calculations of performance indicators specified in subsection (g) and section 458;

''(ii) of the adequacy of financial management of the State program, including assessments of—

''(I) whether Federal and other funds made available to carry out the State program under this part are being appropriately expended, and are properly and fully accounted for; and

''(II) whether collections and disbursements of support payments and program income are carried out correctly and are properly and fully accounted for; and

''(iii) for such other purposes as the Secretary may find necessary;''.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to calendar quarters beginning on or after the date one year after enactment of this section.

SEC. 314. REQUIRED REPORTING PROCEDURES.

(a) ESTABLISHMENT.—Section 452(a)(5) (42 U.S.C. 652(a)(5)) is amended by inserting '', and establish procedures to be followed by States for collecting and reporting information required to be provided under this part, and establish uniform definitions (including those necessary to enable the measurement of State compliance with the requirements of this part relating to expedited processes and timely case processing) to be applied in following such procedures'' before the semicolon.

(b) STATE PLAN REQUIREMENT.—Section 454 (42 U.S.C. 654), as amended by section 104(a) of this Act, is amended—

(1) by striking ''and'' at the end of paragraph (24);

(2) by striking the period at the end of paragraph (25) and inserting ''; and''; and

(3) by adding after paragraph (25) the following:

''(26) provide that the State shall use the definitions established under section 452(a)(5) in collecting and reporting information as required under this part.''.

SEC. 315. AUTOMATED DATA PROCESSING REQUIREMENTS.

(a) REVISED REQUIREMENTS.—

(1) Section 454(16) (42 U.S.C. 654(16)) is amended—

(A) by striking '', at the option of the State,'';

(B) by inserting ''and operation by the State agency'' after ''for the establishment'';

(C) by inserting ''meeting the requirements of section 454A'' after ''information retrieval system'';

(D) by striking ''in the State and localities thereof, so as (A)'' and inserting ''so as'';

(E) by striking ''(i)''; and

(F) by striking ''(including'' and all that follows and inserting a semicolon.

(2) Part D of title IV (42 U.S.C. 651–669) is amended by inserting after section 454 the following new section:

''AUTOMATED DATA PROCESSING

''SEC. 454A. (a) IN GENERAL.—In order to meet the requirements of this section, for purposes of the requirement of section 454(16), a State agency shall have in operation a single statewide automated data processing and information retrieval system which has the capability to perform the tasks specified in this section, and perform such tasks with the frequency and in the manner specified in this part or in regulations or guidelines of the Secretary.

''(b) PROGRAM MANAGEMENT.—The automated system required under this section shall perform such functions as the Secretary may specify relating to management of the program under this part, including—

''(1) controlling and accounting for use of Federal, State, and local funds to carry out such program; and

''(2) maintaining the data necessary to meet Federal reporting requirements on a timely basis.

''(c) CALCULATION OF PERFORMANCE INDICATORS.—In order to enable the Secretary to determine the incentive and penalty adjustments required by sections 452(g) and 458, the State agency shall—

''(1) use the automated system—

''(A) to maintain the requisite data on State performance with report to paternity establishment and child support enforcement in the State; and

''(B) to calculate the IV–D paternity establishment percentage and overall performance in child support enforcement for the State for each fiscal year; and

''(2) have in place systems controls to ensure the completeness, and reliability of, and ready access to, the data described in paragraph (1)(A), and the accuracy of the calculations described in paragraph (1)(B).

''(d) INFORMATION INTEGRITY AND SECURITY.—The State agency shall have in effect safeguards on the integrity, accuracy, and completeness of, access to, and use of data in the automated system required under this section, which shall include the following (in addition to such other safeguards as the Secretary specifies in regulations):

''(1) POLICIES RESTRICTING ACCESS.—Written policies concerning access to data by State agency personnel, and sharing of data with other persons, which—

''(A) permit access to and use of data only to the extent necessary to carry out program responsibilities;

''(B) specify the data which may be used for particular program purposes, and the personnel permitted access to such data; and

''(C) ensure that data obtained or disclosed for a limited program purpose is not used or redisclosed for another, impermissible purpose.

''(2) SYSTEMS CONTROLS.—Systems controls (such as passwords or blocking of fields) to ensure strict adherence to the policies specified under paragraph (1).

''(3) MONTIORING OF ACCESS.—Routine monitoring of access to and use of the automated system, through methods such as audit trails and feedback mechanism, to guard against and promptly identify unauthorized access or use.

''(4) TRAINING AND INFORMATION.—The State agency shall have in effect procedures to ensure that all personnel (including State and local agency staff and contractors) who may have access to or be required to use sensitive or confidential program data are fully informed of applicable requirements and penalties, and are adequately trained in security procedures.

''(5) PENALTIES.—The State agency shall have in effect administrative penalties (up to and including dismissal from employment) for unauthorized access to, or disclosure or use of, confidential data.''.

(3) REGULATIONS.—Section 452 (42 U.S.C. 652) is amended by adding at the end the following:

''(j) The Secretary shall prescribe final regulations for implementation of the requirements of section 454A not later than 2 years after the date of enactment of this subsection.''.

(4) IMPLEMENTATION TIMETABLE.—Section 454(24) (42 U.S.C. 654(24)), as amended by sections 304(a)(2) and 314(b)(1) of this Act, is amended to read as follows:

''(24) provide that the State will have in effect an automated data processing and information retrieval system—

''(A) by October 1, 1995, meeting all requirements of this part which were enacted on or before the date of enactment of the Family Support Act of 1988; and

''(B) by October 1, 1999, meeting all requirements of this part enacted on or before the date of enactment of this Act.

(but this provision shall not be construed to alter earlier deadlines specified for elements of such system), except that such deadline shall be extended by 1 day for each day (if any) by which the Secretary fails to meet the deadline imposed by section 452(j);''.

(b) SPECIAL FEDERAL MATCHING RATE FOR DEVELOPMENT COSTS OF AUTOMATED SYSTEMS.—Section 455(a) (42 U.S.C. 655(a)) is amended—

(1) in paragraph (1)(B)—

(A) by striking ''90 percent'' and inserting ''the percent specified in paragraph (3)'';

(B) by striking ''so much of''; and

(C) by striking ''which the Secretary'' and all that follows and inserting '', and''; and

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

''(3)(A) The Secretary shall pay to each State, for each quarter in fiscal year 1996, 90 percent of so much of State expenditures described in subparagraph (1)(B) as the Secretary finds are for a system meeting the requirements specified in section 454(16), or meeting such requirements without regard to clause (D) thereof.

''(B)(i) The Secretary shall pay to each State, for each quarter in fiscal years 1997 through 2001, the percentage specified in clause (ii) of so much of State expenditures described in subparagraph (1)(B) as the Secretary finds are for a system meeting the requirements specified in section 454(16) and 454A, subject to clause (iii).

''(ii) The percentage specified in this clause, for purposes of clause (i), is the higher of—

''(I) 80 percent, or

''(II) the percentage otherwise applicable to Federal payments to the State under subparagraph (A) (as adjusted pursuant to section 458).''.

(c) CONFORMING AMENDMENT.—Section 123(c) of the Family Support Act of 1988 (102 Stat. 2352; Public Law 100–485) is repealed.

(d) ADDITIONAL PROVISIONS.—For additional provisions of section 454A, as added by subsection (a) of this section, see the amendments made by sections 21, 322(c), and 333(d) of this Act.

SEC. 316. DIRECTOR OF CSE PROGRAM; STAFFING STUDY.

(a) REPORTING TO SECRETARY.—Section 452(a) (42 U.S.C. 652(a)) is amended in the matter preceding paragraph (1) by striking ''directly''.

(b) STAFFING STUDIES.—

(1) SCOPE.—The Secretary of Health and Human Services shall, directly or by contract, conduct studies of the staffing of each State child support enforcement program under part D of title IV of the Social Security Act. Such studies shall include a review of the staffing needs created by requirements for automated data processing, maintenance of a central case registry and centralized collections of child support, and of changes in these needs resulting from changes in such requirements. Such studies shall examine and report on effective staffing practices used by the States and on recommended staffing procedures.

(2) FREQUENCY OF STUDIES.—The Secretary shall complete the first staffing study required under paragraph (1) by October 1, 1997, and may conduct additional studies subsequently at appropriate intervals.

(3) REPORT TO THE CONGRESS.—The Secretary shall submit a report to the Congress stating the findings and conclusions of each study conducted under this subsection.

SEC. 317. FUNDING FOR SECRETARIAL ASSISTANCE TO STATE PROGRAMS.

Section 452 (42 U.S.C. 652), as amended by section 115(a)(3) of this Act, is amended by adding at the end the following new subsection:

''(k) FUNDING FOR FEDERAL ACTIVITIES ASSISTING STATE PROGRAMS.—(1) There shall be available to the Secretary, from amounts appropriated for fiscal year 1996 and each succeeding fiscal year for payments to States under this part, the amount specified in paragraph (2) for the costs to the Secretary for—

''(A) information dissemination and technical assistance to States, training of State and Federal staff, staffing studies, and related activities needed to improve programs (including technical assistance concerning State automated systems);

''(B) research, demonstration, and special projects of regional or national significance relating to the operation of State programs under this part; and

''(C) operation of the Federal Parent Locator Service under section 453, to the extent such costs are not recovered through user fees.

''(2) The amount specified in the paragraph for a fiscal year is the amount equal to a percentage of the reduction in Federal payments to States under part A on account of child support (including arrearages) collected in the preceding fiscal year on behalf of children receiving aid under such part A in such preceding fiscal year (as determined on the basis of the most recent reliable data available to the Secretary as of the end of the third calendar quarter following the end of such preceding fiscal year), equal to—

''(A) 1 percent, for the activities specified in subparagraphs (A) and (B) of paragraph (1); and

''(B) 2 percent, for the activities specified in subparagraph (C) of paragraph (1).''.

SEC. 318. REPORTS AND DATA COLLECTION BY THE SECRETARY.

(a) ANNUAL REPORT TO CONGRESS.—(1) Section 452(a)(10)(A) (42 U.S.C. 652(a)(10)(A)) is amended—

(A) by striking ''this part;'' and inserting ''this part, including—''; and

(B) by adding at the end the following indented clauses:

''(i) the total amount of child support payments collected as a result of services furnished during such fiscal year to individuals receiving services under this part;

''(ii) the cost to the States and to the Federal Government of furnishing such services to those individuals; and

''(iii) the number of cases involving families—

''(I) who became ineligible for aid under part A during a month in such fiscal year; and

''(II) with respect to whom a child support payment was received in the same month;''.

(2) Section 452(a)(10)(C) (42 U.S.C. 652(a)(10)(C)) is amended—

(A) in the matter preceding clause (i)—

(i) by striking ''with the data required under each clause being separately stated for cases'' and inserting ''separately stated for (1) cases'';

(ii) by striking ''cases where the child was formerly receiving'' and inserting ''or formerly received'';

(iii) by inserting ''or 1912'' after ''471(a)(17)''; and

(iv) by inserting ''(2)'' before ''all other'';

(B) in each of clauses (i) and (ii), by striking '', and the total amount of such obligations'';

(C) in clause (iii), by striking ''described in'' and all that follows and inserting ''in which support was collected during the fiscal year;'';

(D) by striking clause (iv); and

(E) by redesignating clause (v) as clause (vii), and inserting after clause (iii) the following new clauses:

''(iv) the total amount of support collected during such fiscal year and distributed as current support;

''(v) the total amount of support collected during such fiscal year and distributed as arrearages;

''(vi) the total amount of support due and unpaid for all fiscal years; and''.

(3) Section 452(a)(10)(G) (42 U.S.C. 652(a)(10)(G)) is amended by striking ''on the use of Federal courts and''.

(4) Section 452(a)(10) (42 U.S.C. 652(a)(10)) is amended by striking all that follows subparagraph (I).

(b) DATA COLLECTION AND REPORTING.—Section 469 (42 U.S.C. 669) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

'''(a) The Secretary shall collect and maintain, on a fiscal year basis, up-to-date statistics, by State, with respect to services to establish paternity and services to establish child support obligations, the data specified in subsection (b), separately stated, in the case of each such service, with respect to—

''(1) families (or dependent children) receiving aid under plans approved under part A (or E); and

''(2) families not receiving such aid.

''(b) The data referred to in subsection (a) are—

''(1) the number of cases in the caseload of the State agency administering the plan under this part in which such service is needed; and

''(2) the number of such cases in which the service has been provided.''; and

(2) in subsection (c), by striking ''(a)(2)'' and inserting ''(b)(2)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to fiscal year 1996 and succeeding fiscal years.

Subtitle C—Locate and Case Tracking

SEC. 321. CENTRAL STATE AND CASE REGISTRY.

Section 454A, as added by section 315(a)(2) of this Act, is amended by adding at the end the following:

''(e) CENTRAL CASE REGISTRY.—

''(1) IN GENERAL.—The automated system required under this section shall perform the functions, in accordance with the provisions of this subsection, of a single central registry containing records with respect to each case in which services are being provided by the State agency (including, on and after October 1, 1998, each order specified in section 466(a)(12)), using such standardized data elements (such as names, social security numbers or other uniform identification numbers, dates of birth, and case identification numbers), and containing such other information (such as information on case status) as the Secretary may require.

''(2) PAYMENT RECORDS.—Each case record in the central registry shall include a record of—

''(A) the amount of monthly (or other periodic) support owed under the support order, and other amounts due or overdue (including arrears, interest or late payment penalties, and fees);

''(B) the date on which or circumstances under which the support obligation will terminate under such order;

''(C) all child support and related amounts collected (including such amounts as fees, late payment penalties, and interest on arrearages);

''(D) the distribution of such amounts collected; and

''(E) the birth date of the child for whom the child support order is entered.

''(3) UPDATING AND MONITORING.—The State agency shall promptly establish and maintain, and regularly monitor, case records in the registry required by this subsection, on the basis of—

''(A) information on administrative actions and administrative and judicial proceedings and orders relating to paternity and support;

''(B) information obtained from matches with Federal, State, or local data sources;

''(C) information on support collections and distributions; and

''(D) any other relevant information.

''(f) DATA MATCHES AND OTHER DISCLOSURES OF INFORMATION.—The automated system required under this section shall have the capacity, and be used by the State agency, to extract data at such times, and in such standardized format or formats, as may be required by the Secretary, and to share and match data with, and receive data from, other data bases and data matching services, in order to obtain (or provide) information necessary to enable the State agency (or Secretary or other State or Federal agencies) to carry out responsibilities under this part. Data matching activities of the State agency shall include at least the following:

''(1) DATA BANK OF CHILD SUPPORT ORDERS.—Furnish to the Data Bank of Child Support Orders established under section 453(h) (and update as necessary, with information including notice of expiration of orders) minimal information (to be specified by the Secretary) on each child support case in the central case registry.

''(2) FEDERAL PARENT LOCATOR SERVICE.—Exchange data with the Federal Parent Locator Service for the purposes specified in section 453.

''(3) AFDC AND MEDICAID AGENCIES.—Exchange data with State agencies (of the State and of other States) administering the programs under part A and title XIX, as necessary for the performance of State agency responsibilities under this part and under such programs.

''(4) INTRA- AND INTERSTATE DATA MATCHES.—Exchange data with other agencies of the State, agencies of other States, and interstate information networks, as necessary and appropriate to carry out (or assist other States to carry out) the purposes of this part.''.

SEC. 322. CENTRALIZED COLLECTION AND DISBURSEMENT OF SUPPORT PAYMENTS.

(a) STATE PLAN REQUIREMENT.—Section 454 (42 U.S.C. 654), as amended by sections 304(a) and 314(b) of this Act, is amended—

(1) by striking ''and'' at the end of paragraph (25);

(2) by striking the period at the end of paragraph (26) and inserting ''; and''; and

(3) by adding after paragraph (26) the following new paragraph:

''(27) provide that the State agency, on and after October 1, 1998—

''(A) will operate a centralized, automated unit for the collection and disbursement of child support under orders being enforced under this part, in accordance with section 454B; and

''(B) will have sufficient State staff (consisting of State employees), and (at State option) contractors reporting directly to the State agency to monitor and enforce support collections through such centralized unit, including carrying out the automated data processing responsibilities specified in section 454A(g) and to impose, as appropriate in particular cases, the administrative enforcement remedies specified in section 466(c)(1).''.

(b) ESTABLISHMENT OF CENTRALIZED COLLECTION UNIT.—Part D of title IV (42 U.S.C. 651–669) is amended by adding after section 454A the following new section:

''CENTRALIZED COLLECTION AND DISBURSEMENT OF SUPPORT PAYMENTS

''SEC. 454B. (a) IN GENERAL.—In order to meet the requirement of section 454(27), the State agency must operate a single centralized, automated unit for the collection and disbursement of support payments, coordinated with the automated data system required under section 454A, in accordance with the provisions of this section, which shall be—

''(1) operated directly by the State agency (or by two or more State agencies under a regional cooperative agreement), or by a single contractor responsible directly to the State agency; and

''(2) used for the collection and disbursement (including interstate collection and disbursement) of payments under support orders in all cases being enforced by the State pursuant to section 454(4).

''(b) REQUIRED PROCEDURES.—The centralized collections unit shall use automated procedures, electronic processes, and computer-driven technology to the maximum extent feasible, efficient, and economical, for the collection and disbursement of support payments, including procedures—

''(1) for receipt of payments from parents, employers, and other States, and for disbursements to custodial parents and other obligees, the State agency, and the State agencies of other States;

''(2) for accurate identification of payments;

''(3) to ensure prompt disbursement of the custodial parent's share of any payment; and

''(4) to furnish to either parent, upon request, timely information on the current status of support payments.''.

(c) USE OF AUTOMATED SYSTEM.—Section 454A, as added by section 315(a)(2) of this Act and as amended by section 321 of this Act, is amended by adding at the end the following new subsection:

''(g) CENTRALIZED COLLECTION AND DISTRIBUTION OF SUPPORT PAYMENTS.—The automated system required under this section shall be used, to the maximum extent feasible, to assist and facilitate collections and disbursement of support payments through the centralized collections unit operated pursuant to section 454B, through the performance of functions including at a minimum—

''(1) generation of orders and notices to employers (and other debtors) for the withholding of wages (and other income)—

''(A) within two working days after receipt (from the directory of New Hires established under section 453(i) or any other source) of notice of and the income source subject to such withholding; and

''(B) using uniform formats directed by the Secretary;

''(2) ongoing monitoring to promptly identify failures to make timely payment; and

''(3) automatic use of enforcement mechanisms (including mechanisms authorized pursuant to section 466(c)) where payments are not timely made.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 1998.

SEC. 323. AMENDMENTS CONCERNING INCOME WITHHOLDING.

(a) MANDATORY INCOME WITHHOLDING.—(1) Section 466(a)(1) (42 U.S.C. 666(a)(1)) is amended to read as follows:

''(1) INCOME WITHHOLDING.—

(A) UNDER ORDERS ENFORCED UNDER THE STATE PLAN.—Procedures described in subsection (b) for the withholding from income of amounts payable as support in cases subject to enforcement under the State plan.

''(B) UNDER CERTAIN ORDERS PREDATING CHANGE IN REQUIREMENT.—Procedures under which all child support orders issued (or modified) before October 1, 1996, and which are not otherwise subject to withholding under subsection (b), shall become subject to withholding from wages as provided in subsection (b) if arrearages occur, without the need for a judicial or administrative hearing.''.

(2) Section 466(a)(8) (42 U.S.C. 666(a)(8)) is repealed.

(3) Section 466(b) (42 U.S.C. 666(b)) is amended—

(A) in the matter preceding paragraph (1), by striking ''subsection (a)(1)'' and inserting ''subsection (a)(1)(A)'';

(B) in paragraph (5), by striking all that follows ''administered by'' and inserting ''the State through the centralized collections unit established pursuant to section 454B, in accordance with the requirements of such section 454B.'';

(C) in paragraph (6)(A)(i)—

(i) in inserting '', in accordance with timetables established by the Secretary,'' after ''must be required''; and

(ii) by striking ''to the appropriate agency'' and all that follows and inserting ''to the State centralized collections unit within 5 working days after the date such amount would (but for this subsection) have been paid or credited to the employee, for distribution in accordance with this part.'';

(D) in paragraph (6)(A)(ii), by inserting ''be in a standard format prescribed by the Secretary, and'' after ''shall''; and

(E) in paragraph (6)(D)—

(i) by striking ''employer who discharges'' and inserting ''employer who—(A) discharges'';

(ii) by relocating subparagraph (A), as designated, as an indented subparagraph after and below the introductory matter;

(iii) by striking the period at the end; and

(iv) by adding after and below subparagraph (A) the following new subparagraph:

''(B) fails to withhold support from wages, or to pay such amounts to the State centralized collections unit in accordance with this subsection.''.

(b) CONFORMING AMENDMENT.—Section 466(c) (42 U.S.C. 666(c)) is repealed.

(c) DEFINITION OF TERMS.—The Secretary shall promulgate regulations providing definitions, for purposes of part D of title IV of the Social Security Act, for the term ''income'' and for such other terms relating to income withholding under section 466(b) of such Act as the Secretary may find it necessary or advisable to define.

SEC. 324. LOCATOR INFORMATION FROM INTERSTATE NETWORKS.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 323(a)(2) of this Act, is amended by inserting after paragraph (7) the following new paragraph:

''(8) LOCATOR INFORMATION FROM INTERSTATE NETWORKS.—Procedures ensuring that the State will neither provide funding for, nor use for any purpose (including any purpose unrelated to the purposes of this part), any automated interstate network or system used to locate individuals—

''(A) for purposes relating to the use of motor vehicles; or

''(B) providing information for law enforcement purposes (where child support enforcement agencies are otherwise allowed access by State and Federal law),

unless all Federal and State agencies administering programs under this part (including the entities established under section 453) have access to information in such system or network to the same extent as any other user of such system or network.''.

SEC. 325. EXPANDED FEDERAL PARENT LOCATOR SERVICE.

(a) EXPANDED AUTHORITY TO LOCATE INDIVIDUALS AND ASSETS.—Section 453 (42 U.S.C. 653) is amended—

(1) in subsection (a), by striking all that follows ''subsection (c))'' and inserting the following:

'', for the purpose of establishing parentage, establishing, setting the amount of, modifying, or enforcing child support obligations—

''(1) information on, or facilitating the discovery of, the location of any individual—

''(A) who is under an obligation to pay child support;

''(B) against whom such an obligation is sought; or

''(C) to whom such an obligation is owed, including such individual's social security number (or numbers), most recent residential address, and the name, address, and employer identification number of such individual's employer; and

''(2) information on the individual's wages (or other income) from, and benefits of, employment (including rights to or enrollment in group health care coverage); and

''(3) information on the type, status, location, and amount of any assets of, or debts owed by or to, any such individual.''; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''social security'' and all that follows through ''absent parent'' and inserting ''information specified in subsection (a)''; and

(B) in paragraph (2), by inserting before the period '', or from any consumer reporting agency (as defined in section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f))'';

(3) in subsection (e)(1), by inserting before the period '', or by consumer reporting agencies''.

(b) REIMBURSEMENT FOR DATA FROM FEDERAL AGENCIES.—Section 453(e)(2) (42 U.S.C. 653(e)(2)) is amended in the fourth sentence by inserting before the period ''in an amount which the Secretary determines to be reasonable payment for the data exchange (which amount shall not include payment for the costs of obtaining, compiling, or maintaining the data)''.

(c) ACCESS TO CONSUMER REPORTS UNDER FAIR CREDIT REPORTING ACT.—

(1) Section 608 of the Fair Credit Reporting Act (15 U.S.C. 1681f) is amended—

(A) by striking '', limited to'' and inserting ''to a governmental agency (including the entire consumer report, in the case of a Federal, State, or local agency administering a program under part D of title IV of the Social Security Act, and limited to''; and

(B) by striking ''employment, to a governmental agency'' and inserting ''employment, in the case of any other governmental agency)''.

(2) REIMBURSEMENT FOR REPORTS BY STATE AGENCIES AND CREDIT BUREAUS.—Section 453 (42 U.S.C. 653) is amended by adding at the end the following new subsection:

''(g) The Secretary is authorized to reimburse costs to State agencies and consumer credit reporting agencies the costs incurred by such entities in furnishing information requested by the Secretary pursuant to this section in an amount which the Secretary determines to be reasonable payment for the data exchange (which amount shall not include payment for the costs of obtaining, compiling, or maintaining the data).''.

(d) DISCLOSURE OF TAX RETURN INFORMATION.—(1) Section 6103(1)(6)(A)(ii) of the Internal Revenue Code of 1986 is amended by striking '', but only if'' and all that follows and inserting a period.

(2) Section 6103(1)(8)(A) of the Internal Revenue Code of 1986 is amended by inserting ''Federal,'' before ''State or local''.

(e) TECHNICAL AMENDMENTS.—

(1) Sections 452(a)(9), 453(a), 453(b), 463(a), and 463(e) (42 U.S.C. 652(a)(9), 653(a), 653(b), 663(a), and 663(e)) are each amended by inserting ''Federal'' before ''Parent'' each place it appears.

(2) Section 453 (42 U.S.C. 653) is amended in the heading by adding ''FEDERAL'' before ''PARENT''.

(f) NEW COMPONENTS.—Section 453 (42 U.S.C. 653), as amended by subsection (c)(2) of this section, is amended by adding at the end the following:

''(h) DATA BANK OF CHILD SUPPORT ORDERS.—

''(1) IN GENERAL.—Not later than October 1, 1998, In order to assist States in administering their State plans under this part and parts A, F, and G, and for the other purposes specified in this section, the Secretary shall establish and maintain in the Federal Parent Locator Service an automated registry to be known as the Data Bank of Child Support Orders, which shall contain abstracts of child support orders and other information described in paragraph (2) on each case in each State central case registry maintained pursuant to section 454A(e), as furnished (and regularly updated), pursuant to section 454A(f), by State agencies administering programs under this part.

''(2) CASE INFORMATION.—The information referred to in paragraph (1), as specified by the Secretary, shall include sufficient information (including names, social security numbers or other uniform identification numbers, and State case identification numbers) to identify the individuals who owe or are owed support (or with respect to or on behalf of whom support obligations are sought to be established), and the State or States which have established or modified, or are enforcing or seeking to establish, such an order.

''(i) DIRECTORY OF NEW HIRES.—

''(1) IN GENERAL.—Not later than October 1, 1998, In order to assist States in administering their State plans under this part and parts A, F, and G, and for the other purposes specified in this section, the Secretary shall establish and maintain in the Federal Parent Locator Service an automated directory to be known as the directory of New Hires, containing—

''(A) information supplied by employers on each newly hired individual, in accordance with paragraph (2); and

''(B) information supplied by State agencies administering State unemployment compensation laws, in accordance with paragraph (3).

''(2) EMPLOYER INFORMATION.—

''(A) INFORMATION REQUIRED.—Subject to subparagraph (D), each employer shall furnish to the Secretary, for inclusion in the directory established under this subsection, not later than 10 days after the date (on or after October 1, 1998) on which the employer hires a new employee (as defined in subparagraph (C)), a report containing the name, date of birth, and social security number of such employee, and the employer identification number of the employer.

''(B) REPORTING METHOD AND FORMAT.—The Secretary shall provide for transmission of the reports required under subparagraph (A) using formats and methods which minimize the burden on employers, which shall include—

''(i) automated or electronic transmission of such reports;

''(ii) transmission by regular mail; and

''(iii) transmission of a copy of the form required for purposes of compliance with section 3402 of the Internal Revenue Code of 1986.

''(C) EMPLOYEE DEFINED.—For purposes of this paragraph, the term 'employee' means any individual subject to the requirement of section 3402(f)(2) of the Internal Revenue Code of 1986.

''(D) PAPERWORK REDUCTION REQUIREMENT.—As required by the information resources management policies published by the Director of the Office of Management and Budget pursuant to section 3504(b)(1) of title 44, United States Code, the Secretary, in order to minimize the cost and reporting burden on employers, shall not require reporting pursuant to this paragraph if an alternative reporting mechanism can be developed that either relies on existing Federal or State reporting or enables the Secretary to collect the needed information in a more cost-effective and equally expeditious manner, taking into account the reporting costs on employers.

''(E) CIVIL MONEY PENALTY ON NON-COMPLYING EMPLOYERS.—(i) Any employer that fails to make a timely report in accordance with this paragraph with respect to an individual shall be subject to a civil money penalty, for each calendar year in which the failure occurs, of the lesser of $500 or 1 percent of the wages or other compensation paid by such employer to such individual during such calendar year.

''(ii) Subject to clause (iii), the provisions of section 1128A (other than subsections (a) and (b) thereof) shall apply to a civil money penalty under clause (i) in the same manner as they apply to a civil money penalty or proceeding under section 1128A(a).

''(iii) Any employer with respect to whom a penalty under this subparagraph is upheld after an administrative hearing shall be liable to pay all costs of the Secretary with respect to such hearing.

''(3) EMPLOYMENT SECURITY INFORMATION.—

''(A) REPORTING REQUIREMENT.—Each State agency administering a State unemployment compensation law approved by the Secretary of Labor under the Federal Unemployment Tax Act shall furnish to the Secretary of Health and Human Services extracts of the reports to the Secretary of Labor concerning the wages and unemployment compensation paid to individuals required under section 303(a)(6), in accordance with subparagraph (B).

''(B) MANNER OF COMPLIANCE.—The extracts required under subparagraph (A) shall be furnished to the Secretary of Health and Human Services on a quarterly basis, with respect to calendar quarters beginning on and after October 1, 1996, by such dates, in such format, and containing such information as required by that Secretary in regulations.

''(j) DATA MATCHES AND OTHER DISCLOSURES.—

''(1) VERIFICATION BY SOCIAL SECURITY ADMINISTRATION.—(A) The Secretary shall transmit data on individuals and employers maintained under this section to the Social Security Admistration to the extent necessary for verification in accordance with subparagraph (B).

''(B) The Social Security Administration shall verify the accuracy of, correct or supply to the extent necessary and feasible, and report to the Secretary, the following information in data supplied by the Secretary pursuant to subparagraph (A):

''(i) the name, social security number, and birth date of each individual; and

''(ii) the employer identification number of each employer.

''(2) CHILD SUPPORT LOCATOR MATCHES.—For the purpose of locating individuals for purposes of paternity establishment and establishment and enforcement of child support, the Secretary shall—

''(A) match data in the directory of New Hires against the child support order abstracts in the Data Bank of Child Support Orders not less often than every 2 working days; and

''(B) report information obtained from such a match to concerned State agencies operating programs under this part not later than 2 working days after such match.

''(3) DATA MATCHES AND DISCLOSURES OF DATA IN ALL REGISTRIES FOR TITLE IV PROGRAM PURPOSES.—The Secretary shall—

''(A) perform matches of data in each component of the Federal Parent Locator Service maintained under this section against data in each other such component (other than the matches required pursuant to paragraph (1)), and report information resulting from such matches to State agencies operating programs under this part and parts A, F, and G; and

''(B) disclose data in such registries to such State agencies,

to the extent, and with the frequency, that the Secretary determines to be effective in assisting such States to carry out their responsibilities under such programs.

''(k) FEES.—

''(1) FOR SSA VERIFICATION.—The Secretary shall reimburse the Commissioner of Social Security, at a rate negotiated between the Secretary and the Commissioner, the costs incurred by the Commissioner in performing the verification services specified in subsection (j).

''(2) FOR INFORMATION FROM SESAS.—The Secretary shall reimburse costs incurred by State employment security agencies in furnishing data as required by subsection (j)(3), at rates which the Secretary determines to be reasonable (which rates shall not include payment for the costs of obtaining, compiling, or maintaining such data).

''(3) FOR INFORMATION FURNISHED TO STATE AND FEDERAL AGENCIES.—State and Federal agencies receiving data or information from the Secretary pursuant to this section shall reimburse the costs incurred by the Secretary in furnishing such data or information, at rates which the Secretary determines to be reasonable (which rates shall include payment for the costs of obtaining, verifying, maintaining, and matching such data or information).

''(l) RESTRICTION ON DISCLOSURE AND USE.—Data in the Federal Parent Locator Service, and information resulting from matches using such data, shall not be used or disclosed except as specifically provided in this section.

''(m) RETENTION OF DATA.—Data in the Federal Parent Locator Service, and data resulting from matches performed pursuant to this section, shall be retained for such period (determined by the Secretary) as appropriate for the data uses specified in this section.

''(n) INFORMATION INTEGRITY AND SECURITY.—The Secretary shall establish and implement safeguards with respect to the entities established under this section designed to—

''(1) ensure the accuracy and completeness of information in the Federal Parent Locator Service; and

''(2) restrict access to confidential information in the Federal Parent Locator Service to authorized persons, and restrict use of such information to authorized purposes.

''(o) LIMIT ON LIABILITY.—The Secretary shall not be liable to either a State or an individual for inaccurate information provided to a component of the Federal Parent Locator Service section and disclosed by the Secretary in accordance with this section.''.

(g) CONFORMING AMENDMENTS.—

(1) TO PART D OF TITLE IV OF THE SOCIAL SECURITY ACT.—Section 454(8)(B) (42 U.S.C. 654(8)(B)) is amended to read as follows:

''(B) the Federal Parent Locator Service established under section 453;''.

(2) TO FEDERAL UNEMPLOYMENT TAX ACT.—Section 3304(16) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''Secretary of Health, Education, and Welfare'' each place such term appears and inserting ''Secretary of Health and Human Services'';

(B) in subparagraph (B), by striking ''such information'' and all that follows and inserting ''information furnished under subparagraph (A) or (B) is used only for the purposes authorized under such subparagraph;'';

(C) by striking ''and'' at the end of subparagraph (A);

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

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

''(B) wage and unemployment compensation information contained in the records of such agency shall be furnished to the Secretary of Health and Human Services (in accordance with regulations promulgated by such Secretary) as necessary for the purposes of the directory of New Hires established under section 453(i) of the Social Security Act, and''.

(3) TO STATE GRANT PROGRAM UNDER TITLE III OF THE SOCIAL SECURITY ACT.—Section 303(a) (42 U.S.C. 503(a)) is amended—

(A) by striking ''and'' at the end of paragraph (8);

(B) by striking the period at the end of paragraph (9) and inserting ''; and''; and

(C) by adding after paragraph (9) the following new paragraph:

''(10) The making of quarterly electronic reports, at such dates, in such format, and containing such information, as required by the Secretary of Health and Human Services under section 453(i)(3), and compliance with such provisions as such Secretary may find necessary to ensure the correctness and verification of such reports.''.

SEC. 326. USE OF SOCIAL SECURITY NUMBERS.

(a) STATE LAW REQUIREMENT.—Section 466(a) (42 U.S.C. 666(a)), as amended by section 301(a) of this Act, is amended by adding at the end the following new paragraph:

''(13) SOCIAL SECURITY NUMBERS REQUIRED.—Procedures requiring the recording of social security numbers—

''(A) of both parties on marriage licenses and divorce decrees; and

''(B) of both parents, on birth records and child support and paternity orders.''.

(b) CLARIFICATION OF FEDERAL POLICY.—Section 205(c)(2)(C)(ii) (42 U.S.C. 405(c)(2)(C)(ii)) is amended by striking the third sentence and inserting ''This clause shall not be considered to authorize disclosure of such numbers except as provided in the preceding sentence.''.

Subtitle D—Streamlining and Uniformity of Procedures

SEC. 331. ADOPTION OF UNIFORM STATE LAWS.

Section 466(a) (42 U.S.C. 666(a)), as amended by sections 301(a) and 328(a) of this Act, is amended by adding at the end the following new paragraph:

''(14) INTERSTATE ENFORCEMENT.—

''(A) ADOPTION OF UIFSA.—Procedures under which the State adopts in its entirety (with the modifications and additions specified in this paragraph) not later than January 1, 1997, and uses on and after such date, the Uniform Interstate Family Support Act, as approved by the National Conference of Commissioners on Uniform State Laws in August, 1992.

''(B) EXPANDED APPLICATION OF UIFSA.—The State law adopted pursuant to subparagraph (A) shall be applied to any case—

''(i) involving an order established or modified in one State and for which a subsequent modification is sought in another State; or

''(ii) in which interstate activity is required to enforce an order.

''(C) JURISDICTION TO MODIFY ORDERS.—The State law adopted pursuant to subparagraph (A) of this paragraph shall contain the following provision in lieu of section 611(a)(1) of the Uniform Interstate Family Support Act described in such subparagraph (A):

'''(1) the following requirements are met:

'''(i) the child, the individual obligee, and the obligor—

'''(I) do not reside in the issuing State; and

'''(II) either reside in this State or are subject to the jurisdiction of this State pursuant to section 201; and

'''(ii) (in any case where another State is exercising or seeks to exercise jurisdiction to modify the order) the conditions of section 204 are met to the same extent as required for proceedings to establish orders; or'.

''(D) SERVICE OF PROCESS.—The State law adopted pursuant to subparagraph (A) shall recognize as valid, for purposes of any proceeding subject to such State law, service of process upon persons in the State (and proof of such service) by any means acceptable in another State which is the initiating or responding State in such proceeding.

''(E) COOPERATION BY EMPLOYERS.—The State law adopted pursuant to subparagraph (A) shall provide for the use of procedures (including sanctions for noncompliance) under which all entities in the State (including for-profit, nonprofit, and governmental employers) are required to provide promptly, in response to a request by the State agency of that or any other State administering a program under this part, information on the employment, compensation, and benefits of any individual employed by such entity as an employee or contractor.''.

SEC. 332. IMPROVEMENTS TO FULL FAITH AND CREDIT FOR CHILD SUPPORT ORDERS.

Section 1738B of title 28, United States Code, is amended—

(1) in subsection (a)(2), by striking ''subsection (e)'' and inserting ''subsections (e), (f), and (i)'';

(2) in subsection (b), by inserting after the 2nd undesignated paragraph the following:

'''child's home State' means the State in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than six months old, the State in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month period.'';

(3) in subsection (c), by inserting ''by a court of a State'' before ''is made'';

(4) in subsection (c)(1), by inserting ''and subsections (e), (f), and (g)'' after ''located'';

(5) in subsection (d)—

(A) by inserting ''individual'' before ''contestant''; and

(B) by striking ''subsection (e)'' and inserting ''subsections (e) and (f)'';

(6) in subsection (e), by striking ''make a modification of a child support order with respect to a child that is made'' and inserting ''modify a child support order issued'';

(7) in subsection (e)(1), by inserting ''pursuant to subsection (i)'' before the semicolon;

(8) in subsection (e)(2)—

(A) by inserting ''individual'' before ''contestant'' each place such term appears; and

(B) by striking ''to that court's making the modification and assuming'' and inserting ''with the State of continuing, exclusive jurisdiction for a court of another State to modify the order and assume'';

(9) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(10) by inserting after subsection (e) the following:

''(f) RECOGNITION OF CHILD SUPPORT ORDERS.—If one or more child support orders have been issued in this or another State with regard to an obligor and a child, a court shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction and enforcement:

''(1) If only one court has issued a child support order, the order of that court must be recognized.

''(2) If two or more courts have issued child support orders for the same obligor and child, and only one of the courts would have continuing, exclusive jurisdiction under this section, the order of that court must be recognized.

''(3) If two or more courts have issued child support orders for the same obligor and child, and only one of the courts would have continuing, exclusive jurisdiction under this section, an order issued by a court in the current home State of the child must be recognized, but if an order has not been issued in the current home State of the child, the order most recently issued must be recognized.

''(4) If two or more courts have issued child support orders for the same obligor and child, and none of the courts would have continuing, exclusive jurisdiction under this section, a court may issue a child support order, which must be recognized.

''(5) The court that has issued an order recognized under this subsection is the court having continuing, exclusive jurisdiction.'';

(11) in subsection (g) (as so redesignated)—

(A) by striking ''PRIOR'' and inserting ''MODIFIED''; and

(B) by striking ''subsection (e)'' and inserting ''subsections (e) and (f)'';

(12) in subsection (h) (as so redesignated)—

(A) in paragraph (2), by inserting ''including the duration of current payments and other obligations of support'' before the comma; and

(B) in paragraph (3), by inserting ''arrears under'' after ''enforce''; and

(13) by adding at the end the following:

''(i) REGISTRATION FOR MODIFICATION.—If there is no individual contestant or child residing in the issuing State, the party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another State shall register that order in a State with jurisdiction over the nonmovant for the purpose of modification.''.

SEC. 333. STATE LAWS PROVIDING EXPEDITED PROCEDURES.

(a) STATE LAW REQUIREMENTS.—Section 466 (42 U.S.C. 666) is amended—

(1) in subsection (a)(2), in the first sentence, to read as follows: ''Expedited administrative and judicial procedures (including the procedures specified in subsection (c)) for establishing paternity and for establishing, modifying, and enforcing support obligations.''; and

(2) by adding after subsection (b) the following new subsection:

''(c) EXPEDITED PROCEDURES.—The procedures specified in this subsection are the following:

''(1) ADMINISTRATIVE ACTION BY STATE AGENCY.—Procedures which give the State agency the authority (and recognize and enforce the authority of State agencies of other States), without the necessity of obtaining an order from any other judicial or administrative tribunal (but subject to due

process safeguards, including (as appropriate) requirements for notice, opportunity to contest the action, and opportunity for an appeal on the record to an independent administrative or judicial tribunal), to take the following actions relating to establishment or enforcement of orders:

''(A) GENETIC TESTING.—To order genetic testing for the purpose of paternity establishment as provided in section 466(a)(5).

''(B) DEFAULT ORDERS.—To enter a default order, upon a showing of service of process and any additional showing required by State law—

''(i) establishing paternity, in the case of any putative father who refuses to submit to genetic testing; and

''(ii) establishing or modifying a support obligation, in the case of a parent (or other obligor or obligee) who fails to respond to notice to appear at a proceeding for such purpose.

''(C) SUBPOENAS.—To subpoena any financial or other information needed to establish, modify, or enforce an order, and to sanction failure to respond to any such subpoena.

''(D) ACCESS TO PERSONAL AND FINANCIAL INFORMATION.—To obtain access, subject to safeguards on privacy and information security, to the following records (including automated access, in the case of records maintained in automated data bases):

''(i) records of other State and local government agencies, including—

''(I) vital statistics (including records of marriage, birth, and divorce);

''(II) State and local tax and revenue records (including information on residence address, employer, income and assets);

''(III) records concerning real and titled personal property;

''(IV) records of occupational and professional licenses, and records concerning the ownership and control of corporations, partnerships, and other business entities;

''(V) employment security records;

''(VI) records of agencies administering public assistance programs;

''(VII) records of the motor vehicle department; and

''(VIII) corrections records; and

''(ii) certain records held by private entities, including—

''(I) customer records of public utilities and cable television companies; and

''(II) information (including information on assets and liabilities) on individuals who owe or are owed support (or against or with respect to whom a support obligation is sought) held by financial institutions (subject to limitations on liability of such entities arising from affording such access).

''(E) INCOME WITHHOLDING.—To order income withholding in accordance with subsection (a)(1) and (b) of section 466.

''(F) CHANGE IN PAYEE.—(In cases where support is subject to an assignment under section 402(a)(26), 471(a)(17), or 1912, or to a requirement to pay through the centralized collections unit under section 454B) upon providing notice to obligor and obligee, to direct the obligor or other payor to change the payee to the appropriate government entity.

''(G) SECURE ASSETS TO SATISFY ARREARAGES.—For the purpose of securing overdue support—

''(i) to intercept and seize any periodic or lump-sum payment to the obligor by or through a State or local government agency, including—

''(I) unemployment compensation, workers' compensation, and other benefits;

''(II) judgments and settlements in cases under the jurisdiction of the State or local government; and

''(III) lottery winnings;

''(ii) to attach and seize assets of the obligor held by financial institutions;

''(iii) to attach public and private retirement funds in appropriate cases, as determined by the Secretary; and

''(iv) to impose liens in accordance with paragraph (a)(4) and, in appropriate cases, to force sale of property and distribution of proceeds.

''(H) INCREASE MONTHLY PAYMENTS.—For the purpose of securing overdue support, to increase the amount of monthly support payments to include amounts for arrearages (subject to such conditions or restrictions as the State may provide).

''(I) SUSPENSION OF DRIVERS' LICENSES.—To suspend drivers' licenses of individuals owing past-due support, in accordance with subsection (a)(16).

''(2) SUBSTANTIVE AND PROCEDURAL RULES.—The expedited procedures required under subsection (a)(2) shall include the following rules and authority, applicable with respect to all proceedings to establish paternity or to establish, modify, or enforce support orders:

''(A) LOCATOR INFORMATION; PRESUMPTIONS CONCERNING NOTICE.—Procedures under which—

''(i) the parties to any paternity or child support proceedings are required (subject to privacy safeguards) to file with the tribunal before entry of an order, and to update as appropriate, information on location and identity (including Social Security number, residential and mailing addresses, telephone number, driver's license number, and name, address, and telephone number of employer); and

''(ii) in any subsequent child support enforcement action between the same parties, the tribunal shall be authorized, upon sufficient showing that diligent effort has been made to ascertain such party's current location, to deem due process requirements for notice and service of process to be met, with respect to such party, by delivery to the most recent residential or employer address so filed pursuant to clause (i).

''(B) STATEWIDE JURISDICTION.—Procedures under which—

''(i) the State agency and any administrative or judicial tribunal with authority to hear child support and paternity cases exerts statewide jurisdiction over the parties, and orders issued in such cases have statewide effect; and

''(ii) (in the case of a State in which orders in such cases are issued by local jurisdictions) a case may be transferred between jurisdictions in the State without need for any additional filing by the petitioner, or service of process upon the respondent, to retain jurisdiction over the parties.''.

(c) EXCEPTIONS FROM STATE LAW REQUIREMENTS.—Section 466(d) (42 U.S.C. 666(d)) is amended—

(1) by striking ''(d) If'' and inserting the following:

''(d) EXEMPTIONS FROM REQUIREMENTS.—

''(1) IN GENERAL.—Subject to paragraph (2), if''; and

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

''(2) NONEXEMPT REQUIREMENTS.—The Secretary shall not grant an exemption from the requirements of—

''(A) subsection (a)(5) (concerning procedures for paternity establishment);

''(B) subsection (a)(10) (concerning modification of orders);

''(C) subsection (a)(12) (concerning recording of orders in the central State case registry);

''(D) subsection (a)(13) (concerning recording of Social Security numbers);

''(E) subsection (a)(14) (concerning interstate enforcement); or

''(F) subsection (c) (concerning expedited procedures), other than paragraph (1)(A) thereof (concerning establishment or modification of support amount).''.

(d) AUTOMATION OF STATE AGENCY FUNCTIONS.—Section 454A, as added by section 115(a)(2) of this Act and as amended by sections 121 and 122(c) of this Act, is amended by adding at the end the following new subsection:

''(h) EXPEDITED ADMINISTRATIVE PROCEDURES.—The automated system required under this section shall be used, to the maximum extent feasible, to implement any expedited administrative procedures required under section 466(c).''.

Subtitle E—Paternity Establishment

SEC. 341. STATE LAWS CONCERNING PATERNITY ESTABLISHMENT.

(a) STATE LAWS REQUIRED.—Section 466(a)(5) (42 U.S.C. 666(a)(5)) is amended—

(1) by striking ''(5)'' and inserting the following:

''(5) PROCEDURES CONCERNING PATERNITY ESTABLISHMENT.—'';

(2) in subparagraph (A)—

(A) by striking ''(A)(i)'' and inserting the following:

''(A) ESTABLISHMENT PROCESS AVAILABLE FROM BIRTH UNTIL AGE EIGHTEEN.—(i)''; and

(B) by indenting clauses (i) and (ii) so that the left margin of such clauses is 2 ems to the right of the left margin of paragraph (4);

(3) in subparagraph (B)—

(A) by striking ''(B)'' and inserting the following:

''(B) PROCEDURES CONCERNING GENETIC TESTING.—(i)'';

(B) in clause (i), as redesignated, by inserting before the period '', where such request is supported by a sworn statement (I) by such party alleging paternity setting forth facts establishing a reasonable possibility of the requisite sexual contact of the parties, or (II) by such party denying paternity setting forth facts establishing a reasonable possibility of the nonexistence of sexual contact of the parties;'';

(C) by inserting after and below clause (i) (as redesignated) the following new clause:

''(ii) Procedures which require the State agency, in any case in which such agency orders genetic testing—

''(I) to pay costs of such tests, subject to recoupment (where the State so elects) from the punitive father if paternity is established; and

''(II) to obtain additional testing in any case where an original test result is disputed, upon request and advance payment by the disputing party.'';

(4) by striking subparagraphs (C) and (D) and inserting the following:

''(C) PATERNITY ACKNOWLEDGMENT.—(i) Procedures for a simple civil process for voluntarily acknowledging paternity under which the State must provide that, before a mother and a putative father can sign an acknowledgment of paternity, the putative father and the mother must be given notice, orally, in writing, and in a language that each can understand, of the alternatives to, the legal consequences of, and the rights (including, if 1 parent is a minor, any rights afforded due to minority status) and responsibilities that arise from, signing the acknowledgment.

''(ii) Such procedures must include a hospital-based program for the voluntary acknowledgment of paternity focusing on the period immediately before or after the birth of a child.

''(iii) Such procedures must require the State agency responsible for maintaining birth records to offer voluntary paternity establishment services.

''(iv) The Secretary shall prescribe regulations governing voluntary paternity establishment services offered by hospitals and

birth record agencies. The Secretary shall prescribe regulations specifying the types of other entities that may offer voluntary paternity establishment services, and governing the provision of such services, which shall include a requirement that such an entity must use the same notice provisions used by, the same materials used by, provide the personnel providing such services with the same training provided by, and evaluate the provision of such services in the same manner as, voluntary paternity establishment programs of hospitals and birth record agencies.

''(v) Such procedures must require the State and those required to establish paternity to use only the affidavit developed under section 452(a)(7) for the voluntary acknowledgment of paternity, and to give full faith and credit to such an affidavit signed in any other State.

''(D) STATUS OF SIGNED PATERNITY KNOWLEDGMENT.—(i) Procedures under which a signed acknowledgment of paternity is considered a legal finding of paternity, subject to the right of any signatory to rescind the acknowledgment within 60 days.

''(ii)(I) Procedures under which, after the 60-day period referred to in clause (i), a signed acknowledgment of paternity may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenger, and under which the legal responsibilities (including child support obligations) of any signatory arising from the acknowledgment may not be suspended during the challenge, except for good cause shown.

''(II) Procedures under which, after the 60-day period referred to in clause (i), a minor who signs an acknowledgment of paternity other than in the presence of a parent or court-appointed guardian ad litem may rescind the acknowledgment in a judicial or administrative proceeding, until the earlier of—

''(aa) attaining the age of majority; or

''(bb) the date of the first judicial or administrative proceeding brought (after the signing) to establish a child support obligation, visitation rights, or custody rights with respect to the child whose paternity is the subject of the acknowledgment, and at which the minor is represented by a parent, guardian ad litem, or attorney.'';

(5) by striking subparagraph (E) and inserting the following:

''(E) BAR ON ACKNOWLEDGMENT RATIFICATION PROCEEDINGS.—Procedures under which no judicial or administrative proceedings are required or permitted to ratify an unchallenged acknowledgment of paternity.'';

(6) by striking subparagraph (F) and inserting the following:

''(F) ADMISSIBILITY OF GENETIC TESTING RESULTS.—Procedures—

''(i) requiring that the State admit into evidence, for purposes of establishing paternity, results of any genetic test that is—

''(I) of a type generally acknowledged, by accreditation bodies designated by the Secretary, as reliable evidence of paternity; and

''(II) performed by a laboratory approved by such an accreditation body;

''(ii) that any objection to genetic testing results must be made in writing not later than a specified number of days before any hearing at which such results may be introduced into evidence (or, at State option, not later than a specified number of days after receipt of such results); and

''(iii) that, if no objection is made, the test results are admissible as evidence of paternity without the need for foundation testimony or other proof of authenticity or accuracy.''; and

(7) by adding after subparagraph (H) the following new subparagraphs:

''(I) NO RIGHT TO JURY TRIAL.—Procedures providing that the parties to an action to establish paternity are not entitled to jury trial.

''(J) TEMPORARY SUPPORT ORDER BASED ON PROBABLE PATERNITY IN CONTESTED CASES.—Procedures which require that a temporary order be issued, upon motion by a party, requiring the provision of child support pending an administrative or judicial determination of parentage, where there is clear and convincing evidence of paternity (on the basis of genetic tests or other evidence).

''(K) PROOF OF CERTAIN SUPPORT AND PATERNITY ESTABLISHMENT COSTS.—Procedures under which bills for pregnancy, childbirth, and genetic testing are admissible as evidence without requiring third-party foundation testimony, and shall constitute prima facie evidence of amounts incurred for such services and testing on behalf of the child.

''(L) WAIVER OF STATE DEBTS FOR COOPERATION.—At the option of the State, procedures under which the tribunal establishing paternity and support has discretion to waive rights to all or part of amounts owed to the State (but not to the mother) for costs related to pregnancy, childbirth, and genetic testing and for public assistance paid to the family where the father cooperates or acknowledges paternity before or after genetic testing.

''(M) STANDING OF PUTATIVE FATHERS.—Procedures ensuring that the putative father has a reasonable opportunity to initiate a paternity action.''.

(b) NATIONAL PATERNITY ACKNOWLEDGMENT AFFIDAVIT.—Section 452(a)(7) (42 U.S.C. 652(a)(7)) is amended by inserting '', and develop an affidavit to be used for the voluntary acknowledgment of paternity which shall include the social security account number of each parent'' before the semicolon.

(c) TECHNICAL AMENDMENT.—Section 468 (42 U.S.C. 668) is amended by striking ''a simple civil process for voluntarily acknowledging paternity and''.

SEC. 342. OUTREACH FOR VOLUNTARY PATERNITY ESTABLISHMENT.

(a) STATE PLAN REQUIREMENT.—Section 454(23) (42 U.S.C. 654(23)) is amended by adding at the end the following new subparagraph:

''(C) publicize the availability and encourage the use of procedures for voluntary establishment of paternity and child support through a variety of means, which—

''(i) include distribution of written materials as health care facilities (including hospitals and clinics), and other locations such as schools;

''(ii) may include pre-natal programs to educate expectant couples on individual and joint rights and responsibilities with respect to paternity (and may require all expectant recipients of assistance under part A to participate in such pre-natal programs, as an element of cooperation with efforts to establish paternity and child support);

''(iii) include, with respect to each child discharged from a hospital after birth for whom paternity or child support has not been established, reasonable follow-up efforts (including at least one contact of each parent whose whereabouts are known, except where there is reason to believe such follow-up efforts would put mother or child at risk), providing—

''(I) in the case of a child for whom paternity has not been established, information on the benefits of and procedures for establishing paternity; and

''(II) in the case of a child for whom paternity has been established but child support has not been established, information on the benefits of and procedures for establishing a child support order, and an application for child support services;''.

(b) ENHANCED FEDERAL MATCHING.—Section 455(a)(1)(C) (42 U.S.C. 655(a)(1)(C)) is amended—

(1) by inserting ''(i)'' before ''laboratory costs'', and

(2) by inserting before the semicolon '', and (ii) costs of outreach programs designed to encourage voluntary acknowledgment of paternity''.

(c) EFFECTIVE DATES.—(1) The amendments made by subsection (a) shall become effective October 1, 1997.

(2) The amendments made by subsection (b) shall be effective with respect to calendar quarters beginning on and after October 1, 1996.

Subtitle F—Establishment and Modification of Support Orders

SEC. 351. NATIONAL CHILD SUPPORT GUIDELINES COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the ''National Child Support Guidelines Commission'' (in this section referred to as the ''Commission'').

(b) GENERAL DUTIES.—The Commission shall develop a national child support guideline for consideration by the Congress that is based on a study of various guideline models, the benefits and deficiencies of such models, and any needed improvements.

(c) MEMBERSHIP.—

(1) NUMBER; APPOINTMENT.—

(A) IN GENERAL.—The Commission shall be composed of 12 individuals appointed jointly by the Secretary of Health and Human Services and the Congress, not later than January 15, 1997, of which—

(i) 2 shall be appointed by the Chairman of the Committee on Finance of the Senate, and 1 shall be appointed by the ranking minority member of the Committee;

(ii) 2 shall be appointed by the Chairman of the Committee on Ways and Means of the House of Representatives, and 1 shall be appointed by the ranking minority member of the Committee; and

(iii) 6 shall be appointed by the Secretary of Health and Human Services.

(B) QUALIFICATIONS OF MEMBERS.—Members of the Commission shall have expertise and experience in the evaluation and development of child support guidelines. At least 1 member shall represent advocacy groups for custodial parents, at least 1 member shall represent advocacy groups for noncustodial parents, and at least 1 member shall be the director of a State program under part D of title IV of the Social Security Act.

(2) TERMS OF OFFICE.—Each member shall be appointed for a term of 2 years. A vacancy in the Commission shall be filed in the manner in which the original appointment was made.

(d) COMMISSION POWERS, COMPENSATION, ACCESS TO INFORMATION, AND SUPERVISION.—The first sentence of subparagraph (C), the first and third sentences of subparagraph (D), subparagraph (F) (except with respect to the conduct of medical studies), clauses (ii) and (iii) of subparagraph (G), and subparagraph (H) of section 1886(e)(6) of the Social Security Act shall apply to the Commission in the same manner in which such provisions apply to the Prospective Payment Assessment Commission.

(e) REPORT.—Not later than 2 years after the appointment of members, the Commission shall submit to the President, the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate, a recommended national child support guideline and a final assessment of issues relating to such a proposed national child support guideline.

(f) TERMINATION.—The Commission shall terminate 6 months after the submission of the report described in subsection (e).

SEC. 352. SIMPLIFIED PROCESS FOR REVIEW AND ADJUSTMENT OF CHILD SUPPORT ORDERS.

(a) IN GENERAL.—Section 466(a)(10) (42 U.S.C. 666(a)(10)) is amended to read as follows:

''(10) PROCEDURES FOR MODIFICATION OF SUPPORT ORDERS.—

''(A)(i) Procedures under which—

''(I) every 3 years, at the request of either parent subject to a child support order, the State shall review and, as appropriate, adjust the order in accordance with the guidelines established under section 467(a) if the amount of the child support award under the order differs from the amount that would be awarded in accordance with such guidelines, without a requirement for any other change in circumstances; and

''(II) upon request at any time of either parent subject to a child support order, the State shall review and, as appropriate, adjust the order in accordance with the guidelines established under section 467(a) based on a substantial change in the circumstances of either such parent.

''(ii) Such procedures shall require both parents subject to a child support order to be notified of their rights and responsibilities provided for under clause (i) at the time the order is issued and in the annual information exchange form provided under subparagraph (B).

''(B) Procedures under which each child support order issued or modified in the State after the effective date of this subparagraph shall require the parents subject to the order to provide each other with a complete statement of their respective financial condition annually on a form which shall be established by the Secretary and provided by the State. The Secretary shall establish regulations for the enforcement of such exchange of information.''.

Subtitle G—Enforcement of Support Orders

SEC. 361. FEDERAL INCOME TAX REFUND OFFSET.

(a) CHANGED ORDER OF REFUND DISTRIBUTION UNDER INTERNAL REVENUE CODE.—Section 6402(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''The amount'' and inserting ''(1) IN GENERAL.—The amount'';

(2) by striking ''paid to the State. A reduction'' and inserting ''paid to the State.

''(2) PRIORITIES FOR OFFSET.—A reduction'';

(3) by striking ''has been assigned'' and inserting ''has not been assigned'', and

(4) by striking ''and shall be applied'' and all that follows and inserting ''and shall thereafter be applied to satisfy any past-due support that has been so assigned.''.

(b) ELIMINATION OF DISPARITIES IN TREATMENT OF ASSIGNED AND NON-ASSIGNED ARREARAGES.—(1) Section 464(a) (42 U.S.C. 664(a)) is amended—

(A) by striking ''(a)'' and inserting ''(a) OFFSET AUTHORIZED.—'';

(B) in paragraph (1)—

(i) in the first sentence, by striking ''which has been assigned to such State pursuant to section 402(a)(26) or section 471(a)(17)''; and

(ii) in the second sentence, by striking ''in accordance with section 457 (b)(4) or (d)(3)'' and inserting ''as provided in paragraph (2)'';

(C) in paragraph (2), to read as follows:

''(2) The State agency shall distribute amounts paid by the Secretary of the Treasury pursuant to paragraph (1)—

''(A) in accordance with section 457 (a)(4) or (d)(3), in the case of past-due support assigned to a State pursuant to section 402(a)(26) or section 471(a)(17); and

''(B) to or on behalf of the child to whom the support was owed, in the case of past-due support not so assigned.'';

(D) in paragraph (3)—

(i) by striking ''or (2)'' each place it appears; and

(ii) in subparagraph (B), by striking ''under paragraph (2)'' and inserting ''on account of past-due support described in paragraph (2)(B)''.

(2) Section 464(b) (42 U.S.C. 664(b)) is amended—

(A) by striking ''(b)(1)'' and inserting ''(b) REGULATIONS.—''; and

(B) by striking paragraph (2).

(3) Section 464(c) (42 U.S.C. 664(c)) is amended—

(A) by striking ''(c)(1) Except as provided in paragraph (2), as'' and inserting ''(c) DEFINITION.—As''; and

(B) by striking paragraphs (2) and (3).

(c) TREATMENT OF LUMP-SUM TAX REFUND UNDER AFDC.—

(1) EXEMPTION FROM LUMP-SUM RULE.—Section 402(a)(17) (42 U.S.C. 602(a)(17)) is amended by adding at the end the following: ''but this paragraph shall not apply to income received by a family that is attributable to a child support obligation owed with respect to a member of the family and that is paid to the family from amounts withheld from a Federal income tax refund otherwise payable to the person owing such obligation, to the extent that such income is placed in a qualified asset account (as defined in section 406(j)) the total amounts in which, after such placement, does not exceed $10,000;''.

(2) QUALIFIED ASSET ACCOUNT DEFINED.—Section 406 (42 U.S.C. 606), as amended by section 302(g)(2) of this Act, is amended by adding at the end the following:

''(j)(1) The term 'qualified asset account' means a mechanism approved by the State (such as individual retirement accounts, escrow accounts, or savings bonds) that allows savings of a family receiving aid to families with dependent children to be used for qualified distributions.

''(2) The term 'qualified distribution' means a distribution from a qualified asset account for expenses directly related to 1 or more of the following purposes:

''(A) The attendance of a member of the family at any education or training program.

''(B) The improvement of the employability (including self-employment) of a member of the family (such as through the purchase of an automobile).

''(C) The purchase of a home for the family.

''(D) A change of the family residence.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall become effective October 1, 1999.

SEC. 362. INTERNAL REVENUE SERVICE COLLECTION OF ARREARS.

(a) AMENDMENT TO INTERNAL REVENUE CODE.—Section 6305(a) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (1), by inserting ''except as provided in paragraph (5)'' after ''collected'';

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

(3) by striking the period at the end of paragraph (4) and inserting a comma;

(4) by adding after paragraph (4) the following new paragraph:

''(5) no additional fee may be assessed for adjustments to an amount previously certified pursuant to such section 452(b) with respect to the same obligor.''; and

(5) by striking ''Secretary of Health, Education, and Welfare'' each place it appears and inserting ''Secretary of Health and Human Services''.

(b) EFFECTIVE DATE.—The amendments made by this section shall become effective October 1, 1997.

SEC. 363. AUTHORITY TO COLLECT SUPPORT FROM FEDERAL EMPLOYEES.

(a) CONSOLIDATION AND STREAMLINING OF AUTHORITIES.—

(1) Section 459 (42 U.S.C. 659) is amended in the caption by inserting ''INCOME WITHHOLDING,'' before ''GARNISHMENT''.

(2) Section 459(a) (42 U.S.C. 659(a)) is amended—

(A) by striking ''(a)'' and inserting ''(a) CONSENT TO SUPPORT ENFORCEMENT.—

(B) by striking ''section 207'' and inserting ''section 207 of this Act and 38 U.S.C. 5301''; and

(C) by striking all that follows ''a private person,'' and inserting ''to withholding in accordance with State law pursuant to subsections (a)(1) and (b) of section 466 and regulations of the Secretary thereunder, and to any other legal process brought, by a State agency administering a program under this part or by an individual obligee, to enforce the legal obligation of such individual to provide child support or alimony.''.

(3) Section 459(b) (42 U.S.C. 659(b)) is amended to read as follows:

''(b) CONSENT TO REQUIREMENTS APPLICABLE TO PRIVATE PERSON.—Except as otherwise provided herein, each entity specified in subsection (a) shall be subject, with respect to notice to withhold income pursuant to subsection (a)(1) or (b) of section 466, or to any other order or process to enforce support obligations against an individual (if such order or process contains or is accompanied by sufficient data to permit prompt identification of the individual and the moneys involved), to the same requirements as would apply if such entity were a private person.''.

(4) Section 459(c) (42 U.S.C. 659(c)) is redesignated and relocated as paragraph (2) of subsection (f), and is amended—

(A) by striking ''responding to interrogatories pursuant to requirements imposed by section 461(b)(3)'' and inserting ''taking actions necessary to comply with the requirements of subsection (A) with regard to any individual''; and

(B) by striking ''any of his duties'' and all that follows and inserting ''such duties.''.

(5) Section 461 (42 U.S.C. 661) is amended by striking subsection (b), and section 459 (42 U.S.C. 659) is amended by inserting after subsection (b) (as added by paragraph (3) of this subsection) the following:

''(c) DESIGNATION OF AGENT; RESPONSE TO NOTICE OR PROCESS.—(1) The head of each agency subject to the requirements of this section shall—

''(A) designate an agent or agents to receive orders and accept service of process; and

''(B) publish (i) in the appendix of such regulations, (ii) in each subsequent republication of such regulations, and (iii) annually in the Federal Register, the designation of such agent or agents, identified by title of position, mailing address, and telephone number.''.

(6) Section 459 (42 U.S.C. 659) is amended by striking subsection (d) and by inserting after subsection (c)(1) (as added by paragraph (5) of this subsection) the following:

''(2) Whenever an agent designated pursuant to paragraph (1) receives notice pursuant to subsection (a)(1) or (b) of section 466, or is effectively served with any order, process, or interrogatories, with respect to an individual's child support or alimony payment obligations, such agent shall—

''(A) as soon as possible (but not later than fifteen days) thereafter, send written notice of such notice or service (together with a copy thereof) to such individual at his duty station or last-known home address;

''(B) within 30 days (or such longer period as may be prescribed by applicable State law) after receipt of a notice pursuant to

subsection (a)(1) or (b) of section 466, comply with all applicable provisions of such section 466; and

''(C) within 30 days (or such longer period as may be prescribed by applicable State law) after effective service of any other such order, process, or interrogatories, respond thereto.''.

(7) Section 461 (42 U.S.C. 661) is amended by striking subsection (c), and section 459 (42 U.S.C. 659) is amended by inserting after subsection (c) (as added by paragraph (5) and amended by paragraph (6) of this subsection) the following:

''(d) PRIORITY OF CLAIMS.—In the event that a governmental entity receives notice or is served with process, as provided in this section, concerning amounts owed by an individual to more than one person—

''(1) support collection under section 466(b) must be given priority over any other process, as provided in section 466(b)(7);

''(2) allocation of moneys due or payable to an individual among claimants under section 466(b) shall be governed by the provisions of such section 466(b) and regulations thereunder; and

''(3) such moneys as remain after compliance with subparagraphs (A) and (B) shall be available to satisfy any other such processes on a first-come, first-served basis, with any such process being satisfied out of such moneys as remain after the satisfaction of all such processes which have been previously served.''.

(8) Section 459(e) (42 U.S.C. 659(e)) is amended by striking ''(e)'' and inserting the following:

''(e) NO REQUIREMENT TO VARY PAY CYCLES.—''.

(9) Section 459(f) (42 U.S.C. 659(f)) is amended by striking ''(f)'' and inserting the following:

''(f) RELIEF FROM LIABILITY.—(1)''.

(10) Section 461(a) (42 U.S.C. 661(a)) is redesignated and relocated as section 459(g), and is amended—

(A) by striking ''(g)'' and inserting the following:

''(g) REGULATIONS.—''; and

(B) by striking ''section 459'' and inserting ''this section''.

(11) Section 462 (42 U.S.C. 662) is amended by striking subsection (f), and section 459 (42 U.S.C. 659) is amended by inserting the following after subsection (g) (as added by paragraph (10) of this subsection):

''(h) MONEYS SUBJECT TO PROCESS.—(1) Subject to subsection (i), moneys paid or payable to an individual which are considered to be based upon remuneration for employment, for purposes of this section—

''(A) consist of—

''(i) compensation paid or payable for personal services of such individual, whether such compensation is denominated as wages, salary, commission, bonus, pay, allowances, or otherwise (including severance pay, sick pay, and incentive pay);

''(ii) periodic benefits (including a periodic benefit as defined in section 228(h)(3)) or other payments—

''(I) under the insurance system established by title II;

''(II) under any other system or fund established by the United States which provides for the payment of pensions, retirement or retired pay, annuities, dependents' or survivors' benefits, or similar amounts payable on account of personal services performed by the individual or any other individual;

''(III) as compensation for death under any Federal program;

''(IV) under any Federal program established to provide 'black lung' benefits; or

''(V) by the Secretary of Veterans Affairs as pension, or as compensation for a service-connected disability or death (except any compensation paid by such Secretary to a former member of the Armed Forces who is in receipt of retired or retainer pay if such former member has waived a portion of his retired pay in order to receive such compensation); and

''(iii) worker's compensation benefits paid under Federal or State law; but

''(B) do not include any payment—

''(i) by way of reimbursement or otherwise, to defray expenses incurred by such individual in carrying out duties associated with his employment; or

''(ii) as allowances for members of the uniformed services payable pursuant to chapter 7 of title 37, United States Code, as prescribed by the Secretaries concerned (defined by section 101(5) of such title) as necessary for the efficient performance of duty.''.

(12) Section 462(g) (42 U.S.C. 662(g)) is redesignated and relocated as section 459(i) (42 U.S.C. 659(i)).

(13)(A) Section 462 (42 U.S.C. 662) is amended—

(i) in subsection (e)(1), by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii); and

(ii) in subsection (e), by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B).

(B) Section 459 (42 U.S.C. 659) is amended by adding at the end the following:

''(j) DEFINITIONS.—For purposes of this section—''.

(C) Subsections (a) through (e) of section 462 (42 U.S.C. 662), as amended by subparagraph (A) of this paragraph, are relocated and redesignated as paragraphs (1) through (4), respectively of section 459(j) (as added by subparagraph (B) of this paragraph, (42 U.S.C. 659(j)), and the left margin of each of such paragraphs (1) through (4) is indented 2 ems to the right of the left margin of subsection (i) (as added by paragraph (12) of this subsection).

(b) CONFORMING AMENDMENTS.—

(1) TO PART D OF TITLE IV.—Sections 461 and 462 (42 U.S.C. 661), as amended by subsection (a) of this section, are repealed.

(2) TO TITLE 5, UNITED STATES CODE.—Section 5520a of title 5, United States Code, is amended, in subsections (h)(2) and (i), by striking ''sections 459, 461, and 462 of the Social Security Act (42 U.S.C. 659, 661, and 662)'' and inserting ''section 459 of the Social Security Act (42 U.S.C. 659)''.

(c) MILITARY RETIRED AND RETAINER PAY.—(1) DEFINITION OF COURT.—Section 1408(a)(1) of title 10, United States Code, is amended—

(A) by striking ''and'' at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting ''; and''; and

(C) by adding after subparagraph (C) the following new paragraph:

''(D) any administrative or judicial tribunal of a State competent to enter orders for support or maintenance (including a State agency administering a State program under part D of title IV of the Social Security Act).'';

(2) DEFINITION OF COURT ORDER.—Section 1408(a)(2) of such title is amended by inserting ''or a court order for the payment of child support not included in or accompanied by such a decree of settlement,'' before ''which—''.

(3) PUBLIC PAYEE.—Section 1408(d) of such title is amended—

(A) in the heading, by striking ''to spouse'' and inserting ''to (or for benefit of)''; and

(B) in paragraph (1), in the first sentence, by inserting ''(or for the benefit of such spouse or former spouse to a State central collections unit or other public payee designated by a State, in accordance with part D of title IV of the Social Security Act, as directed by court order, or as otherwise directed in accordance with such part D)'' before ''in an amount sufficient''.

(4) RELATIONSHIP TO PART D OF TITLE IV.—Section 1408 of such title is amended by adding at the end the following new subsection:

''(j) RELATIONSHIP TO OTHER LAWS.—In any case involving a child support order against a member who has never been married to the other parent of the child, the provisions of this section shall not apply, and the case shall be subject to the provisions of section 459 of the Social Security Act.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall become effective 6 months after the date of the enactment of this Act.

SEC. 364. ENFORCEMENT OF CHILD SUPPORT OBLIGATIONS OF MEMBERS OF THE ARMED FORCES.

(a) AVAILABILITY OF LOCATOR INFORMATION.—

(1) MAINTENANCE OF ADDRESS INFORMATION.—The Secretary of Defense shall establish a centralized personnel locator service that includes the address of each member of the Armed Forces under the jurisdiction of the Secretary. Upon request of the Secretary of Transportation, addresses for members of the Coast Guard shall be included in the centralized personnel locator service.

(2) TYPE OF ADDRESS.—

(A) RESIDENTIAL ADDRESS.—Except as provided in subparagraph (B), the address for a member of the Armed Forces shown in the locator service shall be the residential address of that member.

(B) DUTY ADDRESS.—The address for a member of the Armed Forces shown in the locator service shall be the duty address of that member in the case of a member—

(i) who is permanently assigned overseas, to a vessel, or to a routinely deployable unit; or

(ii) with respect to whom the Secretary concerned makes a determination that the member's residential address should not be disclosed due to national security or safety concerns.

(3) UPDATING OF LOCATOR INFORMATION.—Within 30 days after a member listed in the locator service establishes a new residential address (or a new duty address, in the case of a member covered by paragraph (2)(B)), the Secretary concerned shall update the locator service to indicate the new address of the member.

(4) AVAILABILITY OF INFORMATION.—The Secretary of Defense shall make information regarding the address of a member of the Armed Forces listed in the locator service available, on request, to the Federal Parent Locator Service.

(b) FACILITATING GRANTING OF LEAVE FOR ATTENDANCE AT HEARINGS.—

(1) REGULATIONS.—The Secretary of each military department, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, shall prescribe regulations to facilitate the granting of leave to a member of the Armed Forces under the jurisdiction of that Secretary in a case in which—

(A) the leave is needed for the member to attend a hearing described in paragraph (2);

(B) the member is not serving in or with a unit deployed in a contingency operation (as defined in section 101 of title 10, United States Code); and

(C) the exigencies of military service (as determined by the Secretary concerned) do not otherwise require that such leave not be granted

(2) COVERED HEARINGS.—Paragraph (1) applies to a hearing that is conducted by a court or pursuant to an administrative process established under State law, in connection with a civil action—

(A) to determine whether a member of the Armed Forces is a natural parent of a child; or

(B) to determine an obligation of a member of the Armed Forces to provide child support.

(3) DEFINITIONS.—for purposes of this subsection;

(A) The term ''court'' has the meaning given that term in section 1408(a) of title 10, United States Code.

(B) The term ''child support'' has the meaning given such term in section 462 of the Social Security Act (42 U.S.C. 662).

(c) PAYMENT OF MILITARY RETIRED PAY IN COMPLIANCE WITH CHILD SUPPORT ORDERS.—

(1) DATE OF CERTIFICATION OF COURT ORDER.—Section 1408 of title 10, United States Code, is amended—

(A) by redesignating subsection (i) as subsection (j); and

(B) by inserting after subsection (h) the following new subsection (i):

''(i) CERTIFICATION DATE.—It is not necessary that the date of a certification of the authenticity or completeness of a copy of a court order or an order of an administrative process established under State law for child support received by the Secretary concerned for the purposes of this section be recent in relation to the date of receipt by the Secretary.''.

(2) PAYMENTS CONSISTENT WITH ASSIGNMENTS OF RIGHTS TO STATES.—Section 1408(d)(1) of such title is amended by inserting after the first sentence the following: ''In the case of a spouse or former spouse who, pursuant to section 402(a)(26) of the Social Security Act (42 U.S.C. 602(26)), assigns to a State the rights of the spouse or former spouse to receive support, the Secretary concerned may make the child support payments referred to in the preceding sentence to that State in amounts consistent with that assignment of rights.''.

(3) ARREARAGES OWED BY MEMBERS OF THE UNIFORMED SERVICES.—Section 1408(d) of such title is amended by adding at the end the following new paragraph:

''(6) In the case of a court order or an order of an administrative process established under State law for which effective service is made on the Secretary concerned on or after the date of the enactment of this paragraph and which provides for payments from the disposable retired pay of a member to satisfy the amount of child support set forth in the order, the authority provided in paragraph (1) to make payments from the disposable retired pay of a member to satisy the amount of child support set forth in a court or an order of an administrative process established under State law shall apply to payment of any amount of child support arrearages set forth in that order as well as to amounts of child support that currently become due.''.

SEC. 365. MOTOR VEHICLE LIENS.

Section 466(a)(4) (42 U.S.C. 666(a)(4)) is amended—

(1) by striking ''(4) Procedures'' and inserting the following:

''(4) LIENS.—

''(A) IN GENERAL.—Procedures''; and

(2) by adding at the end the following new subparagraph:

''(B) MOTOR VEHICLE LIENS.—Procedures for placing liens for arrears of child support on motor vehicle titles of individuals owing such arrears equal to or exceeding two months of support, under which—

''(i) any person owed such arrears may place such a lien;

''(ii) the State agency administering the program under this part, shall systematically place such liens;

''(iii) expedited methods are provided for—

''(I) ascertaining the amount of arrears;

''(II) affording the person owing the arrears or other titleholder to contest the amount of arrears or to obtain a release upon fulfilling the support obligation;

''(iv) such a lien has precedence over all other encumbrances on a vehicle title other than a purchase money security interest; and

''(v) the individual or State agency owed the arrears may execute on, seize, and sell the property in accordance with State law.''.

SEC. 366. VOIDING OF FRAUDULENT TRANSFERS.

Section 466(a) (42 U.S.C. 666(a)), as amended by sections 301(a), 328(a), and 331 of this Act, is amended by adding at the end the following new paragraph:

''(15) FRAUDULENT TRANSFERS.—Procedures under which—

''(A) the State has in effect—

''(i) the Uniform Fraudulent Conveyance Act of 1981,

''(ii) the Uniform Fraudulent Transfer Act of 1984, or

''(iii) another law, specifying indicia of fraud which create a prima facie case that a debtor transferred income or property to avoid payment to a child support creditor, which the Secretary finds affords comparable rights to child support creditors; and

''(B) in any case in which the State knows of a transfer by a child support debtor with respect to which such a prima facie case is established, the State must—

''(i) seek to void such transfer; or

''(ii) obtain a settlement in the best interests of the child support creditor.''.

SEC. 367. STATE LAW AUTHORIZING SUSPENSION OF LICENSES.

Section 466(a) (42 U.S.C. 666(a)), as amended by sections 301(a), 328(a), 331, and 166 of this Act, is amended by adding at the end the following new paragraph:

''(16) AUTHORITY TO WITHHOLD OR SUSPEND LICENSES.—Procedures under which the State has (and uses in appropriate cases) authority (subject to appropriate due process safeguards) to withhold or suspend, or to restrict the use of driver's licenses, professional and occupational licenses, and recreational licenses of individuals owing overdue child support or failing, after receiving appropriate notice, to comply with subpoenas or warrants relating to paternity or child support proceedings.''.

SEC. 368. REPORTING ARREARAGES TO CREDIT BUREAUS.

Section 466(a)(7) (42 U.S.C. 666(a)(7)) is amended to read as follows:

''(7) REPORTING ARREARAGES TO CREDIT BUREAUS.—(A) Procedures (subject to safeguards pursuant to subparagraph (B)) requiring the State to report periodically to consumer reporting agencies (as defined in section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) the name of any absent parent who is delinquent by 90 days or more in the payment of support, and the amount of overdue support owed by such parent.

''(B) Procedures ensuring that, in carrying out subparagraph (A), information with respect to an absent parent is reported—

''(i) only after such parent has been afforded all due process required under State law, including notice and a reasonable opportunity to contest the accuracy of such information; and

''(ii) only to an entity that has furnished evidence satisfactory to the State that the entity is a consumer reporting agency.''.

SEC. 389. EXTENDED STATUTE OF LIMITATION FOR COLLECTION OF ARREARAGES.

(a) AMENDMENTS.—Section 466(a)(9) (42 U.S.C. 666(a)(9)) is amended—

(1) by striking ''(9) Procedures'' and inserting the following:

''(9) LEGAL TREATMENT OF ARREARS.—

''(A) FINALITY.—Procedures'';

(2) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and by indenting each of such clauses 2 additional ems to the right; and

(3) by adding after and below subparagraph (A), as redesignated, the following new subparagraph:

''(B) STATUTE OF LIMITATIONS.—Procedures under which the statute of limitations on any arrearages of child support extends at least until the child owed such support is 30 years of age.''.

(b) APPLICATION OF REQUIREMENT.—The amendment made by this section shall not be read to require any State law to revive any payment obligation which had lapsed prior to the effective date of such State law.

SEC. 370. CHARGES FOR ARREARAGES.

(A) STATE LAW REQUIREMENT.—Section 466(a) (42 U.S.C. 666(a)), as amended by section 301(a), 328(a), 331, 366, and 367 of this Act, is amended by adding at the end the following new paragraph:

''(17) CHARGES FOR ARREARAGES.—Procedures providing for the calculation and collection of interest or penalties for arrearages of child support, and for distribution of such interest or penalties collected for the benefit of the child (except where the right to support has been assigned to the State).''.

(b) REGULATIONS.—The Secretary of Health and Human Services shall establish by regulation a rule to resolve choice of law conflicts arising in the implementation of the amendment made by subsection (a).

(c) CONFORMING AMENDMENT.—Section 454(21) (42 U.S.C. 654(21)) is repealed.

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to arrearages accruing on or after October 1, 1998.

SEC. 371. DENIAL OF PASSPORTS FOR NONPAYMENT OF CHILD SUPPORT.

(a) HHS CERTIFICATION PROCEDURE.—

(1) SECRETARIAL RESPONSIBILITY.—Section 452 (42 U.S.C. 652), as amended by sections 315(a)(3) and 317 of this Act, is amended by adding at the end the following new subsection:

''(l) CERTIFICATIONS FOR PURPOSES OF PASSPORT RESTRICTIONS.—

''(1) IN GENERAL.—Where the Secretary receives a certification by a State agency in accordance with the requirements of section 454(28) that an individual owes arrearages of child support in an amount exceeding $5,000 or in an amount exceeding 24 months' worth of child support, the Secretary shall transmit such certification to the Secretary of State for action (with respect to denial, revocation, or limitation of passports) pursuant to section 171(b) of this Act.

''(2) LIMIT ON LIABILITY.—The Secretary shall not be liable to an individual for any action with respect to a certification by a State agency under this section.''.

(2) STATE CSE AGENCY RESPONSIBILITY.—Section 454 (42 U.S.C. 654), as amended by sections 304(a), 314(b), and 322(a) of this Act, is amended—

(A) by striking ''and'' at the end of paragraph (26);

(B) by striking the period at the end of paragraph (27) and inserting ''; and''; and

(C) by adding after paragraph (27) the following new paragraph:

''(28) provide that the State agency will have in effect a procedure (which may be combined with the procedure for tax refund offset under section 464) for certifying to the Secretary, for purposes of the procedure under section 452(l) (concerning denial of passports) determinations that individuals owe arrearages of child support in an amount exceeding $5,000 or in an amount exceeding 24

months' worth of child support, under which procedure—

''(A) each individual concerned is afforded notice of such determination and the consequences thereof, and an opportunity to contest the determination; and

''(B) the certification by the State agency is furnished to the Secretary in such format, and accompanied by such supporting documentation, as the Secretary may require.''.

(b) STATE DEPARTMENT PROCEDURE FOR DENIAL OF PASSPORTS.—

(1) IN GENERAL.—The Secretary of State, upon certification by the Secretary of Health and Human Services, in accordance with section 452(l) of the Social Security Act, that an individual owes arrearages of child support in excess of $5,000, shall refuse to issue a passport to such individual, and may revoke, restrict, or limit a passport issued previously to such individual.

(2) LIMIT ON LIABILITY.—The Secretary of State shall not be liable to an individual for any action with respect to a certification by a State agency under this section.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall become effective October 1, 1996.

SEC. 372. INTERNATIONAL CHILD SUPPORT ENFORCEMENT.

(A) SENSE OF THE CONGRESS THAT THE UNITED STATES SHOULD RATIFY THE UNITED NATIONS CONVENTION OF 1956.—It is the sense of the Congress that the United States should ratify the United Nations Convention of 1956.

(b) TREATMENT OF INTERNATIONAL CHILD SUPPORT CASES AS INTERSTATE CASES.—Section 454 (42 U.S.C. 654), as amended by sections 304(a), 314(b), 322(a), and 371(a)(2) of this Act, is amended—

(1) by striking ''and'' at the end of paragraph (27);

(2) by striking the period at the end of paragraph (28) and inserting ''; and''; and

(3) by inserting after paragraph (28) the following:

''(29) provide that the State must treat international child support cases in the same manner as the State treats interstate child support cases.''.

Subtitle H—Medical Support

SEC. 381. TECHNICAL CORRECTION TO ERISA DEFINITION OF MEDICAL CHILD SUPPORT ORDER.

(a) GENERAL.—Section 609(a)(2)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1169(a)(2)(B)) is amended—

(1) by striking ''issued by a court of competent jurisdiction'';

(2) by striking the period at the end of clause (ii) and inserting a comma; and

(3) by adding, after and below clause (ii), the following: ''if such judgment, decree, or order (I) is issued by a court of competent jurisdiction or (II) is issued by an administrative adjudicator and has the force and effect of law under applicable State law.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) PLAN AMENDMENTS NOT REQUIRED UNTIL JANUARY 1, 1996.—Any amendment to a plan required to be made by an amendment made by this section shall not be required to be made before the first plan year beginning on or after January 1, 1996, if—

(A) during the period after the date before the date of the enactment of this Act and before such first plan year, the plan is operated in accordance with the requirements of the amendments made by this section, and

(B) such plan amendment applies retro-actively to the period after the date before the date of the enactment of this Act and before such first plan year.

A plan shall not be treated as failing to be operated in accordance with the provisions of the plan merely because it operates in accordance with this paragraph.

Subtitle I—Effect of Enactment

SEC. 391. EFFECTIVE DATES.

(A) IN GENERAL.—Except as otherwise specifically provided (but subject to subsections (b) and (c))—

(1) provisions of this title requiring enactment or amendment of State laws under section 466 of the Social Security Act, or revision of State plans under section 454 of such Act, shall be effective with respect to periods beginning on and after October 1, 1996; and

(2) all other provisions of this title shall become effective upon enactment.

(b) GRACE PERIOD FOR STATE LAW CHANGES.—The provisions of this title shall become effective with respect to a State on the later of—

(1) the date specified in this title, or

(2) the effective date of laws enacted by the legislature of such State implementing such provisions, but in no event later than the first day of the first calender quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

(c) GRACE PERIOD FOR STATE CONSTITUTIONAL AMENDMENT.—A State shall not be found out of compliance with any requirement enacted by this title if it is unable to comply without amending the State constitution until the earlier of—

(1) the date one year after the effective date of the necessary State constitutional amendment, or

(2) the date five years after enactment of this title.

SEC. 392. SEVERABILITY.

If any provision of this title or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this title which can be given effect without regard to the invalid provision or application, and to this end the provisions of this title shall be severable.

TITLE IV—REAUTHORIZATION OF CHILD CARE AND DEVELOPMENT BLOCK GRANT

SEC. 431. REAUTHORIZATION OF CHILD CARE AND DEVELOPMENT BLOCK GRANT.

Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended to read as follows:

''SEC. 658B. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subchapter—

''(1) such sums as may be necessary for fiscal year 1995;

''(2) $1,000,000,000 for fiscal year 1996;

''(3) $1,500,000,000 for fiscal year 1997;

''(4) $2,000,000,000 for fiscal year 1998;

''(5) $2,500,000,000 for fiscal year 1999;

''(6) $3,000,000,000 for fiscal year 2000; and

''(7) $3,500,000,000 for fiscal year 2001.''.

TITLE V—AMENDMENTS TO THE INTERNAL REVENUE CODE

SEC. 501. INCREASE IN TOP MARGINAL RATE UNDER SECTION 11.

(a) IN GENERAL.—The following provisions of the Internal Revenue Code of 1986 are amended by striking ''35'' and inserting ''36.25'':

(1) Section 11(b)(1).

(2) Section 11(b)(2).

(3) Section 1201(a).

(4) Paragraphs (1) and (2) of section 1445(e)

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning on or after October 1, 1996, except that the amendment made by subsection (a)(4) shall take effect on October 1, 1996.

TITLE VI—EFFECTIVE DATE

SEC. 601. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect on October 1, 1996.

The CHAIRMAN. Pursuant to the rule the gentlewoman from Hawaii [Mrs. MINK] will be recognized for 30 minutes and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Chairman, I yield myself such time as I may consume.

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Chairman, I rise today to speak for the millions of women and children whose lives will be deeply affected by what we do. In the name of reform, we are about to destroy the foundations which have been built over the years to build a framework of support and help. What was a reform effort has now turned into a savage effort to cut away needed funds for our most vulnerable children in order to pay for the tax cuts for the wealthiest in America. Changing the AFDC Program from an entitlement to a block grant means that you blow away its foundation of support. Changing the National School Lunch Program from an entitlement to a block grant means that you place every schoolchild in jeopardy that their school may have to drop out of the program. What good is it to say that there are funds for needy children if the schools they attend have no school lunch program at all? Changing the child care programs from entitlements to block grants means that you diminish the level of commitment to child care as the most important element required to achieve work and self-sufficiency.

The Republican attack against our efforts to build back a future for welfare families by job training, job search, and child care argues that all we do is defend the status quo. For most of this century America has stood tall as a country that helped its poor, and fed its children, and nursed its sick. If this is the status quo, I am proud to defend it because this is what I believe America is all about.

It is not about bashing women as illicit and unfit mothers. It is not about bashing legal aliens. It is not about bashing children because they were born out of wedlock.

America is about having the greatness to offer help where needed. I rise today because I passionately reject the meanness that I see and hear. I reject that the poor are less deserving of our love and affection.

The facts my colleagues is what gives me the spirit to fight back today. The facts, if you care to read, tell you that

50 percent of the adult poor on welfare, work. You don't need to force them to get up everyday like you think. They struggle to feed their families. They know that they want something better for themselves. They don't need a law to force them to love their children. More than half of the adults on welfare have 4 years of work experience. They are not lazy and seeking dependency as a way of life. They are despondent because of events beyond their control, sickness, being laid off a job because of corporate downsizing, divorce, or death.

Our substitute bill that we offer is the truth about America. It acknowledges that States should have greater flexibility in designing the job training and child care programs. But we guarantee the funds with which to do it. If Federal funds are to be spent there must be uniformity throughout the Nation on such things as eligibility standards, but beyond that the States must have the ability to decide how to achieve the goals of job placement which are required in this bill.

We reward families that work by not pulling them out of essential support like food stamps, housing, and child care.

We extend support to low-income working families not on welfare, but as much in need of help, by providing them with child care services as well.

In truth, Mr. Chairman, this substitute bill which has 75 cosponsors is an expression of belief and hope which is the icon of American ideology. Best of all it demeans no one because they are poor, and it protects children and legal aliens by refusing to segregate their rights and privileges because of status, and assures stability of Federal support while allowing maximum flexibility to the States to provide for jobs, job training and child care. Yes, it cuts off support if the parent refuses a job offer, but it does not set an arbitrary time limit which could not be met either by the State or by the community. To cut off a family in need when there is neither job, nor job offer, is cruel. What will the children do to survive? Separate the siblings in foster care, in orphanages? A job must be found before any funds are cut. That is the object, isn't it? Help families find work that earns their way off of welfare. This is our goal. This is the goal of an American that cares. This is not the status quo, because there is no such goal in current law. Vote for the Mink substitute.

FAMILY STABILITY AND WORK ACT (H.R. 1250) SPONSORED BY CONGRESSWOMAN PATSY T. MINK

SUMMARY

The Welfare debate has been centered around getting people off of welfare through arbitrary time limits and denying benefits to teenage mothers and children born into welfare families, all in an attempt to reduce federal welfare spending. Very little has centered around what is truly necessary to help families get off of welfare and stay off.

The Mink plan is a forthright and honest plan which seeks to move welfare families to self-sufficiency through employment. It provides the resources necessary to give welfare recipients the education, job training, job research assistance and child care that they need to find a job and sets them on a course toward employment through the Job Creation and Work Experience program. It also includes a strong work requirement and increases state flexibility.

Foremost is the fact the Mink plan protects children. It does not allow states to deny benefits to teenage mothers and children born into families already on AFDC. It does not allow children to be out on the street because they have been thrown off of welfare after two years. It helps to keep children and families off of welfare by allowing health care, child care, housing and Food Stamp benefits to continue for a short term after the family is off of AFDC. It increases child support enforcement so that single-parent families have a contribution from the absent parent to help sustain the family. And it eliminates the discrimination of two parent families in the AFDC system.

The major differences between the Mink plan and other welfare proposals are: retains entitlement status of the program; no arbitrary cut off of benefits (people who refuse to work or turn down a job are denied benefits); protects children because it does not include requirement to deny benefits to teenage mothers or children who are born to families already on AFDC; rewards states for successfully moving welfare recipients into jobs; makes the investments necessary to prepare welfare recipients for work; helps families stay off of welfare by allowing them to retain health, child care, housing and Food Stamp benefits for up to two years, and does not finance welfare by denying benefits to legal immigrants.

I. WORK OPPORTUNITIES AND REQUIREMENTS

Work and preparing for work are essential elements in a welfare reform. The Mink plan provides welfare recipients with the education, job training and child care necessary to obtain a job and stay employed. State are provided more flexibility in implementing the JOBS program to help prepare welfare recipients for work and enhances JOBS with a new work program (The Jobs Creation and Work Experience Program). This is not a one-size fits all approach. It eliminate cumbersome requirements under the JOBS program and allows states flexibility in determining who is required to participate in JOBS and who is exempt. There is no arbitrary time limit for AFDC benefits but allows states to work with individual families to determine what is necessary to get them off of welfare and become self-sufficient through employment.

The Mink plan includes a strong work requirement. Every recipient with a self-sufficiency plan must be in a job after the education, training or job search activities required in their self-sufficiency plan are completed. If they cannot find a job they must participate in the Job Creation and Work Experience Program for two years. States are given maximum flexibility to design the Work program to fit the needs of their AFDC families and their community.

The basic components of this program are:

Participation rates.—States decide who participates and who is exempt, so long as the following participation rates are achieved: 15 percent of AFDC families in FY 1997; 20 percent of AFDC families in FY 1998; 25 percent of AFDC families in FY 1999; 30 percent of AFDC families in FY 2000; 35 percent of AFDC families in FY 2001; 40 percent of AFDC families in FY 2002; and 50 percent of AFDC families in FY 2003 and each succeeding year.

Self-sufficiency plan.—Within 30 days of being determined eligible for AFDC, a preliminary assessment of the self-sufficiency needs of the family and whether they qualify for the JOBS program is required. A more detailed self-sufficiency plan must be developed for every participant in the JOBS program. The plan will explain how the State will help and what the recipient will do to pursue employment. It will identify the education, training and support services that will be provided to reach the goal of self-sufficiency, and it will set a timetable for achieving the goals.

Work Requirement.—Every recipient with a self-sufficiency plan must work after education, training, job search or any other preparatory activity required by their self-sufficiency plan. If the recipient cannot find a job, the state must provide a subsidized job through the Job Creation and Work Experience program for at least two years.

Components of the Job Creation and Work Experience Program.—Each State designs its own program to provide employment in the public or private sector for AFDC recipients. The jobs must pay at least Federal minimum wage and may be subsidized. Child care and Medicaid eligibility must be sustained throughout the program. Protections against displacing existing employees at a company or organization participating in a subsidized job program are included.

Time limits.—There are no arbitrary time limits on AFDC benefits. Requires a recipient to get a job once they have completed education or training as determined by their self-sufficiency plan. If a job is not available, they must be placed in the Job Creation and Work Experience program for at least two years. Any one who refuses to work or turns down a job will be cut off of welfare. However, AFDC recipients who play by the rules but cannot find a job because there are no jobs do not get punished by being cut off of welfare.

Jobs and work funding.—The Job Creation and Work Experience Program is a new program under JOBS. Funding for JOBS will continue to be based on a Federal/State share and remain a capped entitlement to the States at the following levels (including the $1 billion currently authorized for JOBS): $1.5 billion in FY 1997; $1.9 billion in FY 1998; $2.8 billion in FY 1999; $3.7 billion in FY 2000, and $5.0 billion in FY 2001.

Rewards success.—Increases Federal share of the JOBS program and Transitional Child Care program by 10 percent for States which meet a certain success rate in moving families on welfare into work (actual rate increase for JOBS program would equal 70% or the Federal Medicaid Match plus 10%). In order to receive the increased federal share the number of JOBS participants who leave the AFDC program due to employment (does not include subsidized employment) within the given year must equal: ¼ of JOBS participants in fiscal year 1998, ⅓ of JOBS participants in fiscal year 1999, and ½ of JOBS participants in fiscal year 2000 or any year thereafter.

Promotes families.—Eliminates requirements discriminating against two-parent families.

II. CHILD CARE

Child Care is essential in order for AFDC mothers to work or participate in an education or job training program. Child care is often the most difficult support service for mothers to find and the most expensive. The Mink plan increases the Federal investment in child care so that AFDC mothers can work to support their families and extend transitional child care assistance so that families who have left the AFDC system can stay off of welfare. In addition, the Mink

plan makes a significant investment in child care for other low-income families through the At-Risk Child Care program and the Child Care Development Block Grant program.

Child Care Guarantee.—Retains the Child Care Guarantee for AFDC recipients and JOBS participants. Extends the Transitional Child Care program for families who leave AFDC for an additional year. (current program is one year). Families who leave AFDC would be eligible for transitional child care for two years or until their family income reaches 200% of poverty.

Increase Federal Match.—Increases the federal share for the AFDC & Transitional Child Care by 10%.

Child Care for Non-AFDC families.—Increases the Federal Match for the At-Risk Child Care program by 10% and increases capped entitlement to: $800 million in fiscal year 1997; $1.3 billion in fiscal year 1998; $1.8 billion in fiscal year 1999; $2.3 billion in fiscal year 2000, and $2.8 billion in fiscal year 2001.

Reauthorizes the Child Care Development Block Grant program for five years with the following authorization levels: $1.0 billion in fiscal year 1996; $1.5 billion in fiscal year 1997; $2.0 billion in fiscal year 1998; $2.5 billion in fiscal year 1999; $3.0 billion in fiscal year 2000, and $3.5 billion in fiscal year 2001.

III. MAKING WORK PAY

Helping former AFDC families stay off of welfare must be one of our primary goals. Currently over ½ of the AFDC population cycles on and off of welfare. Low wage jobs which do not provide enough money to sustain a family coupled with the loss of health care, child care, housing and food stamps, often puts a family right back into the dire financial situation which put them on welfare in the first place. We must reward AFDC recipients who go to work and not punish them by taking away necessary assistance which will help stabilize the family. The Mink plan allows AFDC families to retain short-term assistance in the areas of health, housing, nutrition and child care to help stabilize the family and assure that they will not fall back into welfare, including:

Rewards work.—Eliminates disincentives for AFDC recipients to work by increasing the amount of earned income not included in calculation of AFDC benefits from $120 per month to $200 per month in the 1st year and $90 to $170 after fir first year.

Transitional health benefits.—Extends Medicaid benefits for an additional year (with state option to require families to pay a portion of the premium) after a family leaves AFDC and extends Medicaid benefits for the children until they reach 18 years of age or the family's income reaches 200 percent of poverty.

Transitional nutrition benefits.—Income earned by AFDC recipients and former AFDC recipients will not be counted for the purposes of Food Stamp eligibility until the family's income reaches 200% of poverty or for two years after the termination of AFDC benefits.

Transitional housing benefits.—Income earned by AFDC recipients and former AFDC recipients will not be counted for the purposes of Federal Housing assistance eligibility or rent determination until the family's income reaches 200% of poverty or for two year after the termination of AFDC benefits.

IV. CHILD SUPPORT

Failure to enforce child payments plays a key role in keeping single parent families in poverty. The FSWA incorporates the child support enforcement provisions developed by the Women's Caucus. It improves state and interstate child support enforcement through:

Establishment of state automated systems on child support orders;

Establishment of a Federal automated system which will include state data on child support orders and a directory of new hires;

Requiring all states to adopt the Uniform Interstate Family Support Act, which establishes a framework for determining which state retains jurisdiction of interstate cases and governs the relationship amongst states in this area.

Improved sanctions including, state guidelines for driver's license suspension, and the denial of passports for individual who are more than $5000 or 24 months arrears;

Granting families who are owed child support first right of access to an IRS refund credited to a delinquent non-custodial parent;

Increasing the Federal matching rate from 66% to 75% and including incentive payments of up to 15% for state's based on paternity establishment and overall performance of state program. 80% Federal matching rate for the development of automated systems.

V. FINANCING

Corporate America benefits from billions of dollar worth of corporate welfare—subsidies, tax breaks, credits, direct federal spending—every major corporation and business receives some kind of benefit from the Federal government. Corporations must do their share in investing in our nation's most vulnerable in our society.

The Mink bill is financed through raising the top corporate income rate by 1.25% to 36.25 percent. This is estimated to raise $20.25 billion over 5 years.

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

The CHAIRMAN. For what purpose does the gentleman from Pennsylvania [Mr. GOODLING] rise?

Mr. GOODLING. Mr. Chairman, I rise in opposition to the amendment in the nature of a substitute.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GOODLING] is recognized for 30 minutes.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. PORTMAN].

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

Mr. Chairman, I rise in opposition to the Mink substitute. I believe it is an expansion of our current system rather than real reform.

Mr. Chairman the fundamental difference with the substitute, of course, is that it retains the entitlement status of the AFDC. But it goes beyond that, it increases the administrative burdens and imposes costly new unfunded Federal mandates on the States. It is mostly deficient for what it does not do. It does not give the States the flexibility to respond to the crisis we have before us.

Mr. Chairman, during our Committee on Ways and Means hearings on welfare reform we repeatedly heard from Governors and others closer to the delivery of public assistance that in order to affect real welfare reform, we need to stop the one-size-fits-all Federal approach and let States design welfare programs that are designed to meet the real needs of the population.

□ 1100

Such an approach removes a whole layer of expensive Federal bureaucracy that will free up more resources, more resources, Mr. Chairman, to try innovative, new approaches at the local level to truly change people's lives. This substitute before us does not do that. It keeps the same expensive Washington welfare bureaucracy in place, and, in fact, increases costs and Federal requirements. It requires States, as an example, to provide a public sector or subsidized private sector job paying minimum wage for at least 2 years for each recipient. It raises the jobs program participation requirements 5 percent annually, and it guarantees former AFDC families child care indefinitely, until their income reaches 200 percent of poverty. It is the status quo, as the gentlewoman from Hawaii [Mrs. MINK] has said, but it is more than that. It is more of the same.

Again, I believe this substitute traps us in the failed welfare system of the past, so what we need to do is we need to end the perverse incentives of the past. We need to make people work, we need to encourage families to stay together, we need to slash the costly and ineffective Federal welfare bureaucracy.

Thomas Jefferson once said, ''I believe that the States can best govern our home concerns.'' I think he was right. Many of today's thinkers echo those words, sociologist James Q. Wilson among others. Quite frankly, Mr. Chairman, we have to oppose this substitute because it just increases the bureaucracy and the failed welfare system. We need to look ahead. We need to support the committee bill which gives our State partners the flexibility they need.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS], a member of my Committee on Economic and Educational Opportunities.

Mr. WILLIAMS. Mr. Chairman, along with the gentlewoman, I, too, along with many of my colleagues, have spent a lot of time thinking about welfare and trying to figure out how to reform it, a thing that this Congress has done many times, by the way, since welfare was first created. It is not easy, but there are some clear conclusions that one arrives at.

First, and the American people agree with this more than anything else, we have got to make being off of welfare more profitable than being on it. This bill does that better than any bill before us. The American people say, ''You've got to educate people, you got to job train them to take that job once they get on welfare.''

Now check it. This bill, Mr. Chairman, the gentlewoman from Hawaii's bill, does that better than any bill that is before us. I say to my colleagues, ''You have to improve employment

services so that the former welfare recipients now trained for a job can actually find a job.'' No bill does that better than this bill offered by the gentlewoman from Hawaii [Mrs. MINK], and it does something else. It is tough. It requires that the States increase the number of recipients who take jobs from the current 15 percent up to 50 percent, and I think it does that better than any bill that is before us.

I say to my colleagues, ''If you ask the American people what they don't want to do in welfare reform, they'd say, 'For heaven's sakes, don't cut the kids nutrition programs, don't cut school lunch.'' This bill does not cut it.

Mr. Chairman, I voted for the Deal bill last night because I thought it was a lot better than the Republican substitute. I say to my colleagues, ''I like Mrs. MINK's bill even better than the Deal bill,''

Now let me finally say a word about the Republican substitute. I know it is a major part of the contract, almost the crown jewels of the contract, and Republicans talk a lot about change. Now here is their great idea for change on welfare reform: Pass the buck to the Governors. Let the Governors do it.

I ask, ''Is that the best you can do in your contract? Is that the only change you could think of for welfare reform, if we don't know how to do it, let's let the Governors do it?''

No wonder the American people want their money back on the contract.

Mr. GOODLING. Mr. Chairman, I ask unanimous consent that my time be controlled by the gentlewoman from Kansas [Mrs. MEYERS].

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

There was no objection.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I oppose the Mink substitute. It maintains the entitlement nature of this program, and I think that is a serious mistake. It vastly expands the welfare state. It means a $13 billion increase in expanded jobs training programs. It means a $14.9 billion increase in expanded child care programs. It extends Medicare coverage for an additional year after beneficiary begins working. They already have 1 year Medicaid, I believe. It lets welfare beneficiaries earn more and still collect welfare.

Mr. Chairman, all of this will add over $30 billion a year to the $70 billion that we spend on the AFDC population now.

After 2 years in a job training program, the Federal Government requires States to provide make-work public jobs or subsidized employment for at least 2 years under the substitute offered by the gentlewoman from Hawaii. Now, while in this make-work job, beneficiaries must earn more than they did on AFDC. In other words, the Government is required to give them a job. While they are in this make-work job, they must earn more than they did on AFDC.

The corporate tax rate is going to be increased by 1.25 percent to subsidize welfare workers who are doing make-work jobs.

The Mink substitutes does not address out-of-wedlock births at all. Mr. Chairman, by the year 2000, 80 percent of minority children and 40 percent of all children in this country are going to be born out of wedlock. The younger that a woman has a child, the more likely it will be that she will end up on welfare and stay there for at least 8 to 10 years.

We know, Mr. Chairman, statistically—I am not saying that welfare children are bad. I do not believe that. Many children turn out extremely well, but we know from statistics and studies that children who get started in the welfare system get a very bad start in life sometimes. They do not have a lot of structure in their life. Frequently they do not have a father. Sometimes they do not even have enough food and clothing, and statistically we know that throughout their life they are going to have more trouble with education, health and crime. We are consigning people to a very bad life when we expand this system, and I vigorously oppose the Mink substitute.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Mrs. MEEK].

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Chairman, I stand to support the substitute offered by the gentlewoman from Hawaii [Mrs. MINK]. She definitely reforms AFDC, and that is where most of the problems are.

I say to my colleagues, ''Now, you can put any label on us as you want to. You can call us liberals or conservatives. But the main thing the children and the people of this country want: Benefits. They want services. They don't care what party you're in, and they don't care what rhetoric you spout. When a hungry stomach is hungry, they care nothing about whether you're conservative or liberal. That's why PATSY MINK is saying, 'Get a way to get us out of this morass, get some jobs, define them, show them how to get there.''

Now there are jobs out there, and I say to my colleagues, ''Don't let anyone fool you, there are jobs, but you must train people to get to the jobs, and that's what PATSY MINK does. She requires them to work, but with some skill so they can keep those jobs and not get on this hamburger chain from one McDonald's and one Burger King to the other because of all these ill-defined job programs that just making the people who started this train of illiteracy and poor work habits get on the train and not help them as they've never been.''

So let us make a deal. Deal tried to do it last night. My colleagues would not accept his substitute.

Let us make a deal and show that the substitute offered by the gentlewoman from Hawaii [Mrs. MINK] delivers a better trail, it delivers better jobs, it delivers better work, it delivers better benefits for poor people.

Now let me tell my colleagues something about helping people on welfare. The substitute offered by the gentlewoman from Hawaii does this, does job training, it does education, it will put emphasis on quality child care.

I ask, ''How do you expect people to work, mothers, if they don't have child care?'' Knowing that their babies are safe will make them have some incentive to go out and find a job. It will put emphasis on school lunches, that children are hungry. Go out there in the community, and my colleagues will see these hungry children.

It is time to do the real reform. We do not care about labels. I say to my colleagues, ''It's not what you call me, it's what I answer to.''

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 2½ minutes to the gentleman from Oklahoma [Mr. WATTS].

Mr. WATTS of Oklahoma. Mr. Chairman, it appears that the Mink substitute is yet another form of big government—more money, more bureaucracy, fewer answers. For more than 30 years we have tried welfare one way. What do we have to show for it?

We have a system that penalizes families, that penalizes a mother for wanting to marry the father of her children, that penalizes savings, and penalizes the person who wants to own property.

The Mink substitute increases spending by at least $1 billion over 5 years just for transitional child care. And, that's only one tiny part. For example, it expands the JOBS program by $14.9 billion and that program has not been proven effective. And it also increases taxes to the point where business may not be able to provide the very jobs we are training them to fill.

And that is just the beginning.

I would ask all of us to consider, What do we have to show for 30 years of throwing money at a problem?

We have more people on welfare with no hope of getting off. One of the other results is an inflated, overextended budget. Currently, the bankrupt budget burdens families with excessive taxes.

We need to get beyond the old law. We're the government and we're to help to the point where we can say, we're the government and we're going to get out of the way and let you dream your dreams.

Beyond the problems of the Mink substitute, there is a philosophical shift that needs to be made here. We need to make sure that we no longer measure compassion by how many people are on welfare and how much money we throw at welfare but by how few people are on welfare and how little money we take from our citizens to

get those who are down and out addicted to the government dole.

We have tried it one way for 30 years now and it hasn't worked. Throwing more money at the problem and increasing the bureaucracy is not the answer.

The answer lies in restoring hope—offering a helping hand—in the form of temporary assistance and then giving a hand up not just a hand out. The Mink substitute is not the answer. I urge a ''no'' vote.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 2 minutes to our distinguished ranking member, the gentleman from Missouri [Mr. CLAY].

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

Mr. CLAY. Mr. Chairman, I am proud to serve as a cosponsor of the Mink substitute because it is the most humane of the three proposals before us.

The Mink substitute is justifiably silent on the nutrition issues that have so divided this House during the welfare reform debate. It says nothing about these issues because it doesn't need to say anything. Existing Federal nutrition programs work remarkably well. Leave the system alone. Each day, 26 million children are fed school lunches, and 7 million women, infants, and children participate in the WIC Program. The Mink substitute reminds us not to throw the baby out with the bath water.

Mr. Chairman, not one witnesses who testified before the Committee on Economic and Educational Opportunities this session supported block granting Federal nutrition programs.

Our Republican colleagues keep denying that their bill will hurt women and children. In fact they have become rather angry, complaining that they are being unfairly accused of cutting WIC and school lunch and breakfast programs. But the truth is, the Republican bill doesn't just cut these nutrition programs, it decimates them. National nutrition standards, gone; summer food programs, gone; child care food programs, gone; the guarantee that all children will be protected from hunger, gone; the automatic trigger to increase nutrition support when the economy worsens, gone. The Republican proposal relieves the Federal Government of all responsibility and blame.

Mr. Chairman, my Republican colleagues claim the will increase funds for nutrition programs. This is part of the distortion. It is the big lie. They quote authorizations as appropriations.

At least 6 million children will go to bed hungry every night if this bill becomes law. This Republican bill is not designed to address the programs of those on welfare, but to relieve the well-to-do of any tax obligations. It is nothing more than a money-laundering scheme, a shell game; take from the poor and give to the rich.

Mr. Chairman, if one child goes hungry because of the Republican proposal, shame on this Congress. If one child is born prematurely because his mother is denied WIC services, shame on this Congress. If one child dies from malnourishment because a tax cut was given to the rich, shame on this Congress, and on those insensitive voters who are supporting the callous provisions of this obnoxious Contract With America.

I urge my Republican colleagues to support the Mink substitute. It protects our Nation's children from the nightmare of the Republican bill.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana [Mr. SOUDER].

□ 1115

Mr. SOUDER. Mr. Chairman, listening to this debate, I am struck by self-doubt. Maybe the Democrats are right. Maybe we are being too rash and too impulsive in trying to change the welfare system from the last three decades.

John Lennon said give peace a chance. Maybe my friends are correct that we just need to give the welfare state a chance. After all, we have only been at it for about 30 years. Nearly two-thirds of the households at the lowest one-fifth of the income distribution are headed by persons who work. Today that has declined by one-third. But maybe we should just give it a little bit more time and spend just a little bit more money.

In 1966 when the war on poverty began, the poverty rate was 14.7 percent. Today's poverty rate is even worse, 15.1 percent. But maybe we are being rash on this side and we should not really try to reform the system and just put a little bit more money in and that will help. Should we wait until illegitimacy rates reach 95, 100 percent in our public housing projects? Should we wait until 50 to 75 percent of white babies and over 90 to 100 percent of African-American babies are out of wedlock?

At what point do we decide that the system is broken, that the way we are doing it does not require just a little bit more money or a little bit more Federal program, but rather that we need a radical overhaul, that we need to put it back to the States where people can look at the local level, see what is working, see what is not working, tinker with the edges rather than having it directed from here in Washington?

As you go around and see young children and see that hope out of their eyes, they are not getting it from this welfare system. Maybe this system will not be that much better, but it can not be worse, and with economic opportunity and jobs we can at least try to put hope back in children's lives.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 15 seconds to the gentleman from Tennessee [Mr. FORD].

Mr. FORD. Mr. Chairman, can I ask my colleague, what page do you find the jobs on that is in the Republicans Personal Responsibility Act, because I have been looking for the last week. I have not found these jobs that you are talking about.

We have offered, you know, a work responsibility provision in the welfare reform package, but I cannot find it in the Republican bill.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentlewoman from Hawaii for yielding.

Mr. Chairman, I proudly stand here for her bill. Her substitute is the right substitute, and let me add to what the gentleman from Tennessee [Mr. FORD] just said. You know, early on the Republicans appointed June O'Neill. She is their appointee to be head of the Congressional Budget Office, and she says their bill is weaker on work than the current system. The Washington Post editorial says theirs is weaker on work than the current system.

The question today, ladies and gentlemen, is do we want reform, which is the Mink bill, which helps people go to work, or do we want to be totally retro, do we want to go back to orphanages or do we want to go back to really making this almost a poor house mentality?

I do not think so. I think we want to go forward. That is what Americans want to do. They want to help teach people to fish. This is the teach people to fish bill. We have heard them say there is perverse incentives in this bill. Oh, yeah? I do not know what is wrong. How can you call a perverse incentive the fact that if you are offered a job you have to take it. That is a wonderful incentive. I would not call that perverse at all.

We also hear people saying, ''Oh, well, we like the block grants so much better.'' What you are really saying there is let us take all these problems and throw them at the Governors and hope it works.

Let me tell you, it is not going to work in States like mine because the block grants are always going to be much lower than the population increase. There will be States getting our money based on prior censuses, and we got their people.

So we are going to have a real shortfall. So this reform is really going to crunch growing States. But basically this goes to the dignity of work. It goes to the dignity of the individual. This goes to what this country was about. In other nations you were what your parents were. In this Nation you are what your children become. But your children cannot become much if you cannot help them work and go forward.

Mr. Chairman, I want to put a poem in the RECORD from a woman from my district.

(By Lisa R. Spano, Colorado)

Such a little thing missing
The tines on this simple tool
But you see without them being there
My food just slips right through

Noodles won't work and neither will chicken
And most of us don't like squid
But how can I expect you to listen to me
When I'm just a little kid?
I don't know how it got there
This hole in the middle of my spoon
My mommy says it's a budget cut
But to me it's just less food at noon
Soup won't work, it just falls right through
That holes just too darn big
But how can I expect you to understand
When I'm just a little kid.

I thank the gentlewoman from Hawaii for getting the right idea, and I hope everybody votes for her amendment.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania [Mr. GREENWOOD].

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

Mr. Chairman, I rise today in opposition to the Mink substitute. It not only retains our failed social welfare system, but embodies the tenets that have converted our social safety net into a trap of dependency and irresponsibility. The Mink substitute retains AFDC as an entitlement program and continues the failed practice of providing cash benefits to teenage mothers.

It is not compassionate to simply give a girl, with a child, a meager monthly check. I worked with abused and neglected children, and I know from experience that cash assistance is not the only assistance a pregnant child needs. She needs guidance to assume the responsibility of being a parent.

In this debate, my party has been unfairly accused of not caring for children. But the real brutality, the true cruelty is to turn our eyes away from the existing failed system and allow children, trapped in the welfare syndrome, to stay there.

H.R. 4 offers a responsible, humane solution to reducing and discouraging out-of-wedlock births. While this bill ends direct cash benefits to teenage mothers, it ensures that both children—mother and child—receive proper care. H.R. 4 provides teenage mothers with the education and parenting skills needed to achieve self-reliance and economic independence.

I encourage all of my colleagues to vote ''no'' on the Mink substitute.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I thank the gentlewoman from Kansas for yielding this time to me.

Mr. Chairman, I rise in opposition to the substitute bill offered by Mrs. MINK of Hawaii. As I looked through the Mink substitute I arrived at the impression that this bill is simply more ''business as usual'' for the current failed welfare system. Indeed, it exacerbates it.

First, the Mink substitute fails to acknowledge that our Nation's current welfare system has failed—it has failed recipients, it has failed those who administer the programs, and it has failed taxpayers who fund the programs. The Federal programs which make up the welfare system have assisted folks with basic needs such as food and shelter. However, they have not supported—and in fact have been a major roadblock—for people who want to get up, off, and out of public assistance.

The Mink substitute does not fix what is broken. It does not take steps to curb fraud and abuse in the Food Stamp Program; it does not consolidate and streamline employment and training programs; and it does not address the endless cycles of poverty. What this bill does do is promise more and more benefits with no end in sight and preserve the failed welfare system.

I urge my colleagues to start measuring compassion by how few people are on welfare, and not by how much money the Federal Government pours into the welfare system. I urge my colleagues to oppose ''business as usual'' and oppose the Mink substitute.

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

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

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in strong support of the Mink substitute.

Mr. Chairman, I rise in strong support of the substitute by Representative PATSY MINK to H.R. 4, the Personal Responsibility Act.

The Republicans have been claiming that they wish to reform the welfare system. Their idea of reform, however, is to cut and slash every program that helps feed and care for children and guts every attempt to help poor Americans get back on their feet. It fails to create a single job and instead hits poor Americans from all sides simply because they are in need of a helping hand.

By contrast, the Mink substitute offer real reform by increasing funding for education, job training, employment services, and child care in order to provide Americans in poverty a chance to improve their lives and their children's lives. Instead of cutting welfare to pay for a tax cut for the wealthy, the Mink substitute increases the corporate tax on the wealthiest companies to pay for a path out of poverty for poor Americans.

I was in my district for a townhall meeting earlier this month and had the opportunity to talk with one of my constituents, Ms. Donna McAdams. I would like to relate the story that she shared with me because, in my view, it describes exactly why H.R. 4 is so nefarious and should be rejected and why the Mink substitute is so important and deserves our support.

Ms. McAdams lives in the Robert Taylor Homes in my district in Chicago with her three children. She did not grow up on welfare. She was reared by her grandparents in Englewood on Chicago's south side because her mother abandoned her when she was 6 months old and she never knew her father. her grandmother was a registered surgical nurse and her grandfather worked for the railroad. They worked hard to raise Ms. McAdams who studied hard and was a member of the National Beta Society and National Honors Society in high school. After graduating, she took her State nursing boards and became a licensed practical nurse. Since she was pregnant at the time and lacked a pharmacology certificate, she was not able to take a nursing job. Instead, Ms. McAdams began working full time at McDonalds, making $3.35 an hour.

After the baby was born, Ms. McAdams was on welfare for 2 months, but returned to her job at McDonalds when her child was 4 months old. However, her $3.50 salary was not enough to make ends meet and pay the $350 monthly rent so she obtained a loan to go back to school to become a medical assistant. She had completed her program and internship when she unexpectedly became pregnant again. Unlike her mother, Ms. McAdams decided to keep her babies and not give them up. Unfortunately, at this time, her grandmother was recovering from surgery and her grandfather from a stroke. Ms. McAdams married her baby's father and they began to receive general assistance aid. She soon had to leave her husband because of domestic violence and rear her children on her own.

Currently, Ms. McAdams is going to college 1 day a week to get her pharmacology certificate in order to obtain a job as a nurse. She is also volunteering at her children's Head Start Program and trying to get into Project Chance which would help her with child care and transportation while she looks for a job.

When asked about the welfare reform proposals being debated, Ms. McAdams said:

All the things that the politicians are talking about just makes me tired. They want to cut everything that helps, even housing. Where are we going to go if we lose our apartment? I can't imagine me and my kids out on the street. I'm trying to hurry myself through school, but there's no guarantee that I'll get a job. I'm trying but each time I try it seems like I get another roadblock. I want to be a good role model for my children. I want to have a good job and a better place to live. But I know I can't do it by myself. Sometimes I just get so tired.

Mr. Chairman, the vast majority of welfare recipients are like Ms. McAdams. They are trying as best as they can to make their lives better and to provide for their children. Maybe they have hit some roadblocks though and need additional assistance to get back on their feet.

The Mink substitute would help to put Ms. McAdams on a self-sufficient course because it invests in welfare recipients by preparing them for work and rewarding States that successfully move them into jobs. It promotes work by providing the training and education needed to obtain jobs and guarantees child care for aid recipients and job training participants and increases funding for child care for at-risk families so that parents do not have to choose between caring for their children or maintaining a job. More importantly, the Mink substitute does not contain any of the extremist measures of H.R. 4 that punish newborns because their parents are not married or are already on welfare and have other children. It also does not take away children's school nutrition programs to pay for a tax break for wealthy Americans.

I urge my colleagues to reject the Republicans' tax cut for the wealthy out of the mouth of babes plan and support the Mink substitute.

Mrs. MINK of Hawaii. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

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

Ms. JACKSON-LEE. Mr. Chairman, I rise in strong support of the Mink substitute.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Ms. ROYBAL-ALLARD].

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in strong support of the Mink substitute to H.R. 4.

Mr. Chairman, this substitute provides a realistic framework for creating a positive and lasting reform that promotes self-sufficiency and the elimination of poverty through job training and supportive services, not simply through the reduction of AFDC rolls at any human cost.

As compared to the punitive approach of the Republican bill, the Mink substitute is compassionate and recognizes that all people have human and civil rights, especially the 68 percent of AFDC recipients across this country who are children.

The Mink substitute helps to move families out of the perpetual cycle of poverty by providing opportunities to gain permanent employment with sufficient security and advancement. The Mink substitute distinguishes itself from other welfare reform proposals through its realism and its sensitivity to human need.

Mr. Chairman, it deserves the support of every Member of Congress who values promoting long-term economic self-sufficiency for American families over a quick-fix approach based solely on reducing the assistance to the neediest in our society. Support the Mink substitute for meaningful and effective welfare reform.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I would like to recognize that the gentleman from Georgia [Mr. DEAL] has worked in a bipartisan manner in the past, but to gain support from the liberal members of his party, he had to increase the spending and raise taxes, the liberal answers to meet all problems.

He referred to Cinderella. The Mink bill, and the gentlewoman, I want to make clear I am talking about the bill because the gentlewoman is a friend, but the bill is the ugly sister of all sisters.

This bill increases the deficit by even billions of dollars and also increases taxes. The question has been should we give to the States the power. The States have proven that they have been able to manage the welfare programs much better than the Federal Government.

We happen to believe that the Government works best the closest to people. The Karl Marx Democrats want the bureaucracy to control everybody's life. Why? Because that gives them the power to dole out the money to get reelected. That is what the real answer is here.

They are fighting to keep their precious bureaucracy. We are increasing the amount for kids for food, we are increasing the responsibility, we are bringing deadbeat dads together, we are bringing families together. What they cannot stand is that we are taking their power of big bureaucracy away.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 2 minutes 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, Members of the House, I want to strongly associate myself with the remarks of the gentlewoman from Hawaii [Mrs. MINK] a woman of great strength and of great principle. I want to associate myself with her remarks and promotion of her amendment, because what her amendment does is promote child nutrition over the Republican alternative that slashes $7 billion from child nutrition programs, $2 billion from the School Lunch Program, $145 million in 1996 alone.

It promotes work over the Republican proposal where CBO says none of the States, none of the States can make the work program in the Republican bill work for people on welfare. It promotes child protections for children who are abused over no Federal protections in the Republican bill. It promotes protection for severely disabled children rather than throwing them off of the SSI rolls, seriously disabled children with mental disabilities, with physical disabilities, children suffering from cerebral palsy and other afflictions like that.

No, the Republicans throw them off. What we cannot stand about the Republican bill is its cruelty, its concerted attack on America's children. Whether they are infants, whether they are in the womb, whether they are toddlers, whether they are in child care, whether they are in school, the Republicans attack them. That is what we cannot stand.

But we have a choice. We are going to have a choice in a few minutes to vote for the Mink substitute, a substitute that promotes work, promotes child protection, promotes child nutrition. That is what Americans want. They want people on welfare to go to work. And yet the Republicans have constructed a dynamic that is not favored by the people in the States who run work programs; it is not favored by the WIC directors; it is not favored by the school lunch people. And these are supposedly the people that know best because they are closest, and they are saying do not do what the Republicans want to do to nutrition and to work and to the women and infants and children's programs. Stop the cruelty, stop the cruelty, and vote for PATSY MINK.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield myself 5 seconds to say that the States will structure the work programs, and what CBO said was that our standards were tougher, not easier.

Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

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

□ 1130

Mr. TRAFICANT. Mr. Chairman, I voted for the Deal substitute. I will not vote for this substitute. I will vote for H.R. 4.

I was raised in a poor home as everybody else. Our policies in the welfare system penalize achievement and work, promote illegitimacy, reward dependency, destroy family, and have created a class system.

We have talked about the middle class on this floor. It is not a Freudian slip. Is there an upper class, Congress? Is there now a lower class in America? We/they, they/we, politics of race, politics of fear, politics of division, politics of a welfare system.

Uncle Sam was never supposed to be mom and dad. We do not have mom and dads in America anymore.

I do not think the Republicans are trying to cut anybody's head off at all. We have a system that does not work. Schools now teach morality. Police and judges straighten out the kids. Food stamps feed our kids. HUD gives them a roof.

What a sad deal for our country. Where is mom and dad?

I can remember an interview with Wes Unseld. What was significant, they asked him, what is the greatest thing your dad ever did for you? And do you know what he said, ''The greatest thing my dad did for me is my dad loved my mom.''

We are destroying families. We are playing politics.

I liked Deal better and maybe when it comes back from the Senate there will be some Democrat language in there. But I am not going to stand today and vote for the status quo. I am not going to do that. And this vote does not help me. It hurts me politically.

I think it is time we do what is best for our country. Our kids have been left on the street. They are strung out. They need a mom; they need a dad.

I am a Democrat as well as anybody else. But the Democrats have had 40 years. The problem is, there are no damn jobs. And the Democrats in 40 years have not done a thing about jobs. Our jobs have gone overseas. The Republicans cannot give them any jobs. There is no jobs out there. The Democrats cannot give them any jobs. Trade policies have taken our work overseas, and then we talk about trying to incentivize work.

Ladies and gentlemen, let me say this: Uncle Sam is not a good parent. Uncle Sam is a great country but was

not designed to be the parents for the children of this Nation. And you are not going to resolve it with any of these bills. But I am not going to vote to sustain the status quo, and I am not going to demean the bill that has come from the other side of the aisle.

Anybody who supports the status quo, in my opinion, is antifamily, antikids and, damn it, anti-American. I will have no part of it.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Mr. Chairman, we have some tough cowboys here on the floor of the House. This is a new interesting kind of wagon train in which the cowboys have decided to throw the women and infants and the children and the senior citizens out of the wagon train so they can get where they are going faster.

It is cruel. And for anyone, Democrat or Republican, to defend this approach really questions the credibility of this entire Congress, because no one among the tough guys have offered to do anything about the 85 billion dollars' worth of welfare subsidies for corporate America in this year's budget. No one stood up to do anything about the $150 billion of tax giveaways and loopholes to American corporations.

Aid to Dependent Corporations, as the Cato Institute has said, is driving a hole in the Federal budget. But we have all of these willing people who are so eager to lighten the load of America by casting aside the poor.

This is an unfortunate moment in the history of this country, and I would say to some of my millionaire colleagues that they are on the wrong side of history today, in this debate and on this subject.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Chairman, the Mink substitute substitutes commonsense welfare reform with increased taxes. Instead of bringing real change to our broken welfare system, this amendment flies in the face of the will of the people by increasing taxes by $20 billion. Clearly, a $20 billion tax increase is not what the voters asked for last November. This substitute retains the failed welfare status quo by retaining AFDC entitlements that have created a cycle of big Government dependency for millions of Americans. It guarantees that former AFDC families will continue receiving benefits almost indefinitely. This substitute is antigrowth and antijob and does little to fix a failed welfare system that has already consumed over $5 trillion in taxpayer dollars since its inception 30 years ago. Mr. Chairman, the Republican welfare reform proposal promotes personal responsibility and creates incentives for families to remain intact instead of creating lifelong dependency on welfare. It discourages illegitimacy by not rewarding unwed mothers that have additional children. It cuts endless, unnecessary Federal regulations and bureaucrats by returning power and flexibility to the States and communities where help for the needy can best be delivered. Let us not take steps backward. Instead, let us move forward and make substantive and fundamental changes in our current welfare system for our future generations. Vote ''no'' on the Mink substitute.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 1 minute to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, I support this substitute. The Mink bill corrects a popular misconception. The Mink bill provides a real opportunity for people on welfare to demonstrate that they are willing to work. They want to work. Throughout this debate, there has been a recurring and underlying theme. Members have suggested, and many believe, that people on welfare want that status. That belief ignores certain, real situations.

Yesterday morning I was at breakfast with a single mother of six children. She was married at one time, then divorced. Her children needed to be fed. She got on welfare. She had no choice. But, she was willing to work. She wanted to work. Alone, she obtained the G.E.D. She then graduated from college, with a 3.7 grade point average. She is now pursuing a master's degree at the University of North Carolina. And, she is working. She is willing to work. She wants to work. Her's is a story that is old and new. There are many like her. They are willing to work. They want to work. They prefer a chance over charity.

The Personal Responsibility Act is weak on work. The Mink bill is strong on work. It provides funding to ensure that, when a person leaves welfare, a job is available. Welfare reform without a job is no reform. The Mink bill does not impose arbitrary time limits on finding a job, removing recipients only if there is a job. It recognizes that, in this economy, jobs are not easy to find. And, the Mink bill retains child care programs. Working mothers need reasonable and affordable child care. In short, Mr. Chairman, the Mink bill provides a serious and realistic framework for moving from welfare and into work. Mink is strong on work.

Finally, Mr. Chairman, I support the Mink bill because it does not provide for block grants. It does not slash the School Breakfast and Lunch Program. It does not remove thousands of women, infants and children from the WIC Program. And, it does not eliminate national nutrition standards. It retains one standard for our children. The Mink bill is strong on work and sensitive to poor families and children. And, that is as it should be.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Chairman, I represent Florida where we have many lakes and natural reserves. If you visit these areas, you may see a sign like this that reads, ''do not feed the alligators.''

We post these signs for several reasons. First, because if left in a natural state, alligators can fend for themselves. They work, gather food and care for their young.

Second, we post these warnings because unnatural feeding and artificial care creates dependency. When dependency sets in, these otherwise able-bodied alligators can no longer survive on their own.

Now, I know people are not alligators, but I submit to you that with our current handout, nonwork welfare system, we have upset the natural order. We have failed to understand the simple warning signs. We have created a system of dependency.

The author of our Declaration of Independence, Thomas Jefferson, said it best in three words: ''Dependence begets servitude.''

Let us heed these warnings. Today we have a chance to restore that natural order, to break the change of dependency and stop the enslavement of another generation of Americans.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 2 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

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

Ms. NORTON. Mr. Chairman, I want to say, do not feed the alligators but please feed the children.

Seldom, my friends, does this body have the opportunity to make wholesale change in a bad and a dysfunctional system, and we are about to blow it if we do not support the Mink substitute, because the Republican bill fails the reality test.

It is an invitation to do welfare on the cheap. A State has to do nothing, nothing to provide jobs. And they will do nothing. We know that from what happened in the 1987 bill.

If we provide an unemployment office for people who have been recently attached to the work force and provide nothing to people who have never had a job, how do we expect them to get off of the rolls?

Do my colleagues know what the inner city unemployment for people who have recently had work was in 1993? In this city it was 88.6 percent; in Detroit, it was 13.7 percent. And I could go on down that list.

When I go across the river to Anacostia, my friends, no one ever says to me, ''Brother, can you spare a dime'' or ''give me some more welfare.'' They say, ''Sister, can you get me a job.''

This bill will not get anybody a job and that is what we need to do. This bill does exactly what the American people told us not to do. It repeals the entitlement of children to food and shelter. It is a bill that allows a State to refuse to put up a single dollar of its own money to support its own children.

People told us what to do. They told up help get the parents off welfare. Do you make things worse for the kids.

Your bill, the Republican bill, betrays the public trust. It is not welfare reform. It is welfare fraud.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

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

What I want to do is engage, very briefly, in a colloquy with the chairman of the subcommittee on educational and economic opportunities.

A clarification, I am requesting, Mr. Chairman. After considering the unique purpose of the Family Violence Prevention and Services Act, I understand that the Committee on Economic and Educational Opportunities decided not to authorize the Committee on Ways and Means to consolidate the act into the child protection grant.

I am asking, Mr. Chairman, if you would confirm that this was, in fact, the case and that the Committee on Economic and Educational Opportunities chose not to consolidate the program into the block grant but to keep it as it was intended?

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

Mrs. MORELLA. I yield to the gentlewoman from California.

Mr. CUNNINGHAM. Mr. Chairman, because of the importance of the act, the gentlewoman is correct.

Mrs. MORELLA. I thank the gentleman.

Mr. Chairman, as the House has debated the Personal Responsibility Act, H.R. 4, I have been asked to clarify the purpose of certain provisions in the new child care block grant which simplifies and extends the child care and development block grant.

I have been asked if it is the intention of the child care block grant to retain the preeminence of parent choice through certificates to parents. The House strongly believes that parental choice in child care should be maintained and that the use of parent certificates is preferable over contracts or grants for child care subsidy assistance. We have simplified many aspects of the child care and development block grant, but the parent choice provisions are sound and have not been modified. Because of this, the administration should not need to make significant regulatory changes regarding parent choice.

In addition, we inserted a program goal into the block grant regarding consumer information. This was written to ensure that parents will be provided with full and accurate information about their right to choose child care arrangements, their right to a child care certificate, information about complaint procedures and recourse to ensure parent choice, and complete information about the child care options available to them, including religious providers.

I would also like to address the important issue of the role of extended families in caring for children. We believe a child is best cared for by a member of his or her own extended family. We understand this is not always possible. But in the interest of encouraging the strengthening of families, we encourage States to pursue pro-family policies. Applicants for services funded by this block grant should be asked whether a qualified family member can provide care before counselors direct their child into other settings.

Regarding directing the States to spend a specific amount of funds for direct services, the child care block grant does not take this approach. But I want to be clear that the House has removed the current law's 25-percent set-aside for the specific purpose of freeing as much funding as possible for direct services. H.R. 4 gives States final say over this matter, but we believe that in most cases, funding for direct services is the best use of funding by the State.

Finally, regarding quality improvement, accreditation continues to be an appropriate means of quality improvement. We would encourage States to use a variety of child care program accreditations and various teacher training and credential programs in addition to the Child Development Association Program.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. VENTO].

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

Mr. VENTO. Mr. Chairman, I am here to speak for the Mink substitute, which puts work first, which invests in people, which builds upon what is functioning in our society.

There are many successful examples of programs in place, and they are accountable. Problems today in our communities are because they are on overload, poverty, unemployment. Job programs, fully funded, will accomplish the task and will deal with what has become a growing human deficit in our society, not just a fiscal deficit but a human deficit, those on poverty.

Mink incorporates child support and fully funds the program, not just paper promises.

A vote for Mink is a vote for moving families into the world of work, in to the mainstream of our society, taxpaying families, independent, not dependent.

The Republican legislation is legislation by negative anecdote. It is demonizing people who have devoted their lives to helping those in need. The Republican program has no entitlement. The numbers do not count. No State match. That money is not going to be put in place. It takes 1 million kids and disabled off the Social Security supplemental.

It gives a new meaning to ''women and children first,'' the wrong meaning.

Welfare is meant to be a safety net for people in times of need. Children are 70 percent of the recipients of welfare. The children will suffer as a result of this Republican bill. Our focus in reforming the system should not destroy the social safety net. Our Nation must maintain a safety net while providing the services need to move welfare recipients into the work force. Cutting families off without reasonable support in terms of child care and education and job training will not help the States to achieve the work requirements which the Republicans want to establish. The CBO report pointed that fact out explicitly. Services help people to achieve a stable lifestyle and independence. The Republicans idea of flexibility for the States is to set work requirements and cut the funding the States need to achieve such standards. The Republican's proposal gives up on people abandoning people in need. This bill would have us give up on low-income families, give up on noncitizens and give up on disabled children. But giving up on the poor will not make the problems evaporate; they will persist as the poverty numbers grow; the homeless and a group of folks without hope or recourse. That is not the future or vision of the people we represent, but is the policy path of this GOP proposal. Despite what some would have you think there have been many successes as a result of the JOBS Program, which was signed into law in 1988. Unfortunately, the program has been underfunded, leaving States unable to move as many people into the work force as all had sought. Well, if we pass the Republican bill we will be increasing the burden on States while we cut the funding for child care, for temporary assistance, for child protection and child nutrition. The Mink substitute would help the States to achieve the goal of moving people toward independence and into the world of work. The Mink substitutes sets a requirement that people be in work or in training to work and backs it up with the real resources for child care and temporary assistance to families who have found it impossible to make it on the minimum of low-wage job, without health care benefits that they are able to find. The Mink substitute is a realistic approach to the needs of low-income children and families struggling to support themselves.

Individuals in our society are upset about the amount of taxes that they pay. We should be looking at the corporations in our country who are receiving benefits in the form of corporate welfare and paying less in corporate taxes than they were paying 25 years ago. We should not be responding to those same interest by further depreciating the programs of the poor taking food away from children as an example. We need to look at the benefits which the corporations are receiving from the Federal Government and whether they are performing for our Nation or simply for the bottom line.

Support a bill that will do something to help children and families and reform the current welfare system, support the Mink substitute.

□ 1145

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 1½ minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

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

Mr. GUNDERSON. Mr. Chairman, can we make an agreement here this morning that we are all for children? Can we start from that premise that nobody has a bad motive, that nobody has suspicious intent?

The question we are going to face here is, What is the delivery system? That is the real question here. If you only believe in a Washington bureaucracy, if you are only convinced that nobody can protect children but Washington, DC, then vote against the Republican welfare reform proposal. Then vote for the status quo. If that is what you believe, and that is a legitimate opinion, but that is the debate. It is not a debate about whether we are for or against children.

We have these discussions about school lunch. It seems to me that pretty soon we are going to agree that we are increasing the numbers on school lunch every year.

I would ask my Democratic colleagues, take a second and consider what happens if we do nothing with school lunch in this proposal. Is there any one of you who really believes that in the context of deficit reduction we should subsidize every school student, every full-price-paying student, every banker's child to the tune of 18 cents a lunch, which is $516 million a year?

You take $516 million out of the existing school lunch program and tell me, how are you going to run that system?

What have we done? We have eliminated the means testing and we have increased by 4.5 percent a year the guarantee to the States to run that program.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Ms. VELÁZQUEZ].

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

Ms. VELÁZQUEZ. Mr. Chairman, I rise in strong support of the Mink substitute. It is the most responsible, comprehensive, and humane measure offered in this debate. It addresses the real problems confronted by poor families today offering them the tools they need to achieve self-sufficiency and dignity through work.

By contrast, the Republican bill plays a cruel game on many people of this country. It is a game where there are clear winners and losers.

In the Republican bill, by the year 2000, up to 2 million children will lose school lunches so that wealthy families with incomes of $200,000 will get a $500 tax break for each child.

The winners? The wealthy.

The losers? Two million children.

In the Republican bill, more than 700,000 disabled children will lose assistance so that families making over $200,000 will gain from a reduced capital gains tax.

The winners? The wealthy.

The losers? Seven hundred thousand disabled children.

In the Republican bill, 15 million children will be punished as a result of so-called reform while the contract calls for a $700 billion tax cut over 10 years with half the benefits going to families making over $100,000 a year.

The winners? The wealthy.

The losers? The rest of the American people.

It is for these reasons that I am supporting the Mink substitute, a bill that is strong on work and job training, strong on child care opportunities, and strong on giving poor families and children a chance to succeed.

Mr. Chairman, we don't need a public assistance program that is strong on homelessness, hunger, and despair. That is not about teaching people a lesson.

The choice is clear: Pork on the fancy china of the wealthy or food on our children's plates.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield myself 30 seconds.

The system that we have has not worked. We expanded the program in 1988 by $13 billion. We said we would have job training, job readiness, job search, day care, and 5 years later less than 1 percent of the welfare population is working. Let us not expand it again.

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

Mr. BILBRAY. Mr. Chairman, I happen to be an individual that comes from a working-class background with a neighborhood where there are a lot of welfare recipients but also a lot of middle-class working people.

I also happened to have been privileged to serve as a supervisor of a welfare system that was larger than the majority of the States of this Union. Let me tell you the frustration those of us that were trying to provide programs to the poor, especially when the Federal Government would stop us from doing innovative things.

I think the problem here is a credibility gap. We did not hear about this 10 years ago. In 1978 when my county proposed an idea, we were called cruel, we were called inhumane, we were called terrible, because we proposed a concept called workfare in 1978, and the gentleman and the gentlewomen from the other side of the aisle attacked us in San Diego County for that.

We proposed that people who get part-time jobs should not have their money taken away from them dollar for dollar in their benefits if they try to work out. The Federal bureaucracy has fought us for 10 years in this program. We just finally got them to get off our back so we can help the poor.

The fact is my working-class people complain about the abuses of the welfare system. It is not the rich, powerful people who complain. It is the people that are in the neighborhoods who see the abuses. When they say they want to fight the abuses, it is the Federal bureaucracy that stands in the way, Mr. Chairman.

I ask that we oppose the amendment and support the Republicans because they are the only ones with credibility.

Mrs. MINK of Hawaii. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. NADLER].

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

Mr. NADLER. Mr. Chairman, I rise in support of the substitute offered by the gentlewoman from Hawaii. I consider this substitute to be the most viable welfare reform bill before us today.

Mr. Chairman, the Republican welfare reform bill is nothing but an assault on America's children, and on America's future. It would cut $46 billion from vital family survival programs, denying benefits to millions of children who are in desperate need. During this debate, my colleagues have eloquently described the great harm to children that would result from the Republican bill. From cuts in nutrition programs, to eliminating AFDC for children born to unwed mothers younger than 18 and, if States so choose, 21, the Republican alternative will cause suffering—or worse—for millions of innocent children nationwide.

The costs of the Republican welfare reform proposal would be vast. While children would suffer, States would be left to bear the financial burden of the long-term damage the bill would cause.

I authored an amendment which the Rules Committee did not permit to be considered on the House floor. The amendment called for the Federal Government to pay for the additional direct and indirect costs incurred as a result of reduced funding to certain Federal social programs. So, for example, States would not be burdened with the additional long-term costs of treating the brain damage caused in children by malnutrition resulting from elimination of WIC and other nutritional programs. This amendment, which would have helped States deal financially with the long-range devastation caused by the Republican bill was rejected for consideration on the floor of the House. It would seem that some merely want to cut benefits for children now, without addressing the long-term harm that would result, and the long-term costs that would be incurred.

The substitute before us now is a much more effective means of facilitating and rewarding independence. The Mink substitute emphasizes work and education, improves child support collections, and invests in child care assistance for low-income working parents. It also invests in nutrition programs, and in health coverage to protect the well-being of mothers and children. It encourages work by investing in real training. It does not discriminate against tax-paying, legal immigrants by denying them benefits. And it does not punish children by imposing an arbitrary cutoff of benefits. This substitute would result in real opportunities for those currently receiving assistance instead of arbitrarily penalizing those in need. I urge my colleagues to support this very positive amendment.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. I thank the gentlewoman for yielding me the time.

Mr. Chairman, I rise today in strong support of the Mink substitute and against the mean-spirited Republican bill which takes food out of children's mouths and gives tax breaks to the wealthy.

The Mink substitute provides for education and job training, two essential components to get people off welfare. The Republican plan does not.

The Mink proposal provides for child care which is important if welfare people are going to go to work. The Republican plan does not.

The Mink plan maintains child nutrition and school lunches. The Republican plan does not.

The Mink plan ensures that welfare recipients are better off economically by taking a job than by staying on welfare. The Republican plan does not.

Block grants, my friends, only work if you fully fund them. If you do not fully fund them, you are literally robbing children, particularly with this

proposal that you can take 20 percent of funds and move them around.

I am for welfare reform, Mr. Chairman, but the Republican plan is mean-spirited and goes too far. Support the Mink substitute.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. FORBES].

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

Mr. FORBES. Mr. Chairman, the tale being weaved by Democrats, grown adults who are misleading the American public, is really a travesty. We are talking about building the future, restoring decency and dreams for all Americans.

Children, parents and families who have had a tough go of it deserve to have a break. This Republican bill restores hope, it restores opportunity, respect, and the Democrats who have been protectors of a broken, demeaning system ought to be ashamed of themselves for misleading the American public.

Mrs. MINK of Hawaii. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. FAZIO].

(Mr. FAZIO of California asked and was given permission to revise and extend his remarks.)

Mr. FAZIO of California. Mr. Chairman, I rise in support of the Democratic alternatives and in strong opposition to the Republican bill.

Mr. Chairman, the current welfare system is a national embarrassment and outrage. Democrats are committed to reforming a system that contradicts the American work ethic, and undermines the American dream for millions. As a nation, we cannot afford to support a program that encourages able-bodied adults to stay at home rather then look for a job.

Economic self-sufficiency must be the primary goal of any valid proposal, and the Democrats face this issue head-on.

The Deal substitute's work requirement for the first year is four times higher than the Republicans'.

Welfare recipients must have the opportunity to learn marketable skills to find better jobs—opportunities the Democrats provide. Enduring job skills will prevent repeat visits to the welfare rolls and end the cycle of dependency.

Mr. Chairman, the Republican proposal is only an outrageous pretense at real welfare reform.

The Personal Responsibility Act does not create a single viable avenue to move families away from dependency and in to work. Instead, it cuts essential programs, such as day care services which enable parents to go to work while leaving their children in safe, reliable day care.

The Republicans would force the States to create work programs at a breakneck speed, without regard to effectiveness. The resulting Republican programs could not be anything but sloppy and cheap.

Tremendous savings can be earned in the long run through an initial investment in job preparedness and placement. By providing welfare recipients with a real opportunity to find a permanent, well-paying job, the Democrats would permanently reduce welfare costs, raise worker productivity, and increase revenues.

The Republican plan ignores this reality, and now does not even pretend to use their spending cuts for deficit reduction. Instead, the Republicans would give the rich the $69 billion they took from the poor.

Mr. Chairman, I am gravely disappointed in the Republicans and their plan. We all want change, but this plan does not begin to break the cycle of dependency. It breaks the backs of our families and children, and does nothing to demand work.

Mrs. MINK of Hawaii. I yield such time as he may consume to the gentleman from Illinois [Mr. RUSH].

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

Mr. RUSH. Mr. Chairman, I rise in strong support of the Mink substitute.

Mr. Chairman, I rise today in strong support of the substitute offered by my colleague from Hawaii, PATSY MINK.

I do so as an original cosponsor of her proposal because in the real world, it helps people find real solutions to their real problems: Jobs.

Mr. Chairman, I have listened to the debate surrounding the welfare reform bill.

I have been disturbed to hear the name of a constituent of mine who was killed last year, young Eric Morse.

His name was invoked several times by majority party members as a way of compelling support for H.R. 1214.

I agree with those Members that Eric's death was a senseless tragedy, and that Eric and nearly 100,000 of my constituents who reside in public housing live—and sometimes die—amidst great hardship.

However, I vigorously disagree with the conclusions that my Republican colleagues draw from his death.

Mr. Chairman, it escapes me why those who support the coldblooded, coldhearted Republican bill feel that anything it contains could have prevented Eric's death.

I also fail to understand why all of the discussions have merely been about symptoms rather than diseases.

There is certainly no better example of that sort of public policy nonsense than H.R. 1214.

I challenge each Member from the other side of the aisle to come to the south side of Chicago and ask a dozen of my constituents what is the most important missing element in their lives or in their communities.

I guarantee to you that every single one of that random group would have one answer and one answer only: We need jobs.

And that, Mr. Chairman, is the reason why we must attach Congresswoman MINK's substitute to the underlying bill.

For, despite the Republican bill's requirement that recipients work, it does nothing to help them find and keep real jobs.

Nor does this bill make sure that jobs are made available in areas like my district which have astronomical unemployment rates.

Mr. Chairman, I urge my colleagues, if you indeed have genuine respect for the memory of little Eric Morse, to vote in favor of the Mink substitute to provide jobs.

Only by doing so can this Congress bring about genuine welfare reform instead of welfare window dressing and fake, sound bite reform.

Mrs. MINK of Hawaii. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. WAXMAN].

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

Mr. WAXMAN. Mr. Chairman, I rise in support of the Mink amendment.

Mrs. MINK of Hawaii. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. WOOLSEY].

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

Ms. WOOLSEY. You see, Mr. Chairman, I was on welfare, I know that the Mink amendment is the right way to go.

Mr. Chairman, as the only Member of this body who has actually been a single, working mother on welfare, I rise to give my strong support to the Mink substitute.

My ideas about welfare reform do not come from books or theories, Mr. Chairman. They come from experience and I know the Mink substitute is what we need.

I know the welfare system is broken. It doesn't work for recipients and it doesn't work for taxpayers. It needs fundamental change.

First, we must have jobs that pay a livable wage. If, in the end, a recipient is better off on welfare than in the work force, we have wasted the taxpayers' money.

Second, we must help recipients make the transition from welfare to work by increasing funding for education, job training, child care, and health care.

Third, we must be flexible about transition from welfare to work. It took me 3 years to get off welfare and I was educated, healthy, and working.

Fourth, if we collected all the child support owed by deadbeat parents, we could move 300,000 mothers, and over half a million children, off the welfare rolls immediately—tomorrow.

The Mink substitute meets each of these criteria, and I commend the gentlewoman from Hawaii on this excellent bill. It is a fair and just plan that moves recipients into work by supporting poor women and children, not by punishing them.

Mr. Chairman, the choice comes down to this: We either punish poor children, as the Republican bill does, or, as in my case, we invest in families so they can get off welfare permanently. Let's do what is right for our children. Support the Mink substitute.

Mrs. MINK of Hawaii. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SERRANO].

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

Mr. SERRANO. Mr. Chairman, I rise in strong support of the Mink amendment and against the mean-spirited, anti-children Republican amendment.

Mr. Chairman, I rise in emphatic opposition to the so-called Personal Responsibility Act.

It has long been clear to most thinking people that our current welfare system is failing

the very people it is meant to help. But the approach of the Personal Responsibility Act will make the situation of the poor much worse, not better.

Perhaps the clearest sign that this bill is totally wrong-headed is that is saves so much money. Everyone know it takes more spending, not less, to give poor mothers the tools they need to get and keep jobs and to escape poverty—they need education, training, job search assistance, day care for their children, jobs. Cost is the main reason Congress has been slow to face welfare reform in the past.

But this bill cuts the programs that sustain our neediest families at the same time it cuts the programs that might give them a hand up. And why? To cut taxes for big corporations and the well-to-do. What a scandal.

A very, very big problem with this bill is how it treats our children. I hardly know where to begin.

If we pass this bill, we risk increasing the number of babies born too small to thrive.

We punish the neediest children because we don't approve of their parents' conduct.

We shortchange child care even as we attempt to force more mothers into the work force.

We leave abused and neglected children in grave danger for lack of child protection resources.

We put children's nutrition at risk, threatening their ability to learn and grow into healthy adults and productive participants in our economy.

This bill slashes the safety net for poor children and families. It removes the entitlement—the guarantee that some modest assistance will be there for those families whose desperate circumstances make them eligible. If Federal funds run out, what recourse will these wretched families have?

It cuts off whole classes of people—most legal immigrants, babies born to unwed mothers under 18, people who have received 5 years of assistance—however dire their circumstances. And that is in good times, never mind recession.

Mr. Chairman, another big problem with the bill is title IV, the provisions related to immigrants. That the United States is a nation of immigrants is a cliché precisely because it is true. We all have roots beyond the borders of the United States; we all have ancestors, as near as parents or as remote as many-time-great grandparents, who, willingly or not, came to America.

We know that immigrants do not come for public assistance; they come to join family members already here and to provide a better life for their children. They work, they pay taxes, they participate in community life, and they play by the rules. Why should they be targeted by this bill?

If these restrictions were only to affect future immigrants, who would know the rules before they immigrated, well, I would disagree with the policy but it would be a little fairer. However, title IV, in cutting off people who are already here—and who face horrendous backlogs when they try to naturalize—makes sense only as a spending offset. It is certainly not fair to immigrants or their families and sponsors.

A relatively small problem, Mr. Chairman, but one with a big impact is that under this bill, there will be no national nutritional standards for the nutrition block grants. Nutritional needs do not vary among the States, and 50-plus separate standards will make uniform national data collection and evaluation impossible. This bill won't just permit States to substitute Kool-Aid for milk if they're short of funds, it will make it impossible to tell what the nutrition picture is nationally or by State.

Mr. Chairman, I could go on about the failings of this ugly, mean-spirited bill—frozen block grants, transfers among grants, distribution formulas that stress participation rates but not serving the neediest.

But instead, Mr. Chairman, I will just mention that I am a cosponsor and strong supporter of the Family Stability and Work Act, which the gentlewoman from Hawaii [Mrs. MINK] is offering as a substitute. Her approach is, I believe, the right one.

Mrs. MINK's amendment seeks to move welfare families to self-sufficiency through work.

It retains entitlement status for the safety net.

It protects children.

It invests in preparing welfare recipients for work.

It does not automatically cut anyone's benefits unless they refuse to work or refuse a job.

It continues critical benefits for up to 2 years after a family gets off welfare.

It doesn't overreach by fooling around with existing nutrition, child care, or child welfare programs.

It rewards States for success in moving welfare recipients into the work force.

It does not finance itself on the backs of legal immigrants.

Mr. Chairman, I believe this is the right way to go. I urge all my colleagues to reject the Personal Responsibility Act and support the Mink substitute.

Mrs. MINK of Hawaii. Mr. Chairman, I yield such time as he may consume to the gentleman from Guam [Mr. UNDERWOOD].

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

Mr. UNDERWOOD. Mr. Chairman, I rise in support of the only welfare bill that feeds children, not alligators.

Mr. Chairman, I join my colleague from Hawaii in strong support of her substitute to the Republican welfare reform. The Mink substitute is a fair and comprehensive plan devoted to moving people from welfare to work. It ensures that adequate funds are available for education, job training, employment services, and child care while at the same time providing incentives not punishment in order to help welfare recipients move into the work force.

I want to raise two points missing from the current debate: First, the impact of the Republican bill on non-State areas such as Guam and, second, the denial of SSI benefits to U.S. citizens in the territories.

Many colleagues are upset about the GOP plan to cap Federal spending of antipoverty programs over the next 5 years. Guam is already operating under caps on AFDC and the end result is that the local government provides 80 percent, with only 20 percent from Federal grants.

If the Republican bill is approved, Guam stands to lose $35 million more from existing caps. Local governments take notice—this fate awaits you.

Second, it is not clearly known that not all U.S. citizens participate in the SSI Program. Let me repeat this: If you are a U.S. citizen from Guam you are ineligible for SSI benefits. Wherever you stand on noncitizens qualifying for SSI, we should all support all U.S. citizens receiving SSI benefits.

In this debate, I've heard supporters of the Republican bill have argued that they resent people on welfare and that their bill does not punish children unfairly. Are we to conclude that welfare policy should be based on resentment and punishing children fairly? We must resist all efforts to turn welfare reform into an effort to tap into resentment, an effort to punish rather than reward; if we have learned nothing from rearing children or the development of public policy, it is that punishment does not work—and that abuse begets abuse; let us work at attacking poverty, not attacking poor people.

The Democratic alternatives to welfare reform are fair to children, realistic on work expectations, and generous on resources that support welfare to work programs. I urge my colleagues to vote for the Mink substitute and the Deal substitute; let us get off the welfare debate and let's get on with the business of helping to improve the lives of innocent children, the elderly, and the less fortunate amongst us.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I support the Mink amendment.

Why must we divide America to cure welfare?

Let me give an example of what I am talking about.

Just recently a township in my State decided to do away with and refuse the Federal School Lunch Program. They decided instead to have a sharing table where less fortunate children could come to the sharing table and take up the scraps, the half sandwiches and the unfinished cokes that were left by the more affluent students.

I believe this is dehumanizing, I believe this is destructive of any kind of self-esteem and pride, and I believe that this is what would happen when we give the States and localities the authority to handle the problems as they see fit.

I have heard, No. 1, some horrible statements today. I will attempt my best to overcome my emotion to ignore the statement comparing welfare recipients to alligators made by my very wealthy friend the gentleman from Miami.

Before you vote for final passage, think of your own child or grandchild cowering in shame as he approaches the sharing table.

That's not the America I want to see for our children.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I was asked whether I wanted to get up and correct all the misstatements that were made in relationship to school lunch/child nutrition programs. The answer is no.

If they don't believe what the nonpartisan entities tell us, they there is not anything I can do to correct that.

What I can say, however, is, ''Don't feed the bureaucrats. Feed the children.'' That is exactly what we are doing in H.R. 4.

We can talk about what everybody apparently agrees on, at least that is what I get for the last 3 weeks, 4 weeks of our discussion. Everybody agrees the present system has failed millions of Americans, has enslaved them, has prevented them from ever getting an opportunity to get part of the American dream.

So what can we do?

Well, there are three approaches, I suppose.

We can hope and pray. If you think hoping and praying will do it, then just hope and pray. I do not believe it will.

Or we can put more money into the same failed system. That is the usual approach the Federal Government has taken. If you just do more programs, more money, it will all correct itself. I do not believe that will happen.

There is a third alternative. The third alternative is to admit the system failed, which I think everybody is, and then do something to correct it.

I believe that in H.R. 4 we have finally given those who have been trapped all these years an opportunity to get a part of that American dream. I would hope that that is the approach we would take. We owe it to those people who have been trapped.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, one of the speakers on the other side said, ''Can we accept that we are all for children?''

Well, we can't for a couple of reasons. First of all when one of the Members on that side used the analogy of feeding alligators as the basis for his argument for cutting off welfare entitlements, I heard no protests on that side.

He cited the Declaration of Independence. Apparently in his version it says all men are created equal to alligators and we will treat them equally. That kind of dehumanizing and degrading analogy is why we cannot take seriously that profession.

There is another reason. You are block-granting everything here and you say, ''Well, why is that a problem?'' Because it is very clear. When the Republican Party cares about something, they don't block-grant it.

When they were worried about manufacturers' liability, they went into the States, took it out, and brought it up.

When the elderly complained about elderly nutrition being block-granted, they dropped it out of their bill.

If taking it and block-granting it is such a good thing for the children, are we to believe you are penalizing the elderly?

I mean, you were originally going to block-grant elderly lunches and children's lunches. Now you are only doing it for the children. Is that because you are mad at the elderly, you are showing how tough you are?

Nonsense. It is because they have the political clout to get out of your scheme, and I am glad they do.

The same with food stamps. You almost all voted against an effort to really block-grant food stamps yesterday because the farmers did not want you to do that.

□ 1200

As a matter of fact we here all of these arguments against even entitlements. I will be waiting to see my friend from Kansas and my friend from Wisconsin when we talk about the antimeans testing of entitlements in America, the ones that go to wealthy farmers and the wealthier you are the more you are entitled to get. Let us see how antientitlement you are then.

Finally, we have a jobs program in this bill and it is a public jobs program because we do not believe everybody now on welfare is going to be hired in the private sector, especially with the Fed trying to slow it down.

What does that bring forward? Denigration. The gentlewoman from Kansas sneers at ''make-work jobs.'' Well, when you sneer at public service jobs in that tone you are hardly showing a respect for the work ethic.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska [Mr. CHRISTENSEN].

Mr. CHRISTENSEN. Mr. Chairman, the Mink substitute contains many bad provisions, but the one I want to focus on, that I believe is one of the worst, is the fact that it is going to increase the tax rate for corporations from its current 35 percent to 36.25 percent.

The Democrats raised income taxes and they raised corporate income tax in 1993 and now they want to do it again.

This income tax rate increase makes absolutely no sense. The point of welfare reform is to take people off of the welfare rolls and to put them on the tax rolls.

How are current welfare recipients going to move into the work force if we have a job-killing tax increase? This is not a tax increase on big corporations. Corporations do not pay taxes. People pay taxes. This is a tax increase on the little guy, employees of large corporations, the people who own stock through a pension plan or a mutual fund and the people who supply products and services to large corporations. They are the ones that ultimately will pay for this tax increase.

Republicans want to create jobs. We need to not pass this bill.

Mr. GIBBONS. Mr. Chairman, this is an important debate and I am going to ask unanimous consent that we be allowed to extend the debate time equally divided by 5 minutes on each side.

The CHAIRMAN. A unanimous-consent request in the Committee of the Whole cannot overrule a resolution from the Committee on Rules adopted by the House.

Mr. GIBBONS. I was under the impression you could ask unanimous consent to do almost anything around here. Mr. Chairman. That has always been my understanding. Unanimous consent waives all of the rules including the Committee on Rules' rules. I think the Chair is wrong, Mr. Chairman.

The CHAIRMAN. The Parliamentarian has advised me if the time is allotted equally on both sides as the rule provides, the Committee of the Whole can do that.

Mr. GIBBONS. I wanted to allocate it. This is an important debate and there are lots more speakers.

The CHAIRMAN. Is the gentleman making a unanimous-consent request?

Mr. GIBBONS. Yes, I am making a unanimous-consent request.

The CHAIRMAN. Five minutes each side?

Mr. GIBBONS. Five minutes additional on each side.

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

Mrs. MEYERS of Kansas. Reserving the right to object, Mr. Chairman, what is the gentleman requesting, how much additional time?

Mr. GIBBONS. If the gentlewoman will yield, it gives you 5 minutes and gives Mrs. MINK an additional 5 minutes, that is all. That is reasonable.

Mr. BURTON of Indiana. Reserving the right to object——

The CHAIRMAN. The gentlewoman from Kansas has the reservation.

Mr. BURTON of Indiana. Mr. Chairman, will the gentlewoman yield?

Mrs. MEYERS of Kansas. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, let me just say that the rules have been established for debate, and we have already on one occasion extended the debate time on a previous bill, and it seems to me that we should object to this. And if the gentlewoman will not, I will.

The CHAIRMAN. The gentlewoman from Kansas still controls the time.

Mrs. MEYERS of Kansas. Mr. Chairman, after consultation with the two chairmen involved in this, I would request that we have an additional 5 minutes for each side.

Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. The gentlewoman from Kansas [Mrs. MEYERS] has 8 minutes remaining, the gentlewoman from Hawaii [Mrs. MINK] has 7½ minutes remaining.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. RANGEL], a member of the Committee on Ways and Means.

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

Mr. RANGEL. Mr. Chairman, the reason I support the Mink substitute is because it is about jobs. All I can say is that we did not promise $200 billion to the richest people in America. We did not promise $780 billion. We did not promise a 50-percent tax cut in capital gains.

But we do not blame you for doing it. It worked for you. But worse than making a bad campaign promise is keeping it. We cannot afford to give away that type of revenue with the deficit we have.

But more importantly, we cannot do it by taking $68 billion away from the poorest among us. If you want people to have jobs, for God's sake, give them training, give them an education, a place to live, give them hope, give them an opportunity to be productive. But you do not cut off a child who did not ask to be born just to show how mean you can be. You do not really just tell somebody they cannot get assistance when there are no jobs available.

If you really want a strong America, you do not beat up on immigrants, but give them a chance to become participating and productive so that we can become competitive.

There is an opportunity to have a tax cut when we get rid of the deficit and we all move forward together in a more equal way. But you will have it on your conscience by passing the Government's responsibility and say pass it on to the Governors. One day the Governors are going to come back and say we do not have the money and then what are we going to do?

This is a great opportunity under the Mink substitute, not for welfare but for jobs. That is what we want. And if you are not prepared for a job you cannot get employment.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Wyoming [Mrs. CUBIN].

Mrs. CUBIN. Mr. Chairman, in view of the fact that the alligator analogy was hissed and booed, I thought I should bring up another story that is near and dear to my State. My home State is Wyoming, and recently the Federal Government introduced wolves into the State of Wyoming, and they put them in pens and they brought elk and venison to them every day.

This is what I call the wolf welfare program. The Federal Government introduced them and they have since then provided shelter and they have provided food, they have provided everything that the wolves need for their existence.

Guess what? They opened the gate to let the wolves out and now the wolves will not go. They are cutting the fence down to make the wolves go out and the wolves will not go.

What has happened with the wolves, just like what happens with human beings, when you take away their incentives, when you take away their freedom, when you take away their dignity, they have to be provided for.

The biologists are now giving incentives outside of the gates, trying to get them out. What a great idea.

Mrs. SCHROEDER. Mr. Chairman, will the gentlewoman yield?

Mrs. CUBIN. No, I will not yield. What a great idea. Give more welfare.

The CHAIRMAN. The gentlewoman will suspend. The Committee will be in order. This is not adding to the dignity of this debate.

Mrs. CUBIN. Just like any animal in the species, any mammal, when you take away their freedom and their dignity and their ability, they cannot provide for themselves, and that is what the Democrats' proposal does on welfare.

Let us give our folks dignity and initiative and jobs.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 15 seconds to the gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. Mr. Chairman, in my 34 years here I thought I had heard it all, but we have a millionaire from Florida comparing children to alligators and we have a gentlewoman in red over here comparing children to wolves. That tops it all.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. WATERS].

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

Ms. WATERS. Mr. Chairman, I rise in support of the Mink proposal. I support it because I know something about this subject matter.

As a little girl growing up in St. Louis in a welfare family, I know what it means to be hungry, to be cold, to be without health care, to have to put cotton in a cavity because there is no preventive care.

I know what it means to be a frightened little child, thinking everybody hates you. I often said that if I ever had the opportunity to support children, to be an advocate, to talk about what you could do to get families off welfare, I would do that.

This proposal gives me that opportunity. It provides child care. That is what my mother needed. She needed some training, she needed to be educated. This proposal would allow that. She needed a transition period in which to wind off welfare. This proposal provides that.

Do not be mean, do not be cruel, do not knock children on disability off welfare. Do not make the children victims.

I know what it takes and I would ask Members to listen to me. Let us have a fair proposal in the form of the Patsy Mink proposal that really speaks for the needs of welfare families.

If you want to make families independent, let a welfare child tell you how to do it. It can happen. And let me reiterate, whatever penny, whatever dollar, whatever dime was invested in this welfare child, it has paid off for America and for our people.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I listen to the Democrats, and it sounds like to me they have a corner on the market as far as poverty is concerned. Believe it or not, some of the Republicans grew up in very difficult situations. I myself did. You do not believe that. Listen to this.

My mother was a waitress for 18 years and I shined shoes at a place called J.D. Rushton's Barber Shop and we did not get welfare back in those days. They did not have it. You had to go to the township trustees.

But one of the great things we had going for us was we lived in America and we were a land of opportunity, and we would pick ourselves up by our bootstraps and move out of the white ghetto and make something of ourselves. As a result, my brother, my sister, and I have succeeded to a degree.

Now let me just tell you this. The dependency that has been created by the Great Society back in the 1960's has led us to the condition we are in today where the vast majority of the people on welfare are in a cycle of dependency and they cannot get out. That was why the people of this country changed the way Congress was made up last November. They want that cycle of dependency broken, and we are trying to do it.

You keep telling the people of this country we are trying to take money and food out of the mouths of hungry children. That is insane. We are spending 4½ percent more on the Children's Lunch Program than we were before. we are giving more, but we are taking it away from the bureaucrats and giving it to the Governors so they can handle it within block grants.

We want to break the cycle of dependency and you do not. You want to keep the people of this country dependent on you so you can get reelected and reelected and reelected.

The times have changed. The times have changed.

Mrs. MINK of Hawaii. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentlewoman from Kansas [Mrs. MEYERS] has 5 minutes remaining, and the gentlewoman from Hawaii [Mrs. MINK] has 3½ minutes remaining.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 1 minute to the gentlewoman from Washington [Ms. DUNN].

Ms. DUNN of Washington. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I would like to respond to some of the comments we have heard in this discussion this morning. Americans are a generous people and they have long demonstrated their commitment to help their neighbors and families and children in need. But the American people

also demand results for their investment.

We all know and it is agreed upon that the American welfare system right now is a $5 trillion failure. We have talked about the School Lunch Program that the Republican plan increases that by 4½ percent a year.

But I want to mention something else that was inserted as an amendment on the floor by the women Republicans, and that is the Day-Care Program.

Mr. Chairman, the Day-Care Program in the Republican plan adds $2.1 billion a year for child day-care for women who are working off of the welfare rolls on to work. We know it can be a problem for them, and the Republican day-care plan helps individuals meet that responsibility by giving them peace of mind as they move off the welfare rolls back into work.

Mr. Chairman, last Saturday at home I met with a group of Head Start women who were unanimous and emphatic in their desire to get off AFDC and off welfare. The one thing they asked for was help in child care. Help them find good, safe, child care and they will find work in the private sector.

I urge rejection of the Mink amendment and support of the Republican bill, H.R. 4.

□ 1215

Mrs. MINK of Hawaii. Mr. Chairman, I yield such time as he may consume to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

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

Mr. FALEOMAVAEGA. Mr. Chairman, I rise in support of the Mink amendment. Block grant, Mr. Chairman, is a copout.

Mrs. MINK of Hawaii. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. PAYNE].

(Mr. PAYNE of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. PAYNE of New Jersey. Mr. Chairman, I rise in strong support of the Mink substitute.

Mr. Chairman, today I rise in support of H.R. 1250, the Family Stability and Work Act because the Personal Responsibility Act is an all-out assault on America's children, on America's elderly, on America's poor, on our most vulnerable populations.

My colleagues claim that they are not out to get women and children, that the Personal Responsibility Act does not punish poor people, that we need to have an honest discussion about this proposal.

I don't know that we can have an honest discussion about legislation that was built on distortions and misperceptions.

The truth is that kids are hurt. The Family Stability and Work Act does not set arbitrary time limits on poverty, because there is no cut off of benefits for those who make a concerted effort to find work. There is no pandering to assumptions that poor people have no work ethic.

It protects children because it does not include a requirement to deny benefits to teenage mothers or children who are born to families already on AFDC.

H.R. 1250, helps families in the critical transition from welfare to work because it retains crucial support systems that allow families to keep health, child care, housing, and food stamps for up to 2 years, until they accrue the security to do it themselves.

Three weeks ago, I offered an amendment during Economic and Educational Opportunities deliberations on welfare reform that would protect our Nation's children. My amendment would allow children, whose family income fall under 130 percent of poverty, to continue to receive free meals at school. This program was eliminated in H.R. 999, the Welfare Reform Consolidation Act. My amendment was unilaterally defeated by the supporters of the so-called contract.

And since under this rule, I am not permitted to offer the amendment during this process, I have introduced the measure as a House resolution.

So what if we go into another recession? We can't meet existing need. There is no fail-safe approach for American children in the Contract With America.

Are young people, who have no agenda, no vote, any less important because they don't vote? If the Personal Responsibility Act, becomes law, States or school districts will decide whether or not to provide any free meals at all; States will not be required to serve meals to children who cannot afford to pay for them.

As a former teacher, I know that you cannot teach a hungry child, because hunger impairs their ability to learn.

I remember the deep conviction of the American people and their compassion for the less fortunate. I urge my colleagues to continue that tradition by supporting the Family Stability and Work Act.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, we are not talking about alligators. We are not talking about wolves. We are talking about America's children. We are talking about human beings.

The Republicans have gotten on the floor. They have said that some of them have come from less than meritorious beginnings. If that is true, then they need to remember those humble beginnings, because but for the grace of God, there go you. We are talking about human beings.

You said that there are no cuts. Sixty-six billion dollars' worth of cuts: We are concerned about these cuts, because this is food that could go into the mouths of our children. This is money that you are going to use to put in the hands of rich people who do not need a tax break. This is what we are talking about.

Mr. Chairman, we are talking about not crippling our Nation's poor, but we are talking about empowering them. Yes, we know that welfare can be a drug. This is why the Mink substitute is talking about empowering our children and our poor by giving them job training, by giving them child care, so they can go out and be more productive members of society.

If this bill, this underlying bill, is not mean spirited, I do not know what is.

The way we can help America is by not giving them a handout but a hand. This country needs a hand, and the Mink substitute accomplishes that.

The Republicans have said that they have accomplished it, but all we see with them is the operation is a success, but the patient dies.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, perhaps not by design, but certainly by experience, the welfare system has become corrupt and immoral. The Mink substitute seeks not to end that welfare system, not to reform that welfare system, but to expand it.

Why would anyone want to spend more on a system that has not only failed but has become corrupt and immoral? It is immoral to take money away from hard-working middle-class Americans and give it to people who refuse to work.

The welfare system defines corruption. Study after study has shown it is fraught with waste, fraud, and abuse. Studies of the Food Stamp Program have shown up to 20 percent of the money ends up in waste, fraud, and abuse. Why do we want to expand that system?

One of the speakers who was on the floor here from the other side a few minutes ago proposed a couple of years ago to give $100 a week to people to keep well groomed. We cannot afford this, folks. We have got to stop the immorality. We have got to stop the corruption.

Reform the system. Do not vote for the Mink amendment.

Mrs. MINK of Hawaii. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, I thank the gentlewoman for yielding time.

I cannot think of anything more corrupt than to take from the poor to give tax breaks for the rich, and I cannot think of anything more immoral than to punish people who are poor just because they are poor.

Reject the bill before us and support the Mink amendment.

Mrs. MINK of Hawaii. Mr. Chairman, 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. Chairman, I rise in strong support of the Mink amendment.

Mr. Chairman, I rise in strong support of the Mink amendment.

This amendment embodies the belief all of us say we share: that our welfare system will never be a success until it becomes a system which actively works to make itself obsolete.

The Republican proposal downsizes welfare simply by kicking out the most vulnerable in our society to sink or swim. It will succeed only in perpetuating the cycle of hopelessness into which far too many American families have fallen.

It would say to immigrants who have chosen to make the United States their home that—despite the taxes they pay, despite the businesses they have formed, despite the educational success of their children which contribute so much to this Nation—their well-being isn't any cause for concern.

Those who have become the most strident in criticizing immigrants in America frequently use the same criticism that has been used for generations—that immigrants are not assimilating into American society quickly enough.

Yet the Republican bill actively pushes these newest Americans toward the margins of our society.

Well, Mr. Chairman, I can assure every Member of this Chamber that the Asian Pacific-American and Latino communities in this Nation will never forget that insult.

In contrast to the punitive proposals in the Republican bill, the Mink amendment takes the steps necessary to truly build a system of public assistance that moves Americans in need toward independence—through job training, child care, and educational assistance.

It is fair, it is workable, and it is just. To me, that is the definition of good public policy. I urge my colleagues to support the Mink amendment, and enact meaningful welfare reform for America.

Mrs. MINK of Hawaii. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from New York [Mr. OWENS] for closing on our side.

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

Mr. OWENS. Mr. Chairman, of all the proposals on the table, only the Mink substitute insures that families are given the tools they need to obtain living-wage jobs and achieve self-sufficiency, independence, and dignity.

We have welfare in this country because welfare is so much cheaper than full employment. The average welfare payment per month is about $350, $350 to survive. That is far different than a minimum-wage job. The substitute also contains the most stringent work requirements we will see on the House floor. Every welfare recipient with a self-sufficiency plan must be in a job after the various education and job-training activities are completed. Investing in jobs is the best investment we can make.

Even the Congressional Budget Office has acknowledged a 1-percent reduction in the unemployment rate leads to a net gain of $40 to $50 billion to the Treasury. Let us put people to work.

Republicans do not support bills that put people to work. In H.R. 1214, Republicans are merely continuing a hostile pattern of neglect that they have always had toward jobs.

In order for Republicans to save money, they do not have to take money away from the free lunches. We do not have to tell the children of America there is a fiscal crunch, and this Nation needs their lunch. We do not have to do that.

We can save money in many other ways. Sixteen billion dollars is spent on aid to children; $16 billion is spent on aid to rich farmers. Rich farmers receive the welfare without any means-testing. Let us take some of the money away from rich farmers to pay for the training and job experience in this bill.

I urge my colleagues to support this bill. It is the only effective proposal for welfare reform. Vote for the Mink substitute.

Mr. Chairman, I rise in strong support of the Mink substitute for H.R. 1214. Congresswoman MINK's substitute is the most comprehensive welfare reform plan that we are considering this week because it focuses on what welfare recipients need and want most—jobs.

American voters have spoken loud and clear about their job fears and anxiety. In the interviews at the exit polls on November 8, working people explained their anger. Wages are too low. Corporate downsizing, streamlining, and the pursuit of slave labor in Mexico and China have intensified the fears of those who are working today about losing their jobs tomorrow. And among the millions who have been unemployed for many months, and some for years, all hope of ever getting a decent job is fading fast.

Welfare recipients have the same fears and anxiety. They wonder what will happen to them and their children if their benefits are taken away, but education, job training, child care, and job search assistance are not provided for them. Of all the proposals on the table, only the Mink substitute ensures that families are given the tools they need to obtain living wage jobs and achieve self-sufficiency, independence, and dignity.

Instead of eliminating the current Job Opportunities and Basic Skills [JOBS] program, the Mink substitute sensibly enhances it by striking cumbersome mandates and increasing the States' flexibility to determine who is required to participate in JOBS and who is exempt. There is no arbitrary time limit for AFDC benefits, but the substitute allows states to work with families to determine what is necessary to get them off welfare and into jobs.

The substitute also contains the most stringent work requirement we will see on the House floor. Every welfare recipient with a self-sufficiency plan must be in a job after the various education and job training activities are completed. If they are unable to find a job on their own, then they still must go to work at a job that either has been created or is subsidized by their State.

Investing in jobs is the best investment we can make. A full employment economy is an economy that grows and can afford to do more. People with jobs produce goods and services, generate income, buy goods and services, pay taxes, and consume less government transfer payments such as Aid to Families with Dependent Children [AFDC] and unemployment insurance. Even the Congressional Budget Office [CBO] has acknowledged that a 1-percent reduction in the unemployment rate leads to a net gain in the U.S. Treasury of $40 to $50 billion.

In a report to the Ways and Means Committee last Monday, the CBO concluded that States will not be able to meet the work requirements in H.R. 1214 calling for 50 percent involvement in job training or work programs by 2003, and 90 percent involvement for two-parent families. That conclusion should not be surprising. Welfare-to-work programs have been consistently underfunded. Specifically, the JOBS program has only received about $1 billion a year even though it would need $6 billion a year to operate at full capacity and enable all eligible AFDC recipients to participate.

In H.R. 1214, Republicans are merely continuing this pattern of hostile neglect. In contrast to the Mink Substitute, the Republican bill provides no job or job training guarantees, and it is not funded with any additional money to make sure that people work.

CBO has estimates that it will cost $11,440 a year to place just one welfare mother in a welfare-to-work program. That includes the costs of child care, paying supervisors, job training, and paying wage subsidies. But my friends on the other side of the aisle are not interested in such details. Their message to the middle- and upper-income earners in this country is as follows: we are going to save money by stripping poor people of the few benefits they have so that we can give you a tax cut. We will talk about how we want poor people to go to work, but we are not going to spend one dime or create a single job to make that happen. That would cost too much money, and our economy depends on the existence of an underclass of serfs anyway.

The Republicans have completely skewed the welfare reform debate. We should not be talking about cutting one form of welfare in this country without talking about cutting all forms of welfare. If sacrifices must be made to balance the budget, then everyone must share in the pain.

In order for the Republicans to save money, they do not have to single out AFDC. In 1993, the Federal Government spent $16 billion on AFDC, but the Federal Government also spent $16 billion on commodity price and farm income support programs.

Despite the fact that the Government has been spending the same amount of money on programs for tobacco and

peanuts as the AFDC program, Republicans have not attacked the agriculture expenditures as vigorously. Somehow, it's alright to subsidize agribusiness, but it's not alright to make sure that single mothers and their children continue to have food on the table, roofs over their heads, and shirts on their backs. There is a double standard here that smacks of racism.

Therefore, the test of a true and comprehensive welfare reform plan is not merely whether it is vigilant about reforming the AFDC program, but whether it is just as vigilant about reforming our welfare system for agribusiness and all other corporations. For, wealthy corporations in this country are spoonfed a whole variety of pork, ranging from huge tax breaks for multinational corporations which export American jobs overseas, to hundreds of millions of dollars to agribusiness corporations to market and promote their products abroad. The Mink substitute passes this test.

The Mink substitute pays for the cost of welfare reform by attacking the hundreds of billions of dollars in handouts to corporations by increasing the top corporate income tax rate by a modest 1.25 percent. That sends the right message to working-class Americans—that the fat-cat freeloaders can no longer belly-up to the Government trough.

Mr. Chairman, the Mink substitute represents real welfare reform because it ensures that everyone who is willing and able to work will obtain a minimum wage job. It therefore addresses the deficit about which Americans are most concerned—the jobs deficit. I enthusiastically endorse this approach and urge all of my colleagues to vote for the Mink substitute.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WELDON].

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

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise to correct obvious misstatements by a colleague on the other side about a school district in my district.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield 3 minutes, the remainder of my time, to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Chairman, I thank the gentlewoman for yielding and allowing me to close on this debate.

The hollering and shouting, the innuendoes and name calling are hopefully now over, and we will be asked in not too long to decide between the status quo and the Republican welfare reform bill.

History tells us that they came from farms, they came from all over this Nation in search of a better life for themselves and their families. They settled in the cities, they settled in the coal mines, and they were hard-working because there was a hard-work ethic.

Then the jobs went away, after these people who they themselves and their ancestors built the greatest economic machine on the face of this Earth. So when the jobs left the big cities and the mines closed, why did not the same people who were the children of the ones who came to the factories, who came to the cities seeking a better way of life, why did they not follow suit? Why did they not go where there were better jobs and better opportunities? They did not because the Congress of the United States, this Government, put into place a welfare system that was corrupt, although well-meaning, was destructive, although thought to be kind and gentle, and for generations now, we have seen this destructive welfare system stay in place and keep people where they are, a system that is destructive of future self-esteem, destructive of family, destructive of the basic moral fiber that has held this Nation together and the work ethic that we have been so proud of as Americans.

Now is the time to sweep this away.

The gentleman from Georgia yesterday and again the day before said that now the Republicans are coming for the poor and the children. Yes, they are. We are coming for them to pull them out of the life of dependency and poverty, and we are going to ask you the Democrat side, after the passage of welfare reform, hopefully some before, to join with us, because we are only on the first step to the road of doing something about taking people out of poverty. We are sweeping away a destructive system, and we are putting in a system that can work.

But we cannot now walk away from it, because the road of the poor is going to be a tough road. It is going to be a treacherous road. It is going to be a road that we in the Congress are going to have to do more after the passage of welfare reform to take people out of poverty in this country.

For once, after we pass this, let us join together in a new meaning of the American spirit and solve the problem of poverty in this country to give people back self-dignity, to discourage illegitimacy, to promote the family and to promote the values that have made this country great.

I urge a ''yes'' vote on H.R. 4. I urge a ''no'' vote on the Mink substitute.

Mr. FALEOMAVAEGA. Mr. Chairman, I rise today in support of the Mink substitute, and in opposition to H.R. 3.

Mr. Chairman, I submit to my distinguished colleagues that the lives and well-being of some 21.6 million of our Nation's children are at risk if we allow the Republican welfare reform bill to become law.

We are all in agreement that our welfare programs need reform. And in fact, Democrats intended to reform these programs this year; however, as the people of this country are seeing, our minority status is now working to the detriment of our Nation's children.

Some of my friends across the aisle have repeatedly said the best way to administer our welfare programs is to give block grants to the States. Without question, some States have been successful at getting people off the welfare rolls and getting them into productive jobs, but so have the Federal programs.

The problem, Mr. Chairman, is that not all States operate with the same efficiency, and I can just imagine that with 50 different bureaucracies, with 50 different sets of laws and regulations, with 50 different State court rulings, with 50 different budgetary priorities—well, let me just say that I suspect the result will be utter chaos and confusion. We are going to have people moving from one State to another just to obtain better benefits. But of course the States that provide the better benefit packages will be overwhelmed and will have to lower the quality of their packages to that of their neighbors so they do not continue to be overwhelmed. And if I am correct, Mr. Speaker, when you block grant a Federal program to a State, the States have considerably more latitude with the funds, and they do not necessarily have to spend the funds as Congress would like or have intended.

Unlike H.R. 4, which does nothing more than cut the funds expected to be needed to support our nation's children, Congresswoman MINK's substitute is an honest plan which seeks to move welfare families off welfare by training them and putting them to work.

Mr. Chairman, the Congressional Budget Office has estimated that all 50 States will likely fail to meet the job requirements contained in H.R. 4. Shouldn't that send a message to our friends across the aisle? Shouldn't that alert those with the ability to change this bill to do so now? Are they simply going to say it's not true, or it doesn't matter, we can fix it in conference?

Mr. Chairman, I would find that position rather embarrassing to be associated with, and I want to use this opportunity to state unequivocally my strongest opposition to H.R. 4, and my strongest support for the Mink substitute.

Mr. STOKES. Mr. Speaker, I rise today to express my support for the Family Stability and Work Act. I commend my distinguished colleague from Hawaii, PATSY MINK, on her efforts in crafting meaningful legislation in response to the issue of welfare reform.

The Family and Stability Act replaces the punitive measures of H.R. 4 with a much more realistic and focused alternative. It is sound, sensible and compassionate and deserves the full support of this House. I am supportive of this legislation because it provides a safety net of training and support services to help welfare recipients into gainful employment. In addition, this plan does not impose time limits on recipients, or repeal the entitlement status of essential nutritional and child care programs.

The Mink substitute logically attempts to reform our Nation's welfare system. It demonstrates that we can effectively reform the welfare system without hurting the very people that it is designed to help. This alternative recognizes that reducing other programs which assist the poor is counterproductive.

Of the 14 million people on AFDC, 10 million are children. This substitute sensibly invests in those programs that most benefit our Nation's youth. Furthermore, it takes necessary steps toward ensuring that recipients are helped out of dependency and into self-sufficiency.

Work and preparing for work are essential elements in welfare reform. The Mink plan provides welfare recipients with education and

job training necessary to obtain a job and stay employed. The Mink substitute guarantees child care to parents who are working, or in work preparation programs. According to the Department of Health and Human Services, 378,000 children from low-income families struggling to get off welfare or remain independent would no longer have Federal child care assistance under the Republican proposal. It is irrational and unrealistic to expect young mothers to get into the work force without adequate child care.

The welfare plan proposed by my colleague from Hawaii would attempt to exercise compassion for welfare recipients without encouraging dependency. It includes provisions which do not impose time limits for low-income individuals receiving aid to families with dependent children [AFDC]. In a congressional district such as mine, more than 40 percent of the population lives below poverty. I believe the Mink substitute addresses this issue by helping families stay off of welfare, and allowing them to retain essential health, housing, and food stamp benefits for up to 2 years.

One of the most unjustifiable aspects of the personal responsibility act is the block-granting of highly successful nutrition and childcare programs. Under the Mink welfare substitute, the entitlement status of important services like AFDC, nutrition programs, child care programs and child welfare programs would be retained, thereby ensuring that poor families and children are protected.

The challenge that our Nation faces is to provide aid to those in need while ensuring adequate training and support to enable recipients to move into gainful employment. The welfare reform package proposed by Representative MINK addresses this problem by effectively assisting recipients to overcome barriers to work.

As we continue our debate on welfare reform, and stress personal responsibility, let us not forget our own responsibility as legislators, as leaders, and as a voice for those who cannot speak in the this Chamber. For these reasons, I urge my colleagues to support the Mink substitute.

Ms. BROWN of Florida. Mr. Chairman, I rise today in support of the Mink substitute which will transform the AFDC Program into a program that will really move people off welfare and into real jobs.

The Mink substitute significantly increases the funding for education, job training, employment services, and child care for welfare recipients. These components are essential to any program to help people move into the work force.

H.R. 4 is the wrong way to go. It eliminates the entitlement status of important programs and ends our long-term national commitment to make sure that all Americans have a safety net. Block grants to the States is not the way to go.

H.R. 4 is weak on work. The work requirements in the Republican's bill are weaker than current law. Even the Congressional Budget Office says the GOP plan will not put people to work. It will only hurt children, the elderly, and the Nation's veterans.

Beware Republicans. American's will not be hoodwinked for long.

Mr. ABERCROMBIE. I rise in strong support of the Mink substitute because it addresses the causes of poverty rather than penalizing people for falling on hard times.

The Mink substitute would provide families with real opportunities to get off welfare and lead a successful self-sufficient lifestyle.

Yes, Mr. Chairman, we do need to change the welfare system;

But it is cruel and mean-spirited to dismantle altogether the safety net and basic services for poor families and disadvantaged children.

The Republican's answer to welfare reform is to drop hungry children from the school lunch program, deny basic assistance to lawful immigrants who pay Federal taxes, pit foster children against victims of domestic violence for the same scarce funds, eliminate assistance to disabled kids, and cut programs to reduce child abuse.

In the State of Hawaii, we stand to lost $68 million over the next 5 years in Aid to Families With Dependent Children under the Personal Responsibility Act.

The Republican plan caps cash assistance with total disregard for the unique economic situations in each State.

Last year Hawaii experienced an unexpected increase in enrollment for AFDC.

In February, Hawaii's Department of Human Services Director Susan Chandler testified before the Hawaii State Legislature that this increased caseload was the direct result of the depressed economy in Hawaii and its growing unemployment rate.

As a result the Department requested an emergency appropriation of $8 million for the State share of AFDC payments to be matched by $8 million from the Federal Government.

Without this appropriation Hawaii's poor families would have been cut off from AFDC for 4 months.

This emergency appropriation would be impossible under the Republican's welfare reform proposal.

Under their bill, AFDC payments would not increase accordingly with changes in the economy or unemployment rate.

If the Republican proposal had been law, Hawaii's AFDC recipients—most of them children—would have been left to fend for themselves, abandoned by the Government in their time of greatest need.

The Mink substitute would reform the welfare system without causing undue suffering for our poor families.

It provides the resources necessary to give welfare recipients the education, job training, job search assistance, and child care that they need to find a job and get off welfare.

It includes a strong work requirement and increases State flexibility.

It allows children and families to continue to receive vital assistance such as health care, child care, housing and food stamp benefits for a short term after the family leaves the AFDC rolls.

We need to recognize that simply eliminating assistance for poor families does not eliminate their needs.

Most importantly, we cannot forget who is receiving the assistance.

In Hawaii, approximately 42,698 children received AFDC benefits in fiscal year 1994.

If we pass the Republican bill we will be abandoning our children.

We know that family poverty harms children significantly and places young children at risk.

Ultimately society will suffer for the abandonment of families and States will have to shoulder the burden of homelessness, crime, family violence, substance abuse, and health problems.

We have an opportunity to improve the lives of the poor in this country by changing the welfare system in a positive, not punitive, effort.

I urge my colleagues to support the Mink substitute.

Mr. RICHARDSON. Mr. Chairman, I rise in support of the Mink substitute bill because it demands work and responsibility from recipients, but does not pay for future tax cuts by punishing legal immigrants and children.

The Mink bill sets aggressive work requirements, and is tough on those who do not work—recipients who refuse to work will have their benefits terminated.

Unlike current Republican proposals, the Mink bill makes the investments necessary in education and training to prepare recipients for work, and this is critical.

We must not adopt legislation, merely for the sake of change, that ignores the root causes of poverty—otherwise we will be faced with many more years of failed policy.

The Mink bill makes work pay. It provides short-term nutrition, medical, and housing assistance to stabilize families as they move into the work force.

The Mink bill gives States flexibility: States may design work and education programs to fit local needs, and States are not forced to interfere with family size or family planning.

The Mink bill strengthens child support collection methods so that primary responsibility for children is where it belongs: With their parents.

Finally, the Mink bill is not financed by denying help to children and legal immigrants; rather, it cuts corporate welfare by asking companies who make in excess of $10 million in profits per year to pay an additional 1.25 percent in taxes.

Mr. Chairman, the Mink bill departs from the status quo by creating responsible, realistic welfare reforms.

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentlewoman from Hawaii [Mrs. MINK].

The question was taken; and the Chairman announced that three-fifths of those present not having voted in the affirmative, the noes appeared to have it.

RECORDED VOTE

Mrs. MINK of Hawaii. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 96, noes 336, not voting 2, as follows:

[Roll No. 267]

AYES—96

Abercrombie	Conyers	Filner
Ackerman	Coyne	Flake
Barcia	de la Garza	Foglietta
Becerra	Dellums	Ford
Bishop	Dicks	Frank (MA)
Bonior	Dingell	Frost
Brown (FL)	Dixon	Gejdenson
Clay	Engel	Gephardt
Clayton	Evans	Gibbons
Clyburn	Farr	Gonzalez
Coleman	Fattah	Green
Collins (IL)	Fazio	Gutierrez
Collins (MI)	Fields (LA)	Hall (OH)

Hastings (FL)
Hilliard
Hinchey
Jackson-Lee
Johnson, E. B.
Johnston
Kennedy (RI)
Kennelly
Lantos
Lewis (GA)
Lofgren
Martinez
Matsui
McDermott
McKinney
Meek
Mfume
Miller (CA)
Mineta
Mink
Nadler
Oberstar
Olver
Ortiz
Owens
Pastor
Payne (NJ)
Pelosi
Rahall
Rangel
Reynolds
Richardson
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Stark
Stokes
Studds
Thompson
Torres
Towns
Tucker
Velazquez
Vento
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wynn
Yates

NOES—336

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martini
Mascara
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Reed
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
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
Torricelli
Traficant
Upton
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—2

Brown (CA)
Furse

☐ 1243

Messrs. MCINTOSH, HEFNER, and MOAKLEY changed their vote from ''aye'' to ''no.''

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

So, three-fifths of those present not having voted in the affirmative, the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Mr. QUINN. Mr. Chairman, I rise today in support of the family-based nutrition block grant contained in H.R. 4, the Personal Responsibility Act, which combines funding for WIC, the Child Care Food Program, the Summer Food Program, and the Homeless Children Nutrition Program.

There have been concerns raised regarding the future of the WIC program under this proposal. I believe, however, it will work well. States are often in a better position than Washington to determine what is best for their area and how funds could be used most efficiently.

Funds under the block grant must be used for those in greatest need—the low-income families who require assistance, not the administrators. A provision caps the percentage of funding that may be used for administrative costs, once again less money for bureaucrats. WIC is certainly not forgotten—at least 80 percent of the funding under the grant is earmarked for the WIC Program.

The quality of the WIC is also not left behind. The nutrition standards provision in the bill provides for the development of model nutrition standards for the programs. This makes good nutritional sense and will ensure healthy supplemental foods.

Mr. Chairman, the value of the WIC Program cannot be disputed. It finds bipartisan support because it is effective in improving the nutrition and health of low-income pregnant, postpartum, and breastfeeding women as well as infants and children who are determined to be at nutritional risk. This leads to better health and decreased medical costs.

Mr. Chairman, H.R. 4 will help us to continue to meet the needs of low-income children and pregnant and nursing mothers and actually increase funding by $500 million over 5 years.

I am pleased to support the family-based nutrition block grant. I hope that opponents' fears will be diminished when they see how effectively the States can administer these important nutrition programs while at the same time retaining the quality demanded of them.

Mr. LUTHER. Mr. Chairman, everyone agrees that the current welfare system in America is broken and needs to be fixed. The American people are fed up with inefficient spending and questionable programs that result in little or no bang for the taxpayer buck.

While I support strong efforts to reform our Nation's welfare system, I am concerned by the direction in which some have chosen to take this debate. Partisan policies and the quest for a quick fix have resulted in proposed policies that simply fail to take a long-term view and are counterproductive to our country's future.

Welfare abuses exist today and they need to be dealt with strictly. But, many Americans aren't proud to be on welfare and they don't aspire to make it a way of life. In many cases, they are on welfare because we have failed to create the proper incentives to move them from welfare to work. The focus of welfare reform must be on getting these people off welfare and to work as quickly as possible. To do this, we need to give people the supportive environment necessary to get a job. Welfare can then serve as the temporary safety net it was meant to be.

Representative NATHAN DEAL's substitute welfare reform bill has the necessary ingredients to get people off the welfare rolls and into the work force. While setting a time limit in which one can receive assistance, it requires people to actively search for a job or get the necessary training. The Deal plan rewards work by raising asset thresholds which, for years, have been a disincentive to getting a job. The plan also consolidates and expands child care opportunities and maintains the integrity of the Head Start, school lunch, and Meals on Wheels programs. Finally, the Deal substitute works to reduce the deficit. By streamlining existing programs, fighting fraud and abuse, and moving people into jobs, the Deal plan will cut long-term costs as it increases the number of Americans contributing productively in our society.

Let's rise above partisan politics today and restore the opportunity for millions of Americans to live a better life than they are living today.

Mrs. MEEK of Florida. Mr. Chairman, there is no question that our welfare system needs to be reformed. The American people want a welfare system that is tough, but fair. They want welfare checks to be replaced with paychecks and they want vulnerable children protected while their parents work.

But the American people also want the job done right, not a rush job like this one, which is being rammed through the House to meet an arbitrary deadline set by the Contract With America. The terribly flawed bill before us is not reform; it is a sham. It is weak on work, but very hard on poor children and pregnant

women. It punishes the poor instead of helping them to move into the mainstream economy.

The driving force behind the Republican welfare reform bill is not concern for the least fortunate in our society—the vast majority of whom are children. The real purpose of this bill is not to help poor people aggressively prepare for work and look for a job.

Rather, the purpose of this bill is to scrape up dollars to fund tax breaks for the already well-off. Because of this bill, the people of Florida will have to pay $3.87 billion over the next 5 years to fund tax relief for the wealthy at the expense of the poor. Instead of saving money, this bill simply shifts costs onto State and local taxpayers.

This bill also demonstrates to all what the opportunity society contemplated by the Contract With America really means—seizing the opportunity to exploit the vulnerable and the poor for the benefit of privileged special interests.

It is good policy to promote work and require it of those capable of holding a job. But what is needed to help people get off and stay off welfare is not to be found in this bill: Education; job training; day care so that parents can safely leave their children while they work; health care; and counseling for people who have never written a resume or called an employer for an interview. This bill assumes that work will somehow just happen.

The bill proposes a new, consolidated childcare block grant program that will mean a cut nationally of $2.4 billion in funding over the next 5 years. In Florida alone, more than 20,000 children are awaiting child care services so that their parents can work. This bill ignores the problem, at a loss to Florida of an estimated $388 million.

This bill merges the National School Lunch Program with other school-based nutrition programs, completely eliminates Federal nutrition standards, and caps the funding. The only reason they are attacking these programs, which work quite well, is to fund the Republican tax breaks.

Mr. Chairman, on Monday of this week, I visited Frederick Douglass Elementary School in the Overtown neighborhood in Miami. This neighborhood is so poor that 97 percent of the children there are eligible for free school lunches.

I ate lunch there with a group of third graders, and I asked them what they thought about lunch. One little girl was particularly loquacious. ''Oh, the lunches are good,'' she said. ''If we didn't get our lunch, we would be hungry.''

And, Mr. Chairman, I can report that there were no picky eaters in that cafeteria; the food was good, and these children ate everything. For most, this was their best meal of the day. The authors of this bill should come to my district and eat with these children. They are not statistics or numbers on some ledger book. They are the little ones who need our help the most—and this bill pushed them aside in the name of fiscal responsibility.

The bill also repeals the supplemental nutrition program for women, infants, and children [WIC]—widely regarded as one of the most effective Federal programs ever—and other child nutrition programs and replaces them with a family nutrition block grant. It cuts food stamp spending by $14.4 billion over 5 years—more than $1.2 billion from the State of Florida alone.

The authors of this bill boast that it will save $7.2 billion in nutrition funding over the next 5 years. But at what cost? This bill puts the health and development of little children at risk, needlessly, in the name of cost savings. This kind of false economy is unconscionable.

Finally, the bill is terribly unfair to legal U.S. immigrants. These are lawful U.S. residents who played by the rules and became legal residents by faithfully following our laws.

Mr. Chairman, U.S. immigration law is a matter of national policy. The Federal Government decides how many legal immigrants are allowed into our country each year—not Dade County, and not the State of Florida. Since these are Federal decisions, the Federal Government must pay. But this bill says that local taxpayers must pay.

Legal immigrants are not a drain on our economy; in fact, they earn an estimated $240 billion each year and pay over $90 billion in taxes in the United States. Many of them serve in our Armed Forces. By working, paying taxes, and creating jobs, legal immigrants more than carry their weight. The fact that they are not yet U.S. citizens in no way increases the burden on the Government.

Mr. Chairman, this bill punishes children for the sin of being born to a family on welfare. It punishes children, until the mother is 18 years of age, for being born out of wedlock. It punishes children if a State drags its feet on paternity establishment. It eliminates guaranteed foster care to any child who is abused or neglected.

This bill is neither compassionate nor fair. It is not reform. It is the legislative equivalent of clearcutting a forest—cut, cut, cut, with little regard to the consequences.

Mr. LAZIO of New York. Mr. Chairman, I rise today to support H.R. 4, the Personal Responsibility Act. The vast social welfare policies of the past 30 years have been a miserable failure. They have failed to adequately serve our needy neighbors, and in the process, they have ripped apart our communities and hurt us all. This bill is the first step on the road to rejecting these policies, healing our communities, and helping our children.

The reality in 1995 is that far too many of our Nation's communities contain deep pockets of poverty and dependence. In some urban areas, an alarming 8 in 10 children are born out of wedlock, many into a world of poverty. The unfortunate fact is that these children are three times more likely than children from families with married parents to go on welfare as adults. We have learned that a spending policy that is not value-driven is a recipe for failure. It is imperative that this cycle be broken.

I have visited Job Corps sites in the South Bronx and met young women who had never learned how to open a checking account, write a résumé, or go on a job interview. The system that fostered this must be changed to provide these young people with the incentive and tools to enter the job market and become productive members of the community. It is time to look to the future. These young people are where our energies must lie. They provide us the opportunity to help break the dead-end cycle of poverty and dependence. They will be the key to healing our communities.

We must not be deterred by those who claim that we are not compassionate. We are compelled to help all Americans, particularly our neighbors struggling to survive in the poorest neighborhoods. Our current social welfare policies have not demonstrated compassion to those trapped by poverty, rather, they have failed them miserably. Those who would continue these policies are doing the same. There is no compassion in that.

Mrs. MORELLA. Mr. Chairman, I rise to speak on the subject of the Personal Responsibility Act.

There is considerable disagreement within this body, and certainly among the American public at large, about the legislation that we have, before us today. Yet there is one point upon which we can all agree—our present welfare system has failed. It has failed our families in poverty, it has failed our children who depend upon it, and it has failed the American taxpayers who support it.

The question than, Mr. Chairman, is not whether we should implement far-reaching reforms in our welfare system but how we should implement these reforms. After many, many months of debate on this issue, after countless meetings with constituents, social workers, ''welfare mothers,'' business people, and others, I concluded that the best proposal for overhauling our Nation's welfare system was the one proposed by Congressman NATHAN DEAL of Georgia.

I voted for the Deal proposal because it struck a wise balance between the need for comprehensive reform and our duty as a society to maintain a basic safety net for our citizens. This proposal, which was put forth by a group of respected, moderate Members, embraced the center—rather than either the left or the right wing extreme—of the welfare debate.

The Deal bill contained work requirements that were more stringent, yet more effective, than those in the Personal Responsibility Act. It would have placed a 4-year limit—rather than the 5-year limit contained in the Personal Responsibility Act—for individuals to remain on AFDC. The Deal bill would have required AFDC recipients to work for benefits or participate in mandatory education and training programs aimed at transitioning them to private sector employment. The Personal Responsibility Act, on the other hand, contains no job training or other mechanisms to ensure that individuals can get—and keep—a job. If we're not willing to train low-skilled individuals for private sector employment, how do we expect them to stay off of welfare?

Second, the Deal proposal would have guaranteed child care for mothers with young children who participate in the bill's mandatory work programs. The Personal Responsibility Act, on the other hand, does not contain a guarantee of child care. How can we ensure that mothers on welfare will enter and stay in the workforce if they have no safe place to leave their children during the day? Clearly, without some guarantee of child care, our efforts to transition mothers from welfare to work cannot succeed.

Third, the proposal put forth by Mr. DEAL preserves the highly successful nutritional programs upon which many poor and working class Americans have come to depend—in particular, WIC and the school lunch program. These programs enjoy broad bipartisan support, and there is widespread agreement that they are remarkably effective in their current form. These programs work. Millions of poor

and working class children are fed cheaply and nutritiously thorough these programs. We do not need to toss them into the jumble of the welfare debate.

In addition, Mr. Chairman, in its well-intentioned efforts to discourage illegitimacy and teen-age births, the Personal Responsibility Act contains some measures which are so punitive as to be completely illogical. For instance, the bill cuts the cash assistance grant of children whose paternity is not legally established, yet it makes no distinction between children whose paternity is unestablished as a result of their mother's failure to cooperate with State officials, and children whose paternity is unestablished because, in spite of the mother's full cooperation, the father has successfully evaded State officials or managed to escape a DNA test. The Deal proposal on the other hand, recognizes that parents—not children—are the ones who should be penalized for evading their families responsibilities.

In addition to these points, Mr. Chairman, I believe that the Deal substitute is preferable to the Personal Responsibility Act because it preserves, subject to time limits and other restrictions, a basic safety net to which indigent Americans can turn in times of need. The Personal Responsibility Act, on the other hand, goes too far in its effort to devolve the Federal Government of responsibility in the realm of public assistance. In its effort to seek greater flexibility for State governments—a goal with which I wholeheartedly agree—the Personal Responsibility Act weakens the modest safety net that we, as a society, believe should be in place for our citizenry.

Finally, the Deal bill contained important and historic reforms in our Nation's child support enforcement laws—reforms that, as Republican cochair of the Congressional Caucus for Women's Issues, I have advocated for many years. In particular, the Deal bill adopted child support legislation that I had coauthored with the caucus earlier this year—the Child Support Responsibility Act of 1995. I also worked successfully to incorporate these reforms into the Personal Responsibility Act and am gratified that they were, in fact, included in the final bill. I commend the Republican leadership for incorporating these provisions into the act. On balance, however, the child support reforms in the Personal Responsibility Act were not enough to overcome my other objections to the bill.

Mr. Chairman, you can be assured that I will work with my colleagues in the Senate to ensure that Congress enacts meaningful, far-reaching, and comprehensive welfare reform.

Mr. OXLEY. I rise today in strong support of the Contract With America's Personal Responsibility Act. Welfare has become a way of life for too many recipients. By making it easier to collect a hand out than to work, the system has destroyed individual initiative and actually perpetuated poverty. Bureaucratic barriers frustrate motivated recipients who want to get a job or acquire an education. We've seen an alarming breakdown of the family occur under programs that simply are not working.

The Personal Responsibility Act will reform our welfare system to provide a helping hand, not a handout, to millions of Americans caught in this dead-end trap. I've heard a lot of talk lately that the Republican plan would be hard on children. This couldn't be further from the truth. Our plan will actually increase funding for many children's services. For example under our plan funding for school lunch and breakfast programs would actually increase by $1 billion over 5 years. By eliminating the Federal middle man, and block granting funds, the savings we achieve now could be used for providing increased assistance to needy children.

Mr. Chairman, in the name of short-term compassion we have inflicted long-term cruelty. Let us pass this legislation so we can offer hope for our children's future, not despair.

Mr. FOGLIETTA. Mr. Chairman, why do we have to divide America to cure welfare?

We divide America when we pull families apart.

We divide America when we make teenage mothers give up their children, or encourage them to have abortions.

We divide America when we use arbitrary deadlines that will move families who have depended on welfare because they can't get jobs, into homelessness.

We divide America when we punish children by dismantling the school lunch program.

We divide America when we use hot rhetoric like we heard in this debate—when one compares people on welfare to wolves or alligators, when one compares welfare to the $600 toilet seat of the Pentagon, when one says that he would not let some welfare mothers take care of a cat.

We didn't need this kind of talk, and we don't need to create two Americas to reform welfare.

Our Republican colleagues may insist that they are not engaging in the politics of division, but that's just what happened during this debate over welfare reform.

Let me give you an example of how one aspect of the majority bill will encourage a divisive America.

The Philadelphia Inquirer told a story the other day of a suburban township near my district.

Many years ago, they decided to reject Federal school lunch dollars, and do away with reduced price school lunches for low-income children. In its place, they use a so-called sharing table—a place where a hungry student can pick up a left-over peanut butter and jelly sandwich that a better-off student left behind.

Some people like the idea of the sharing table, but I don't. To me, it sounds like ''Oliver Twist.''

I can't think of anything more humiliating for a young child than having to rely on leftovers from their classmates. This deepens the divide in our society between the haves and the have nots.

What's worse, I'm afraid that it will teach kids to beg—that's not what American kids should be learning in school. I wanted to share with my colleagues an editorial from the Philadelphia Daily News, lest there be any confusion about my criticism of this program.

I supported the Mink substitute because it would have worked to accomplish the goal we all want to accomplish—moving people from welfare to work. It didn't use gimmicks, or arbitrary deadlines. It also didn't feed into the cynical politics of hate, division and making children victims.

What I don't want to see are begging tables at schools across America.

I hoped before my colleagues voted for this legislation, that they could think of their own child or grandchild cowering in shame as he approaches the sharing table.

That's not the America I want to see for our children.

[From the Philadelphia Daily News, Mar. 23, 1995]

NO LUNCH? TRY THE ''SHARING TABLE''

There is a fanciful, down-the-rabbithole quality to Republican welfare ''reform'' legislation being debated in the House of Representatives.

In the wonderland inhabited by Newt Gingrich and the Contract with America crowd, the outrageous idea that ''less is more'' has become an article of faith.

But not to worry. Instead of scrambling to close the funding gaps likely to be created by welfare ''reform,'' social-service agencies and public schools can find a model for Life Under the Contract close to home—in Upper Darby, Delaware County.

Back in 1982, Upper Darby dropped out of the federal school lunch program, and with it, federal nutrition standards. Local officials made the move because the program was losing money, kids didn't like the food and free lunches weren't needed.

Replacing the free- and reduced-price lunch meals is the ''sharing table'' sort of a give-what-you-can/take-what-you-need approach to combating child hunger. On the sharing table sits a ''sharing can'' for spare change.

It works like this: If Johnny eats only one of his two sandwiches, he leaves the extra on the ''sharing table,'' where Sarah—who perhaps came to school without breakfast—can have if free, along with some coins to buy a drink.

It's a simple neighbor-helping-neighbor kind of thing.

But what if Sarah is too embarrassed to come to the sharing table? And what if children who regularly show up without lunches or lunch money turn down offers of ''sharing table'' assistance out of pride and fear of being stigmatized?

Doing without the federal lunch program would be less problematic if Upper Darby were a wealthy community—which it isn't. Welfare rolls are growing—up 15 percent since last year, to 956 children. Yet only 300 kids signed up recently for a free milk program—perhaps a sign of reluctance to expose their need.

Upper Dabry school officials explain it with denial. The need just isn't that great they say.

Denial is likely to be a useful tool when the full GOP welfare reform package hits town.

Following the Upper Darby model, we should start with the premise that those lazy ol'poor people don't need any assistance. And for those who do (destitute teen mothers, for instance), we could erect ''sharing tables'' everywhere—near steam grates, bus stops, homeless shelters, soup kitchens and schools.

For disable kids cut from SSI, there could be medical sharing tables, from which to borrow walkers, wheelchairs, prescriptions and other medical services.

The possibilities are endless * * *

And absurd.

Every credible analysis of poverty and illegitimacy acknowledges that making the chronically dependent self-sufficient will cost more in the near future rather than less—because of multiple expenditures for child care, education and training, and public works jobs if the private sector cannot provide employment.

''Sharing tables'' and denial obscure that reality—but can't change it.

Mr. GIBBONS. Mr. Chairman, during this debate, the Democratic record on welfare reform has been regularly maligned. Republicans have frequently suggested that Democrats are simply defenders of the status quo—who have done little or nothing in the 40 years that we controlled the House of Representatives to improve the programs that serve our most vulnerable citizens. Any responsible examination of the record quickly shows this is not the case.

In the past decade alone, Democrats have enacted reforms to virtually every part of our social safety net—usually without much support from Republicans. Those reforms have been carefully crafted to improve the system without inflicting irresponsible and unnecessary damage on the families who have turned to us for support.

For example, in the 103d Congress, Democrats passed and the President signed into law:

The Family Preservation and Support Act.—This was the first significant reform of child welfare programs in 12 years. It provides flexible funds to States to strengthen families and prevent child abuse and neglect. It will also help State courts assess and expedite judicial child welfare proceedings, so that more foster children find permanent homes.

Legislation making these reforms was vetoed once by President Bush in 1992 but signed into law in 1993. The reforms are just now taking effect, yet the Republican majority wants to dismantle them in favor of untested block grants that leave abused and neglected children with no guarantee of foster care when they need it.

OBRA 93.—Amendments included in this budget reconciliation bill encouraged marriages for families on welfare by relaxing the rules for counting the income of a stepparent, made certain that children owed child support also get health insurance when the noncustodial parent has such coverage, significantly expanded the earned income tax credit to encourage work and offset Federal taxes paid by low-income working families. OBRA 93 also authorized empowerment zones and enterprise communities to test comprehensive solutions to the problems of distressed areas.

The Social Security Administrative Reform Act of 1994.—This reform bill limited the SSI eligibility of substance abusers to no more than 3 years. It also created the Commission on Childhood Disability to recommend ways to eliminate fraud in the SSI children's program—report due in 1995. Legislation authorizing the Commission was vetoed once by President Bush in 1992. Instead of waiting for the Commission report, Republicans are attempting to dismantle the SSI children's program in this bill.

The Social Security Administrative Reform Act of 1994 also included reforms to the child welfare and foster care programs. If reduced paperwork burdens for State child welfare programs by modifying the reviews required under section 427 of the Social Security Act. Legislation making these reforms was vetoed once by President Bush in 1992.

The Unemployment Compensation Act of 1993.—Miscellaneous amendments attached to this unemployment compensation bill reformed the SSI program to require that sponsored aliens, for the first 5 years after the alien's entry into the United States, be qualified for SSI benefits based on the income of their sponsor. The Republican proposal—included in this bill—denies virtually all benefits to legally admitted aliens.

In the 102d Congress, Democrats passed and the President signed into law

The Child Support Recovery Act of 1992.—This bill imposed a Federal criminal penalty for willful failure to pay a past-due child support obligation.

Democrats also passed the Revenue Act of 1992 which President Bush vetoed. That bill would have established a tax deduction for the costs of adopting children with special needs, such as those with a physical or mental impairment, encouraged welfare families to save—up to $10,000—for education, to purchase a home, or to move to a safer neighborhood, and allowed welfare families to save—up to $10,000—to start a business.

In the 101st Congress, Democrats passed and the President signed into law:

OBRA 90.—This law guaranteed child care for low-income families at risk of going onto welfare, improved the quality of child care services, and required States to report known instances of child abuse or neglect of children receiving AFDC, foster care, or adoption assistance.

OBRA 89.—This law reformed the AFDC quality control program to improve protections against fraud and abuse in the AFDC system.

In the 100th Congress, Democrats passed and the President signed into law:

The Family Support Act of 1988.—This comprehensive welfare reform measure strengthened work, education, and training requirements for welfare recipients and, for the first time, required mothers of young children to actively participate in work and training. It also barred discrimination against needy two-parent families and guaranteed transitional child care and health benefits for families leaving AFDC for work. Under the law, increasing numbers of welfare recipients must be engaged in work-related activities. As a result, 595,000 families are now engaged in work activities.

The Family Support Act contained child reforms as well. It mandated State use of uniform guidelines for child support awards, required States to initiate the establishment of paternity for all children under the age of 18, set paternity establishment standards for the States and encouraged them to create simple civil procedures for establishing paternity in contested cases.

Finally, the act provided Federal financial assistance to States to improve the quality and licensing of child care services.

In the 99th Congress, Democrats passed and the President signed into law:

The Tax Reform Act of 1986.—This comprehensive reform of our Nation's tax system eliminated the tax obligations of millions of America's poorest families and provided adoptive families with a one-time payment to offset the costs associated with adopting children with special needs, such as those with a mental or physical disability.

In the 98th Congress, Democrats passed and the President signed into law:

The Social Security Disability Amendments of 1980.—This law established the requirement that sponsored aliens, for the first 3 years after their entry in the United States, must include the income of the sponsor to be eligible for SSI.

The Child Support Enforcement Amendments of 1984.—These comprehensive amendments created the Internal Revenue Service collection mechanism to withhold from Federal tax refunds any past-due child support owed to children of non-AFDC families, expanded the child support enforcement program to nonwelfare families, required States to develop uniform guidelines for setting child support award amounts, extended research and demonstration authority for States to test innovative approaches to child support enforcement, and authorized special project grants to improve the collection of interstate child support orders.

Mr. MFUME. Mr. Chairman, I rise today in opposition to H.R. 4, the Personal Responsibility Act as offered. This legislation, the Republican version of welfare reform, is a wolf in sheep's clothing.

This legislation has significant ramifications for Americans both poor and nonpoor. We pride ourselves on being one of the most caring, compassionate, and advanced countries in the world. Yet, for a variety of reasons, this bill takes food from the mouths of babies, and cuts mothers off welfare, for the purpose of funding an upcoming tax break for the wealthy.

Clearly, the Nation's welfare system is in need of repair. No community yearns more for welfare reform than the people of my district. But they have said overwhelmingly, do not support reform for the sake of reform.

Most want, and I support, reform that genuinely allows America's poor to move from welfare to work. The House GOP bill will not do that. I stand opposed to this bill both for what it will and will not do. This bill does not meet our community's desperate need for jobs. Successful reform of welfare means jobs, jobs, and more jobs; it means child care for both poor women and men, and it means a commitment to ensure the rights of all children.

However, this bill fails to create a single job, but requires welfare recipients to work after 24 months and be tossed off the rolls after 5 years. This bill provides no additional funding to support the welfare-to-work transition, but requires States to have an increasing percentage of their welfare population in the work force.

Since cash assistance would no longer be an entitlement and States could determine who and how many get aid, States could increase their work participation rate simply by denying aid to a large number of currently eligible families.

In addition, this bill cuts resources for child care, health care, transportation, and other necessary support services; factors keeping many on welfare today. Under this act more than 7,500 children would lose their Federal child care assistance in my State of Maryland alone. Mr. Chairman, more than 1,700 children in Maryland will lose all SSI benefits and Medicaid benefits under this bill. I am mindful of the difficult fiscal choices facing us at this time and must evaluate the competing claims on our Nation's diminishing discretionary resources, but I do not believe that children should be the losers.

Furthermore, the bill ignores the Nation's economic trends. In an economy in which wages have declined for the working poor since the mid-1970's and in which the number of working poor has grown phenomenally, this

bill is a dismal failure. We must consider welfare reform in the context of our Nation's overall economic condition.

This bill forces children, who may be the object of violence and sexual abuse in some cases, back to the homes where the abuse took place. Our children are our future. Unfortunately, the Personal Responsibility Act is not likely to be an investment at our children's future. America cannot afford to leave its children dangling in the wind.

We were elected to represent the views of our constituents on issues of national, economic, and social significance. The opportunity for welfare reform is one of the most important issues facing America. In this critical time in our Nation's history, we should not allow politics to interfere with the responsibility to be fair to our children. Today, we have an opportunity to demonstrate the gravity of our commitment to children, the poor, to deficit reduction, and our commitment to redirecting our efforts to the critical needs of the American people.

I urge my colleagues to vote for our children, vote for our future, and vote against the bill as offered.

Mr. YOUNG of Florida. Mr. Chairman, I rise in strong support of H.R. 4, the Personal Responsibility Act.

The American voters spoke last November and demanded a change in the way Government operates. For too long, past Congresses saw Washington as the solution to every problem, and created Federal program after Federal program in an attempt to eliminate poverty. Unfortunately, those programs, many which were born during the Great Society push of 30 years ago, failed. After spending more than $5 trillion on Federal welfare programs, the number of welfare recipients, illegitimate births, and fraudulent welfare claims have skyrocketed. We have to change the welfare system that has failed so badly to meet the needs of our society.

With this legislation, Congress can begin to break the cycle of poverty and hopelessness that has trapped generation after generation of Americans. It is a welfare system that often penalizes those trying to break their reliance on Government subsidies, money doled out by a Federal bureaucracy that has become too big, too inefficient, and too expensive. To free the next generation of Americans from this trap, the Personal Responsibility Act, one of the most critical components of the Republican Contract With America, promises comprehensive reform of the American welfare system.

The present system penalizes the working poor, and offers little incentive to leave the welfare rolls once they begin receiving benefits. We must reform these programs to discourage people from ever becoming dependent on welfare in the first place, and do everything we can to get them off as quickly as possible. This bill gives States broad flexibility to design work training and education programs, and tells welfare recipients they will have to work in order to receive cash benefits. The Personal Responsibility Act will teach people job skills, assist them in assuming more productive roles in society, and help them earn the dignity that comes from working for a living.

For too long, many welfare recipients have taken their benefits for granted, and forgotten that their actions have consequences. This bill would deter teen pregnancies by ending cash payments to unwed mothers under 18. States could use these savings to establish programs to help young mothers with pregnancy prevention and counseling, adoption services, small-group homes, and other helpful innovations. Additionally, the bill streamlines procedures to collect child support and implements strict policies to enforce child support orders, to ensure that both parents live up to their responsibilities.

Despite the misleading rhetoric of those opposed to this legislation, the Personal Responsibility Act offers far greater hope for children than the current system. Aside from its tough enforcement of child support—which ensures that parents, not the taxpayers, care for their children—the legislation significantly increases the funds that will actually go toward serving the needs of our Nation's children.

Currently, programs that provide school lunches and breakfasts, low-cost milk for children, and nutritional supplements for pregnant women and infants are all run from Washington with separate rules for eligibility, regulations for operation, and sources of funding. While Congress will continue to fund these programs, their day-to-day operations will be left to the States, who know how to meet the needs of their own residents far better than bureaucrats in Washington, who attempt to design one program that meets the needs of people in 50 very different States. As a result, the funds spent helping children, as opposed to feeding the bureaucracy, will actually increase under this bill.

For example by capping administrative costs in State agencies administering child care programs at 5 percent, the Personal Responsibility Act will make 95 cents of every dollar available for direct child services. This is in sharp contrast to the 68 cents per dollar that currently goes directly for child care services. Thirty-two cents of every dollar is being lost in layers of bureaucracy and centralized planning activities.

Eliminating administrative overhead will make available $162 million more for direct child care services next year alone. In addition, with the adoption of an amendment Wednesday, which I strongly supported, we provide another $150 million per year to care for children so their parents can work. This means with the additional funding and administrative savings, there will be $322 million more available for direct child care services next year, an increase of 17.5 percent.

There are also increases in other areas. Many of my constituents and many State and local officials from Florida from whom I have received input on this legislation, stress the success and importance of the Women, Infants, and Children Program, or WIC. This legislation addresses those concerns by guaranteeing that not less than 80 percent of the funds provided for family nutritional programs will go to WIC, ensuring an increase of $588 million over the next 5 years.

With regard to the School Lunch Program, this legislation provides for a $1.2 billion, or 17.5-percent increase in funding over the next 5 years. Moreover, States would be required to devote not less than 80 percent of these funds to meet the needs of low-income children. No more than 2 percent of the funds may be spent on administrative costs.

By ending cash benefits to certain groups such as noncitizens, unwed mothers under 18, and individuals with fraudulent claims, and by limiting administrative overhead, section after section of this legislation makes greater resources available for those trying to put themselves back on their feet. As they do this, by taking advantage of the federally-funded—but State and locally run—job training and child care programs to get off the welfare rolls, an even smaller pool of welfare recipients will have access to even more help.

By cutting layer upon layer of Washington bureaucracy out of the equation and allowing State and local governments to care for their own people, we will create a more effective, less costly system that will truly put children and families first.

This legislation does not threaten needy Americans willing to take responsibility for their lives. It threatens Washington bureaucrats and entrenched lobbyists that make their living tending to the cruel, ineffective welfare trap that has developed over 30 years. We have an opportunity with this legislation to bring about real reform that makes those who have opposed progress for decades uncomfortable. They had 30 years to change a crumbling and ineffective welfare system, and did nothing. Now they are forced to defend the status quo where only one of every 250 people on welfare work, where one-third of the children born in our country are to unwed mothers, and where the average welfare family receives benefits on-and-off for 13 years. This must change.

Mr. Chairman, the welfare reform provisions of the Contract With America are designed to give people a way out of poverty, not surround them with it for the rest of their lives. These bold reforms are expected to put 1.5 million welfare recipients to work and save the American taxpayer almost $80 billion over the next 5 years. The emphasis on self-reliance will make welfare a program of temporary assistance, not a way of life. Americans who believe in a day's pay for a day's work are the cornerstones of our society. The programs Congress passes should foster this attitude, instead of encouraging millions of people to depend on the American taxpayers for their livelihood. The Personal Responsibility Act meets this goal, fulfills our contract promise, and responds to the wishes and demands of the American people.

Mr. HAYWORTH. Mr. Chairman, I voted for the rule on H.R. 1214 and I support passage of this legislation. I do, however, want to express my concern with the Rules Committee failure to make in order an amendment which would have reaffirmed our Nation's obligation to American Indian communities.

A bipartisan amendment, offered by Resources Chairman DON YOUNG, would have set aside 3 percent of appropriations for block grants to native American communities. This amendment was important because it would have recognized the unique nature of the Federal Government's relationship with native American tribes.

My concern is that direct block grants to the States may adversely affect tribes for two reasons: One, States do not have the same obligations to tribes that the Federal Government has; and two, some tribes, like the Navajo Nation, cross State borders and would have to petition more than one State for funding. The Young amendment would have addressed this concern, and I regret that it was not made in order.

Mr. Chairman, I want to assure concerned tribal leaders that, although the Rules Committee did not make this amendment in order, our bipartisan efforts to secure protections in H.R. 1214 for native Americans will continue.

Mr. ORTON. Mr. Chairman, I rise in opposition to the Archer-Kasich amendment.

It is absurd to call this measure a technical correction. In actuality, this amendment strikes language in the bill which prohibits savings in the bill from being used to pay for tax cuts.

If we are ever to balance the budget, we must make cuts in Federal spending which are difficult, require sacrifice, and reduce benefits to individuals. Savings from such spending cuts should reduce the deficit, not be spent on tax cuts.

Mrs. LOWEY. Mr. Chairman, we all agree that reform of the welfare system is long overdue. The current system is costing billions of dollars and is not solving the problem. It is not putting people to work but instead has created an unhealthy cycle of dependency.

WORK

In reforming the welfare system, our focus must be on moving people into real jobs. I will vote against the Republican bill for many reasons—but primarily because it makes no guarantee that welfare recipients will move into work. In fact, a recently released Congressional Budget Office report found that their bill is doomed to fail in achieving that end. Furthermore, under that bill, there is less accountability for the dollars spent than under the current system. They do nothing to improve access to and the quality of existing education and training, so that people have the skills they need to get a job.

Last year, I introduced my own Work First welfare reform plan that was designed to get people off of welfare and into jobs. My bill removed the crazy disincentives to work that exist in the current welfare system. The majority of Americans get up every morning and go to work to support themselves and their families—and they resent the fact that billions of tax dollars are spent supporting people who don't have to do the same. We must reform welfare to assure able-bodied Americans work. That is a matter of simple fairness.

EFFECTIVE PROGRAMS—CHILD CARE AND NUTRITION

We cannot afford to fail in this effort. But moving to the extreme—as the majority's proposal will do—will only create another system that fails families and taxpayers. Their proposal will push families with young children into the street and create a whole class of women and children with no hope of becoming self-sufficient. The Republican proposal cuts child care and nutrition—programs that are critically important to supporting working families. Why does this bill block grant the WIC Program—when leaders of corporate America have testified to its cost-effective benefits to the health of women and children? Why does this bill do away with the School Lunch Program as we know it, when this program helps children from working families get the nutrition they need to succeed in school? Why does this bill cut assistance for child care, when Americans know that child care is crucial to the ability of people who truly want to work to stay in the work force?

TEENAGE PREGNANCY

There is another area of critical importance on which this bill fails the American people—the crisis of teenage pregnancy. Earlier this year, I introduced a bill to: First, require teenagers who are parents themselves to live with an adult family member or in an appropriate adult-supervised setting in order to receive benefits; and second, require teenage parents to continue to receive education and training in order to receive assistance. In addition, my bill would provide grants to localities to design teen pregnancy prevention programs. This approach balances responsibility with opportunity. It promotes responsibility so that teenage parents understand that they must assume responsibility for the consequences of their action. At the same time, it invests in preventing teenage pregnancy so that fewer children are born to teens.

The majority's bill denies most benefits to teenage parents and their children, but goes no further. It includes no provisions to encourage responsible behavior among teenage parents—and no provisions to realistically discourage teenagers from becoming parents in the first place. Most troubling, the majority bill punishes innocent newborns for the actions of their parents.

CHILD SUPPORT ENFORCEMENT

There's another issue of great importance in this debate: Child support enforcement. The Republican bill was originally silent on the need for parental responsibility for child support—in spite of the fact that each year deadbeat parents fail to pay more than $5 billion they owe to support their own offspring. Many of their children are reliant on welfare as a result. This is more than 40 percent of the entire Federal cost of AFDC. At the beginning of this Congress, I cosponsored H.R. 785, the Child Support Responsibility Act of 1995, along with other members of the Congressional Caucus for Women's Issues. The caucus leadership testified on behalf of our bill before the Ways and Means Committee. I am pleased that—as a result of persistence on our part—the bill has now been modified to include strong child support enforcement provisions. I do, of course, support these provisions and hope that they will become law through some means very soon.

THE DEAL SUBSTITUTE

The Deal substitute provides a balance in this debate. It is tough on work, requiring participants to establish contracts detailing what they will actually do to secure private sector employment. The substitute provides a serious deadline: Participants can participate in a workfare program for 2 years. After 2 years are up, States have some flexibility to work with these populations—but ultimately people must work, or they lose their cash benefits. The Deal substitute also provides States with resources to improve existing workfare systems, so that participants actually obtain the skills they need to get and hold a job. Without those skills, any employer will tell you, they just won't find work.

The Deal amendment increases State resources for child care, so families can work while ensuring adequate care for their children. The Deal amendment preserves the nutrition programs that are essential underpinning for the health of our Nation's children. I support the Deal substitute because it reforms welfare programs without destroying programs that have proven effective and important to millions of working Americans and their families. The Deal amendment includes tough provisions to strengthen the current child support enforcement systems so that millions of young people will be supported by parents who have the means to do so—instead of being supported by taxpayers. Finally, the Deal amendment helps address the crisis of teenage pregnancy and provides communities with the resources they need to prevent teenage pregnancy. In short, the Deal substitute provides sensible responses to the American public's demand for reform, but does not in the process hurt vulnerable children or simply shift costs to other programs.

The Deal substitute does reform legal immigrants' eligibility for benefits. It builds on good ideas that already exist in the law, but which have not worked as they should. First and foremost, legal immigrants would be required to have sponsors who agree—in a legally binding document—that they will be financially responsible for the immigrant for the life of the immigrant or until the immigrant becomes a citizen. This amendment recognizes the problems that exist in current law—that sponsorship currently ends after 5 years regardless of the citizenship status of the immigrant and that sponsorship is not a legally binding obligation—and effectively corrects them.

I urge my colleagues to support the Deal substitute. We must reform the welfare system to move people from welfare to work. We cannot afford to fail.

Mr. PORTMAN. Mr. Chairman, we are in the midst of a historic effort to change Government as we know it. Not since the New Deal has Congress had such an active legislative agenda to address the most pressing problems of our day. But our philosophy of governing is very different from the New Deal and different from the President's approach: consistent with the Founders of this great country, our goal is to give government back to the people.

In addressing the role of the Federal Government, Thomas Jefferson once said, ''I believe that the states can best govern our home concerns.'' We share Jefferson's fundamental faith in the ability of people to organize in their neighborhoods, towns, cities, counties, and States all across our Nation to identify and resolve our toughest problems. As a result, we have already begun to shrink the Federal Government and return power to communities, to the people back home where it does the most good.

Our new ideas to reduce the size and scope of government and give States and communities the freedom to fashion solutions that work are embodied in our proposal to fix our failing welfare system. The current system is broken, big Government programs are lifeless and impersonal and it has become clear that large bureaucracies based in Washington do little to uplift the poor. It is a bad system that is cruel to children, and cruel to families.

Republicans recognize that Washington does not have all the answers and are willing to give States real flexibility and resources to try what they find works. We know today's welfare system is full of perverse incentives that destroy families, denigrate the work ethic and trap people in a cruel cycle of government dependency. We're committed to replacing that failed system of despair with reforms based on the dignity of work and the strength of families, and yes, parental responsibility. By not accepting the status quo in Washington, we are moving solutions closer to home where we offer real hope for the future.

Today, the House passed a new plan to fix welfare that returns power and flexibility to States, cutting out a whole level of Federal bureaucracy and giving the States the ability to respond in innovative ways to real needs. By reducing the role of the large and costly bureaucracy, and by slashing redtape, we will free up more resources to try new local programs that will help change people's lives.

The defenders of the status quo have had every opportunity to fix the failed welfare system. But they chose not to do so. Now, they continue to fight change—using irresponsible scare tactics to blur the debate and confuse the American people about our plan. It's simple. Our plan does three things: it makes people work; it stresses personal and parental responsibility and creates incentives for families to remain intact; and it cuts the endless, unnecessary Federal regulations and bureaucracy typical of the current system.

Mr. ALLARD. Mr. Chairman, I rise to say it is about time. Since President Johnson declared a war on poverty 30 years ago, we have spent over $5 trillion and created 336 programs to fight this war. So, who won? No one. Not the welfare recipient or the taxpayer. The amount we spend in a year on welfare is roughly three times the amount needed to raise the incomes of all poor Americans above the income thresholds.

My constituents tell me that the current welfare system does not work, they want reform. Those who oppose reform continue to say that the number of people on welfare will grow and thus more money is needed. If that is the case then this system can only be called a massive failure. Misguided policy incentives have resulted in a program that encourages economic dependence rather than independence. Welfare is supposed to help people become responsible and self sufficient.

The Personal Responsibility Act will give the decisionmaking back to the States. State officials know what will work best. The ''one size fits all'' approach of the Federal Government has not worked. The States have consistently been the places where new ideas have been allowed to grow and work. It is time to allow the States to have the flexibility and resources to get people back to work and off the dependence treadmill.

This bill has a tough work requirement, it is tough on illegitimacy, and tough on deadbeat parents. No longer will alcoholics and drug addicts get cash payments to help them continue their addiction with taxpayer money.

Contrary to what the other side is saying, this bill will not cut off assistance to kids. Low-income children will still receive school lunch and WIC benefits, but no longer will the money be micromanaged by the Federal Government middle man. This means that more money will make it to women and children in need, instead of Federal bureaucrats.

Reforming the welfare system should not cost more money or add more people to the rolls. It should save money and be more efficient than the current system. The Personal Responsibility Act saves $66.3 billion over 5 years by slowing the growth of welfare spending—without eliminating the safety net for those who truly need it. We should not measure compassion for the poor by how much the Government spends on welfare or the number of people collecting checks. We should measure compassion by how few people are trapped in welfare and dependent on the Government. If we want to protect our children, then we must reduce Government spending, balance the budget, and foster an economy that will create opportunities and jobs. That is why I am supporting H.R. 4, the Personal Responsibility Act.

Mr. GANSKE. Mr. Chairman, there has been a lot of talk about the welfare problem plaguing our country. Everyone agrees that something must be done; everyone that is, but my colleagues on the other side of the aisle who seem content with the status quo. I fail to understand how opponents can be satisfied with a welfare state that has seen a 25-percent increase in out-of-wedlock births since 1960. There are areas in my hometown of Des Moines, IA, where the illegitimacy rate is as high as 60 percent.

This is totally unacceptable. We must provide incentives that help get individuals off of welfare. We can no longer reward young mothers for having more children out-of-wedlock. We can no longer be satisfied with the lifestyle of welfare dependency being passed from generation to generation.

I was encouraged to see the language added to the Personal Responsibility Act which provides an incentive to States to decrease their rate of illegitimate births, a provision I recommended during my testimony earlier this year before the Ways and Means Committee. This is clearly a step in the right direction.

Let's continue this step in the right direction and pass the Personal Responsibility Act.

Ms. LOFGREN. Mr. Chairman, I would like to add my voice to the debate on welfare reform.

A true welfare reform proposal should seek to end dependency, promote employment and offer a helping hand to those who deserve it. What the Republican majority has offered us in H.R. 4, the Personal Responsibility Act, however, is nothing more than another giveaway to big business and the wealthy. By adopting Mr. ARCHER's amendment Republicans assured that the savings from this legislation will go directly toward the funding of the GOP tax cut bill.

The Republican welfare reform bill cuts vital programs that provide financial and nutritional assistance to low-income families. According to the Congressional Budget Office, the GOP bill will likely cause nearly 3 million families to lose $2.8 billion in benefits over the next 5 years. After that, the situation only get worse. Cash payments are reduced 50 percent by the year 2003. Needy families will suffer these losses through the elimination or reduction of programs like aid to families with dependent children [AFDC], food stamps, school lunches, disability payments, foster care and nutrition supplements for pregnant women and infant children.

Children and legal immigrants are the real victims of this bill. No needy child should be denied lunch at school or food stamps at home because his or her parents applied after the set allocation had dwindled. Withdrawing assurance of help to children who are needy, hungry, abused, or disabled is simply unacceptable. Children should not suffer because their parents cannot provide.

Nor should legal immigrants who have played by the rules and paid taxes be denied in their time of need. Making legal immigrants ineligible for public assistance should they become sick, disabled or unemployed 10 or 20 years after their arrival in this country is unfair and cruel. If the aim of the Personal Responsibility Act is to teach welfare recipients about work, family and responsibility, then why does it scapegoat a group that is the embodiment of these values?

Under the Republican proposal States would get the same amount of money block granted to them each year—regardless of changes in the number of needy children or newcomers. This would result in some States being hurt disproportionately. Fewer immigrants and disabled children will be eligible for supplemental security income [SSI], with legal immigrants being denied AFDC, food stamps and Medicaid as well.

This bill would be a disaster for my home State of California, which alone stands to lose $15.177 billion over the next 5 years. The House Republican welfare proposal would eliminate Federal funding for family preservation and support and several other programs that work to prevent child abuse and neglect. It would restrict welfare for legal immigrants, resulting in a $7.777 billion loss in Federal funding for California's residents. California would also receive $2.486 billion less in funding for food stamps and $1.099 billion less in nutrition assistance.

Not only does this bill cut much needed assistance, but it does shamefully little in the way of moving welfare recipients into the work force. Those individuals who can work should work. But the GOP bill offers no help to people who need training or other assistance to get and hold a job.

Unfortunately, the Republican bill is filled with rigid guidelines and unrealistic mandates. It compounds these drawbacks with a surprising lack of practical solutions, such as the opportunity for recipients to improve their education or gain practical work experience. Simply cutting off assistance will not prepare recipients to join the work force or provide them with jobs. True reform would offer education, training and transitional assistance to those individuals who want to exchange a welfare check for a paycheck.

The so-called Personal Responsibility Act is nothing more than a tax gift for the rich and a surrender of responsibility to the States. It attacks the very elements of our society we should most want to help—needy children who do not vote, have done nothing wrong, and desperately need our assistance to survive. It erodes basic American values by denying survival assistance to children and equal treatment under the law to all. This is certainly not my idea of welfare reform and you can be assured that I will oppose it at every turn.

As a member of the board of supervisors for Santa Clara County for 14 years, I learned a lot about welfare. The county administers the welfare programs for the Federal and State governments. I know very well the need to change welfare—to make it more effective, less bureaucratic and to promote work. The Republican bill does none of this. It is not reform, but is instead just a budget cut and a cost shift to local government.

Mr. PACKARD. Mr. Chairman, our current welfare epidemic continues to erode the American family and work ethic. For a growing segment of the population, America no longer represents the land of opportunity but rather the land of the welfare check. Our current welfare system discourages work and promotes Government dependency. Republican reforms

work to get people off of the Government dole and back on their own feet.

Currently, there are over 5 million families on welfare. Only 20,000 of those people work. For 30 years we have been measuring compassion by how many people are on welfare. Isn't it time we began measuring compassion by how few people are on welfare?

Our Personal Responsibility Act, H.R. 4 puts the millions of people now on the welfare rolls onto payrolls. Republicans replace a failed welfare system of despair with a more compassionate solution focusing on work and offering hope for the future. Our bill encourages people to earn the freedom, responsibility, and dignity that comes with working.

The welfare message of the past 30 years is clear. Liberal Federal handouts promote Government reliance and dependency. We must end this depressing trend. Working today prevents welfare despair and dependency tomorrow. Our Republican Personal Responsibility Act restores lost dignity and promotes a strong work ethic.

Mr. KLECZKA. Mr. Chairman, I was prepared to vote for true welfare reform today. As the only Democrat on the House Ways and Means Committee to support that panel's reform proposal earlier this month, I believe it represented real change of our welfare system.

Though well-intentioned, that system is indefensible and in dire need of massive changes. It encourages a cycle of poverty, hopelessness, and despair. At the same time, it discourages family cohesiveness, constructive behavior, and self-reliance.

The Ways and Means bill, while not perfect, would have started us down the path to dramatic, yet meaningful reform. I worked long and hard on the plan's SSI reforms and am proud of the outcome in that area. Moreover, turning welfare over to the States is a bold step forward and it represents an improvement over the status quo.

Unfortunately, the bill that passed the House today contains a fatal flaw that I could not, in good conscience, support. Namely, it reduces funds for child nutrition in the name of welfare reform. Because of this mean-spirited provision, I will vote against this measure.

According to Congressional Budget Office statistics—the most reliable and non-partisan figures available—this legislation is projected to underfund child nutrition programs by $11.77 billion over the next 5 years. At that level, funds will not keep pace with demand: CBO says child nutrition dollars will increase by only 2.1 percent per year, while demand has historically grown at a much higher level. For example, the Agriculture Department reports that between the 1990 and 1994 school years, demand for school lunches increased by 23 percent.

In my judgement, that lower level is unconscionable. We have the compassion to meet the basic nourishment needs of our children. Surely feeding children is not too much to ask of this great Nation.

All along, I have been clear about my opposition to these changes in the child nutrition program. In a letter to Speaker GINGRICH last week, I indicated that while I could support the Ways and Means bill because it represents true welfare reform, the school lunch program should not be included in the bill. My request unfortunately was ignored by the Speaker.

I deeply regret that we could not vote on just the Ways and Means Committee's welfare reform plan today. It is my hope that cooler heads will prevail in the Senate and that Chamber will leave child nutrition intact while returning to the House true welfare reform. If and when that occurs, I stand ready and willing to support it.

Mr. POSHARD. Mr. Chairman, I have long supported reforming our Nation's welfare system, because I believe our current system discourages welfare recipients from going to work and encourages our children to have children without the means to provide for them in their future. I supported President Clinton's efforts last year to reform welfare, and I strongly believe we must continue to work to create a welfare system that truly assists people.

Though the Personal Responsibility Act attempts to reform our current welfare system, I am afraid it takes us in the wrong direction. This bill takes away benefits from our Nation's poor without providing a sensible path for them to find and maintain work.

This bill cuts funding that would provide child care services to welfare recipients. How can we expect those on welfare to go to work when they are unable to pay for any type of child care? The bill mandates States to require welfare recipients to go to work after receiving benefits for 2 years, but it fails to provide for increased funding for needed welfare-to-work programs.

Instead, the bill repeals the Job Opportunities and Basic Skills Program, which currently provides 90 percent Federal matching funds for education, training, and support services for welfare recipients. The bill also includes no requirements for States to include education, training, and support services in their welfare programs.

The bill also replaces our Nation's School Lunch and School Breakfast Programs with a school-based nutrition block grant. By converting these important nutrition programs targeted at our children into a block grant, we would be capping these benefits and ultimately, we would be cutting access to this program to some 2 million children.

In the 19th Congressional District, over 1.3 million meals are subsidized by this program each year, and I can not imagine having to turn away one child who looks to this program for their only nutritious meal of the day. As rural Americans face high unemployment in their communities, these programs are often necessary to bridging the gap between the loss of work and future economic stability.

Like many of the block grants created in this bill, States would get a fixed amount of money to fund school-based nutrition programs. If a recession occurred, States would receive no additional Federal funding to assist the increased number of children who would be eligible for this program. During the last recession, the number of low-income children receiving meals under this program increased by 1.2 million.

I believe the State of Illinois will be seriously affected by this block grant legislation that would reduce Federal support for child welfare by $5.6 billion over 5 years. This would mean a 5-year loss of $512 million in Federal child welfare funds to Illinois between 1996 and 2000. In an attempt to put parents back to work, we would end up only punishing the children caught in this difficult situation.

Finally, the savings from this bill are not going to deficit reduction or even to programs that will help people leave welfare. Instead, the $69.4 billion is going to finance a number of tax cuts proposed in the Contract With America. I can not support a bill that takes from the poor in order to provide tax cuts to businesses and wealthy Americans, especially when Congress is working to balance the Federal budget.

I support the Deal substitute for welfare reform, because I feel this plan would successfully move recipients from welfare to work. The plan helps welfare recipients move into the work force by increasing funding for education, job training, and child care. In addition, it creates a work first program that puts people back to work, and requires States to increase participation by welfare recipients in this program over 8 years.

The Deal substitute limits welfare benefits going to a recipient after 2 years. Welfare recipients would then be eligible, for an additional 2 years, for either a workfare job or a job placement voucher. The Deal plan is reasonable and workable, because it contains provisions to ensure that welfare recipients are better off economically by taking a job rather than staying on welfare.

It is vital that we pass welfare reform that puts people back to work, but it is equally important to do it in a reasonable manner. The Republican bill clearly fails to provide an opportunity to welfare recipients, because it cuts or eliminates important programs that allow people to make the transition into the workplace. Unless we can guarantee welfare recipients a fair and sensible chance to go back to work, Congress must continue to develop a reform package that helps and not hurts people in need.

Mr. RICHARDSON. Mr. Chairman, the legislation before us today, the Personal Responsibility Act, H.R. 4, will drastically alter the welfare system in our Nation. I support welfare reform, but there are serious flaws in this bill. One of the primary problems of the bill is that it does not even mention the 1.2 million Native Americans or the 553 federally recognized American Indian tribes who reside in this country. To remedy this situation, Members from both sides of the aisle worked together to develop an amendment to allow Indian tribes access to the block grant provisions in the bill. Mr. Young of Alaska, the distinguished chairman of the Resources Committee, and I sponsored this amendment, but remarkably, the Rules Committee would not accept it for presentation on the floor. I am outraged that the Rules Committee has chosen to ignore the recommendations of the Resources Committee, and more importantly, the vital needs of Native Americans.

The amendment would restore existing block grants to tribal governments that have been repealed by H.R. 4. The amendment is consistent with many current Federal statutes, including a 3 percent allocation to tribes under the child care and development block grant and a 3.3 percent allocation to tribes under the Job Training Partnership Act. It is also consistent with longstanding policy, endorsed by every administration since the early 1960's, that we must maintain government-to-government relationships with tribes, and further Native American self-determination.

These principles take on heightened significance as we restructure our welfare system.

Establishing direct allocations to Native Americans provides tribal governments with the same meaningful opportunity to develop new assistance programs that is being afforded each of the 50 States. Indian tribes are not subunits of State governments. Their relationship is on a government-to-government basis with the Federal Government.

Tribes and tribal organizations are service providers and are in the best position to develop and administer services in their communities. Tribal governments are no different than State and local governments in understanding they have unique knowledge and qualifications critical to providing effective services to their communities. Political leaders and program administrators throughout the United States recognize that community-based assistance programs are typically cost effective and deliver better services, and tribal leaders share these views.

Tribes have developed local infrastructures to manage funds and administer programs despite the fact that their access to Federal funding has been inconsistent and below amounts given to States. Tribal programs include cash assistance, child care, education, job training, and law enforcement.

I am deeply concerned that State block grants and spending cuts will have acute effects on Native Americans. Tribal communities experience some of the highest levels of poverty of any group in the United States. According to the 1990 census, 31 percent of Indian people live below the poverty line, the highest rate of any single group reported. Nearly 40 percent of Native American children live in poverty. Certain State rates for Indian children living in poverty are astounding: 63 percent in South Dakota, 58 percent in North Dakota, 57 percent in Nebraska, 50 percent in New Mexico, 49 percent in Wyoming, and 47 percent in Utah. Tribal families face serious challenges to becoming self-sufficient: 27 percent are headed by women with no husband present, and 50 percent of those families live in poverty. Increased funding and locally-based services are critical to improving these statistics.

As currently proposed, State block grants would result in disparate treatment for Native Americans. Native Americans will be treated differently from State to State, even where their tribal boundaries spread across State lines, which is illogical and unfair. Also States may overlook the unique cultural, geographic, and economic needs of Native Americans.

Mr. Chairman, the Rules Committee must accept personal responsibility for destroying current block grants to Native Americans. By denying Members the opportunity to vote on our bipartisan amendment, tribal governments have been shut out of welfare reform. Native Americans had the first contract with America; once again, we have failed to honor that contract.

The CHAIRMAN. Under the rule, the Committee rises.

□ 1245

Accordingly the Committee rose, and the Speaker pro tempore (Mr. KOLBE) having assumed the chair, Mr. LINDER, 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. 4) to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence, pursuant to House Resolution 119, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any further amendment thereto?

If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GIBBONS

Mr. GIBBONS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GIBBONS. I certainly am, Mr. Speaker.

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

The Clerk read as follows:

Mr. GIBBONS of Florida moves to recommit the bill H.R. 4 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

At the end, add the following new section:

SEC. . DEFICIT REDUCTION

Reductions in outlays from the enactment of this Act shall be used to reduce the deficit and shall not be taken into account for purposes of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

PARLIAMENTARY INQUIRY

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

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

Mr. GIBBONS. Mr. Speaker, as I understand the procedure we are under now, the proponents and the opponents of the motion to recommit have a total of 5 minutes each.

Is that correct?

The SPEAKER pro tempore. That is correct. Under the rules of the House the gentleman is recognized for 5 minutes.

Mr. GIBBONS. A further parliamentary inquiry, Mr. Speaker.

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

Mr. GIBBONS. Would it be in order if I were to request by unanimous consent that the gentleman from Texas [Mr. ARCHER] have 5 additional minutes and that the gentleman from Florida, myself, have 5 additional minutes?

The SPEAKER pro tempore. The gentleman's request is in order by a unanimous-consent request.

REQUEST FOR ADDITIONAL DEBATE TIME ON MOTION TO RECOMMIT

Mr. GIBBONS. Mr. Speaker, I make a unanimous-consent request.

The SPEAKER pro tempore. The gentleman from Florida [Mr. GIBBONS] is making a unanimous-consent request that time for debate on the motion to recommit be extended to 10 minutes a side; is that correct?

Mr. GIBBONS. Yes, I make that unanimous-consent request.

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

Mr. ARCHER. Mr. Speaker, reserving the right to object, the motion to recommit is very simple. It is an issue that has been debated for hours in this House already. I see no reason why the standard rules of operation of 10 minutes on a motion to recommit with instructions should not be followed as it routinely has been over all the years that I have been in this House of Representatives.

Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

PARLIAMENTARY INQUIRIES

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

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

Mr. ROEMER. Mr. Speaker, is it not considered proper under the rules of the House for the manager of the majority's time to ask for up to an hour of debate on a motion to recommit? Is that not correct?

The SPEAKER pro tempore. If the majority manager of the time requests it, yes.

Mr. ROEMER. So, under the rules, Mr. Speaker, it would be OK to get an hour, and we are asking for 5 minutes.

The SPEAKER pro tempore. The unanimous-consent request was to extend time by 5 additional minutes on each side. Objection was heard under the rules of the House.

The Chair recognizes the gentleman from Florida [Mr. GIBBONS] for 5 minutes.

Mr. GIBBONS. A further parliamentary inquiry, Mr. Speaker.

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

Mr. GIBBONS. Did the Chair say I can ask for an hour?

The SPEAKER pro tempore. The gentleman from Florida is incorrect. Under the rules the manager of the bill, the gentleman from Texas [Mr. ARCHER], could ask for up to an hour.

Mr. GIBBONS. Oh, he could?

The SPEAKER pro tempore. The gentleman is correct.

The chair recognizes the gentleman from Florida [Mr. GIBBONS] for 5 minutes.

Mr. GIBBONS. I yield myself 1 minute.

Mr. Speaker, the motion to recommit is very straightforward and very easily understood. It has passed this House on record vote on this issue by substantial bipartisan support. I hope it will be adopted on a bipartisan basis.

Mr. Speaker, it says simply that the 70 billion dollars' worth of savings here

that comes out of the mouths of hungry children can only be spent for deficit reduction.

Now charges have been made that this $70 billion will be spent for an untimely tax reduction for some people whose names I will not mention, but this is very simple, very straightforward. It takes this money, puts it in a lockbox and says, ''This $70 billion can only be used for deficit reduction.''

It seems fair that, if we are going to take this money from these children, we at least ought to not leave them with debt.

Mr. Speaker, I yield 1 minute to the gentleman from Tennessee [Mr. FORD].

Mr. FORD. Mr. Speaker, let us do the math.

Mr. Speaker, let us see if we can figure out how the Republicans will pay for those tax cuts they have promised their rich friends. Look at this chart and see how it would work.

The tax cuts cost about $200 billion over the next 5 years with nearly a half of that going to people earning more than $100,000 a year.

Who pays for this gift from Uncle Sam to the privileged few in this country? Let us take a look at it.

Twenty-four billion dollars is donated by poor families with children. Food stamp recipients contribute $19 billion. Kids who lose school lunches, child care, WIC, ante up another $12 billion. Abused and neglected children pay $2 billion. Legal immigrants contribute about $21 billion. The only thing we can be certain of now is that the $70 billion is going to be taken from the children and the poor of this country to go to the rich.

I say to my Republican colleagues, Pick on someone your own size.

PARLIAMENTARY INQUIRY

Mr. GIBBONS. Mr. Speaker, may I make another parliamentary inquiry?

The SPEAKER, pro tempore. The gentleman may state his parliamentary inquiry.

Mr. GIBBONS. Mr. Speaker, I was wondering if the gentleman from Texas [Mr. ARCHER] would like to yield to some Republican at this point.

The SPEAKER pro tempore. The gentleman from Florida must use his time now, and the gentleman from Texas [Mr. ARCHER] has his 5 minutes after the gentleman from Florida [Mr. GIBBONS] has completed.

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Speaker, every 2 minutes this Nation spends $1 million on interest on the national debt, every 2 minutes. I say to my colleagues:

In a moment you're going to have an opportunity to say enough is enough, that we're going to save some money, but we're going to take that money and apply to towards the deficit and apply it towards the debt rather than giving millionaires a tax break.

Mr. Speaker, again I would like to make the point that every 2 minutes the citizens of this country are paying $1 million on interest on the national debt. That is not going toward principal, that is just the interest.

Now in a moment the people in this Chamber will have an opportunity to make a vote toward reducing the deficit and, hopefully, reducing the debt, or my colleagues can vote no and give millionaires another tax break.

I say to my colleagues:

If you care about the people of this country, vote to reduce the deficit. If you are what you told the people back home last fall, be a real conservative and vote to reduce the deficit.

PARLIAMENTARY INQUIRY

Mr. GIBBONS. Mr. Speaker, may I make another parliamentary inquiry?

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

Mr. GIBBONS. I would like to yield to a few Members for unanimous-consent requests, but I do not want it to come out of my time. Am I correct that unanimous-consent requests do not come out of the remaining 3 minutes that I have?

The SPEAKER pro tempore. The gentleman from Florida [Mr. GIBBONS] has 2 minutes remaining, and the time for unanimous-consent requests does not come out of his remaining 2 minutes providing the Members do not make speeches when they ask for unanimous consent to revise and extend.

Mr. GIBBONS. I understand that, Mr. Speaker, yes, that is fair.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

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

Ms. JACKSON-LEE. Mr. Speaker, I rise to support the motion to recommit and in opposition to H.R. 4.

Mr. Speaker, I rise in strong opposition to H.R. 4, it is bad public policy and it is bad politics.

The American people sent both Republicans and Democrats here to reform our welfare system.

As a member of our Democratic task force on welfare reform, I join my colleagues in acknowledging that the current welfare system is broken and must be fixed.

We want to reform the system so it can truly fulfill its original purposes and promises—to lift people out of poverty, move them into real jobs, and empower them to become independent, self-supporting and productive citizens.

To achieve these goals, welfare reform must include a renewed sense of individual responsibility through a commitment to work.

Real jobs, real job training and transitional child care must be a part of any bill that we realistically expect to change things for the better.

Mr. Speaker, H.R. 4 ignores all of these critically important aspects of true reform.

I cast my vote against the bill because: It slashes benefits—most of which go to children;

It fails to articulate guidelines and principles for the States as it washes the Federal Government's hands of a responsibility that has had bipartisan support for decades;

It makes no provisions for providing real jobs, real training and child care that would free the minds of welfare parents from their worries about their children's safety and care while they struggle to turn their lives around;

It fails to protect the very health of our children by cutting into longstanding, bipartisan school and family nutrition programs that, for decades, helped form the foundation of our Nation's very humanity; and

Most egregious of all, Mr. Speaker, is the fact that the purported budget savings of H.R. 4 have been earmarked by my colleagues in the majority for tax breaks for many of our most well-to-do citizens.

This $66-billion redistribution of wealth—from the very poor to the rather comfortable—disregards entirely the will of the American people who have made it clear that, what they want most, is deficit reduction.

Mr. Speaker, my Democratic colleagues, Mr. DEAL and Mrs. MINK, offered welfare bills comprising real reform, and I voted to support those bills.

Mr. Speaker, I also voted to recommit the short-sighted and punitive H.R. 4 to the Ways and Means Committee for revisions.

I will continue to raise my voice in support of effective, constructive welfare reform that includes heavy doses of both compassion and individual responsibility.

Mr. GIBBONS. Mr. Speaker, I yield 30 seconds to the gentlewoman from Michigan [Ms. RIVERS].

Ms. RIVERS. Mr. Speaker, I rise in support of this motion to recommit. It is a clear choice between bringing down the deficit and spending money on tax cuts.

Make no mistake about it. This is an opportunity to do something good for children. A ''no'' vote is an insult to injury. We will hurt children today by taking food out of their mouth and the programs they need, and we will hurt children tomorrow by leaving them a staggering national debt.

There is no possible justification for a ''yes'' vote.

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

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

Mr. DIXON. Mr. Speaker, I rise today in strong opposition to H.R. 4, the Personal Responsibility Act. The Republicans claim that their bill will break the cycle of poverty for welfare families. Nothing can be further from the truth. The measure does not provide the education and training people need to move from welfare to work, would allow States to produce illusory work program participation rates, and punishes children. I thought the goal of reforming the welfare system was to provide people with real opportunities to become self-sufficient, not to set up faulty work requirements and to place children at risk.

Contrary to the Republican rhetoric, there are no real work requirements in this legislation. It only requires States to run welfare-to-work programs and increase participation rates to 50 percent by 2003. H.R. 4 repeals the Job Opportunities and Basic Skills [JOBS] Program under the Family Support Act, which

provided education and training to enable people to find employment. According to the Department of Health and Human Services, as of fiscal year 1993, 17 percent of the AFDC caseload is working or participating in JOBS. Under H.R. 4, only 4 percent of a State's caseload has to be participating in any kind of work activity in fiscal year 1996.

Moreover, in calculating the number of people who must be engaged in work activities, States may count people kicked off the rolls as being employed or working toward employment. This does not appear to be a good incentive for the States to provide work opportunities. Indeed, we may be creating a system that encourages States to disqualify as many welfare recipients as possible in order to meet participation requirements.

By ending the entitlement status of nutrition programs, such as the School Breakfast and Lunch Programs, the Child and Adult Care Food Program, and the Special Supplemental Food Program for Women, Infants, and Children [WIC], this legislation removes the safety net for the most vulnerable in our society. Over 5 years, the block grants and meager funding levels provided in H.R. 4 will have the effect of taking $6.6 billion from children's nutrition programs when the number of poor increases due to rescissions. According to the Children's Defense Fund, cuts to the child care food program alone would result in 1 million children losing meals in the fifth year of the act's implementation.

The bill even eliminates national nutrition standards that guarantee America's children access to healthy meals at school, standards developed over 50 years of the programs' operations.

Through their faulty work requirements and the elimination of nutritious meals for children, the Republican welfare plan offers nothing but continuing unemployment, hunger, and homelessness. I strongly urge my colleagues to oppose these misguided efforts to reform our welfare system.

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. FLAKE].

Mr. FLAKE. Mr. Speaker, I rise in support of the motion to recommit.

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. HEFNER].

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

Mr. HEFNER. Mr. Speaker, I rise in support of the recommittal motion.

Mr. GIBBONS. Mr. Speaker, I yield 30 seconds to the gentleman from Indiana [Mr. ROEMER].

□ 1300

Mr. ROEMER. Mr. Speaker, it is lunchtime in Indiana, and the Republican meat ax has fallen, not just on chicken and sausage, but on carrots, peas, milk, and orange juice. Now, we can have on this amendment, if you are going to take those nickels and dimes and quarters from children, you have the opportunity to at least put it to deficit reduction if you vote for the motion to recommit. Or if you do not, that nickel and dime and quarter will go for tax breaks, tax cuts for people making up to $190,000 a year.

Vote for the motion to recommit. Vote for children.

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. COLEMAN].

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

Mr. COLEMAN. Mr. Speaker, I rise in favor of the motion to recommit.

Mr. Speaker, I rise to state my vociferous opposition to the Republican welfare bill that is being considered today.

Mr. Speaker, the Republican welfare reform proposal does not succeed in delivering to the American public what they want: a welfare system that encourages parents to work to support their families and protects vulnerable children.

The American people want a welfare plan that replaces a welfare check with a paycheck. The Republican bill, however, takes the State flexibility aspect to the extreme by block granting programs to the States with few strings attached. For example, the Republican bill subjects only 4 percent of the caseload to a work requirement in 1996. It effectively lets the States do nothing for 2 years, then it cuts people off without a safety net. Mr. Speaker, this is not a work-based welfare system.

There is also no requirement for education, training, and support services. If we truly want welfare families to support themselves, education, training, and job placement services must be a part of each State program.

Let me also cite a few facts of the Ways and Means passed version of this bill affecting children:

The Republican bill punishes a child—until the mother is 18 years old—for being born out-of-wedlock to a young parent—title I.

The Republican bill punishes a child—for his or her entire childhood—for the sin of being born to a family on welfare, even though the child did not ask to be born—title I.

The Republican bill punishes a child, by denying cash aid, when a State does not establish paternity in a reasonable time.

The Republican bill leaves children out in the cold when a State runs out of Federal money—title I.

The Republican bill throws some medically-disabled children off SSI because of bureaucratic technicalities.

The Republican bill eliminates our most precious national entitlement, that foster care will be guaranteed to any child who is abused or neglected—title II.

And finally, the Republican bill cuts aid to poor children to pay for tax cuts for the rich, as stated by the Budget Committee chairman the other day.

For my State of Texas, the effects of the Personal Responsibility Act could be devastating. By replacing the Aid to Families with Dependent Children [AFDC], Emergency Assistance [EA], child care, child welfare, and nutrition assistance with block grants to the States, this bill will ensure that Texas and its residents will receive less funding for welfare related programs.

A recent Department of Health and Human Services study showed that Texas could lose $5.208 billion over 5 years. The number of Texas children losing AFDC benefits because of block granting is estimated at 297,000.

Further, block grant funding will not make all the States share equally in the reduced cost of Federal aid. The formulas disproportionately hurt States that have a growing population, especially the States with high percentages of young people in poor and near-poor families and that have historically been conservative in paying for their federally aided social services programs. That description fits Texas to a ''T''.

Texas will lose in welfare-related programs, from Medicaid to AFDC to nutrition to nursing homes, while richer, no-growth, higher benefit States gain because the block grants are based on what States are doing for whom right now. Texas is growing. It is like buying a full wardrobe for an adolescent boy. Pretty soon he will need new clothes.

Even more, the community that I represent, El Paso, TX, has historically never done well in block grant funding distributed by our State capital. My district, located almost 600 miles from Austin, has recently been the focus of a court of inquiry exploring the reasons why it has never received funding at the levels of other similarly sized Texas cities. When the Federal Government abdicates its responsibilities to the States, El Paso will again be the overlooked sibling.

The Republicans finance their plan by cutting welfare to legal immigrants. Mr. Speaker, this is the wrong way to go. We are talking about taxpaying residents of this country. Legal immigrants are less likely than native-born citizens to use welfare. A legal immigrant who has worked hard, paid his taxes, and has an unforeseen disaster is ineligible for benefits under SSI, temporary family assistance block grant [AFDC], the child protection block grant, and the title XX block grant regardless of the circumstances. In addition, the Republican bill encourages States and localities to deny assistance to legal immigrants.

But there is a provision hidden away in this bill that gives benefits to a special category of agricultural workers known as foreign agricultural guestworkers [H–2A's]. Mr. Speaker, these H–2A's are made eligible for public benefits, while our hardworking and poor American farmworkers who are displaced from these very jobs are made ineligible for those same benefits. This provision is surely an agribusiness handout from the committee of jurisdiction.

Our Nation's welfare system needs an overhaul. It locks many families in generational poverty. It creates disincentives for fathers to live at home with their families. It fails to offer a clear road back to the work force for those who have stumbled along the way. However, the Republican proposal is clearly not a better alternative. It would force single parents to choose between the dignity of work and safety of their children.

Despite the stereotypes, welfare is not a way of life for most AFDC recipients. Most leave welfare within 2 years, and many do not return. Much of what lies at the core of this debate is divisive and hypocritical. Other national problems burden the Federal Treasury more than welfare. Other categories of ''handouts'' extend billions of Federal benefits to corporate recipients. Where is the Republican outrage over that kind of dependency?

Mr. Speaker, in their eagerness to deliver on their campaign promise, the Republicans are rushing to act on the welfare question

without taking the time to examine their reforms. This bill is so bad that the Rules Committee approved more than 30 amendments in a vain attempt to fix this bill. Let me tell my colleagues on the other side that if they adopt some of these amendments, the bill will not be fixed; it will be worse than before. The Senate will be forced to start from scratch to develop their welfare proposal, because this bill is too extreme.

Mr. Speaker, this is the wrong bill to address the welfare dilemma. I oppose it, and urge my colleagues to do the same.

Mr. GIBBONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky [Mr. WARD].

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

Mr. WARD. I rise in support of the motion to recommit for children.

Mr. GIBBONS. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. STENHOLM], the granddaddy of the economy drive around here, and the granddaddy of the balanced budget amendment.

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

Mr. STENHOLM. Mr. Speaker, this motion to recommit could not be more clear. It is the exact same motion that I wished to give as part of the regular bill, but was denied under the rule. It says simply reductions in outlays resulting from this act shall be used to reduce the deficit.

Proponents of H.R. 4 have claimed impressive savings from their welfare reform, trusting that the public will hear the word ''savings'' and interpret that to mean deficit reduction. I want to make it perfectly clear, on this vote there is not 1 cent of the Republican welfare reform guaranteed to go for deficit reduction, unless we approve this motion to recommit. Do not be fooled into believing anything to the contrary.

I am appalled that organizations which have claimed to be for deficit reduction have now chosen to key vote in opposition to recommittal. It is one thing to say you support the reforms in this bill, which many do, and that is an honest position to hold. It is entirely different to say that you do not want to guarantee deficit reduction.

My friends who have always claimed that deficit reduction is of the highest priority, vote yes on this motion to recommit, and be for deficit reduction. We may not have many more opportunities.

The SPEAKER pro tempore (Mr. KOLBE). The time of the gentleman from Florida [Mr. GIBBONS] has expired.

The gentleman from Texas [Mr. ARCHER] is recognized for 5 minutes.

Mr. ARCHER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I strongly oppose the Democrat's latest attempt to dress their big spending, big taxing ways in the clothes of a deficit cutter. Just yesterday the Democrats' welfare substitute showed their true colors. They proposed to increase welfare spending by $70 billion more than our proposal, and they raised taxes on middle-income working Americans to pay for their extra spending.

Mr. Speaker, that is going precisely in the wrong direction. Government is too big and it spends too much. Republicans intend to cut the size of Government and, in doing so, to give the taxpayers a well-deserved tax refund. The taxpayers should not have to pay again and again so that bureaucrats in Washington can add more failure to the failed welfare state. That is why I am proud that our bill cuts spending by $66 billion, and we do not raise taxes.

Make no mistake about it, the American people are overtaxed. And when you look at the broken welfare system that we stand on the verge of fixing, you can see why. As we fix welfare, of course, we intend to stop making taxpayers pay for failure. We intend to let the working people of this country keep more of the money that they make.

When it comes to welfare reform, I believe Congress should say to the taxpayers and welfare beneficiaries, satisfaction guaranteed or your money back. The failed welfare state has not guaranteed satisfaction to anyone, not to welfare beneficiaries, and certainly not to taxpayers. It is time that taxpayers got their money back. After all, it is their money to begin with. It is not ours. We have no business taking it from them in the first place if we are only going to spend it on a failed program. We are fixing welfare, Mr. Speaker, and the taxpayers deserve a piece of the fix.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. KASICH], the chairman of the Committee on the Budget.

Mr. KASICH. Mr. Speaker, I want everybody on both sides of the aisle to know that in May, we are all going to have this great opportunity to vote on the largest deficit reduction package achieved by spending cuts in the history of this Congress. This May we are going to vote on it, and we are going to watch how we all vote.

Mr. Speaker, it is truly incredible when we come back in April we are going to lay down a package that not only give American taxpayers some of their money back, but it is going to have $60 billion in greater deficit reduction than the President's package. In fact, his package when scored under actual 1995 spending, sends up the deficit by over $30 billion. We have done better than what the President has done in just March, and we have not even got until May, when we are going to lay the whole package down.

Let me suggest to all of you here, come May, and I am not just talking to my friends on the Democrat side, I am talking to my colleagues as well, in May we are going to come through these doors and we are going to have a card and we are going to be able to vote on balancing the budget.

Now, let me tell you, I saw one of my American heroes this morning. I see him every morning. You know who he is? He is out in Crystal City. He sells newspapers. He runs from one car to another car to another car. He is out there when it is raining, he is out there when it is snowing, he is out there when it is hot, he is out there when it is cold. He is wet. He does his job. And you know what? If we are going to take any money out of his pocket, it better be for real good things. Government does not have a right to take more than what it needs out of that gentleman's pocket. And do you know what we are going to do?

The SPEAKER pro tempore. The House will be in order.

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

The SPEAKER pro tempore. Does the gentleman from Ohio [Mr. KASICH] yield for a parliamentary inquiry?

Mr. KASICH. Mr. Speaker, does it go off my time?

The SPEAKER pro tempore. Yes, it does.

Mr. KASICH. Mr. Speaker, I will not yield if it goes off my time.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. KASICH] has 15 seconds remaining. The gentleman may proceed.

Mr. KASICH. Mr. Speaker, my dad carried mail on his back. You know why he wants us to have a prosperous country through capital gains? So his kid could become educated and become a Congressman.

Let me tell you one other thing. You know who hates the rich? You know who hates the rich? Guilty rich people hate the rich. That is who hate the rich.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. ARMEY], the majority leader.

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

Mr. Speaker, we have come to the end of a long and arduous task. Over 3 years our minority leader, Mr. Michel, created the first task force on welfare reform because he knew we must do something about this system, not because people abuse the system, but because the system so much, so often, abuses the people.

In those days when we were in the minority we had only a task force with which to take recourse to try to develop legislative initiatives, and we despaired of the unwillingness of the majority to address the issue.

We took heart during the campaign of 1992 when the Democrat candidate for President said we must do something to end welfare as we know it, because it is as we know it too cruel to the Nation's children, and we thought real reform would come forward when they won their majority in both houses and the White House.

It did not happen. It did not come forward. Last November, we had a new

charge and a new responsibility, a new opportunity, a new opportunity to move beyond task forces and into the committees, and three committees have worked long and hard and worked in a way that has been more inclusive than I have ever seen before, including all the Governors with whom we would charge this responsibility.

We have created a truly compassionate reform. This reform effort has been assaulted. We have often as individuals been assaulted, all too often with language that is neither kind nor gentlemanly.

Now they use this motion to recommit to try to stop the contract because they could not stop this reform.

Mr. Speaker, I ask my colleagues to vote no on this motion to recommit; vote yes on the bill.

PARLIAMENTARY INQUIRIES

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

The SPEAKER pro tempore. The gentleman from Florida will state it.

Mr. GIBBONS. Mr. Speaker, could we possibly get as much time as the majority leader spent?

The SPEAKER pro tempore. The gentleman has not stated a parliamentary inquiry.

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

The SPEAKER pro tempore. The gentleman from Texas will state it.

Mr. DELAY. Has it not been the longstanding tradition of this House to allow the majority leaders of both parties, including the Speaker of both parties, to have a little extra time when they are speaking?

□ 1315

The SPEAKER pro tempore (Mr. KOLBE). The gentleman is making an observation, not stating a parliamentary inquiry.

All time on the motion to recommit has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. GIBBONS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 205, noes 228, not voting 2, as follows:

[Roll No. 268]

AYES—205

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
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
Montgomery
Moran
Morella
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
Ros-Lehtinen
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

NOES—228

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
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
Gingrich
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
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
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
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—2

Brown (CA)
Mollohan

□ 1332

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. SHAW. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER. This is a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 234, noes 199, not voting 2, as follows:

[Roll No. 269]

AYES—234

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
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
Gingrich
Goodlatte
Goodling
Goss
Graham

Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Rose
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
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—199

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
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)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lewis (GA)
Lincoln
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
Moran
Morella
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
Ros-Lehtinen
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—2

Brown (CA)
Skelton

□ 1350

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BROWN of California. Mr. Speaker, on rollcall Nos. 267, 268, and 269, I was unavoidably detained away from the Capitol. Had I been present, I would have voted ''yes'' on rollcall No. 267, ''yes'' on No. 268, and ''no'' on No. 269.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4, PERSONAL RESPONSIBILITY ACT OF 1995

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 4, the clerk be authorized to make technical corrections and conforming changes, and to correct section references, in the bill.

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

There was no objection.

REQUEST FOR APPOINTMENT OF CONFEREES ON H.R. 889, EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS FOR THE DEPARTMENT OF DEFENSE FOR FISCAL YEAR 1995

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

Mr. OBEY. Mr. Speaker, reserving the right to object, I take this time to simply note that for the last 2 days, this side of the aisle has been trying to find out what the process would be by which we would go to conference, who would be on that conference, and when this motion would be made.

It was not until literally 2 or 3 minutes ago that I was informed what the decision had been. No opportunity was given to me to consult the members of my committee who would not be contemplated as being conferees and no consultation was made on this side of the aisle about the wisdom of dividing conferees between the defense conference and the domestic conference, even though it is the apparent intention of the majority party to raid domestic programs in order to finance defense add-ons.

It was explained to us that the Speaker was even considering the unprecedented action of reducing the number of Democratic conferees below the ratio that we hold on the committee in order to provide a stacked deck for the conference. We had no knowledge about who would be on the conference until just several moments ago.

Given the fact that I have had no opportunity at all to consult with Members on my side of the aisle and given the fact that the majority party apparently intends to go to conference on Tuesday and given the fact that they can still do that if they wait until next week to make this motion, I object.

The SPEAKER pro tempore. Objection is heard.

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

Mr. LIVINGSTON. Mr. Speaker, as the gentleman from Wisconsin readily knows, for the last 40 years it has been the rules of this House for the Speaker of the House to determine the conferees, and we have always, as Members of the former minority, been told who the conferees would be and have had to adhere to the restrictions laid down by the Speaker.

But the gentleman also might know that I hold in my hand a list of proposed conferees dated March 23, 1995, which we gave to the gentleman as far back as yesterday——

Mr. OBEY. Two minutes ago.

Mr. LIVINGSTON. Yesterday the gentleman had this exact list, either directly or through his staff. It is exactly what we have been talking with the Speaker about and have gotten agreement on.

The gentleman's objections are way off base. I would simply urge all Members to let us go to conference as rapidly as possible.

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

Mr. OBEY. Mr. Speaker, I would simply note with all due respect to my friend the gentleman from Louisiana, that it is true that we were given a tenative list of conferees yesterday but at the same time we were told by persons on that side of the aisle that the Speaker was contemplating changing

that list. We were told we would be notified when the decision was made so we would have an opportunity to discuss that issue with our side of the aisle and were given no such opportunity.

I feel we are perfectly within our rights to object because of the way this has been handled.

Mr. LIVINGTSTON. Will the gentleman yield?

Mr. OBEY. Surely.

Mr. LIVINGSTON. The gentleman is free to object, but the fact is that the identical list of proposed conferees that was given his staff yesterday has been agreed to.

The Speaker under 40 years of Democrat rule of the House of Representatives had taken it unto himself to have sole prerogative over who the conferees are. That has not changed. I am at a loss to understand how the gentleman has been put out of sorts by the agreement on a list that his staff had yesterday.

I am reminded, to go one step further, that the gentleman from California [Mr. MILLER] once called a conference, adjourned the House, went back to the Cloakroom, confected the conference, reported out the reports of the conference all within the space of 2 minutes, and the minority was given no opportunity to object. The gentleman has had ample opportunity to give input.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

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

Mr. OBEY. Mr. Speaker, I would simply note that with all due respect to what may happen on other committees, on our committee there has always been a tradition of due notice and due consultation before any such appointments have been made.

I would also ask the gentleman if he can tell me any time in the past during which the Speaker has threatened to reduce the number of Democratic conferees on an appropriations conference below that of the ratio on the committee.

Mr. LIVINGSTON. Will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. The gentleman well knows that this entire conference centers around a national security problem. The gentleman knows that because of the deployment of troops around the world in many forgotten spots of this wide globe of ours that the readiness, maintenance, operations, training hours, and many other importance areas have been depleted within the Pentagon, and we have had to come forward and try to replace those moneys so that the Pentagon, the Defense Department of this country, can carry out its mission without running short of money.

□ 1400

Now, it has been the point of view of the gentleman from Louisiana and the gentleman from Florida, the distinguished chairman of the subcommittee——

Mr. OBEY. Reclaiming my time for just one second to correct something the gentleman said, the fact is the guts of this conference is not solely the provision of the authority that the gentleman is talking about. It is also the intent of the majority party to take domestic accounts to pay for Pentagon bills in a bill which is not even fully paid for and which adds to the deficit.

Until we can get an understanding about not adding to the deficit, I am going to object.

PARLIAMENTARY INQUIRIES

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

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

Mr. LIVINGSTON. It is my understanding, or am I correct in understanding that if the gentleman's objection is heard and we cannot go to conference using the very same names of the conferees that were submitted to his staff yesterday, that we are going to be forced to roll over until Tuesday and not appoint conferees until Tuesday, and that the critical interests of the Defense Department will not be met because the conference will not be had until later than that?

Mr. OBEY. Mr. Speaker, that is not a point of order.

The SPEAKER pro tempore. The gentleman from Wisconsin is correct.

Mr. OBEY. You can go to conference on Tuesday at the same time as you could under your motion.

The SPEAKER pro tempore. The gentleman from Wisconsin is correct. This is not a proper parliamentary inquiry.

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

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

Mr. LIVINGSTON. Mr. Speaker, to rephrase my parliamentary inquiry, the gentleman from Louisiana is under the impression that with the gentleman's objection, we cannot go to conference. Is that correct?

The SPEAKER pro tempore. That is correct.

Mr. LIVINGSTON. All right. Then further parliamentary inquiry, Mr. Speaker, when might we be able to go to conference on this critical defense issue?

The SPEAKER pro tempore. The gentleman from Louisiana knows that there are two ways by which a bill can be committed to conference. One is by unanimous consent, and second is by a motion made pursuant to rule XX of the Rules of the House, or by a rule from the Committee on Rules. That is a third way.

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

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

Mr. OBEY. Is it not true that the gentleman can easily find himself in conference on Tuesday just as he would have found himself in conference on Tuesday if he makes this motion Tuesday using the right rule?

The SPEAKER pro tempore. That is not a parliamentary inquiry.

Mr. OBEY. It may not be, but it is a fact.

LEGISLATIVE PROGRAM

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

Mr. GEPHARDT. Mr. Speaker, I ask for this time to inquire of the distinguished majority leader about the schedule for the following week.

Mr. Speaker, I yield to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. I thank the gentleman from Missouri for yielding.

Mr. Speaker, the House will not be in session on Monday, March 27.

On Tuesday, March 28, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business to consider five bills under suspension of the rules:

H.R. 849, the Age Discrimination Employment Act Amendments of 1995;

H.R. 529, the Targhee National Forest Land Exchange;

H.R. 606, the Dayton Aviation Heritage Preservation Act Amendments;

H.R. 622, the Northwest Atlantic Fisheries Convention Act of 1995; and

H.R. 256, the Fort Carson and Pinyon Canyon Land Withdrawal.

If any recorded votes are ordered, they will not take place before 5 p.m. on Tuesday. After we complete action on the five suspensions, we will take up the rule for House Joint Resolution 73, the term limits constitutional amendment.

For Wednesday, March 29, and the balance of the week, the House will complete consideration of House Joint Resolution 73.

Meeting times for the House are 11 a.m. on Wednesday and 10 a.m. on Thursday.

The House will not be in session on Friday, March 31.

Mr. GEPHARDT. Mr. Speaker, first, it is probably clear, but maybe we need to make it clear, I take it there are no more votes today?

Mr. ARMEY. If the gentleman will yield, that is correct.

Mr. GEPHARDT. I thank the gentleman.

Second, I would like to ask regarding the days off next week, can the gentleman advise whether or not he expects votes on Thursday? I assume that he will be meeting on Thursday on some of these matters.

Mr. ARMEY. If the gentleman will yield, yes, that is correct. We do expect

votes on Thursday. If everything goes well, we are hopeful we will be able to make a 3 o'clock departure time on Thursday.

Mr. GEPHARDT. Again, the intent is not to have votes on Friday? That is the clear intent?

Mr. ARMEY. The gentleman is correct.

Mr. GEPHARDT. A further question, can the gentleman give any advice to Members on whether other days will be given away prior to the April recess? In particular, I am thinking of Monday, April 3, or Friday, April 7. Does the gentleman have any advice on that at this point?

Mr. ARMEY. If the gentleman will yield, at this point I can only tell the gentleman with respect to both of those days I have only high hopes, but no clear enough picture to be able to advise you.

Mr. GEPHARDT. And then, fourth, regarding the rule on the tax bill which is coming in the last week, it is my understanding that the Committee on Rules will meet on the tax bill on Wednesday. I would like to ask if it is true that just one substitute may be made in order; will Members on both sides of the aisle be permitted to offer substitutes for that bill?

Mr. ARMEY. If the gentleman will yield, we have made no decisions regarding that. I think that it is true that the committee will meet on that and, I believe, start taking testimony on Wednesday, if that is correct, 10 o'clock in the morning next week.

Mr. GEPHARDT. Ten o'clock on Wednesday. So Members who want to offer substitutes or amendments should be willing to appear on Wednesday morning?

Finally, I would like to ask about the timing on the budget resolution. As the gentleman knows, it is traditional under our rules to have completed a budget resolution by the middle of April. I am told that you intend to start in the first part of May, and I just am wondering when you are thinking of trying to bring a budget to the floor.

Can the distinguished majority leader give me a sense of when we might get to the floor on the budget?

Mr. ARMEY. If the gentleman will yield, of course, as the gentleman knows, in many, many instances in the past several years it has been impossible to make that exact deadline, and we certainly intended to move on a budget bill as soon after our reconvening after the April work period as possible. So I would say as early in May as we can get our work done we will be announcing that to the floor.

Mr. GEPHARDT. I yield to the gentleman from Minnesota [Mr. SABO], the ranking member of the Committee on the Budget.

Mr. SABO. I am curious as it relates to the tax bill, what other bills will be combined with that? I am thinking particularly of the bill we voted out of the Committee on the Budget and other bills that have come out of Energy and Commerce and other committees, the additional changes in Medicare out of Ways and Means. Are those all going to be combined in one bill?

Mr. ARMEY. If the gentleman will yield, I can only tell you that the Committee on Rules will be meeting on Wednesday. They will be taking testimony on Wednesday, and we will begin to see what form that takes as that proceeds.

Mr. SABO. So we do not know yet what the exact form of the legislation of the final week before the recess will be, whether it is one bill or several bills?

Mr. ARMEY. If the gentleman will yield, that is correct.

Mr. SABO. If the minority leader will yield further, I would only indicate to the House that in recent years the House has completed its action on budget resolutions well in advance of April 15.

Mr. GEPHARDT. I just have one additional last question. Does the gentleman expect us to go to conference on the line-item veto bill next week?

Mr. ARMEY. If the gentleman will yield, as the gentleman knows, conference reports may be brought up at any time. We would certainly want to move as quickly as we can on that, and having the Senate's action only just last night, we will get to it as soon as we can. I cannot make an announcement at this time.

Mr. GEPHARDT. I thank the gentleman.

ADJOURNMENT FROM FRIDAY, MARCH 24, 1995, TO TUESDAY, MARCH 28, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 12:30 p.m. on Tuesday, March 28, 1995, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

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 gentlewoman from Washington [Mrs. SMITH] is recognized for 5 minutes.

[Mrs. SMITH of Washington 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 Maryland [Mr. HOYER] is recognized for 5 minutes.

[Mr. HOYER 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 Louisiana [Mr. JEFFERSON] is recognized for 5 minutes.

[Mr. JEFFERSON 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 Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

[Mr. BEREUTER 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. VOLKMER] is recognized for 5 minutes.

[Mr. VOLKMER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

MILITARY TRAINING AND READINESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. CUNNINGHAM] is recognized for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, during the last Congress when my colleagues on the other side of the aisle were in the majority, many of us testified that the extension of Somalia was, first of all, going to cost American lives; second, that it was going to cost billions and billions of dollars, and at the same time it was going to eliminate readiness, because the amount of training that our military was able to do during the extension of Somalia in peacekeeping would be diminished.

We also recognized that a policy change from humanitarian to go after General Aideed would be disastrous, and during that time those decisions

were made and my colleagues on the other side of the aisle, in a partisanship vote, passed the extension of Somalia.

We take a look at us going into Haiti. It is costing us billions and billions of dollars in nation building.

We look at the money we have given to the former Soviet Union, Russia. We gave Russia over a billion dollars to dismantle nuclear weapons. We gave them billions of dollars in nation building.

But last year they built and are steaming five nuclear class Typhoon submarines and three other submarines that are developed just to tap into our communications cables in the Atlantic and the Pacific. They are building MiG–35's, which are superior to our F–14 and F–15. They are building AA–10 missiles, which are superior to our AMRAAM, but yet, many say the cold war is over.

And we look at the billions of dollars we are spending in Bosnia and across the, the Members on the other side of the aisle, they are decrying we are cutting, we are cutting, we need to apply the money to the deficit. Well, I say, Mr. Speaker, we would have billions of dollars to apply to the deficit and we would also not have a military with its readiness and national security forces so low.

I sit on the former Committee on Armed Services which is now called the Committee on National Security, and we have had the Joint Chiefs testify that we are on the razor's edge, or another term was buffet, which means the position just before you stall an airplane, on our national security.

□ 1415

And just a minute ago, the gentleman from Wisconsin [Mr. OBEY] objected to a motion that would allow us to bring an appropriations bill forward to help the readiness. Our men and women, many agree, need better equipment, less troops and high technology. But we must help and support the appropriations bill on Tuesday.

We would have hoped that we could have filed it today because we are risking the men and women's lives.

Kara Hultgreen, a young lady, highly trained and motivated, and the first F–14 driver in the U.S. Navy, she came around the corner just a few weeks ago on an F–14 aboard the U.S.S. *Abraham Lincoln*. She had an engine failure.

On our side of the aisle. Republicans tried to get additional money to replace those engines because the compressor stalls. But many of the liberals on that side said, ''Let's cut defense.'' They cut it $177 billion. What we are seeing—we lost five Navy airplanes in the last 2 months, the Air Force has lost four to faulty parts and engines and poor training. I would say, Mr. Speaker, if we really care about our men and women that we expect to fight and, in some cases, die for this country, that we need to support them.

I beg Members from the other side of the aisle to consider, take a look at what we have done in the past. We need to stay out of countries like Haiti, Somalia, Rwanda, and Bosnia. Let us support things back home.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

[Mr. OWENS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

THE MOST IMPORTANT WEEK OF THE 104TH CONGRESS: WELFARE REFORM

The SPEAKER pro tempore (Mr. JONES). Under a previous order of the House, the gentleman from North Carolina [Mr. FUNDERBURK] is recognized for 5 minutes.

Mr. FUNDERBURK. Mr. Speaker, I said 2 nights ago that this was the most important week of the 104th Congress. This week we decided between two very different visions of America. The first vision is offered by the same people who stood guard over 30 years of disintegrating families, children having children, burned out cities, a 30-percent illegitimacy rate, and three generations of Americans who do nothing but sit at home waiting for the next government check to arrive.

The Democrats are the guardians of business as usual; more taxes, more bureaucrats, more Washington. Having lost faith in the American dream, they have nothing to offer except more of the same shopworn programs which degrade and enslave millions. They have made generations of Americans nothing more than animals in the Government barn. They promise you happiness in exchange for a handout and the loss of your freedom. Their notion of reform is to spend more of other peoples' money.

Take a look at their so-called answers to our Personal Responsibility Act. One raises taxes on every business—big and small—in America and the other cuts off child tax credits for almost half of the families in this country. Each Democratic welfare bill says the Government must give you a job and if the State doesn't have any jobs to give it will pay someone in the private sector to hire you.

This is what the liberals have in store for us. This is their version of reform: have a child out of wedlock, don't have a job and don't live with a man who is working. If you do these things the taxpayer will provide you with everything you need. Uncle Sam will give you a check each month, with free medical care, free food, and under Mr. Clinton's plan, a Federal job and free child care.

Mr. Speaker, I really feel sorry for the Democrats. They actually believe it is an act of kindness to hand able-bodies Americans womb to tomb care, demanding nothing in return. They call this $5 trillion nightmare that they have created—a system which dooms millions to a life of poverty and condemns helpless children to perpetual despair—compassionate. Their system is not compassionate, their system is obscene.

The ugly sideshow of the liberal's welfare system is the notorious child welfare bureaucracy. The massive increase in illegitimacy that the liberals want to subsidize has created a horrendous explosion in the number of abused and neglected children. As Mona Charen noted yesterday, ''social services and charities are overburdened by the caseload but they are also overburdened by liberal thinking.'' Clinton Democrats are formally committed to a philosophy and practice which in most cases sends an abused and neglected child back to the parents who have hurt him, all in the name of family preservation. The Republican welfare reform bill recognizes this nonsense for the folly that it is. We believe that it is a far greater kindness to place a child with loving adoptive parents rather than to give an abusive violent parent another dozen chances to hurt that child.

Before I came to Washington, I watched the liberal Democrats and their allies in the permanent poverty industry heap scorn upon anyone who dared stand up and say that welfare socialism was destroying our country from within. But on November 8, 1994 we the people finally rose up and said enough is enough. We had enough of the professionally compassionate robbing us of our hard-earned money, dumbing down our schools, promoting deviant behavior and creating a suffocating culture of dependency for our poorest families. They had 30 years to do something about welfare and they sat on their hands and did nothing.

Mr. Speaker, I said at the beginning of my remarks that we are debating two visions of America. We know where the liberal vision has taken us. The second vision—the conservative vision—begins and ends with individual liberty. Our view of society is one in which people have the right and the opportunity to work, invest, and raise their children as they see fit. We have faith in the energy of the American people, the liberals have faith in Washington, DC.

The Republican reform bill takes aim at the heart of the welfare problem—the underage mother who enters the welfare rolls after conceiving an out-of-wedlock child. Our reform denies benefits to those who continue to have children without having any means to independently support those children. We also eliminate the Federal middleman and cut the heart out of the Washington welfare bureaucracy.

We send power back to the people. We say the real welfare reformers are in the States and counties. These are the people closest to the problem. They know their communities' needs. They

are on the front line in the war against poverty. They understand its causes and they will provide the moral and spiritual leadership so many of our people so desperately need.

Mr. Speaker, we were sent to Washington to put people to work and get the Government's hand out of working people's pockets. We say if the American people give you a hand-up you will find a real job or we will cut off your benefits in 2 years.

Let me tell you where we will be if we do not put a brake on the runaway welfare train. Today Federal welfare spending stands at $387 billion, by 2000 we will spend $537 billion on welfare entitlements. The madness has to stop.

We have an unprecedented opportunity to save the lives of millions of children who would otherwise be trapped in the system which has ruined previous generations. We cannot be intimidated by the liberals in Congress and the media who offer no solutions, only scare tactics. They throw out words like cruel and mean but I ask you Mr. Speaker, what is more cruel, what is more mean, then to condemn a child to life on the liberal welfare dole. That is the cruelest punishment imaginable. We cannot allow another generation of American children to fall victim to the compassion of the American left. We must be strong, we must be bold, and we must act now. Our children deserve no less.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. TUCKER] is recognized for 5 minutes.

[Mr. TUCKER 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 Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

[Mrs. SCHROEDER addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

THE REPUBLICAN WELFARE REFORM BILL IS FLAWED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, I am going to pick up where the last speaker left off, perhaps in a little different refrain. I might add he just accused the Democratic Party of 30 years of not tending this problem. It actually did in 1988, when it worked with President Reagan to pass the welfare reform bill which is the basis under which this Federal Government has been operating since 1988.

So if you want to place some blame, talk to President Reagan about that. He, of course, is a well-known Socialist.

Now, I want to talk about the welfare reform bill. I want to talk about why I voted against it.

I voted against it because the GOP version, the Republican version, does not stress work adequately. I voted against it because it does not preserve but instead cuts the School Lunch Program. I voted against it because the money that saved the estimated $68 billion does not go for deficit reduction.

Let me make that clear: It does not go to reduce the budget deficit, but it is going to go fund a tax cut that is going to go sailing through here in a couple of weeks that will provide 65 percent of its benefits for everyone over $75,000 a year while providing less than 5 percent of the benefits for those under $30,000 a year. That is not a good trade.

We all want welfare reform. That is why I introduced a bill earlier this year that has many of the elements that have been common to these welfare reform bills. My bill has a 2-year requirement in it and after 2 years a person must go off the welfare rolls.

Mine has a tough work requirement modeled after what we have done in past years in West Virginia. Mine required, for instance, that people seek education and that they do public sector work, if necessary. But there are a lot of other things, unfortunately, that were not included in the Republican version.

A lot of things, for instance, that the Republicans do not tell us, did not talk much about. How about the fact that the Congressional Budget Office, which now has a Republican appointee—not a Democrat appointee—but the Congressional Budget Office recently scored this bill and said that not one of the 50 States, not one—not West Virginia, not any one of the States—would be able successfully to move the required amounts of people from welfare to work.

What kind of statement is that, when the Republican-dominated Congressional Budget Office itself issues a bad report?

I think it important as well to look at what the States think of this, particularly, my State. We have heard a lot about how this is going to free up the States. Take a look, for instance, at what it does for the States.

Many of us raised concerns on the House floor about what would happen when the School Lunch Program was put into a block grant with the Women, Infants, and Children Program, which was put into a block with the other nutrition programs. We raised concerns about this. They said not to worry, the States will love it. And, of course, they said there would be a real increase. And, of course, it is not an increase in the block grant, because while you can give technically the School Lunch Program a 4.5-percent increase per year, what you are not telling the people is that at the same time you are permitting the Governors to shift 20 percent of that money elsewhere. You are not telling them that the current law provides more assistance than the new law, and you are not telling them that all the Federal nutritional standards are being removed.

You are also not telling them that in order to do that, you have to savage other nutrition programs in the block grants, such as the important Women, Infants, and Children Program.

I think it is very important to note, Mr. Speaker, that I am holding a concurrent resolution, a concurrent resolution No. 37, from the West Virginia Legislature, signed by the speaker of the house Chuck Chambers and the president of the West Virginia State Senate, Earl Ray Tomblin.

In that concurrent resolution, one of the last acts passed by our State legislature, they urged the Congress not to vote for this welfare reform act put forward by the GOP for the reason that it decimated WIC. They point out that the Women, Infants, and Children Program serves 55,000 West Virginians, provides 28 million dollars' worth of assistance, but more than that, helps young woman bring healthy babies to term.

I think it is very significant that the legislature which would be charged with enacting this legislation went on record as opposing the legislation.

I think it is also important to note that the West Virginia Board of Education, our State board of education, which is in charge of implementing the school lunch program and the school nutrition programs which you would think under the philosophy of the GOP they would be most eager to accept the School Lunch Program, the school nutrition program in a block grant; they went on record in resolution on the 10th day of March 1995 opposing this legislation and urging that the school lunch and school nutrition programs not be block-granted, because they understand it would be even more of an administrative nightmare.

The also understand that the school lunch and nutrition programs would be pitted against each other.

So, I want a bill, Mr. Speaker, that stresses work. This did not stress work. I want a bill that preserves the School Lunch Program and the nutrition programs and does not cut them. I want a bill that reduces the deficit and does not give, does not give the savings for a large tax cut for the wealthiest individuals in this country. This bill does not do that either.

For that reason, I voted against its passage.

THE NEED FOR REFORMING OSHA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. NORWOOD] is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, recently the Subcommittee on Workforce Protection heard testimony from Assistant Secretary for Occupational

Safety and Health Joe Dear. Among the many things Mr. Dear told the subcommittee, he said this: ''Every year, work-related accidents and illnesses cost an estimated 56,000 American lives * * * At the time I was not certain if Mr. Dear and his friends over at OSHA were afraid of real OSHA reform. But for them to be using scare tactic statistics like these in an effort to puff up a supposed need for OSHA, well they must be utterly terrified of OSHA reform. Using incomplete and speculative statistics makes for incomplete and poor policy decisions. As we look to make real reforms in the way OSHA does business, we need to insure that any legislative action is based on sound and scientific information. We must use peer review to determine the effectiveness of a regulation. But when you consider how loose OSHA is willing to play with the facts, it makes you wonder whether OSHA can possibly be reformed.

Mr. Speaker, the problem with Mr. Dear's statement is that he has stated with certainty about statistics where there is considerable uncertainty. There is great disagreement and dispute about the number of fatalities from workplace illnesses. But there is a consensus about fatalities resulting from workrelated accidents, although this was not always the case. Several years ago, the Bureau of Labor Statistics initiated a new program called the Census of Fatal Occupational Injuries. This program obtains an actual count, rather than an estimate, of the number of workplace fatalities. That count for 1993, the latest year for which we have numbers is 6,271. The census is intended to pick up deaths caused by workplace exposures to toxic substances. Although the Bureau of Labor Statistics acknowledges that it probably does not produce a complete count of fatal illnesses. In fact, at this point in time, no one has a completely accurate count of workplace-related fatal illnesses. But the best numbers we do have are those produced by the Bureau of Labor Statistics. We pay the Bureau of Labor Statistics quite a bit of money to compile these statistics. I would think that the good Secretary of OSHA would use his own department's numbers rather than using the disputed, speculative numbers of others. If Mr. Dear is right, and I doubt that he is, if there are really 56,000 workplace fatalities instead of the Bureau of Labor Statistics reported number of 6,271, if the Bureau of Labor Statistics are wrong by that much, if they are only counting 7 percent of all workplace fatalities, someone down there needs to be fired, if Joe Dear is right.

Mr. Speaker, two other points about the number of fatalities should be highlighted. First, the number and rate of workplace fatalities have been declining steadily since the 1930's. This is significant when one considers that OSHA did not come into existence until the 1970's. Consequently, it is a matter of debate as to how effective OSHA has been in reducing workplace fatalities.

Second, most workplace fatalities are not caused by factors which one would normally consider workplace hazards. For example, according to Census on Workplace Fatalities, in 1993 there were 6,271 workplace fatalities. However, over 60 percent of these fatalities were due to transportation accidents, homicides, suicides, and drownings. As one of my colleagues once said ''unless OSHA teaches employees how to drive, fly, swim, and cope better, it's not going to have any impact on these deaths.''

I believe the American people are frustrated by burdensome regulations. Every day small business people are pulling their hair out and fretting about regulatory mandates they can't possibly comply with. I know that many of my liberal colleagues scoff at this assertion. But I suggest that if they got out of their cloistered existence for just a short time and experience what small business people all over this country have to put up with, they would change their tune soon enough.

OSHA is one agency that has turned a reasonable and important mission into a bureaucratic nightmare for the American economy. Common sense was long ago shown the door at OSHA. OSHA is one agency that needs to be restructured, reinvented, or just plain removed.

□ 1430

THE WELFARE REFORM PROGRAM

The SPEAKER pro tempore (Mr. JONES). Under a previous order of the House, the gentleman from Alabama [Mr. HILLIARD] is recognized for 5 minutes.

Mr. HILLIARD. Mr. Speaker, I rise to speak today on an issue that is extremely important to me. It is one that I think will affect every American. It is one that will undoubtedly create a great deal of injustice. It will create a great deal of anxiety. It will create a great deal of problems for many American families in the years to come. I speak about one element of the Republican Contract on America, the welfare reform program.

Mr. Speaker, some people have not had the opportunity to travel outside of their State or even outside of this country, but thanks to CNN and other national networks we are able to see how other people live in other countries. When we looked at the slums in India, the slums in Haiti, the slums in China, we said, my God, how can people live in these type conditions?

But if we wonder about how they eat and how they sleep, then we all ought to think about home. In America, the poorest families, the poorest of the poor can live in subsidized housing that is healthy, that is safe, that is clean.

As it stands now, through food stamps and other certain types of child nutrition programs, lunch programs and breakfast programs we know that they can eat. Yes, we have the homeless, sometimes those who cannot find a place to stay, those that cannot find food to eat, but the majority of Americans go home to a place to stay that is heated, and they have food to eat.

That is because over the years we have been sensitive. We have understood that the American dream is not for everyone, that there are certain people born with certain inequalities that cannot be corrected by man: the blind, the disabled, and others with so many other special type of disabilities. We have made provisions for them.

And there are special circumstances where people for no reason of their own are without jobs: layoffs and other type downsizing problems.

There are some places in America on Indian reservations, in the blight belt of Alabama, Appalachia and other places in this country where there are no jobs, and for the next two or three decades there probably will not be any jobs. Many of those people migrate to our cities, creating additional problems because it is so expensive to live in the city. We have been sensitive to those needs and those situations.

But then there are situations created by nature, floods, hurricanes, mudslides, earthquakes, and other types of natural disasters, that cause problems in this country. If we do not make provisions for those Americans, then we ought to do for the least of those what we should do for everyone.

Mr. Speaker, I am submitting that the cuts in the program that have been proposed today are un-American, and those who proposed them are disloyal Americans, and they are not sensitive to the needs of other Americans.

I think that in this country one of the greatest reasons why it is the greatest country in this world is because we have always looked out for those who were unfortunate, those who were unable to fend for themselves. And in special circumstances like floods and so forth, we look out for those who ordinarily would be able to look out for themselves.

We did them a disservice this day. And I know that this issue will be debated for years to come, but if in the Senate this becomes law, then we may want to revisit those slums in Haiti, in China, and in India. Because I submit to you because of the high cost of housing in this country, because of the low wages we pay, $4.25 an hour, a wage that no one can subsist on anywhere in America, we will have those type of slums.

It would be detrimental not only to the health and the welfare of those people who live in those places but to every American everywhere.

So, Mr. Speaker, I ask the Senate to make sure that this bill, this Robin Hood bill, this ''create heaven'' bill never becomes law.

WELFARE REFORM IS NOT UN-AMERICAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, I have got to tell you I feel very honored to be a part of something today where we literally changed the way the Federal Government operates today in this House.

We have stopped or begun the process of stopping a process that for 30 years has encouraged destructive behavior, that has rewarded illegitimacy, that has paid people not to work, that has broken down families, that has torn apart communities, and has turned those inner cities that we hear so much about into war zones that are at times worse off than conditions in Third World countries.

Our welfare reform bill that supposedly is going to be so harmful to everybody just requires a few basic things; and, unfortunately, I have to disagree with the last speaker. There is nothing un-American or disloyal about the concepts contained in this bill.

What could be more American than the basic belief that if you are going to get paid, you have to work? Is that un-American? I do not think so. I think that is a basic concept that this country was created on.

It also trusts families and communities more than it trusts Federal bureaucrats and agencies. You know, it was 200 years ago that Thomas Jefferson said that the government that governs least governs best.

And James Madison, while drafting the Constitution, a very American document, mind you, stated we have staked the entire future of the American civilization not upon the power of government but upon the capacity of each of us to govern ourselves, to control ourselves and to sustain ourselves according to the Ten Commandments of God. That was James Madison, a man who drafted the Constitution, a man who was not un-American or disloyal.

And yet, Mr. Speaker, if you listen to the debate that has gone on this week, throwing out terms like disloyal and mean spirited has been part of a very shameful demagogic approach on this issue of welfare reform.

I have seen Members going around with ties with children on it. I just think that is grand. But that does not mean you like children. When you continue to allow a system to go forward that has hurt children for 30 years, you are not helping children.

And you can wear a tie, but I will tell you, of those people that were wearing ties with children on them, it is about the only thing they did during this welfare debate because they sure did not come up with an alternative to get rid of a system that rewards illegitimacy and unproductive behavior.

They brought nothing to the table. They were shameless in their approach, saying we were going to hurt children because we wanted to finally get rid of this corrupt system.

It reminds me of a movie I saw a few years ago. At the end of the movie a politician, who was basically trying to take over the world, was being shot at, and he held up a child as a body shield as he ran out. And the cameras clicked, and it showed up in the papers the next day that this politician was so shameful that he used a child as his shield.

□ 1445

Well, ladies and gentlemen, we have seen where life has imitated art. Because this week liberal protectors of the status quo of the corrupt system that has destroyed our inner cities have held up little children because they want to protect their power. They want to protect the bureaucracies up and down these avenues. They want to protect their way of life, their corrupt way of life.

Let me tell you something. We have spent $5 trillion over the past 30 years in this so-called war on poverty, and we have failed. It has ended up as a war on families, and war on hard work, a war on personal responsibility and a war on American values.

Look at the figures. It is uncontroverted. You can wear your ties all you want to. You can talk about how we are cutting school lunch programs. That is not the case. The fact of the matter is funding on school lunch programs for the next 4 years goes up.

Let us get used to the new math, folks. One plus one equals two. If you spend more money on school lunch programs in the year 2000 than you are spending now, that is an increase. Well, we are changing the way Washington works. Stay tuned.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of this, my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida [Mr. BILIRAKIS]?

There was no objection.

GREEK INDEPENDENCE DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Florida [Mr. BILIRAKIS] is recognized for 60 minutes as the designee of the majority leader.

Mr. BILIRAKIS. Mr. Speaker, I rise today as I have each March for the last dozen years here in the Hall of American democracy, to honor the spirit of freedom that lies at the heart of our political system. It is the idea of democratic government, brought forth by the ancient Greeks and which today sweeps the modern world.

It is, indeed, fitting that we celebrate this magnificent concept of democratic government this week because this Saturday, March 25, is the date that people of Greek heritage and the Greek Orthodox faith—as well as freedom-loving individuals everywhere—celebrate the symbolic Rebirth of Democracy: Greek Independence Day.

March 25, 1995, will be the 174th anniversary of the beginning of Greece's struggle for independence from more than 400 years of foreign domination. It was on this historic day that the Greek people began a series of uprisings against their Turkish oppressors, uprisings that soon turned into a revolution attracting wide international support.

The Greeks' long and arduous struggle against the Ottoman Empire is a perfect example of the ability of mankind to overcome all obstacles if the will to persevere is strong enough and the goal—in this case, the dream of freedom—is bright enough.

The United States of America is surely the truest expression of this dream today. It remains an imperfect dream, yes, but it is still the shining example which oppressed people throughout the world have looked to for generations and from which they have gained strength in their struggles to overcome their oppressors.

This dream of democracy—born so long ago in Greece—and its greatest tangible expression in our great Democratic republic, Mr. Speaker, forms the common bond between our two nations. Furthermore, it is a bond that has stretched throughout history, from ancient times to the present day.

The history of the Greek war for independence also is filled with heroes and heroism, remarkable events by many peoples in a common cause. It is partly the story of the Klephts, who descended upon the invaders from their mountain strongholds. It is also the story of the Hydriots, seafarers who broke the Ottoman naval blockade; and it is the story of the Philhellenes, who took these tales of courage to Europe where their significance was not overlooked.

These stories woven together formed the fabric of a free and independent Greece, of democracy returned to the cradle where it was born, and defended by the defiant cries of the Greek patriots: ''Eleftheria I Thanatos''—Liberty or Death.

As probably a typical illustration of courage in that fight is a story told in the newspaper ''The Greek American'' by writer Eva Catafygiotu Topping tells us of the fight by the Greeks of the island of Psara in the Aegean Sea.

I yield to the gentlewoman from New York [Mrs. MALONEY] for her statement.

Mrs. MALONEY. Thank you, Mr. BILIRAKIS.

Mr. Speaker, it is a distinct honor to join my friend, Mr. BILIRAKIS, and

other advocates of Greek-American relations in this important special order.

This is my third year in Congress and the third time that I have stood together with the esteemed gentleman from Florida to celebrate Greek Independence Day and to discuss a few of the pressing issues on the Hellenic agenda.

The presence of the various Members on the floor today proves that support for Greece and Greek-Americans is an issue that unites Democrats and Republicans, liberals and conservatives, and Members from all across this great Nation.

Mr. Speaker, this Sunday I will be humbled to receive one of the greatest honors to be bestowed on me in my entire career in public life. I will be the grand marshall of the annual Greek Independence Day parade on Fifth Avenue in Manhattan.

There are a number of reasons why this honor means so much to me.

First, because I will be joined by thousands of my neighbors and constituents. I am privileged to represent one of the largest and most vibrant Greek-American and Cypriot-American communities in the Nation. In the wonderful neighborhood of Astoria, Queens, where tens of thousands of Greek-Americans reside, I have always been overwhelmed by the warmth and enthusiasm with which the community has welcomed me.

Marching side by side with my Greek-American friends on Sunday will once again instill me with respect and admiration for this special people and their remarkable heritage. And it is this heritage that we celebrate today.

March 25 marks the 174th anniversary of the day when the Greek people won back their independence after nearly 400 years of cruel domination by the Ottoman Empire. One hundred and seventy-four years ago, the Greek people were able to resume their rightful place as an exemplar of democratic ideals to the rest of the Western world. In fact, our own American revolution and fight for independence was inspired by the ancient Greek paradigm of democracy and individual liberties.

Perhaps the American philosopher Will Durant put it best when he said ''Greece is the bright morning star of that Western civilization which is our nourishment and life.''

Mr. Speaker, in the year that has passed since our last special order, my colleagues and I who advocate for Hellenic issues have been heartened by some important victories and challenged by other developments. I would like to take a few minutes to touch on some of these issues.

First, a great victory. Many of us in this Chamber worked long and hard on behalf of the Omonia Four, ethnic Greeks who were unfairly and unjustly imprisoned by the Albanian Government on trumped up charges of espionage. Month after month, week after week, Members of Congress and others, like Mrs. Kathryn Porter of Illinois and the writer Nicholas Gage, lobbied our State Department and the Albanian Government for a resolution of this problem.

Finally, just a few weeks ago, the Albanian Supreme Court ordered the release of these long-suffering individuals. I commend Albanian President Berisha for this gesture, but I also want to let him know that we in Congress will continue to closely monitor the human rights situation of the Greek minority in Northern Epirus.

And now to another important issue. Mr. Speaker, make no mistake: Macedonia is Greek.

Over the past year, there have been important developments concerning the controversy over the former Yugoslav Republic of Macedonia. Unfortunately, in a move that I strongly opposed, the U.S. Government recognized FYROM. But to date, thanks in large measure to the strong opposition of many of us on the floor tonight, we have refrained from establishing formal diplomatic relations with this republic.

I had the opportunity to visit Greek Macedonia, the real Macedonia. On this trip, I was able to witness firsthand the much justified passion that this issue engenders. This is not just about a simple name. In fact, when Tito changed the name of the republic to ''Macedonia'' in 1944, the United States strongly opposed this action as ''unjustified demagoguery representing no ethnic or political reality.''

It should be the policy of the United States not to weigh in unilaterally on one side of this dispute but to support honest negotiations between Greece and FYROM to resolve these issues.

It is for this reason that I am proud to report that Mr. BILIRAKIS and I have reintroduced our bill, House Concurrent Resolution 31, which calls on the United States to support Greece in its efforts to reach a solution which promotes a solid, cooperative relationship between the two countries. And just as significantly, our resolution—which is cosponsored by dozens of pro-Greek Members of this House—would delay any establishment of formal diplomatic relations with FYROM until this just and fair relationship is established.

Finally, Mr. Speaker, we cannot celebrate the magnificent occasion of Greek Independence Day without touching on the tragic situation on Cyprus.

You do not have to be a Greek-American or a Cypriot-American to feel the outrage and pain felt by Cypriots who have had their land brutally and illegally occupied by Turkish forces for over 20 years. But it helps immeasurably to go to Cyprus like I have and look into the eyes of the people whose lives and families have been hurt, even destroyed, by this dark moment in world history.

And I have shared the pain of some of my own constituents in Astoria whose beloved family members are still missing from the Turkish invasion.

Twenty years is far too long for the families of the 1,619 missing to wait. But even if it takes another 20 years, we can never turn our backs on those who suffered in the invasion and those who continue to suffer on that beautiful island even today.

Mr. Speaker, I am pleased to be a cosponsor of a resolution authored by Mr. ENGEL and Mr. PORTER which will put this House on record once again in insisting that this intolerable situation come to an end. In fact, last year, these two gentlemen and several of us passed a bill that will hopefully, finally, bring about an accounting of the five Americans missing from the invasion.

Later this spring, I will welcome to Astoria the Honorable Richard Beattie, President Clinton's Special Emissary to Cyprus, who will brief the community on the ongoing negotiations between the Government of Cyprus and the Turkish Government.

And under the leadership of Mr. ANDREWS of New Jersey, several of us have introduced a bill which would prohibit United States aid to Turkey unless and until the Turkish Government begins its withdrawal from Cyprus, improves its abysmal human rights record, and removes its unconscionable blockade of Armenia. And this bill will call on the Turkish Government to cease its military operations against Kurdish civilians.

Suffice it to say that many of us in this House are very, very concerned about the current Turkish operation in northern Iraq and the reports that civilians are being killed.

It is unfortunate, Mr. Speaker, that a special order dedicated to celebrate the birth of Greece and the democratic ideals and institutions that Greece has bestowed upon the world must also inevitably turn to the activities of the Turkish Government. But it is our duty to ensure that United States taxpayer dollars do not go toward subsidizing Turkish human rights abuses.

In conclusion, I simply want to wish all of my Hellenic friends and constituents, and any who may be watching, a very happy Greek Independence Day.

I pledge to you that every year that I am privileged to serve in Congress, I will come to the well of the House in March and extol the indomitable, life-giving spirit of the Greek people.

☐ 1500

Mr. BILIRAKIS. Mr. Speaker, I thank the gentlewoman who, yes, indeed, in every March of every year comes to the well of this House. Also, I might add, in July of every year she comes to sort of commemorate, if we can call it that, the tragedy of the invasion of Cyprus some 20 years ago. Thank you for all your great work.

Mr. Speaker, at this point I would yield to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. I thank the gentleman specifically for this day and for his

continuing efforts to make certain that special orders are created for the purpose of celebrating, commemorating, the 25th of March every single year.

It becomes more important to me almost every year, Mr. Speaker, and I say to the Members, to parallel the history of our own country with that of Greece.

In 1776, when our Nation launched its quest for independence, it was at a time when Greece was at the darkest period of its history under the yoke, for then 400-plus years, of the Ottoman Empire. But we are certain from anecdotal and other kinds of evidence that news of the American Revolution seeped into Greece and to the intelligentsia and to the villagers even in Greece, and little by little news of the successes of the Americans against the British became a watchword for the Greeks, who began to plan for their ultimate revolution.

So we know that the American Revolution inspired in great measure the Greek Revolution that began in 1821.

But that is not where the parallels end, as I look back on history. First of all, we had the impetus for the launching of the American Revolution, the Declaration of Independence. It is little recognized that the Greeks of that period also had a declaration of independence that emanated from Corinth, which was, is a bastion of freedom and liberty and classical splendor in the country of Greece.

That declaration of independence by the then patriots in the 1820's paralleled much of the language that we saw in the Declaration of Independence. Where we pledged our sacred honor as Americans, they pledged all that they had, the sacrifice of life and of family and of nationhood forever in the quest for liberty.

But that is not where the parallels end. We had our George Washington, a hero a patriarch, a leader of men, a diplomat, a soldier. The Greeks had Kolokotronis, the spelling of which I will supply the clerk afterwards or the stenographer, who paralleled that history. If I were a new Plutarch paralleling lives of Americans with other greats in other nations, I would parallel Washington with Kolokotronis.

Then at one period in American revolutionary history there came to the side of Washington, to the aid of the American revolutionists, a foreigner, Lafayette, who came from a foreign country, France, to help the Americans in their quest for liberty.

Guess what? In Greece there came to their side a lord, a poet, a nobleman of England. Lord Byron left England during the height of the revolution in Greece, came there, saw the splendors that he had always admired in Greece, wrote abundant poetry and prose having to do with his love of Greece and its history, and then, not satisfied with just rhetoric, not satisfied with just poetry, he entered the battle. At the battle of Missolonghi, the spelling of which I will provide the stenographer, at the battle of Missolonghi, he fought side by side, as did Lafayette with Washington, side by side with the Greeks in one of their most devastating battles, and lost his life. Lord Byron was killed on the very soil which he had so proudly described in his lyric poetry.

So the parallels go on and on. Patrick Henry said give me liberty or give me death, and that is what was contained in the declaration by the Greeks in their movement toward independence, liberty or death. It is not just a coincidence.

The point that I want to make, of which I am so proud, is that Americans of Greek descent recognize that the history of our country, the history of America that is, is intertwined inextricably with that of Greece. Not just from the Jeffersonian classical derivations that he himself, that great American was able to inculcate into the other men at the Constitutional Convention, with the ideals of intellectualism and freedom and democracy that Greece meant even back then, but then to see in their moment of woe and of misery, to see the President of the United States in 1822, James Monroe, issue a declaration and a message to Congress saying that that great classical country, from which we learned so much and on which we based so much of our own Nation, deserves our help, our sympathy, in the cry out for freedom that they themselves are bespeaking during their revolution.

Henry Clay, one of the greatest orators of all time, stood in a well similar to that which is occupied by our colleagues here today, and in that legislative session of the House of Representatives in the Congress of the United States began a marvelous recitation of why America should never be anything except a benefactor of Greece, as was Greece a benefactor of the origins of America, as he put it.

It goes on and on. The parallelisms are astounding and would make for a book, which I pledge to the Speaker I will attempt to write about what I speak here today, and reemphasize that, as Americans who have that extra privilege of having Greek heritage in our backgrounds, we are better Americans for it.

Thank you.

Mr. BILIRAKIS. I thank my colleague for his wisdom, for his wise words, and for that history which we all need to hear over and over again.

At this point I recognize the gentleman from New York [Mr. GILMAN].

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

Mr. Speaker, I thank the gentleman from Florida [Mr. BILIRAKIS] for arranging this special order permitting us to observe this very special day of historical significance for all who cherish freedom and revere independence from foreign domination.

On March 25, we will mark the 174th anniversary of the beginning of the revolution that ended with the people of Greece gaining their freedom from the Ottoman Empire.

For nearly 400 years, from the fall of Constantinople in 1453, until their declaration of independence in 1821, Greece had been under Ottoman rule. It was a period when people were deprived of civil rights, schools and churches were shuttered, Christian and Jewish boys were taken from their families to be raised as Moslems to serve the Sultan.

The people of Greece raised their flag of independence just 45 years after we in America ''fired the shot heard 'round the world.'' Our Nation served as their role model, and the echoes of our War for Independence against Great Britain resounded in the Aegean, and have served to forge a special kinship between the United States and Greece.

By the same token, our Founding Fathers drew heavily upon the civic history of ancient Greece in formulating our own form of government. As James Madison and Alexander Hamilton wrote in ''The Federalist Papers'':

> Among the confederacies of antiquity the most considerable was that of the Grecian republics [which] bore a very instructive analogy to the present confederation of the American states.

I am pleased to join with my colleagues in recognizing this very important milestone in the world's march to freedom. And as we recognize this important historical event for Greece, let us pause to recall the 1,600 Greece Cypriots who regrettably are still listed as missing as a result of the Turkish invasion of Cyprus more than 20 years ago.

And let us hope and pray that by next year's celebration or Greek Independence Day, that Cyprus will be reunited and that the missing Cypriots will be fully accounted for.

Mr. BILIRAKIS. Mr. Speaker, I thank my colleague, who also joins us year after year after year, a wonderful fellow Hellene, friend of human rights all over the world. We thank you, BEN, for your wonderful friendship you have shown over the years.

Mr. Speaker, earlier I alluded to this article in the newspaper called the Greek American. It is an article entitled ''Liberty or Death: Psara, July 1824,'' by Eva Topping. I will read from that article as follows:

LIBERTY OR DEATH: PSARA, JULY 1824

(By Eva Catafygiotu Topping)

> To find tiny Psara on the island-studded map of the Aegean Sea is not easy. Sixteen square miles of barren rock and mountainous terrain. It lies twelve miles off the northwest coast of Chios. Homer mentions it once in the Odyssey. Then, as if buried under the blue Aegean waters, Psara disappeared for centuries from recorded history,
>
> Suddenly, however, in the eighteenth century the island came to life, a prosperous naval and commercial center. And during the Greek Revolution in the next century, Psara made history. On July 4, 1824, it achieved immortality when its brave people chose death rather than surrender to the Turks. In the long and rich history of the Greeks' unending struggle for liberty there exists no more stirring example of heroic idealism.

On the island of Zakynthos in the Ionian Sea, Dionysios Solomos, a young twenty-six year old poet, responded immediately to the story of Psara with a haunting epigram of six verses.

Ston Psaron ten olomavri rahi
perpatontas e Doxa monahi,
meleta ta lambra palikaria,
kai stin komi stephani phorei
yinomeno ap ta liga hortaria
pou eihan meni stin eremi yi.

On Psara's all-blackened ridge,
Glory walking alone
mediates on noble heroes.
And on her hair She wears a crown
made of the few blades of grass
that had been left on the desolate earth.

Needless to say, no translation (including mine) adequately conveys the extraordinary pathos and beauty of Solomos' masterpiece. His is the perfect tribute to the Psariots' glorious passion for freedom.

One hundred and seventy-one years later, the story of Psara that inspired Solomos still deserves to be told.

In 1824, the Greek War of Independence, begun on 22 March 1821, was in its fourth year. The people of Psara had been among the first to join the Revolution. Moreover, Psariots had also been among the first to join the secret revolutionary Society of Friends (Philiki Hetairia) founded in Odessa (1814).

On Easter Sunday, April 23, 1821, at a solemn meeting of the entire population, the people of Psara declared themselves free and independent. (On that same day in Constantinople, the Turks hanged the Patriarch and began a reign of terror against the Greek population in the empire.)

On Psara, the people raised a flag of their own design. Their flag was made of white cloth bordered with red. The name of the island appears at the top in red letters. Standing on a crescent in reverse, a large red cross dominates the flag. The cross is flanked on one side by a sword, on the other by a serpent killed by a bird. Straight across the flag are inscribed in bold, red capital letters the words Eleftheria e Thanatos (Liberty or Death).

The red color, the symbols, the words, all expressed the Psariots' determination to win their freedom. Their choice lay between two absolutes. No compromise was possible. If Psariots could not be free, they would die. In July 1824, the proud flag of Psara proved tragically prophetic.

From the beginning of the struggle for Greek independence, the brave sailors and captains of the tiny Aegean island had dedicated their lives and ships to the sacred cause, freedom from Ottoman rule. No sooner had the Psariots declared their independence than their little ships sailed out to fight. Cruising up and down the sea from the Dardanelles to Rhodes, they terrorized the Turkish population all along the Asia Minor coast. They destroyed or captured Turkish ships, thus paralyzing Turkish attempts to supply their forces in Greece. Although Psara was the smallest of the four ''naval islands,'' her sailors participated conspiciously in every naval campaign against the Turks from 1821–1824. Sometimes they fought alone. The failure of the Turks to crush the Greek ''rebellion'' after three years was in large measure due to the exploits of the sailors and ships from Psara, Hydra, Spetses, and Kasos.

True children of the Aegean (it was said that Psariots went to sea at age six), their sailors were the most daring, their captains the most skillful, and their little ships the lightest and fastest. Always outnumbered and outgunned, again and again they proved themselves Greek Davids against the Turkish Goliath.

Psara distinguished itself not only by the patriotism and the indefatigable activity of its seamen, but also by the illustrious deeds of one of its sons, Konstantinos Kanaris. A virtuoso of the dreaded fire-ship, this intrepid Psariot captain avenged the brutal massacre of Chios (1822) by setting fire and destroying the flagship of the Turkish fleet lying at anchor offshore the devastated island. This and similar exploits brought Kanaris international fame. Across the Atlantic, Herman Melville described in Moby Dick how ''the pith and sulphur-freighted brigs'' of ''bold'' Kanaris ''issuing from their midnight harbors . . . bore down upon the Turkish frigates, and folded them in conflagrations.''

The spectacular victories of the Greek fleets, especially those of the Psariots and their fireships, quickened hopes of independence. At the same time, they convinced the Sultan that unless he crushed these islanders, he would never command the seas and thus never invade Greece where the population was determined to defend its liberty. He decided therefore to paralyze the Greeks by destroying Psara and Kasos, their two most exposed naval stations. Especially angry at the Psariots, he asked for a map in order to locate their home base. Having located tiny Psara, he vowed to wipe it off the map, out of existence. To this end, he ordered a great fleet to be assembled at Constantinople. Its sailors and soldiers were promised twelve times the prizes and booty received at the holocaust of Chios two years earlier.

Kasos was destroyed first. In early June a large fleet from Egypt manned by 3000 Albanians attacked the island. 500 Kasiot seamen fell in the fighting. 2000 women and children were captured, destined for the slave markets of Alexandria. Plunder and looting were allowed for twenty-four hours.

The destruction of Kasos previewed the fate that awaited Psara. In mid-June, at a meeting in the historic church of St. Nicholas, patron saint of sailors, it was decided to fight to the death on the island for the island. To ratify the decision, a solemn liturgy was then celebrated, at which the people of Psara vowed again that they would die rather than surrender.

The formidable fleet from Constantinople arrived on July 1. The armada consisted of 180 ships of different types. Aboard were 14,000 soldiers, including a number of the feared Janissaries, trained and ready to land and fight on the island. On July 2 Greeks and Turks exchanged some indecisive fire, encouraging the Psariot defenders that they could hold their positions.

The battle for Psara began the next morning. During the night Turkish troops had landed on the unprotected north and now threatened the town in the southwest corner of the island. French officers left vivid accounts of ''le spectacle'' they witnessed from two ships nearby. Despite desperate Psariot resistance to the Turkish advance, they were overpowered.

Nevertheless, they inflicted heavy casualties on the enemy and died fighting. Not a single Psariot laid down his weapon.

At the sight of the Turks on the hills above the town, panic seized the population. While the fleet shelled the town, women with their children jumped to death on the rocks or in the sea. Men, women and children rushed to the shore, hoping to escape in overcrowded boats. Many of these capsized, covering the sea with corpses. Fierce fighting took place in the town. The streets ran with blood. The French officers described the day as one of carnage.

The heroic but futile resistance of the Psariots ended on July 4. The last stand was made at Palaiokastro, an old fort above the town, where several hundred soldiers, women and children had taken refuge. Having taken down the proud Psariot flag that flew over the fort, 2000 Turks stormed it. The moment they entered the fort, Antonios Vratsanos lit the fuse to a magazine of gunpowder, blowing up all the Psariots along with their enemy. The valiant Psariots, defenders of their liberty, were faithful to their flag. They chose to die rather than to live as slaves. A French officer who heard and saw the explosion compared it to a volcanic eruption of Vesuvius.

By the end of July 4, 1824, Psara was no more. Part of its population had been brutally massacred. Another part had been taken captive, cargo for the slave markets of Smyrna. And a part had managed to escape, including Kanaris. No one remained on the island except, so it was said, for one monk. The fine houses and twenty churches of the town were looted. Finally, the town was set on fire. Although surviving seamen from Psara never stopped sailing against the Turks, a Psariot fleet no longer existed to frustrate the Sultan's plans.

The refugees from Psara were settled on Monemvasia and on Euboea where they founded the village of New Psara. Psara itself remained under Turkish control until 1912.

Notwithstanding the passage of 171 years since July 4, 1824. Glory still walks on the hallowed rocks and mountains of tiny Psara. And with her let us meditate and honor the heroic islanders for whom liberty was more precious than life.

At this point I yield to the gentleman from Pennsylvania [Mr. KLINK] who I know has a long five or so hour drive to Pittsburgh to his home. He could have left better than an hour ago after the last vote, but decided to stay to be a part of this special order.

Mr. KLINK. Mr. Speaker, the chairman is very kind. I thank him for yielding. I will tell the Speaker that I am very proud to join all of my colleagues here today, particularly proud to join Chairman BILIRAKIS, because we share not only a Greek heritage together, but it just so happens our families came from the same small island of Kalimnos in the Aegean Sea. So we are very proud as Kalimnosians that we were able to represent not only our districts and our people here, but those people of our forefathers who settled and worked very hard on that tiny island.

When you look back at the quotes that have been made about this Nation, about this great Nation of the United States that we are so proud to live in, and you look at the quotes that were made about Greece, it is hard to differentiate one from the other. For example, I will read a quote. It says, ''Our Constitution is called a democracy because power is in the hands not of the minority, but of the whole people. When it is a question of settling private disputes, everyone is equal before the law. When it is a question of putting one person before another in positions of public responsibility, what counts is not a membership of a particular class, but the actual ability which that man possesses.''

□ 1515

Those comments were not made in this Nation although they could have been made. They were made by Pericles in an address in Greece 2000 years ago and Plato of ''The Republic'' said democracy is a charming form of government, full of variety and disorder, and dispensing a kind of equality to equals and unequals alike.

Again, those same comments would be made for our Nation. I enjoyed the bit of history lesson that we got from our colleague, Mr. GEKAS. I appreciated also the fact that as we take a look at the 174 years of Greek independence, that our other colleague, Mr. GILMAN, also brought the comment, none of us can be truly free if all of us are not free. He talked about over 20 years ago the invasion of Cyprus and the fact that 1600 Greeks are still unaccounted for, and American citizens are still not accounted for, and we in this body need to stand up to make sure that there is an accounting given for those Greeks and those Americans that we do not know what occurred to them over 20 years ago.

Thomas Jefferson said of the ancient Greeks, we are all indebted for the light which has led ourselves, speaking of the American colonists, out of Gothic darkness. So again, the many things that have brought these two nations together. We have inspired each other. Our Government here being inspired of what the vision of quality and of democratic debate that was that of the Greeks and the Greeks during some very hard times when they were under the domination of the Ottoman Empire, drawing their power, drawing their light from an American Revolution that had taken place just over four decades earlier, a Greek commander in chief appealed to the citizens of the United States and he said, having formed the resolution to live or die for freedom, we are drawn toward you by a just sympathy since it is in your land that liberty has fixed her abode, and by you that she is prized as by our fathers. Hence, honoring her name we invoke yours at the same time. Trusting that in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you, it is for you, citizens of America, to crown this great glory.

That is true. We honor each other with our governments. It is true that by being Americans, we have the distinct honor, Mr. Chairman, Mr. BILIRAKIS and I happen to have Greek blood. I will talk about Percy Bysshe Shelley who said, and this is a great quote, ''We are all Greeks, our laws, our literature, our religion, our art, all have their roots in Greece. And so we are all brothers together.''

Mr. BILIRAKIS. I thank the gentleman for staying to join in this special order. It is great to have gotten to know him.

We have seen over the years that democracy—which places the hands of the common man on the wheel of destiny—brings with it dangers as well. Freedom often brings with it old antagonisms, nationalist disputes that must be reconciled—and the old truism that warfare is only an extension of diplomacy is no better demonstrated than in the Balkans.

The former Yugoslavia—cobbled together out of many competing ethnic factions and for years held together by the force of communism—has fragmented, often explosively. Fighting continues over Bosnian independence and in Yugoslavia's southern region an old dispute threatens the cradle of democracy, Greece itself.

In 1945, the Greek Government protested when Yugoslavia's Communist dictator, Tito, usurped the name ''Macedonia'' for a province carved out of southern Yugoslavia to diminish the power of Serbia. This served only to inflame competing interests in a region stretching well beyond the borders of Yugoslavia and unstable since the days of Alexander the Great.

While this province now understandably seeks its sovereignty, the concept of Macedonia must in no way be restricted within the borders of this tiny land. To recognize this province as an independent nation under the name ''Macedonia'' would, I fear, unleash antagonisms already bubbling at the boiling point.

European leaders—among them the former Greek President Constantine Karamanlis, himself a Macedonian—have been voicing concerns to the European community over the Republic's request for recognition as an independent state.

As recounted in the New York Times, constitutional language regarding a future ''union'' of the wider lands of ancient Macedonia—which reach into Bulgaria, Albania, and Greece—spark resentments and suspicion. Promises to protect the cultural, economic, and social rights of Macedonians in surrounding countries are equally ominous.

More blatant still are maps that have been circulated in the region and bearing the seal of the Macedonian National Liberation Army; maps that depict the envisioned nation of Macedonia with borders reaching into eastern Albania, southwestern Bulgaria, and a full quarter of mainland Greece.

In short, Mr. Speaker, there is much more at stake here than a name. Rushing in with official recognition could add another Bosnia-type conflict to a region already suffering from widespread violence. As Greek and other European officials recognize, freedom is indeed a magnificent thing, a precious gift, but unless existing differences are peacefully reconciled now, very dark days could lie ahead.

Regrettably, however, the administration on February 8, 1994, went ahead unilaterally with recognition of Skopje under the provisional name of the ''former Yugoslav Republic of Macedonia.'' Many of us here in Congress were dismayed by this decision.

On February 9, 1994, I assembled a delegation letter to President Clinton. The letter expressed our extreme disappointment and disagreement with the administration's decision to recognize the ''former Yogoslav Republic of Macedonia'' under that name.

The letter also stated to the President that ''this issue is a bipartisan one that has strong support in the Congress'' and that ''we fear that this formal recognition sends precisely the wrong message'' to Skopje and Greece ''at precisely the wrong time. The prospect of peace in the region will not be enhanced by your action; indeed, it may very well be compromised.''

In times such as these, we must reflect on democracy as a goal worth the effort in ensuring its peaceful attainment. Indeed, we must reflect seriously on the democratic principles offered by ancient Greece.

The ancient Greeks forged the very notion of democracy, placing the ultimate power to govern in the hands of the people themselves. The dream of self-rule was made reality as our Founding Fathers drew heavily on the political and philosophical experience of ancient Greece in forming our Government. For that contribution alone we owe a great debt to the Greeks.

In the American colonial period, during the formative years of what would be our great Republic, no feature was more prominent than the extent to which Greek and Roman sources were cited by the framers of the Constitution. The very basis of our Constitution derives from Aristotle and was put into practice in ancient Rome, in 18th-century England and in the early State constitutions, before it was given its national embodiment by the Convention of 1787.

The overriding appreciation was for Aristotle's sense of balance, since the Delegates viewed the tyrant and the mob as equally dangerous. Indeed, both James Madison and John Adams emphasized what Aristotle had written in ''The Politics,'' that ''the more perfect the admixture of the political elements, the more lasting will be the state.''

Through the recognition of the idea of a separation of powers, a system of checks and balances was instituted in American Government. Thus, as another of the ancient Greeks, Polybius, foresaw and wrote, ''when one part, having grown out of proportion to the others, aims at supremacy and tends to become too dominant * * * none of the three is absolute * * *.''

Our Founding Fathers were eager to relate the American experiment to the efforts of the ancient Greeks to establish a balance of powers. Such a relationship, it was hoped by the framers, would permit America to escape the disintegration of Government that had proven inevitably fatal to other political systems throughout history.

It is the example of the ancient Greeks that we celebrate each March 25, that and the return of democracy to

Greece on this day of glory for the Greek people. The spirit of democracy and of this day lives on in the defense of the principles for which so many of the free world's citizens have given their lives.

Mr. Speaker, today we celebrate together with Greece in order to reaffirm the democratic heritage that our two nations share so closely. These principles are not uniquely Greek or American, but they are our promise to the world—and they form a legacy that we cherish and have a responsibility to protect and defend.

Moving now to another current event of consequence. The Greek-Orthodox faith faces yet another potentially explosive situation. Recently, there have been successive terrorist attempts to desecrate and destroy the premise of the Ecumenical Patriarchate in the Fanar area of Istanbul [Constantinople], in Turkey.

On the night of March 30, 1994, three bombs were discovered in the building where the Patriarch—the first among equals in the Orthodox Church and the spiritual center for more than 250,000,000 Orthodox Christians worldwide—lives.

Fortunately, the bombs were discovered before any harm was done to the Patriarchate. However, since that time, the Patriarchate has received no further protection from Turkish officials. Turkish officials have also been lackadaisical in investigating who the perpetrators are that planted those explosives.

Therefore, I plan to introduce legislation that would express the Sense of the Congress that the United States should use its influence with the Turkish Government as a permanent Member of the United Nations Security Council to suggest that the Turkish Government ensure the proper protection for the Patriarchate and all Orthodox faithful residing in Turkey.

Furthermore, my bill asks the Turkish Government to do everything possible to find and punish the perpetrators of any proactive and terrorist act against the Patriarchate.

I would ask all of my colleagues who believe in the first amendment's freedom of religion, to sign on to this very important bill of particular interest to the more than five million orthodox faithful that reside in the United States.

''Democracy,'' in the words of the American clergyman Harry Emerson Fosdick, ''is based upon the conviction that there are extraordinary possibilities in ordinary people.'' It calls upon each and every one of us to rise above ourselves, to understand that freedom requires sacrifices both large and small and to recognize that the common man is capable or magnificently uncommon actions.

The people of Greece in the early years of the last century were certainly common, ordinary people who rose to extraordinary, uncommon actions. They are to be saluted and thanked again and again.

Thank you.

Mr. SCHUMER. Mr. Speaker, I rise before you today to bring to your attention to the importance of Greek Independence Day tomorrow, March 25. Greek Independence Day is an important day in our Nation not only to those of the Greek heritage, but to all Americans. This day commemorates the unique bond Greeks share in our commitment to democracy. The democracy that originated in Greece 2,500 years ago was the inspiration of our Founding Fathers when creating our democratic system. As James Madison and Alexander Hamilton wrote,

> Among the confederacies of antiquity the most considerable was that of the Grecian republics . . . From the best accounts transmitted of this celebration institution analogy to the present confederation of the American states.

As Members of Congress, serving in this body born out of Greek ideals, Greek Independence Day will be a celebration of our common bond to liberty and freedom. To this day my constituents of Greek descent are proud of the influence their heritage has had on this country-and so am I.

It is very appropriate as we salute Greece's past that we also salute the strong bonds between us in the present and future. Greece and the Untied States have developed close ties, as members of both NATO and the European Community. Greek civilization is alive; it moves in every breath of mind that we breathe; so much of it that none of us in one lifetime can absorb it all.

March 25th marks the 174th anniversary of the revolution which freed the Greek people from the Ottoman Empire. Let us continue to celebrate the independence of a nation that has contributed so much to our country.

Mr. ENGEL. Mr. Speaker, I rise today in observance of Greek Independence Day, commemorated this Sunday, March 25, 1995. I am proud to join the millions of people of Greek heritage around the world in commemorating the 174th anniversary of the freeing of Greece from the Ottoman Empire. I also stand today to express pride in celebrating the common bond that links our two peoples together—the commitment to democracy and love of freedom.

As Thomas Jefferson said, ''* * * to the ancient Greeks * * * we are all indebted for the light which led ourselves out of Gothic darkness.'' For indeed, ancient Greece gave birth to the ideals of democracy that guided our Nation. Our Founding Fathers nurtured those same ideals to build stable democratic society founded on justice and equality. In turn, the United States provided inspiration to Greece during its own valiant struggle for freedom in the 1820s. Our Declaration of Independence served as a model for Greece's own Declaration of Independence.

Greece is a valued member of the international community, of NATO and of the European Union. It is one of only three nations, beyond the former British Empire, in the world that has supported the United States in every major international conflict in this century. Over 600,000 Greeks died fighting on the side of the Allies in World War II. We remember them today for their valiant struggle against fascism and their later battle against communist expansion.

Today, as the tragedy in the Balkan region continues, it is important that the United States and Greece take that same cooperative action they took to defend the world from the enemies of freedom and democracy 50 years ago. Once again, our two countries must work together, this time, to end the violence in the former Yugoslavia and promote lasting peace.

On this historic Greek Independence Day, I urge you, my colleagues, to join me in paying tribute to the contributions of individuals of Greek heritage to the American cultural mosaic and to the world. Let us celebrate the success of our past efforts together and ensure that they will continue well into the future.

Mr. PORTER. Mr. Speaker, as many of my colleagues know, I feel very strongly that, in the wake of the cold war, the United States must remain engaged overseas and exercise our new status as the only remaining superpower to promote our values of democracy, human rights, rule of law, and free markets to the far corners of the globe. As telecommunications and transportation systems grow faster and cheaper and international trade becomes more and more important in our economy, it becomes increasingly evident that our Nation has strong interests overseas that need to be addressed and nurtured rather than ignored.

In this period when our former rival, the Soviet Union, lies shattered into pieces and greatly weakened militarily and economically, it is easy to be tempted to forget the importance of our close allies around the world and take for granted our good relations with traditionally friendly nations. During World War II and the darkest days of the cold war, some nations stood side by side with the U.S. against the forces of totalitarianism.

Greece is one of these nations. Greece and the United States have had excellent diplomatic relations for over 150 years and, as others have mentioned here today, Greece is one of only three nations allied with the U.S. in every major conflict in the 20th century. The people of Greece and the United States also share many values in common. As nearly every Member in this Chamber knows, Greek-Americans are a vibrant and integral part of the American fabric who are active role models in their communities.

I join with my colleagues in celebrating the 174th anniversary of the independence of Greece from the Ottoman Empire. This day has been billed as a ''National Day of Celebration of Greek and American Democracy'' and it truly is a celebration of the bond between the two nations. During the Greek War for Independence—begun a mere 45 years after the American colonists declared independence in Philadelphia—the Greek freedom fighters tool inspiration for an understandable source, the U.S. Declaration of Independence, which is reported to have been circulating freely among the Greek troops. In many ways, the drafting of the Declaration of Independence and the emergence of democracy in North America in 1776 is a continuation of the process begun in the agora at the foot on the acropolis over 2,000 years ago. Both the Greek and American societies have, and continue to, draw inspiration and strength from each other.

Mr. Speaker, I thank the gentleman from Florida [Mr. BILIRAKIS], for calling this special order and I am pleased to extend my congratulations to the people of Greece and the Greek diaspora. I urge all Members to take

the opportunity to reflect on the history of democracy and to also reflect on the future of democracy and America's obligation to promote government by the people the world over rather than stepping back at this important point.

Mr. FRELINGHUYSEN. Mr. Speaker, for Greek-Americans and those who practice the Greek Orthodox faith, I rise in their honor to join in the commemoration of the 174th anniversary of Greek Independence Day.

Our mutual respect for freedom and liberty for all mankind dates back to the late 18th century when our Founding Fathers looked to ancient Greece for direction on writing our own Constitution. Benjamin Franklin and Thomas Jefferson persuaded a noted Greek scholar, John Paradise, to come to the United States for consultation on the political philosophy of democracy. Later, the Greeks adopted the American Declaration of Independence as their own, sealing a bond which has endured between our two Nations ever since.

Tomorrow, March 25, marks the date when in 1821, the Greek people rose against four centuries of Ottoman rule. Under the leadership of Alexander Ypsilanti, for 8 years, the Greek people fought valiantly in pursuit of freedom and self-rule. In 1827, allied forces finally lent support, and in 1829, not only did they defeat the Turkish forces, but they also gained recognized independence by the very oppressive power they overthrew.

The Greek people continued their struggle against the threat of nondemocratic regimes into the 20th century. At the height of World War II, when Nazi forces appeared to soon overrun Europe, the Greek people fought courageously on behalf of the rest of the world—at a cost of a half a million lives. Prime Minister Winston Churchill declared: ''In ancient days it was said that Greeks fight like heroes, now we must say that heroes fight like Greeks.''

During the Truman administration, the United States finally realized Greece's unwavering commitment to democracy. President Truman, recognizing this commitment, included Greece in his economic and military assistance program—the Truman doctrine. And, in 1952, Greece joined the North Atlantic Treaty Organization, which was later tested when Russia threatened to crush the Acropolis unless Greece abandon the alliance. Greece stood firm.

Mr. Speaker, tomorrow marks Greek's accomplishment as an independent Nation and, more importantly, this day symbolizes their continued defense of democracy which thought first began in 510 B.C.—in Athens.

I am grateful for the opportunity to join in observing this very important celebration. Tomorrow I will remember where our own democratic principles were derived, and I will honor the countless, invaluable contributions Greek-Americans brought to this country. The more than 700,000 Greeks who have come here, have benefitted us with a stronger, civilized and more cultured heritage. Mr. Speaker, I salute Greek-Americans for their outstanding achievements.

Mrs. LOWEY. Mr. Speaker, 174 years ago today, the Greek people began their revolution in pursuit of independence from the Ottoman Empire. In doing so, just as our Founding Fathers looked to the ancient Greek democracy in establishing our own form of government, Greek intellectuals translated our own Declaration of Independence and used it as their own as they pursued freedom.

Over the years, Greece and the United States have been close allies. In fact, Greece has been allied with the United States in every major international conflict in this century. During World War II, fully 9 percent of the Greek population—over 600,000 dedicated individuals—fought and died in pursuit of the Allied cause. Likewise, as the Greek people fought Communist rebels after that war, the American people were committed to their success.

Our relationship over the years is clear proof of the strength both of democracy and of alliances of free peoples. And our ties have added immensely to world culture and knowledge. All Americans have benefited by the contributions of our Greek-American friends. Thanks to Dr. George Papnicolaou, lives have been saved because of the Pap test which he developed. Thanks to Dr. George Kotzias, suffers of Parkinson's disease have found help in L-dopa. Thanks to Maria Callas, we have all been blessed by the beauty of exceptional musical talent. And, thanks to many Greek-American leaders, this Nation of ours is a better land than it would otherwise have been.

As we recognize this special occasion, let us all join together in support of a strong and secure Greece. Our two democracies have nurtured one another at times of stress and our cultures have enriched each other in many ways over the years. Today, as in years past, I pledge my full effort to maintain the ties which have served both of our Nations so well. I urge every American to join in this celebration of freedom, democracy and friendship between Greece and our own United States.

Mr. PALLONE. Mr. Speaker, I rise today to pay tribute to Greek Independence Day, and I wish to thank my colleague from Florida [Mr. BILIRAKIS] for organizing this tribute to the long history of friendship and shared values between Greece and America. Indeed, Mr. Speaker, it is difficult to imagine what life in America, and throughout the Western world, would be like if it hadn't been for the genius of the first Western society: Greece. Clearly, our own society would be much poorer if it were not for the influences of the many sons and daughters of Greece who have come to this country and made such lasting contributions in so many fields.

When our country's founding fathers created our system of government, they turned to the ancient Greeks' philosophy of democracy. In a speech made well over 2,000 years ago, Pericles stated, ''Our Constitution is called a democracy because power is in the hands not of a minority but of the whole people.'' This concept is the underlying foundation of our Nation's Government.

Not only did the Greeks provide us with our Government's overarching fundamental concepts, but they also helped our Nation battle and ultimately defeat communism. Between the years of 1944 and 1949, Moscow, along with Communist Yugoslavia, attempted to take over Greece. United States support and Greek determination crushed the Communist takeover. Had it not been for the defeat of the Communist regime, the former Soviet Union would have gained access to and domination of vital Middle East oil supplies. Our Greek NATO ally played a critical role in ending the Communists' dictatorial reign in Europe.

The arts and humanities provide one of the most visible areas to witness the Greek influence on our society. One only needs to visit a museum or art exhibit to discover how ancient Greek art flourishes, thousands of years after its creation. If one goes to the theater, one can observe how our plays of today borrow heavily from the dramatic conventions established so many years ago by the ancient Greeks.

Mr. Speaker, Greek-Americans have provided substantial contributions to our society. In the medical profession, for example, Dr. George Kotzias discovered L-dopa to help fight Parkinson's disease, and Dr. George Papanicolaou developed the Pap test for cancer. In the world of sports, Pete Sampras, a Greek-American tennis champion, has thrilled millions of fans the world over with the brilliant, fast-paced play that puts him at the very top of the game. But, beyond recognizing the celebrities—and there are many, many more—I would like to pay tribute to the millions of people of Greek descent who have enriched our society with their hard work and commitment to family. They are the real heroes, living in every part of our country.

Mr. Speaker, I am proud to participate in the celebration of Greek Independence Day. The Greeks have given much to our society and surely must be recognized for their achievements and influences.

Mr. TORRICELLI. Mr. Speaker, I rise today in celebration of Greek Independence Day, which will take place tomorrow, March 25, 1995. Greek Independence Day is a national day of celebration of Greek and American democracy.

This day marks the 17th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire. The Greeks were finally liberated after years of oppressive treatment and civil rights violations. Their communities were slowly deteriorating; schools and churches were being closed down, and Christian and Jewish boys were kidnapped and raised as Moslems to serve the Sultan.

Greece is one of only three nations in the world allied with the United States in every major international conflict this century. During the early 1900's, one in every four Greek males between the ages of 15 and 45 departed for the United States. Through their extraordinary compatibility with the people of America, Greek-Americans became very successful in the United States.

The American Revolution became one of the ideals of the Greeks as they fought for their independence in the 1820's. Greek intellectuals translated our Declaration of Independence and used it as their own declaration. The second generation of Greek-Americans currently rank at the top among American ethnic nationalities regarding their median educational attainment.

In 1953, after Greece's post-World War II struggle against the Communist rebels, President Dwight D. Eisenhower appropriately said:

> . . . Greece asked no favor except the opportunity to stand for those rights which it believed, and it gave to the world an example of battle, a battle that thrilled the hearts of all free men and free women everywhere.

Mr. Speaker, as a supporter of issues of concern in the Greek-American community, I am proud to recognize this population and their interests. Greek civilization touches our lives as Americans, and enhances the cultural existence of this great Nation.

Mr. CRANE. Mr. Speaker, it is, indeed, a pleasure and an honor to join in this commemoration of Greek Independence Day: A National Day of Celebration of Greek and American Democracy.

It is fitting that the House of Representatives is the scene for this observance, as this Chamber is an arm of the Government which leads the world in guaranteeing freedom for its citizens. And, it was ancient Greece which really invented democracy—giving to the people the true power to govern themselves.

Saturday, March 25, mark the 174th anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire. What could be more appropriate than for the United States to observe that occasion with Greece. It is a time to again rejoice in the democratic heritage which links our two nations.

As our Founding Fathers successfully drew up the Constitution for this country—a document which has never been equalled in the over two centuries which have passed since its signing—they had a historic outline to work from. That outline was provided by the leaders of ancient Greece who succeeded in defining and granting freedom to their people.

Our friendship has been linked not only by our democratic foundations, but by the blood the soldiers of each country shed as they joined to fight common enemies in both World War I and World War II.

May these two great nations continue their friendship and may their citizens continue to enjoy the freedom that has been theirs for almost two centuries in the case of Greece, and for over two centuries for our own Nation.

Mr. REED. Mr. Speaker, on March 25, 1821, Greek patriots declared their independence from the Ottoman Empire. The 174 years that have passed since that important day have tested the Greek people, as the whole world has also been tested by those who seek to dominate free men and women and crush the human spirit.

However, throughout the centuries it could always be said that the valor, courage, and love of freedom by the Greek people has never waned.

The defense of independence by Greeks has always been a constant in the world, but in the years since the Founding of America, another truth has emerged in the history of Greek people. * * * and that is the special relationship between the United States and Greece.

There are an estimated 3 million Greek-Americans living in the United States today. From the boardroom, to the operating room, from the halls of Government to the halls of academia, Greek-Americans have made a significant contribution to all aspects of American culture. The positive contribution made by Greek-Americans to American society has been especially true in my home State of Rhode Island, where a proud and prosperous Greek-American community has helped enrich the lives of all the citizens of our State.

In recognition of Greek Independence Day, I wish to extend my deepest respect and warmest congratulations to all Greek-Americans and all the citizens of Greece.

Mr. MANTON. Mr. Speaker, I am proud to rise today to join my colleague, Mr. BILIRAKIS, in celebrating Greek Independence Day. Today we celebrate the lasting tradition of Greek and American friendship and democracy.

Mr. Speaker, March 25, 1995, will mark the 175th anniversary of the beginning of the revolution which freed the people of Greece from nearly 400 years of the oppressive and suffocating rule of the Ottoman Empire. We as Americans, as well as each of the new and older democracies of the world, owe much to the country of Greece because of their important role in fostering the freedom and democracy we know today.

The relationship between Greece and the United States is one based on mutual respect and admiration. The democratic principles used by our Founding Fathers to frame our Constitution were born in ancient Greece. In turn, our Founding Fathers and the American Revolution served as ideals for the Greek people when they began their modern fight for independence in the 1820's. The Greeks translated the United States Declaration of Independence into their own language so they, too, could share the same freedoms of the United States.

Mr. Speaker, in modern times, the relationship between the Greeks and the United States has only grown stronger. Greece is one of only three nations in the world that has allied with the United States in every major international conflict this century. More than 600,000 Greek soldiers died fighting against the Axis Powers in World War II. After World War II, the Greek soldiers returned to their homefront to again defend their democratic foundation from the threat of Communist rebels. Fortunately, democracy prevailed and Greece emerged the strong and victorious nation it is today.

Mr. Speaker, on this occasion commemorating the strong relationship between the United States and Greece, I would like to urge my colleagues to join me in cosponsoring House Concurrent Resolution 31 introduced by Congresswoman MALONEY. This legislation supports the country of Greece in its efforts to bring about peace within the neighboring former Yugoslav Republic of Macedonia.

Mr. Speaker, in honor of Greek Independence Day, I celebrate the strong and lasting bond between the people of the United States and Greece. I urge my colleagues to join me on this special day in paying tribute to the wisdom of the ancient Greeks, the friendship of modern Greece, and the important contributions Greek-Americans have made in the United States and throughout the world.

Mr. FAZIO. Mr. Speaker, I am pleased as always to rise in support of our annual special order in recognition of Greek Independence Day.

Democracy eluded Greece and its people for nearly 400 years—from the fall of Constantinople in 1453, until Greece declared its independence in 1821, and finally gained its freedom from the Ottoman empire nearly 10 years later. Yet, it is in Greece where democracy—the people's government—was born. As the poet, Percy Bysshe Shelley declared, ''We are all Greeks. Our laws, our literature, our religion, our art, have their roots in Greece.'' And as Thomas Jefferson noted, ''* * * to the ancient Greeks * * * we are all indebted for the light which led ourselves out of Gothic darkness.''

Greek Independence Day is a tribute to the courage, determination and perseverance of the Greek people, and to their love of and commitment to freedom and democracy. It is a symbol of the mutual respect and shared values between our two countries. On this day we are reminded of our own indebtedness to Greece, the birthplace of democracy.

I commend my colleague, the distinguished gentleman from Florida [Mr. BILIRAKIS], for calling this special order, and I thank my colleagues for their involvement.

Ms. PELOSI. Mr. Speaker, I would like to thank my colleague from Florida, Mr. BILIRAKIS, for calling this special order tonight to commemorate Greek Independence Day.

On Saturday, March 25, we will celebrate Greek Independence Day—a national day of celebration of Greek and American democracy. This date marks the 174th anniversary of the revolution which ultimately resulted in Greece's independence from the shackles of the Ottoman empire.

On this occasion, it is fitting to reflect on the important bonds between our two countries. Just as the writings of Plato and Aristotle served to inspire our Founding Fathers during the American Revolution, Greek patriots fighting for their independence during the 1820's were equally inspired by Jefferson, Madison, and George Washington.

Greece's contributions in the fields of culture, drama, arts, architecture, and philosophy have led the world. In addition, as Atlanta prepares for the 1996 Olympiad, we should remember Greece as the birthplace of the modern Olympic games.

In my district of San Francisco, the contributions of the Greek-American community are a vital part of my city's diverse community. I am proud of the Greek community's successful participation in all facets of American life.

Again I thank my colleague, Mr. BILIRAKIS, for calling this special order and join him in recognizing the 174th anniversary of Greek Independence Day.

Mr. BATEMAN. Mr. Speaker, today marks the 174th anniversary of the declaration of Greek independence from the Ottoman empire. It is with great pleasure that I salute the Greek people and join in the celebration and remembrance of this day.

Ages ago, Greek culture began as Indo-European migrants settled among the people of Minoan and Mycenean civilizations. Out of this diversity came a dynamic people whose culture has been a bright spark of innovation and creativity upon the stage of human history.

Among its great accomplishments, Greece led the world for more than three millennium with its cultural innovation, intellectual pursuits and scientific inquiry. From homeric tradition to Alexander, through the birth of the Socratic method, Aristotelian logic and countless artistic and architectural endeavors, the Greek people have left an indelible impression on mankind.

Of all the contributions Greece made toward the betterment of the human race, the most enduring achievement has been democracy. Majority rule with full respect for the rights of the minority, indeed the basic concept of inherent equality of all people before the law were revolutionary concepts in the organizing of society and human civilization. From the Greek example, our forefathers chose democracy among all other political structures to be the basis of our country. Inspired by our success, the patriots of 19th century Greece looked to our constitution as they created their

own and declared independence from the Ottoman empire in 1821.

Our two countries share in embracing and nurturing an idea instrumental in bringing freedom and prosperity to mankind. We take great pleasure in wishing the Greek people well, and join in their celebration on this, the 174th anniversary of their independence and freedom.

□ 1530

GUAM COMMONWEALTH ACT

The SPEAKER pro tempore (Mr. FUNDERBURK). Under the Speaker's announced policy of January 4, 1995, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 60 minutes as the designee of the minority leader.

Mr. UNDERWOOD. Mr. Speaker, this afternoon I want to go on record and discuss an issue that is of serious concern to people in small territories. It is going to take a great deal of attention and I am going to provide it as much context as I can because it is an issue that is frequently not understood in the context of national issues in the United States.

Taking a page from the previous speaker who discussed the meaning of democracy and the ties between Greece and the United States, I would like to, in the same vein, talk about the application of democracy, the full application of democracy, to the entire country, and not just the 50 States and not just the District of Columbia but, indeed, all of the offshore territories.

Today the United States holds a number of offshore territories that are small in nature, that are sometimes seen as not serious political issues, and are sometimes seen as areas that lead idyllic existences that somehow don't merit the attention and consideration that they deserve.

These include Guam, American Samoa, the Commonwealth of the Northern Marianas, the Virgin Islands, and Puerto Rico, Puerto Rico is a slightly different example from the rest because the other four share something that Puerto Rico does not have and, that is, that they share a very small size. Most of these areas have populations that number under 150,000. All but one, the Northern Marianas, is represented in this body by a delegate.

On February 24, 1995, I introduced H.R. 1056 called the Guam Commonwealth Act with 41 cosponsors from both sides of the aisle. This draft act, this commonwealth draft act that we are proposing and we are hopeful will get the serious attention that it deserves during the life of the 104th Congress represents the expressions of the hopes of the people of Guam that have been associated with the United States since the Spanish-American War in 1898.

As a result of the Spanish-American War, the United States acquired the Philippines, Puerto Rico, and Guam. The case of the Philippines was resolved after World War II with full independence, the situation of Puerto Rico remains unresolved to some extent, and the situation of Guam remains unresolved to a much greater extent.

The commonwealth draft act that we have proposed is composed of 12 articles and it took approximately 5 years to draft, from its very beginning, through an electoral process which was taken upon by the government of Guam on its own, despite the fact that the Federal Government, the U.S. Government, is obligated and has willingly placed small territories on a United Nations list of areas to be decolonized, the Federal Government and the Federal policy in these areas has been unclear, erratic, and inconsistent. At no point in the entire history of Guam's relationship with the United States has the Federal Government ever taken the issue of political status on its own as an obligation to fulfill. It has always been instead an effort on the part of Guam to try to get at the substance of the issue that underline the problems that we face.

The commonwealth draft act is composed of 3 basic parts: One deals with some historical injustices, some of which I will touch on. Another deals with the nature of the relationship between the government of Guam and the Federal Government. And the third deals with some economic issues which remain areas of serious contention between Guam and the United States, especially if we hope to develop in a more autonomous fashion.

Our act, the Guam Commonwealth Act, H.R. 1046, works toward improving the Federal-territorial relationship between Guam and the United States. The commonwealth that we are proposing is something that has not been proposed before. It is something that pushes the envelope of Federal-territorial relations.

Currently whenever Guam asks to do something, we are constantly and it is a mind-set and it is a natural mind-set, it is something that is part and parcel of the American psyche when it comes to discussing issues of government, and, that is, that the Federal Government is seen only in its connection and its relationship to States. There are such things as State-Federal relationships. There is the District of Columbia, which in the Constitution has a special relationship. But then there is the case of territories in which the Constitution refers to as having plenary, the Congress has plenary authority over the territories but there is no clear definition of what it means to have Federal-territorial relations.

Every time that in the past Guam attempts to do something to expand its autonomy, sometimes that is compared on the basis of what is allowable in the context of the Federal Government and the State relationship, Federal-State relationships. In fact, in many instances, in many discussions that I have participated in over the life of being very directly involved with the issue of political status change for 15 years, sometimes the comment is made that you can't ask for that because not even States are allowed to do something. Not even States are allowed to have that kind of authority over their own existence, so that somehow or other State is seen as the apex of the system, as the standard against which territories will be measured. And sometimes almost in the same breath you will hear the subtle reminder, and, by the way, Guam will never be a State.

There you have the amazing quandary in which small territories find themselves. Small territories are composed of U.S. citizens. What does it mean to be a U.S. citizen from Guam versus a U.S. citizen from Wisconsin? What does it mean to have your territorial government relate to the Federal Government when you are fully aware that statehood is really not on the table for you?

What do you need in order to reshape that relationship, catch the attention of important people so that they understand it, so that they understand that there are bits of America that are not likely to become States, how do you resolve that fundamental principle that you seek when you say you want political equality for citizens for everybody who is a U.S. citizen and yet they continue to survive and exist in areas of the United States which are small territories not likely to be candidates for States and are living in a kind of permanent political limbo?

That is why I feel very strongly that we need to push the envelop on this. We need to conceptualize and think of what are some possible new relationships which territories may aspire to which will give them the dignity that they deserve, which will give them as individuals, as residents, as individual citizens the kind of dignity that they deserve, because they have the same basic obligations to this country.

There is no area of the United States that has provided on a per capita basis as many people to join the armed services as has Guam. There are more people who died per capita in Vietnam in comparison to other jurisdictions that died from Guam. There is always the quandary that there are people from Guam who joined the service and are asked to put their lives on the line for the supreme sacrifice to that flag and if by chance they happen to die, they come home in a casket under that flag, but lo and behold they cannot vote for President, lo and behold, they have no voting representation in this House, and lo and behold, there is no mechanism, no Federal-territorial relationship which will give them the dignity and increased autonomy over their existence that could perhaps compensate for the fact that they will not ever be full States of the union. That is what we are proposing and that is what we are putting on the table.

Since the arrival of the Clinton administration, there has been a lot of

attention to a concept called REGO, reinventing government.

□ 1545

Since the victory of the majority party, the Republican party, in November, there has been a lot of attention addressed to devolution, the returning of power to the States. The question, of course, that you must ask if you are a resident of a territory is that when the Federal Government says that they are returning power to the States, does that mean that they are returning power to the territories? And the answer is it is not clear.

When the Clinton administration says they are reinventing government in order to make it more user friendly and also create a new pattern, a new federalism, which will increase autonomy in local governments, does that include the territories? And again, the answer is not clear, because in point of fact, neither the Republican Contract With America nor the reinventing government initiatives under Vice President GORE addreses territories.

So there you have yet another item in which when you represent a small area like I do and the other Delegates that represent small areas, in fact, sometimes, I tell people that whenever I raise these issues, I get the response that, you know, this was an oversight; ''We forgot, we are sorry. It was not that we intended to forget about you. It was an oversight.'' And I have always replied that one day if I was ever fortunate enough to become a committee chairman or a subcommittee chairman, I would have an oversight hearing on all the oversights that I have experienced, and certainly all the oversights that territories have experienced.

So there is no clear answer in the new federalism because there is no attempt to try to interpret what the new federalism means in the case of some 4.1 million American citizens that live outside the 50 States.

Now, one of the core principles of American government and one of the core principles of democracy is that government flows from the consent of the governed, and yet clearly in the case of the small territories, this is not the case. There is no consent of the governed in terms of passing the laws that are passed right in this body. This is the people's House, we are always reminded, and I am a person, I think I am one of the people, but yet my powers, my role of participation in this is circumscribed.

And in that, when they pass laws, the full application of these laws are expected to fall with the same weight as they would on citizens in Wisconsin or Montana, as they would on the citizens of Guam or American Samoa, and yet there is no meaningful participation in terms of voting by which you could legitimately say that there is consent of the governed, because there is not voting representation in the House of Representatives.

So what we have offered in our Commonwealth Draft Act is a process which will, in a sense, compensate for that, which will attempt to provide a new mechanism to deal with that, because we do not want to get into the issue of whether voting representation will resolve that issue, because that will take a constitutional amendment. It is tough enough passing a constitutional amendment when the issue has serious national attention. The odds against passing a constitutional amendment for territorial representation in this House are long, very long, and I recognize that.

But instead, perhaps we could pass some legislation in this body mindful of its responsibility to perfect and apply democracy wherever the U.S. flag flies and see if some kind of mechanism cannot be established by which there is consent of the governed.

And we have offered that in the context of our Commonwealth Draft Act, and we have labeled it mutual consent, and basically what we are saying is that if we pass this Commonwealth Draft Act as it stands is that we say that in order to change the Draft Act it should be incumbent on both sides to agree. That is in lieu of the fact we have forgone the possibility of being full in the sense of consent of the governed, but we are seizing upon a document which will clearly outline and bring clarity to the nature of the Federal Government's relationship with the territories.

In this bill, the Guam Commonwealth Draft Act has been introduced. This makes the fourth successive Congress, two by my predecessor, the Honorable Ben Blaz, two by myself. In that, we have always deferred to the administration, because we knew that the administration has to get its support behind it, and with the onset of the Clinton administration, we were able to get a representative of that administration in the period of I. Michael Heyman. A few weeks ago Mr. Heyman decided that he no longer wished to engage in this. It was not lack of interest. It was basically a concern about all the other responsibilities he has.

What this means for us is that if the administration does not replace Mr. Heyman in short order, then valuable time will be wasted in terms of discussing some of the specifics of the Draft Act with the administration so that a hearing can be held here in Congress in which this administration comes with a coherent position. Because of the far-reaching nature of our Draft Act, which talks about taxation, which talks about military issues, which talks about transportation issues, as well as the political relationship, we felt it, as did the administration, as did the congressional leadership, that it is most important that some kind of clear, coherent, comprehensive position be drafted by the administration and then that be presented in the form of a congressional hearing.

Well, time is running short on this time period in the 104th Congress. If we do not get that person on board, if we do not get them on board in short order, then I fear that we will not be able to complete the time, the process of discussion which will inevitably lead to a congressional hearing.

Guam's relationship with the United States is a long one and is most known to most people, I guess, by the context, its military relationship, and, indeed, it is no surprise that that is the very reason, because of its military strategic location, that Guam came to be part of the United States family to begin with.

But the world is changing, and what we have now on Guam is that at one point in time in our existence and especially in the time period after World War II and during the cold war, during the height of the cold war, Guam played a very important and integral part of a huge forward presence by the United States in East Asia. Well, that time period has shifted, and good relationships and military security depends much more on good relationships than it does on good weaponry, and so the role of Guam in that process has shifted, and we recognize that.

But we sometimes get very confused signals. In the recent proposal by the Department of Defense, before the Base Realignment and Closure Commission, the Department of Defense has argued for the closure of four military facilities on Guam which will effectively put out of a job 10 percent of the entire work force. This is an enormous cut. This has enormous impact. If this were carried out in the State of California it would have proportionately had the effect of cutting 1.5 million jobs. So the magnitude of this proposal indicates that the nature of the relationship between Guam and the United States is entering a new transition period.

I would also like to point out that even though military spending forms an integral part of the Guam economy, it is a declining part of the Guam economy, and I would also like to point out that Guam probably, among the small territories, is clearly the most self-sufficient in terms of its economy. We have approximately a million tourists a year come to Guam, primarily from the Asian market. Two-thirds of the world's people live within a 4-hour flight from Guam, just to bring into context the possibilities and the economic possibilities of tourism and doing business on Guam, even for United States interests, as they do business in East Asia.

So we have opportunities, and we have a great deal of self-sufficiency. In fact, in terms of the kinds of Federal assistance that the Federal Government gives to Guam, we did an analysis of this, and 35 States have a higher percentage of direct Federal assistance into their local operating revenues, and Guam ranks No. 17, if you look from the bottom, if you look at all the States and the territories.

So we are not a political welfare case. We are not a political charity case. We are a proud people, looking for a new mechanism through which we can become even more autonomous, obtain some political dignity, and receive some of the freedoms that every other American enjoys and takes for granted.

When you are a territory, you live in an existence, in a political existence, in which any Federal bureaucrat, in which any Federal official may misunderstand whether you are a domestic entity, whether you are a foreign entity, or whether you are a nonentity.

And in this, I would just give you some examples. Federal aviation—for purposes of airline routes, we are regulated as a domestic entity.

For communications—for purposes of communication, we are regulated, we are treated as a foreign country. What does that mean? Well, basically what that means is, if you are trying to run a viable economy on Guam, is that you have telephone rates that are incredibly high because you are treated as a foreign country.

And if you want to bring more air routes in from the surrounding area in order to contribute to the growth of your tourist industry, you are not able to because the routes that Guam, the Guam-to-Japan routes, Guam-to-Taiwan routes, Guam-to-the-Philippines routes are part of the basic negotiation of United States-foreign country routes.

So you can see in those two examples right there how sometimes we are being in a sense jerked around. Basically, it seems like the Federal Government, when it is favorable to the Federal Government, we are treated as a domestic entity. When it is favorable to the Federal Government to treat us as a foreign country, we are treated as a foreign country.

So we have a number of trade arrangements we would like to engage in. We seek clarity in these arrangements. We seek political autonomy. We seek political dignity.

And in all of these dimensions, we try to be open. We are clearly, clearly a political anomaly which needs solution.

It is unconscionable for this country to continue to keep small territories in political limbo, not clearly offering them the option of being full participants as States, but instead seemingly only offering the option of being a political dependency in which your dignity as a people, in which your rights as a citizen are clearly mitigated, misunderstood on a daily basis.

If I could be afforded, Mr. Speaker, a personal note, there is no individual from Guam, there is no individual on Guam, there is no elected political official from Guam or from any of the territories who could feel or understand what this continual turmoil is on this issue of political status than the people who sit as Delegates. On a daily basis, you are reminded that for one reason or another—some historical, some military—you are part of this great country, and you are a U.S. citizen. But for reasons that are equally sometimes unclear, you are not part of the full participation of this body.

If you look around this room, you will see the seals of each of the 50 States that are on the ceiling, as you look around the room, and you will see in a corner, tucked away, seals of various territories as an afterthought.

When voting time comes, we are given—Delegates are given—a card, and everyone calls it a voting card. But I guess in the case of Delegates it is really a nonvoting card. You put it in the machine and nothing happens, because you are ineligible to vote, and most importantly and most, I guess, where if symbols count, and this is the House of the people, and the people come to vote, and the people's Representatives come to be represented, your name is not even listed on the board up there, so that you become a nonperson.

That is not meant to bemoan that existence, because every Delegate who gets elected to this body clearly knows the parameters of working and living in this body, but what it is meant to note is that when the territories and when Representatives, elected officials of the territories, have a proposal in hand which seeks to resolve the anomalous status of these jurisdictions, that it is the obligation, I think, of people who propound almost on a daily basis on the meaning of democracy to entertain those in as serious a manner as possible.

And on that note I would like to close by asking for cosponsorship by all the Members of the House of H.R. 1056.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WISE) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Mr. JEFFERSON, for 5 minutes, today.
Mr. VOLKMER, for 5 minutes, today.
Mr. OWENS, for 5 minutes, today.
Mr. HILLIARD, for 5 minutes, today.
Mr. TUCKER, for 5 minutes, today.
Mrs. SCHROEDER, for 5 minutes, today.
Mr. WISE, for 5 minutes, today.

(The following Members (at the request of Mr. HAYWORTH) to revise and extend their remarks and include extraneous material:)

Mr. NORWOOD, for 5 minutes, today.
Mr. HOEKSTRA, for 5 minutes, on March 29.
Mr. SCARBOROUGH, for 5 minutes, today.
Mr. BEREUTER, for 5 minutes, today.
Mr. CUNNINGHAM, for 5 minutes, today.
Mr. FUNDERBURK, 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. HAYWORTH) and to include extraneous matter:)

Mr. GALLEGLY.
Mr. DORNAN.
Mr. FIELDS of Texas.
Mr. FRANKS of New Jersey.
Mr. PACKARD.
Mr. SOLOMON in two instances.
Mr. FORBES.
Mr. HAYWORTH.
Mr. ROTH.

(The following Members (at the request of Mr. WISE) and to include extraneous matter:)

Mr. TORRICELLI.
Mr. KENNEDY of Rhode Island in two instances.
Mr. MONTGOMERY.
Mr. JACOBS.
Mr. MANTON.
Mr. BARCIA.
Mr. HEFNER.
Ms. LOFGREN.
Mr. BONIOR.

(The following Members (at the request of Mr. UNDERWOOD) and to include extraneous matter:)

Mr. ALLARD.
Mr. COSTELLO.
Mrs. LOWEY.
Mr. STARK.
Mr. WILLIAMS.
Mr. RICHARDSON in two instances.
Mr. MOORHEAD.
Mrs. MEEK of Florida.
Mr. HOYER in three instances.
Mr. BEREUTER.
Mr. DINGELL.

ADJOURNMENT

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 1 minute p.m.), under its previous order, the House adjourned until Tuesday, March 28, 1995, at 12:30 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of the XXIV, executive communications were taken from the Speaker's table and referred as follows:

600. A letter from the Assistant Secretary of Defense, transmitting a report entitled, ''Personnel Assistance Program: Report on the Transition Assistance Program for FY 1994''; to the Committee on National Security.

601. A letter from the Chairman, Reserve Policy Board, Department of Defense, transmitting a report entitled, ''Reserve Component Programs Fiscal Year 1994''; to the Committee on National Security.

602. A letter from the Administrator, U.S. Agency for International Development, transmitting the annual report to Congress on activities under the Denton amendment, pursuant to 10 U.S.C. 402; to the Committee on National Security.

603. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to reauthorization appropriations for the U.S. contribution to the 10th replenishment of the International Development Association, pursuant to 31 U.S.C. 1110; to the Committee on Banking and Financial Services.

604. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to authorize appropriations for the U.S. contribution to the interest subsidy account of the successor [ESAF II] to the enhanced structural adjustment facility of the International Monetary Fund, pursuant to 31 U.S.C. 1110; to the Committee on Banking and Financial Services.

605. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to authorize consent to and authorize appropriations for the U.S. contribution to the fourth replenishment of the resources of the Asian Development Bank; to the Committee on Banking and Financial Services.

606. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting a report entitled, ''Consumer Waivers of the Right of Rescission Under the Truth in Lending Act''; to the Committee on Banking and Financial Services.

607. A letter from the Chairman, Federal Trade Commission, transmitting the 17th annual report to Congress on the administration of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. 1692m; to the Committee on Banking and Financial Services.

608. A letter from the Secretary of Energy, transmitting the 28th report to Congress on enforcement actions and comprehensive status of Exxon and stripper well oil overcharge funds; to the Committee on Commerce.

609. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Korea for defense articles and services (Transmittal No. 95–19), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

610. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Saudi Arabia for defense articles and services (Transmittal No. 95–18), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

611. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Thailand for defense articles and services (Transmittal No. 95–17), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

612. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Lebanon for defense articles and services (Transmittal No. 95–16), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

613. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to the Taipei Economic and Cultural Representative Office in the United States [TECRO] for defense articles and services (Transmittal No. 95–15), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

614. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Kuwait for defense articles and services (Transmittal No. 95–14), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

615. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in February 1995, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

616. A letter from the Judicial Conference of the United States, transmitting the Conference's report on the admission of character evidence in certain cases under the Federal Rules of Evidence; to the Committee on the Judiciary.

617. A letter from the Secretary of Defense and the Attorney General of the United States, transmitting a report entitled, ''Conversion of Closed Military Installations into Federal Prison Facilities''; jointly, to the Committee on the Judiciary and National Security.

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. BAKER of California (for himself and Mr. CALVERT):

H.R. 1316. A bill to amend the Internal Revenue Code of 1986 to provide tax credits to businesses with employees performing services in their residences or in telecommuting centers; to the Committee on Ways and Means.

By Mr. BLILEY (for himself, Mr. DINGELL, Mr. SOLOMON, Mr. MINETA, Mr. PAXON, Mr. POMEROY, Mr. BURTON of Indiana, Mr. SAXTON, Mr. HAYES, Mr. KINGSTON, Mr. TANNER, Mr. UPTON, Mr. DAVIS, Mr. GILLMOR, Mr. SCHAEFER, Mr. BILBRAY, Mrs. KENNELLY, Mr. MEEHAN, Mr. BASS, and Mr. LEWIS of California):

H.R. 1317. A bill to ensure that sellers and underwriters of insurance are qualified and subject to State consumer protection requirements; to the Committee on Commerce.

By Mr. HEFLEY (for himself, Mr. SOLOMON, and Mr. INGLIS of South Carolina):

H.R. 1318. A bill to provide for the elimination of the Department of Education, and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mr. MEEHAN (for himself, Mr. SANFORD, Mr. PALLONE, Mr. DEAL of Georgia, Mr. BEREUTER, Mrs. LINCOLN, Mrs. JOHNSON of Connecticut, Mr. UPTON, Mr. GENE GREEN of Texas, Mr. ACKERMAN, Mrs. MINK of Hawaii, Mr. PETE GEREN of Texas, Mr. MARTINEZ, Mr. STUPAK, and Mr. MORAN):

H.R. 1319. A bill to amend the Social Security Act to improve the information made available in Social Security account statements and to provide for annual distribution of such statements to beneficiaries; to the Committee on Ways and Means.

By Mr. OBERSTAR:

H.R. 1320. A bill to impose restrictions on the use of certain special purpose aircraft; to the Committee on Transportation and Infrastructure.

By Mr. SCHUMER:

H.R. 1321. A bill to prevent handgun violence and illegal commerce in firearms; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Mr. MILLER of California, Mr. GEJDENSON, Mr. FATTAH, Mr. HINCHEY, and Mr. LIPINSKI):

H.R. 1322. A bill to amend the Internal Revenue Code of 1986 to allow a $100,000 lifetime deduction for net capital gain; to the Committee on Ways and Means.

By Mr. SHUSTER (for himself, Mr. PETRI, Mr. LAUGHLIN, and Mr. BREWSTER):

H.R. 1323. A bill to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 1324. A bill to enforce the law regulating the height of buildings in the District of Columbia by prohibiting the District of Columbia from issuing any building or occupancy permit for the proposed development located at 1328 G Street, NW., unless the development is modified to conform to such law; to the Committee on Government Reform and Oversight.

By Mr. TRAFICANT:

H.R. 1325. A bill to amend the Public Buildings Act of 1959 concerning the calculation of public building transactions; to the Committee on Transportation and Infrastructure.

By Mr. STARK:

H.J. Res. 80. Joint resolution disapproving the action of the District of Columbia Council in approving the Closing of a Public Alley and Establishment of an Easement in Square 253, S.O. 88–107, Act of 1994; to the Committee on Government Reform and Oversight.

By Mr. MANTON (for himself and Mr. KNOLLENBERG):

H. Con. Res. 48. Concurrent resolution concerning the economy of India and relations between the United States and India; to the Committee on International Relations.

By Mr. PAYNE of New Jersey:

H. Con. Res. 49. Concurrent resolution expressing the sense of the Congress that any legislation passed by the Congress relating to assistance for School Lunch and Breakfast Programs should include a requirement to provide free lunches and breakfasts to economically disadvantaged students; to the Committee on Economic and Educational Opportunities.

MEMORIALS

Under clause 4 of rule XXII,

27. The SPEAKER presented a memorial of the House of Representatives of the State of South Carolina, relative to H.R. 842, the Truth in Budgeting Act; jointly, to the Committees on the Budget, Government Reform and Oversight, and Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 26: Mr. CALVERT.

H.R. 65: Mr. MASCARA and Mrs. VUCANOVICH.

H.R. 89: Mr. PETRI.

H.R. 103: Mr. UNDERWOOD, Mrs. SCHROEDER, and Mrs. CLAYTON.

H.R. 112: Ms. LOWEY, Mr. SKELTON, Ms. RIVERS, Mrs. CLAYTON, and Mr. HILLIARD.

H.R. 244: Mr. FRANK of Massachusetts and Mr. COSTELLO.

H.R. 303: Mr. MASCARA and Mrs. VUCANOVICH.

H.R. 325: Mr. DOYLE and Mr. RUSH.

H.R. 357: Ms. PELOSI, Mr. GONZALEZ, Mr. PORTER, Mr. LAHOOD, Mr. LEWIS of Georgia, and Mr. NADLER.

H.R. 393: Mr. PETE GEREN of Texas.

H.R. 470: Mr. FRANK of Massachusetts.

H.R. 483: Mrs. CHENOWETH.

H.R. 516: Mr. SCHIFF.

H.R. 570: Mr. TORRICELLI and Mr. SKEEN.

H.R. 580: Mr. CUNNINGHAM, Mr. DOYLE, Mr. BRYANT of Tennessee, Mr. BLUTE, Mr. GORDON, Mr. SCHAEFER, Mr. METCALF, Mr. DORNAN, Mr. SENSENBRENNER, Mr. BARCIA of Michigan, and Mr. DOOLITTLE.

H.R. 682: Mr. TORRES.

H.R. 708: Mr. HILLIARD.

H.R. 753: Mr. ZIMMER.

H.R. 791: Mr. LAHOOD.

H.R. 801: Mr. SENSENBRENNER, MR. MORAN, Mr. CLYBURN, Mr. JACOBS, Mr. SCOTT, Mr. SMITH of New Jersey, and Ms. MOLINARI.

H.R. 803: Mr. FRANK of Massachusetts, Mrs. MALONEY, Mr. STEARNS, Mr. LEWIS of Georgia, Mr. HINCHEY, Mr. FATTAH, and Mr. WELLER.

H.R. 820: Mr. LINDER, Mr. BURR, and Mr. SPRATT.

H.R. 835: Mr. HILLIARD, Mr. CLAY, Mr. SKELTON, Mr. YATES, Mr. WYNN, Mr. EVANS, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MORELLA, Mr. ANDREWS, Mr. WALSH, Mrs. MINK of Hawaii, Mr. PASTOR, Mr. BONIOR, Mr. RANGEL, Mr. PARKER, Mr. DEUTSCH, Ms. BROWN of Florida, Ms. NORTON, Mr. JEFFERSON, Mr. OLVER, Mr. MONTGOMERY, Mr. MCDERMOTT, Mr. LIPINSKI, Mr. JACOBS, Mr. CALVERT, Mr. FROST, Mr. FOGLIETTA, Mr. TOWNS, and Mr. MARTINEZ.

H.R. 899: Mr. HOKE, Mr. HALL of Texas, Mr. ALLARD, Mr. BURR, Mr. WHITFIELD, Mr. FRANK of Massachusetts, Mr. BUNNING of Kentucky, Mrs. MYRICK, Mr. JONES, Mr. FUNDERBURK, and Mr. FOX.

H.R. 939: Mr. SKEEN.

H.R. 945: Mr. GENE GREEN of Texas, Mr. MCINNIS, Mr. REED, Mr. BROWN of Ohio, Mr. BAESLER, Mrs. VUCANOVICH, Mr. UPTON, Mr. LEWIS of Kentucky, Mr. SANDERS, Mr. ANDREWS, Mr. FILNER, Mr. SAM JOHNSON, Mr. POSHARD, and Mr. TOWNS.

H.R. 957: Mr. RAHALL, Mr. ENGLISH of Pennsylvania, and Ms. LOFGREN.

H.R. 958: Mr. HAYES.

H.R. 979: Mr. DICKEY.

H.R. 997: Mr. BUCHUS, Mrs. JOHNSON of Connecticut, Mr. KLUG, Mr. ROSE, and Mr. SABO.

H.R. 1003: Mrs. CLAYTON.

H.R. 1044: Ms. MOLINARI.

H.R. 1061: Mr. REYNOLDS, Ms. LOFGREN, and Mr. CALVERT.

H.R. 1110: Mr. BACHUS, Mr. MILLER of Florida, and Mr. FORBES.

H.R. 1153: Ms. MOLINARI, and Mr. WAXMAN.

H.R. 1154: Mr. SHAYS, Ms. LOWEY, Mr. DOYLE, and Mr. FARR.

H.R. 1172: Mr. RADANOVICH, Mr. PORTER, Mr. OWENS, Mr. FROST, Mr. PALLONE, Mr. FRANK of Massachusetts, Mr. NADLER, Mr. ENGLISH of Pennsylvania, Mr. WILSON, Mrs. MALONEY, and Mrs. WALDHOLTZ.

H.R. 1184: Mr. BONO, Mr. NEY, Mr. ALLARD, Mr. CALVERT, Mr. CANADY, Mr. DAVIS, Mr. KNOLLENBERG, Mr. LARGENT, Mr. PACKARD, Mr. SAXTON, Mr. SCARBOROUGH, Mr. SCHAEFER, and Mr. SCHIFF.

H.R. 1208: Mr. CALVERT.

H.R. 1229 Mr. ACKERMAN, Mr. FROST, Mr. GEJDENSON, Mr. FRAZER, Mr. FATTAH, Ms. RIVERS, Ms. NORTON, and Mr. COSTELLO.

H.R. 1234: Mr. MCHUGH and Mr. ROTH.

H.R. 1242: Mr. BONILLA, Mr. BURR, and Mr. GILLMOR.

H.R. 1249: Mr. GOODLING.

H.R. 1252: Mr. FUNDERBURK.

H.R. 1258: Mr. FORBES.

H.J. Res. 41: Mr. DUNCAN.

H.J. Res. 73: Mr. COMBEST.

H. Con. Res. 22: Mr. EVANS, Ms. JACKSON-LEE, and Mr. WAXMAN.

H. Con. Res. 23: Mrs. CLAYTON, Mr. WILSON, Mr. SCHUMER, Mr. SAWYER, and Ms. MCKINNEY.

H. Res. 94: Mrs. LINCOLN, Ms. FURSE, and Mr. EDWARDS.

DISCHARGE PETITIONS

Under clause 3 of rule XXVII, the following discharge petitions were filed:

Petition 2, March 22, 1995, by Mr. STOCKMAN on House Resolution 111, has been signed by the following Members. Steve Stockman, Dana Rohrabacher, Lindsey O. Graham, Steve Largent, Marcy Kaptur, Duncan Hunter, Cliff Stearns, James A. Traficant, Jr., Joe Scarborough, Helen Chenoweth, Dan Burton, Tom A. Coburn, Mark E. Souder, David Funderburk, Michael F. Forbes, Andrea Seastrand, Zach Wamp, Richard Burr, Cass Ballenger, Mel Hancock, Ernest J. Istook, Jr., Jon D. Fox, Wes Cooley, Jack Metcalf, Mark Neuman, Van Hilleary, Jon Christensen, Steve Chabot, Spencer Bachus, Matt Sanford, J.D. Hayworth, Mark Foley, Thomas W. Ewing, Todd Tiahrt, Sam Johnson, Frank Riggs, Peter A. DeFazio, and Gene Taylor.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 1 by Mr. CHAPMAN on H.R. 125: John D. Dingell, Bill Orton, James (Jimmy) H. Quillen, Tim Holden, Scott McInnis, Gene Taylor, Frank Riggs, and Richard H. Baker.

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PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, FRIDAY, MARCH 24, 1995 No. 55

Senate

(Legislative day of Thursday, March 23, 1995)

The Senate met at 9:45 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND.]

PRAYER

The Chaplain, the Reverend John Lloyd Ogilvie, D.D., offered the following prayer:

Let us pray:

Almighty God, Sovereign of this Nation and gracious Father of our lives, You have placed a homing spirit within us and made our hearts restless until they rest in You. The heart of the matter always is the heart. Our hearts are lonely until they return and find their home in You. You receive us as we are with unqualified grace. Thank You, Father, for the strength, security, and serenity You provide us in the midst of strain and stress. You offer us perfect peace in the midst of pressure and the tyranny of the urgent.

We also thank You that we find each other as we return to You. You give us the miracle of unity in diversity, oneness in spite of our differences. You hold us together when otherwise ideas, policies, and resolutions would divide us. Make us sensitive to one another, especially when a vote makes conspicuous our differences. Help us to reach out to each other to affirm that we are one in the calling to lead our Nation. May we neither savor our victories or nurse our disappointments, but press on.

So we fall on the knees of our hearts seeking Your blessing for our work this day. To know You is our greatest privilege and to grow in our knowledge of Your will is our most urgent need. Our strength is insufficient; bless us with Your wisdom. Our vision is incomplete; bless us with Your hope. Carpe diem. We grasp the day. In Your holy name, Yahweh, through Christ, our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. COATS. Mr. President, this morning, leader time has been reserved, and there will be a period for morning business until the hour of 10 a.m. At the hour of 10 a.m., the Senate will begin consideration of H.R. 831, the self-employed health insurance deduction bill. That bill will be considered under a 5-hour time limitation which was agreed upon last evening.

The majority leader has announced that there will be no rollcall votes during today's session of the Senate. Senator DOLE has also indicated that it will be his intention to proceed to the regulation moratorium bill on Monday.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. INHOFE). Under the previous order, the Senator from Arizona [Mr. MCCAIN] is recognized to speak for up to 15 minutes.

The distinguished Senator from Arizona.

Mr. MCCAIN. Mr. President, I expect to be joined in a few minutes by my friend and colleague from the other side of the aisle, Senator KERREY of Nebraska. We may engage in a brief colloquy after our remarks. But I will begin with my remarks.

CIVILITY IN PUBLIC DISCOURSE

Mr. MCCAIN. Mr. President, there has been considerable media discussion lately about the decline of civility in our public discourse. I agree that political rhetoric often seems quite harsh these days. I have also observed that the people who report on politicians, and who are often among the first to decry the incivility of politics, seem more inclined lately to allow their reporting to cross from tough to cruel.

That said, I cannot claim with certainty that manners in either politics or the press have truly degenerated to new lows. I suspect that every American generation in our history has had occasion to be repulsed by unnecessarily mean attacks from within and upon politics that are unavoidable in a free society. Political cartoonists, for instance, have throughout our history spared few public figures from ridicule. Often the ridicule is earned. Sometimes it is not. Sometimes even the license given cartoonists cannot excuse an especially malignant attack.

Such was the case last Sunday when Mr. Garry Trudeau decided to use his comic strip to scorn the military service of the majority leader, Senator DOLE.

The author of the comic strip ''Doonesbury,'' Mr. Trudeau has made it his business to lampoon not only Republicans, but anyone whose devotion to the looniest of left wing causes he suspects is less robust than his own. His increasingly strident attacks have forsaken whatever humor might have once distinguished his cartoons from the silly rantings of your garden variety conspiracy theorist. Even former admirers of his comic strip tell me that he has become decidedly unfunny in recent years.

For this singular contribution to American culture, Mr. Trudeau feels he should be permitted to dispense with the encumbrances of good manners. Apparently, artists of his caliber cannot be burdened by the bonds that hold most of us together in our disparate society—bonds like honor and respect.

Ordinary Americans, of course, feel it appropriate to show gratitude to Americans who have ransomed their life to the defense of their freedom. Ordinary Americans would recoil from the suggestion that there is humor in ridiculing the sacrifice borne by an American

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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who took up arms to defend them, and sustained grave injury in that cause.

Ordinary Americans, Mr. President, would honor a service rendered to them at such great cost.

But not Mr. Trudeau. His is far too important a calling for it to be constrained by humility, gratitude, or ordinary good taste. I do not want to dwell too much on Mr. Trudeau. He is not really worth the ink used to ridicule him. Suffice it to say that I hold him in utter contempt. I hold him in contempt for his small heart, for the cruelty he inflicts on others to obscure the weaknesses in his own character, and for his immense ingratitude to those who have had the strength of character to protect Mr. Trudeau's right to pollute—for profit, of course—political debate in America.

I would rather talk a little bit about BOB DOLE. Anyone who has read Richard Ben Kramer's book, ''What It Takes,'' knows what kind of man is BOB DOLE. He answered his country's call to take up arms in a war for the future of the world. He helped save that world. Of course, he did so in a time when even political cartoonists believed such service to be honorable.

As a proud young man of great promise and an excellent athlete, BOB DOLE went to Italy. Like others of his generation, he paid a dear price for his love of country. He was gravely wounded. That he recovered at all from that wound is testament to the extraordinary courage that defines BOB DOLE, and that sets him apart from others.

BOB DOLE bears the discomfort and the challenge of that wound today, 50 years after he sustained it. He bears it with a quiet dignity that is—in every respect—worthy of our utmost admiration. I have known him for a long time now. I have never—never—heard him complain about his injury even though I know not a waking hour passes when he does not feel that pain. Neither have I ever heard him use his injury for political advantage, although he is—as he should be—proud of his service. Most people—indeed, almost everyone save Mr. Trudeau—is proud of him for his service and for the dignity with which he has accepted its consequences.

The problem for Mr. Trudeau, I suspect, is that he has never done anything for which he can be proud and therefore cannot understand how other people could take pride in the moment when they answered their country's call.

Mr. President, I am the son and grandson of admirals. Military service has been my family's business since the American Revolution. I have thus been blessed to have spent much time in the company of heroes. I know what they look like. I know how they act. BOB DOLE is the genuine article. Duty and honor are not relative concepts to him. They are absolute standards. Thank God, ours is still a country that knows the worth of such men even if the odd cartoonist does not.

Mr. President, I have a hard time maintaining self-restraint when I contemplate the injustice of Mr. Trudeau's disrespect for the brave service of a young man who left his family and friends in a small town in Kansas to defend his country's interests on foreign soil, and who as a consequence of his courage helped make the world safe—even for cartoonists.

It is a pity Mr. Trudeau never bothered to wear the uniform of his country. The experience would have no doubt improved his manners. Since little is likely to improve the poverty of his manners now, perhaps he could just limit his cartoon to a subject better matched to his skills and his character—perhaps the O.J. trial. At a minimum, if Mr. Trudeau cannot find it in himself to honor the service of people like BOB DOLE, I would hope he could just remain silent. I think he will find that fewer and fewer people are listening anyway.

Mr. President, I would like to yield at this time to the Senator from Nebraska and possibly at the end engage in a short discourse with the Senator from Nebraska.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I must state at the beginning I normally read, when I have the opportunity, Mr. Trudeau's comics or cartoons and find much humor in them. In this one, however, not only did I find no humor but I found in it great sadness and much in fact to be ridiculed.

First, let me say that I have only on a number of relatively small occasions been moved by the words of another politician. I say that straight out. I sometimes say that I was moved. But it is rarely the case where I am genuinely and deeply moved.

One such occasion was in, I believe, 1988 when—it might have been 1987—Senator DOLE announced his intent to run for the Presidency in Russell, KS. I watched him on television and watched him recollect his homecoming to Russell, KS, and the kindness that was expressed by the people of Russell, KS, to him, and he could not go on.

Now, this is a man whose persona is, to say the least, a tough persona. This is a man, as the Senator from Arizona has just said, who never complains about his injury. At least he has not complained to me, he has not complained in my presence, and he has not complained in the presence of anybody that I know. This is a man who does not talk about his injuries and does not talk about his injuries easily when he does.

For the cartoonist to portray Mr. DOLE as sort of playing upon his war wound is a lie on its face. It does not happen. Quite the contrary, Mr. President. Senator DOLE, as I indicated, feels great warmth and is moved by people who saved his life. I have heard Senator DOLE talk about the people who restored his life and put his life back together.

On a second occasion when I was moved—I must say I find it odd that Senator DOLE, who is supposed to be one of the meanest guys in politics today—that is his reputation anyway—has on two occasions moved me so deeply.

The second one was I believe the Larry King interview, or it might have been—it was not Larry King. It was one of the other journalists who was interviewing Senator DOLE at length, and he began to talk about his father coming to visit him while he was in the hospital.

On many occasions when asked how is it that I could admire BOB DOLE, since he is the Republican leader and I am a proud member of the Democratic party, how is it that I could admire BOB DOLE and like BOB DOLE, my answer almost always begins with a declaration that this man loves his country and is a patriot.

It guides him, in the end, to make decisions that sometimes are not in his best political interest. He did not serve in World War II as a consequence of calculating what was going to be in his best interest. It did not turn out to be in his best physical interest.

He started to describe this moment when his father came to see him and described the swollen ankles of his father. He, once again, could not go on. He was moved, not by his own suffering, Mr. President, not by his wound.

He did not go before this journalist, he did not stand before an audience in Russell, KS, and say, ''Pity me for this wound.'' Quite the contrary. What he did on both occasions was say, to a certain extent: Pity the audience. My sympathy goes to them. My appreciation goes to them. My respect and admiration go to them for what they did for me.

I have great personal respect for Senator DOLE and admiration for his patriotism. And, above all of the things, his ability to put his life back together, his capacity to put his life back together, I admire deeply.

He has never worn his war record or his injuries in front of the public as if it was some sort of badge of honor. I have never heard him talk about, never heard him express that. Quite the contrary.

So I, like the Senator from Arizona, am deeply offended by this cartoon. It says something about Americans who served that is reprehensible. And it says something about a great American patriot that is particularly reprehensible.

Very often those of us who have been wounded are described that way. ''BOB KERREY, wounded in the war in Vietnam.'' I do not ask to be described that way, but that is how it occurs. We are described that way.

And in today's modern journalism, the way things get beat around electronically, very often that comes back and somebody says, ''Well, I saw you

made a statement that says you were wounded in the war.'' I did not make a statement. And Senator DOLE does not talk about his injuries, but he gets labeled with it.

Unfortunately, today, in modern politics, the tendency is to look for the worst. And in Senator DOLE, not only do we not have the worst, we have the best impulses of human beings and of Americans—an American who was willing to serve and willing to come back and not with bitterness say, ''You owe me,'' but an American who was willing to come back and say, ''The debt is still on my side. I feel compassion to those in Russell, KS, who welcomed me home. I feel compassion and respect for my father, who did the same. I feel compassion and respect for all Americans who continue to try to struggle not just with their lives but to overcome adversity, as well.''

Mr. President, I yield the floor.

I would be pleased to engage in a colloquy with my friend from Arizona.

Mr. MCCAIN. Mr. President, I just want to thank my friend from Nebraska for stepping forward.

We cannot do anything about someone like Mr. Trudeau, but we intend to try.

I do believe that when something as egregious and outrageous as this is—and, frankly, Senator DOLE would not like to hear me say this—but it has to hurt when one's service and sacrifice to one's country is demeaned and denigrated in this fashion.

I am grateful that someone like Senator KERREY would step forward and condemn it. I do not know if it stops this kind of thing. I do not know what beneficial effect it has. But I do know this: For Senator KERREY and me to remain silent in the face of this outrage would be a dereliction of duty on our part, if I may use a phrase from our previous incarnation.

So I want to thank Senator KERREY for saying this.

I do not intend to belabor the point, and I know Senator KERREY does not, but I hope the American people know—and especially BOB DOLE knows—that the cynicism and sarcasm of Mr. Trudeau is not shared by the overwhelming majority of the American people.

Mr. KERREY. Mr. President, if I could add one additional thing.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, the public should not view this as a couple of old veterans wandering down here to the floor to defend another old veteran that got beat up by a cartoonist.

Senator DOLE has the capacity to make fun of himself, as I do and as does the Senator from Arizona. This is not saying our skin is so thin we cannot take a cartoonist's deprecating comments about us. Lord knows, it happens all the time. It is hard to pick up an account of something you have said or done and not find something being said in a deprecating fashion. I do not mind that at all. I do not object to any cartoonist or journalist that wants to take some foible of mine, a weakness of mine, and magnify it and have some fun with it.

But that is not what is occurring in this case. There is a deep offense given, as a consequence, to isolating something that, in fact, does not occur. Senator DOLE does not wear his wound out in front of the public. He does not try to use it to gain some kind of advantage. Quite the contrary is the case.

I am here this morning to say that I admire that. Indeed, beyond admiring it, I believe that it is sort of something that Americans need to emulate—to emulate a man who says, ''I may be suffering, but my concern is for my friends and neighbors who welcomed me home. My concern is with my father who made a trip to Chicago to visit me. My concern is still with others who are struggling in their lives.''

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I see the managers are waiting. I would like to make one additional comment on a different subject.

THE LINE-ITEM VETO

Mr. MCCAIN. Mr. President, last night we passed in the Senate something that I have been working on for 10 years. I know that everyone is aware that it did not happen because of the efforts only of Senator COATS and myself.

We are very grateful for the help and efforts that Senator DOLE engaged in in bringing together enough of us that it was an overwhelming victory. Senator DOMENICI and Senator STEVENS were very instrumental in that.

And, of course, we respected very much the participation of Senator BYRD. I think years from now when people read the CONGRESSIONAL RECORD of the debate that was conducted, I think they will be illuminated by his remarks.

Also, Senator EXON, the manager on the other side of the bill, and Senator LEVIN, whose amendment I think was extremely helpful.

Sheila Burke spent many, many hours in meetings in an effort to bring Republicans together on this issue. Sharon Soderstrom, the able assistant of Senator COATS, and Megan Gilly did an outstanding job; David Crane, Bill Hoagland, Dave Hoppe, Eric Ueland, Joe Donoghue, and Mark Buse.

So I would like to thank all of them for their enormous assistance, not only in recent weeks but in recent years, in helping us achieve what I think is one of the most important changes in the way that this country does business since 1974, when the Budget and Impoundment Act was passed.

I thank my colleagues for their patience.

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

SANBORNTON MAN CROSSES REMAGEN BRIDGE IN WORLD WAR II

Mr. SMITH. Mr. President, I rise today to pay tribute to Guy J. Giunta, Sr., a resident of Sanbornton, NH, who played a significant role in the infamous capture by the Americans of the bridge at Remagen during World War II. This offensive resulted in shortening the war and saving thousands of lives.

Guy was a private first class in the 78th Infantry Division. He was one of the American soldiers who crossed the bridge at Remagen over the Rhine River, 50 years ago this month. This battle illustrated the American military strength which caught the Germans by surprise. The events of March 7, 1945, were known as the ''Miracle of Remagen.''

Guy left his native Italy for the United States in 1927 where he worked as a machinist making parts for turbines for the U.S. Navy when the war broke out. Deferments as an essential worker kept him out of the war until 1943, but after learning of friends dying overseas, he enlisted in a war that included his birthland.

When soldiers reached a plateau above Remagen on March 7, they saw German troops and civilians retreating across the Ludendorff Bridge. Violating instructions to proceed down the Rhine, Gen. William M. Hoge ordered his men to take the bridge. After refusing, the men heard a ''whoosh'' as 660 pounds of dynamite lifted the bridge from its stone piers.

There was still shooting as soldiers fought their way up the big cliff on the eastern end of the bridge. Twenty-four Americans died on or around the bridge. Guy Giunta was one the 600 brave men who were involved in taking the bridge, including 200 engineers who cut wires to the unexploded dynamite. Guy's medals from the war include three major battle stars: the Ardennse, the Rhineland, and Central Europe.

Guy Giunta is a retired Westinghouse machinist. His wife, Rina Passi, also a native Italian, didn't meet her future husband until after the war, but knew of him because she translated his mother's letters to him from Italian into English. They have lived in a white farmhouse in Sanbornton since 1985.

I commend Guy for sharing his experiences at this important World War II battle with many in New Hampshire. His courage and patriotism are an inspiration to us all. It is an honor to represent Guy Giunta, Sr., and his family in the U.S. Senate.

TRIBUTE TO DICK REINERS

Mr. DASCHLE. Mr. President, today I want to take a moment to commemorate the long and distinguished life of my dear friend, Richard H. Reiners, an

outstanding American, who passed away earlier this year.

Dick Reiners was born September 24, 1907, on a small farm east of Lennox, SD, and passed away on January 15, 1995, at his rural home north of Worthing, SD. Throughout his life he was dedicated to his family, his community, and the land in which he lived.

As a father and husband, Dick epitomized the term ''family values.'' He was faithful, honest, and loyal and he passed those values on to his children and grandchildren. As a member of the community, Dick was constantly active in improving the quality of people's lives. He served on numerous boards, including his church, his children's school district, the Farmers Home Administration, and the South Dakota Farmers Union. He was also actively involved in politics and labored tirelessly for the people he believed in.

As a farmer, Dick held a reverence for the land and its capacity for production. He was a hard worker and an eternal optimist.

Dick spoke his mind. He never gave up. He was always a kind and thoughtful man.

During my travels as a U.S. Senator, I am constantly humbled by the people of my State—people like Dick Reiners—and the basic principles by which they live their lives: a love of family, an obligation to community service, and a strong commitment to an honest day's work. Those who knew Dick Reiners learned much from him, and I am honored to say that he was my friend. He will not be forgotten.

TRIBUTE TO THE 87TH ENGINEER BATTALION (HEAVY PONTOON)

Mr. NUNN. Mr. President, I rise today to pay tribute to an outstanding Army organization in recognition of its distinguished service to this Nation and extraordinary performance during World War II. The 87th Engineer Battalion was the first heavy pontoon battalion activated at Fort Benning, GA, on August 1, 1940. Also trained at Fort Benning, this battalion went ashore at Utah Beach in the Normandy landing to build the bridges needed to liberate France. Among the many rivers that had to be crossed were the Meuse, the Saar, and the Moselle. The 87th Engineers bridged them all.

This brought the 87th Engineer Battalion to the most awesome and difficult of all European rivers, the Rhine. Fifty years ago today, on March 24, 1945, the 87th Engineer Battalion made history when they constructed the longest pontoon bridge in the world across the Rhine River at Oppenheim. Despite shortages of personnel and equipment, the 87th was ordered to move Patton's 3d Army across the Rhone. They built a 1,237 foot span in 13 hours while under constant enemy attack. Their efforts resulted in the establishment of the second American bridgehead across the Rhine and contributed directly to the overall success of Allied operations. When they were not building bridges, the soldiers of the 87th Engineer Battalion assisted in hauling thousands of tons of critical supplies from the beaches to the interior depots. Their successful accomplishment of this critical mission helped to maintain the Allied momentum throughout the war.

The soldiers of the 87th Engineer Battalion repeatedly distinguished themselves as professional soldiers, technically competent engineers, and great Americans whose performance of duty was outstanding.

For their efforts and impressive successes, it is my privilege to wish the World War II veterans of the 87th Engineer Battalion the best in the years ahead and join the Nation in expressing our heartfelt thanks for their dedication and selfless devotion and service to the United States of America.

GREEK INDEPENDENCE DAY 1995

Mr. LIEBERMAN. Mr. President, tomorrow marks the 174th anniversary of the opening of the struggle by the Greek people for independence from the Ottoman Empire. I am honored to be a sponsor of the resolution designating tomorrow, March 25, 1995, as Greek Independence Day: A National Day of Celebration of Greek and American Democracy.

Greek Independence Day celebrates the independence the Greek people achieved after almost 400 years of foreign control. In all those years of domination and repression, the people of Greece retained their passion for democracy. This passion is alive and well today.

The United States and Greece have a long history of shared democratic ideals and beliefs, when our Founding Fathers designed the American form of government, they took inspiration from the democratic traditions of ancient Greece. Later, Greek patriots in the struggle against the Ottoman Sultan followed the example of the American Revolution in their fight for freedom and their efforts to design their new government.

In this century, Greece has been an outstanding ally and leader in the fight for democracy; 9 percent of all Greeks, gave their lives to help stop the tyranny of Hitler. Together Greece and the United States fought against communism throughout the cold war and together we must work to solve the problems of the post-cold-war era.

On this special occasion, it is fitting to pay tribute to all the contributions that the Greek people have made to American life, both as valuable members of our own society and as members of a nation that was the birthplace of democracy.

GREEK INDEPENDENCE CELEBRATION

Mr. MOYNIHAN. Mr. President, I rise once again to join the Greek American community as they celebrate the 174th anniversary of the beginning of their revolution for independence from under the yoke of the Ottoman Empire.

I and 47 of my colleagues in the Senate jointed together to commemorate this historic event by cosponsoring Senate Resolution 79, a resolution commemorating March 25, 1994, as Greek Independence Day: A National Day of Celebration of Greek and American Democracy.

From their first settlement in the 18th century in St. Augustine, FL, to one of the largest Greek communities in America, Astoria, NY, the Greek people have been an influential segment of American society. Their history, culture, language, religion, and of course native culinary artistry, have enriched all of America. Greece has contributed great things in the areas of arts, education, medicine, and philosophy, but no contribution was more precious than that of democracy.

Born in Athens during the age of Pericles and nurtured in the United States, the principles of democracy are now being practiced throughout the world. This new wave of democracy, would never have come to fruition had it not been for Hellenistic political thought. We will always be indebted to Greece for giving us this most precious gift.

AG WEEK

Mr. DOLE. Mr. President. This week is National Ag Week. It is the one week of the year that we take time out to applaud America's farmers for what they give to us every week of the year. Undoubtedly, they are the most progressive, most efficient, and most productive in the world.

American agriculture is an industry to be proud of. America exports more than 43 billion dollar's worth of food products every year—that is a trade surplus of $17 billion. Agriculture also employs more that 21 million Americans.

But those numbers don't tell the whole story. Every day, Americans eat. So every day, we all depend on the American farmer. We expect the best from our farmers—and they deliver. We have a cheap, wholesome, safe, and dependable food supply. No doubt about it, we as consumers are getting a pretty good deal.

Agriculture has made exciting advances this last year. Most important, GATT and NAFTA have opened up new trade opportunities for American agriculture. Finally, America's farmers will gain access to millions of new customers around the world.

At home, Republicans are leading the charge to reduce the regulatory, paperwork, and tax burdens which depress the farmer's bottom line. As we work to rein in the Federal Government, we will focus on preserving the programs that advance American agriculture in the world market place.

Today, agriculture is on the verge of a new era. I believe that 100 years from now, historians will look back and recognize this time as a turning point in the history of American agriculture. Both locally and globally, things are changing fast.

Agriculture is now a global industry—an industry where American farmers will play an increasingly important role. The Census Bureau estimates that the world population will increase by 50 percent in the next 20 years. Today, 1 American farmer can feed 129 people. Tomorrow that farmer must feed more.

America's farmers have already started preparing to meet these demands. Less than 100 years go, the first gasoline tractor was built. Now, farmers are using satellite technology to customize planting and fertilizer use. That increases yields, reduces costs, and benefits the environment. These are the types of innovative programs we should encourage in the 1995 farm bill.

Mr. President, there is a saying in Kansas: If you do not eat, then do not worry about the farmer. So this week, National Ag Week, we recognize that each of us has a vested interest in the vitality of American agriculture. I look forward to working with my colleagues during this pivotal year to ensure that American agriculture remains a world leader in this new era.

NATIONAL AGRICULTURE WEEK

Mr. BAUCUS. Mr. President, today, as America celebrates National Agriculture Week, I rise to pay tribute to our country's farmers and ranchers.

THE GROWING SEASON

This Tuesday was the first day of spring. The time of rebirth and renewal. All over the country, farmers are preparing to till the soil and plant the seeds that they hope will lead to a bountiful harvest. Ranchers see newborn calves and lambs. In Montana and across America, producers are getting ready for the future with hope and confidence.

They know only too well that lack of rain, too much rain, or other uncontrollable natural events can destroy their crop. They know they are in a risky business. And yet they continue to brave the risks and work long hours, because of the satisfaction that comes with working and living on your own land.

These are hard working folks. They are survivors who make up Montana's number one industry, creating nearly $2 billion a year for our economy. And their work gives Americans the best, cheapest and safest food supply in the world.

BEFORE THE FARM PROGRAM

Today we take all that for granted. We think it is natural. But it is not. It is the result of careful policy, and cooperation between producers, consumers, and government.

As we begin to redraft our farm bill this year—and as some with short memories call for eliminating farm programs completely—we should remember what happened before we had any farm programs.

In those days, producers lived through drastic cycles of boom and bust. A hard-working and prosperous family one year could be destitute the next.

As Mike Malone recalls in his book ''Montana: A History of Two Centuries'':

> During 1929–1930, a new ordeal of drought and depression began in Montana . . . By midsummer of that terrible year, twenty-eight of Montana's fifty-six counties had filed for aid from the Red Cross. Most of those counties lay in the arc of dry-farming and stockgrowing lands that reached from the High Line north of the Missouri River to the southeast along the Dakota state line . . .
>
> An amount of wheat worth $100 in 1920 brought only $19.23 in 1932. Beef cattle sold for $9.10 per hundredweight in 1929; in 1934, the price was only $3.34. Sheep brought $8.14 per hundredweight in 1929 but only $3.12 in 1934.
>
> Daniels County, in the state's northeastern corner, typified the crisis. During the good years of the late 1920s, the country seat, Scobey, had advertised itself as the world's largest wheat shipping point. By the spring of 1933, 3,500 of the county's 5,000 people needed relief assistance.

SUCCESS OF AMERICAN AGRICULTURE

This disaster was only the worst in a series. The heartland suffered equally traumatic disasters in 1893, 1907 and 1920. But this time, Franklin Roosevelt responded by creating the first Federal farm support programs.

Since then, we have had good times and bad. But farm programs have prevented crises on that scale. And during this time, American farmers have created a productive revolution unmatched in history.

They have revolutionized agricultural productivity. They have used hard work and state-of-the-art research, to develop new sustainable farming techniques, thus protecting our natural resources. And they continue to be most productive agricultural producers in the world.

According to USDA's Economic Research Service, farm output per unit of input increased by 26 percent between 1982 and 1991.

As a result, Americans spend the lowest amount of their disposable income on food of any nation in the world. Just 9.3 percent, less than a dime in a dollar of income.

THE 1995 FARM BILL

Today, if the Congress goes too far in a thoughtless rush to eliminate farm programs simply for the sake of cutting, we could return to those days of boom and bust.

Less severe consequences could include lower soil and water quality. Loss of wildlife habitat.

Lower farm incomes, and thus higher rates of outmigration from rural America. From the consumer's point of view, if we are not careful, America could wind up depending on imports of food to give our citizens enough to eat each day.

We must help our producers make American agriculture more competitive and more profitable in the international market place. We must continue to develop new sustainable farming techniques. We must make sure the children and grandchildren of today's rural families can still live and work on their own land.

Mr. President, I look forward to the job. The FFA, the national youth organization for the improvement of agriculture, begins their creed with the statement, ''I believe in the future of farming.'' I believe in that future, too.

Thank you, and I yield the floor.

GREEK INDEPENDENCE DAY

Mr. DOLE. Mr. President, I rise today to speak in honor of Greek Independence Day, a national day of celebration marking 174 years of freedom for the modern Greek people. The achievements of ancient Greece in art, architecture, science, mathematics, philosophy, drama, literature, and most importantly—democracy—have become legacies for succeeding ages to emulate. Modern Greece, born of these same roots, also has given much to the present day world and especially to the United States.

Many Americans can trace their heritage back to the glory of Athens. Greek-American Dr. George Kotzias developed medicine to combat the scourge of Parkinson's disease. Maria Callas, the Brooklyn-born opera soprano, provided us a legacy of beautiful music. Young Pete Sampras reminds us of the important contribution the Greeks have made in the field of athletics as he continues his outstanding command of the game of tennis. Greek-Americans have also contributed to the might of America's business and industry showing true entrepreneurial spirit. In Operation Desert Storm, Lt. Gen. William ''Gus'' Pagonis, U.S. Army, retired, successfully commanded the most complex sea, land, and air mobilization executed by a military force since the Second World War. And, of course, in this body today are two of the most outstanding Greek-American citizens in this country, Senator OLYMPIA SNOWE and Senator PAUL SARBANES.

On Monday, I will be visiting with a number of other Greek-American leaders to commemorate Greek Independence Day. Foremost among them will be his His Eminence Archbishop Iakovos, the spiritual leader of the Greek Orthodox Archdiocese of North and South America.

On this day, it is important to remember that American democracy would not exist today had the Greeks not believed in the power of the people to govern. As Pericles said some 2,000 years ago, ''our constitution is called a democracy because power is in the hands not of the minority, but of the

whole people * * * everyone equal before the law.''

So as we honor the modern Greeks and their sons and daughters in America today, let me paraphrase Thomas Jefferson—we Americans are all indebted to the ancient Greeks for the light of democracy which led us out of the darkness of tyranny.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES!

Mr. HELMS. Mr. President, as of the close of business yesterday, Thursday, March 23, the Federal debt stood at $4,845,959,175,160.98. On a per capita basis, every man, woman, and child in America owes $18,395.34 as his or her share of that debt.

THE 50TH ANNIVERSARY OF THE BATTLE OF IWO JIMA

Mr. NUNN. Mr. President, today I want to commemorate the 50th anniversary of the conclusion of the World War II battle for Iwo Jima.

Exactly 50 years ago today, the U.S. Marines successfully finished a fierce battle for a small dot in the Pacific that had been turned into one of the most heavily fortified islands in the world by a hard-as-nails Samurai warrior Japanese Lieutenant General Kurabayashi.

The battle for Iwo Jima had started on February 19, 1945. American military planners half-a-world away came up with only one way to make Iwo into the needed U.S. forward base: an attack right into the teeth of the Japanese defenses.

The ensuing 33-day battle was the basest form of struggle—individual against individual, inch by inch. Artillery, mortars, naval gunfire, and air—the traditional combined arms of the Marines—provided only marginal help to the attackers. The most powerful weapon was the individual marine who hadto drive the enemy from gun emplacements, caves, tunnels, and spider holes.

There were 2,500 marines killed on that first day—February 19, 1945. The death toll tripled by the time the first marine fire team fought to the top of Mt. Suribachi 6 days later. Mt. Suribachi was the strategic high point from which the defenders were pinning the marines down on the beaches and was the dominating feature of the entire island.

Three reserve marines, two regular marines, and one Navy corpsman joined together in a moment that captured the soul of a service. They raised Old Glory atop that 550-foot extinct volcano. Those on the beach below saw the red, white, and blue flutter in the breeze. Secretary of the Navy James Forrestal, there with the Marine Commander Major General ''Howling Mad'' Smith, turned and said: ''The raising of the flag on Mt. Suribachi means a Marines Corps for the next five hundred years.''

I certainly hope so.

Though organized resistance continued until mid-March, the flag raising, which produced perhaps the most famous and inspiring combat photograph of World War II, symbolized one of the hardest won victories of that war.

Military historian Allan Millett has written of Iwo Jima that, ''Of all the unpleasant islands the marines saw, Iwo Jima was the nastiest—prepared by nature and the Japanese armed forces as a death trap for any attacker.'' And so it was.

There were 70,000 marines locked in combat on this tiny island in the Pacific; 5,931 died; 17,372 were wounded; Presidential and Navy Unit Citations were awarded and 22 marines earned the Medal of Honor.

The fighting was so brutal, and the determination and bravery of the marines so stunning, that Adm. Chester Nimitz, Commander in Chief of the Pacific Fleet, was moved to say that on Iwo Jima ''uncommon valor was a common virtue.''

They fought and died so that others might live in freedom. The purpose of wresting Iwo Jima from the Japanese was to establish a forward air base on the island which served, among other things, as an interim emergency landing base for United States bombers making the long run between the Marianas to targets in Japan. More than 25,000 airmen in the Army Air Force subsequently used Iwo Jima for emergency landings.

Mr. President, I know I speak for all in saying we honor both those who fell on Iwo Jima and those who fought but managed to survive. I know it must have been a very emotional ceremony last week on the black sands of Iwo Jima when thousands of the survivors joined Secretary of the Navy John Dalton and current Marine Commandant Gen. Carl Mundy in paying tribute to their bravery and sacrifice and to commemorate those who did not return.

I felt of that same emotion when I was fortunate to be on the Senate floor March 2, 1995, when Senator JOHN GLENN was making a very moving tribute about the marines who fought on Iwo Jima. This was part of a series of speeches about that battle by Senators who have served as marines. Each spoke about a different aspect of Iwo Jima.

We would all benefit from reading all these speeches and so I ask unanimous consent to have printed in the RECORD the names of the Senators, the date of their speech, and the page in the CONGRESSIONAL RECORD where their remarks can be found.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RECORD SPEECHES—IWO JIMA

Senator	Date	Vol.	No.	Page(s)
Senator Robb	Feb. 10, 1995	141	27	S2455
Senator Thomas	Feb. 13, 1995	141	28	S2533–S2534
Senator Burns	Feb. 14, 1995	141	29	S2596–S2597
Senator Bumpers	Feb. 15, 1995	141	30	S2732–S2736

CONGRESSIONAL RECORD SPEECHES—IWO JIMA—Continued

Senator	Date	Vol.	No.	Page(s)
Senator Heflin	Feb. 16, 1995	141	31	S2774–S2775
Senators Chafees and Warner.	Feb. 23, 1995	141	34	S3034–S3036
Senator Glenn	Mar. 2, 1995	141	39	S3376–S3377

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. DEWINE). MORNING BUSINESS IS CLOSED.

SELF-EMPLOYED HEALTH INSURANCE DEDUCTIONS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 831, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 831) to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Finance, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. PERMANENT EXTENSION AND INCREASE OF DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) PERMANENT EXTENSION.—Subsection (l) of section 162 of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking paragraph (6).

(b) INCREASE IN DEDUCTION.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 is amended by striking ''25 percent'' and inserting ''30 percent''.

(c) EFFECTIVE DATES.—

(1) EXTENSION.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1993.

(2) INCREASE.—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 1994.

SEC. 2. REPEAL OF NONRECOGNITION ON FCC CERTIFIED SALES AND EXCHANGES.

(a) IN GENERAL.—Subchapter O of chapter 1 of the Internal Revenue Code of 1986 is amended by striking part V (relating to changes to effectuate FCC policy).

(b) CONFORMING AMENDMENTS.—Sections 1245(b)(5) and 1250(d)(5) of the Internal Revenue Code of 1986 are each amended—

(1) by striking ''section 1071 (relating to gain from sale or exchange to effectuate polices of FCC) or'', and

(2) by striking ''1071 AND'' in the heading thereof.

(c) CLERICAL AMENDMENT.—The table of parts for such subchapter O is amended by striking the item relating to part V.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to—

(A) sales and exchanges on or after January 17, 1995, and

(B) sales and exchanges before such date if the FCC tax certificate with respect to such sale or exchange is issued on or after such date.

(2) BINDING CONTRACTS.—

(A) IN GENERAL.—The amendments made by this section shall not apply to any sale or exchange pursuant to a written contract which

was binding on January 16, 1995, and at all times thereafter before the sale or exchange, if the FCC tax certificate with respect to such sale or exchange was applied for, or issued, on or before such date.

(B) SALES CONTINGENT ON ISSUANCE OF CERTIFICATE.—A contract shall be treated as not binding for purposes of subparagraph (A) if the sale or exchange pursuant to such contract, or the material terms of such contract, were contingent, at any time on January 16, 1995, on the issuance of an FCC tax certificate. The preceding sentence shall not apply if the FCC tax certificate for such sale or exchange is issued on or before January 16, 1995.

(3) FCC TAX CERTIFICATE.—For purposes of this subsection, the term ''FCC tax certificate'' means any certificate of the Federal Communications Commission for the effectuation of section 1071 of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of this Act).

SEC. 3. SPECIAL RULES RELATING TO INVOLUNTARY CONVERSIONS.

(a) REPLACEMENT PROPERTY ACQUIRED BY CORPORATIONS FROM RELATED PERSONS.—

(1) IN GENERAL.—Section 1033 of the Internal Revenue Code of 1986 (relating to involuntary conversions) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

''(i) NONRECOGNITION NOT TO APPLY IF CORPORATION ACQUIRES REPLACEMENT PROPERTY FROM RELATED PERSON.—

''(1) IN GENERAL.—In the case of a C corporation, subsection (a) shall not apply if the replacement property or stock is acquired from a related person. The preceding sentence shall not apply to the extent that the related person acquired the replacement property or stock from an unrelated person during the period described in subsection (a)(2)(B).

''(2) RELATED PERSON.—For purposes of this subsection, a person is related to another person if the person bears a relationship to the other person described in section 267(b) or 707(b)(1).''

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to involuntary conversions occurring on or after February 6, 1995.

(b) APPLICATION OF SECTION 1033 TO CERTAIN SALES REQUIRED FOR MICROWAVE RELOCATION.—

(1) IN GENERAL.—Section 1033 of the Internal Revenue Code of 1986 (relating to involuntary conversions), as amended by subsection (a), is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

''(j) SALES OR EXCHANGES TO IMPLEMENT MICROWAVE RELOCATION POLICY.—

''(1) IN GENERAL.—For purposes of this subtitle, if a taxpayer elects the application of this subsection to a qualified sale or exchange, such sale or exchange shall be treated as an involuntary conversion to which this section applies.

''(2) QUALIFIED SALE OR EXCHANGE.—For purposes of paragraph (1), the term 'qualified sale or exchange' means a sale or exchange before January 1, 2000, which is certified by the Federal Communications Commission as having been made by a taxpayer in connection with the relocation of the taxpayer from the 1850–1990MHz spectrum by reason of the Federal Communications Commission's reallocation of that spectrum for use for personal communications services. The Commission shall transmit copies of certifications under this paragraph to the Secretary.''

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to sales or exchanges after March 14, 1995.

SEC. 4. DENIAL OF EARNED INCOME CREDIT FOR INDIVIDUALS HAVING MORE THAN $2,450 OF INVESTMENT INCOME.

(a) IN GENERAL.—Section 32 of the Internal Revenue Code of 1986 is amended by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and by inserting after subsection (h) the following new subsection:

''(i) DENIAL OF CREDIT FOR INDIVIDUALS HAVING MORE THAN $2,450 OF INVESTMENT INCOME.—

''(1) IN GENERAL.—No credit shall be allowed under subsection (a) for the taxable year if the aggregate amount of disqualified income of the taxpayer for the taxable year exceeds $2,450.

''(2) DISQUALIFIED INCOME.—For purposes of paragraph (1), the term 'disqualified income' means—

''(A) interest which is received or accrued during the taxable year (whether or not exempt from tax),

''(B) dividends to the extent includible in gross income for the taxable year, and

''(C) the excess (if any) of—

''(i) gross income from rents or royalties not derived in the ordinary course of a trade or business, over

''(ii) the sum of—

''(I) expenses (other than interest) which are clearly and directly allocable to such gross income, plus

''(II) interest expenses properly allocable to such gross income.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 5. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 877 the following new section:

''SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

''(a) GENERAL RULE.—For purposes of this subtitle, if any United States citizen relinquishes his citizenship during a taxable year—

''(1) except as provided in subsection (f)(2), all property held by such citizen at the time immediately before such relinquishment shall be treated as sold at such time for its fair market value, and

''(2) notwithstanding any other provision of this title, any gain or loss shall be taken into account for such taxable year.

Paragraph (2) shall not apply to amounts excluded from gross income under part III of subchapter B.

''(b) EXCLUSION FOR CERTAIN GAIN.—The amount which would (but for this subsection) be includible in the gross income of any individual by reason of subsection (a) shall be reduced (but not below zero) by $600,000.

''(c) PROPERTY TREATED AS HELD.—For purposes of this section, except as otherwise provided by the Secretary, an individual shall be treated as holding—

''(1) all property which would be includible in his gross estate under chapter 11 were such individual to die at the time the property is treated as sold,

''(2) any other interest in a trust which the individual is treated as holding under the rules of subsection (f)(1), and

''(3) any other interest in property specified by the Secretary as necessary or appropriate to carry out the purposes of this section.

''(d) EXCEPTIONS.—The following property shall not be treated as sold for purposes of this section:

''(1) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the date the individual relinquishes his citizenship, meet the requirements of section 897(c)(2).

''(2) INTEREST IN CERTAIN RETIREMENT PLANS.—

''(A) IN GENERAL.—Any interest in a qualified retirement plan (as defined in section 4974(c)), other than any interest attributable to contributions which are in excess of any limitation or which violate any condition for taxfavored treatment.

''(B) FOREIGN PENSION PLANS.—

''(i) IN GENERAL.—Under regulations prescribed by the Secretary, interests in foreign pension plans or similar retirement arrangements or programs.

''(ii) LIMITATION.—The value of property which is treated as not sold by reason of this subparagraph shall not exceed $500,000.

''(e) RELINQUISHMENT OF CITIZENSHIP.—For purposes of this section, a citizen shall be treated as relinquishing his United States citizenship on the earliest of—

''(1) the date the individual renounces his United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

''(2) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

''(3) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

''(4) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Paragraph (1) or (2) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

''(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

''(1) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—For purposes of this section—

''(A) GENERAL RULE.—A beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar advisor.

''(B) SPECIAL RULE.—In the case of beneficiaries whose interests in a trust cannot be determined under subparagraph (A)—

''(i) the beneficiary having the closest degree of kinship to the grantor shall be treated as holding the remaining interests in the trust not determined under subparagraph (A) to be held by any other beneficiary, and

''(ii) if 2 or more beneficiaries have the same degree of kinship to the grantor, such remaining interests shall be treated as held equally by such beneficiaries.

''(C) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

''(D) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

''(i) the methodology used to determine that taxpayer's trust interest under this section, and

''(ii) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

''(2) DEEMED SALE IN CASE OF TRUST INTEREST.—If an individual who relinquishes his citizenship during the taxable year is treated under paragraph (1) as holding an interest in a trust for purposes of this section—

''(A) the individual shall not be treated as having sold such interest,

''(B) such interest shall be treated as a separate share in the trust, and

''(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

''(ii) the separate trust shall be treated as having sold its assets immediately before the relinquishment for their fair market value and as having distributed all of its assets to the individual as of such time, and

''(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (B)(ii).

''(g) TERMINATION OF DEFERRALS, ETC.—On the date any property held by an individual is treated as sold under subsection (a), notwithstanding any other provision of this title—

''(1) any period during which recognition of income or gain is deferred shall terminate, and

''(2) any extension of time for payment of tax shall cease to apply and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

''(h) RULES RELATING TO PAYMENT OF TAX.—

''(1) IMPOSITION OF TENTATIVE TAX.—

''(A) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the individual relinquishes United States citizenship, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the date of such relinquishment.

''(B) DUE DATE.—The due date for any tax imposed by subparagraph (A) shall be the 90th day after the date the individual relinquishes United States citizenship.

''(C) TREATMENT OF TAX.—Any tax paid under subparagraph (A) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

''(2) DEFERRAL OF TAX.—The provisions of section 6161 shall apply to the portion of any tax attributable to amounts included in gross income under subsection (a) in the same manner as if such portion were a tax imposed by chapter 11.

''(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations providing appropriate adjustments to basis to reflect gain recognized by reason of subsection (a) and the exclusion provided by subsection (b).

''(j) CROSS REFERENCE.—

"For termination of United States citizenship for tax purposes, see section 7701(a)(47)."

(b) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(47) TERMINATION OF UNITED STATES CITIZENSHIP.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e).''

(c) CONFORMING AMENDMENT.—Section 877 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) APPLICATION.—This section shall not apply to any individual who relinquishes (within the meaning of section 877A(e)) United States citizenship on and after February 6, 1995.''

(d) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 877 the following new item:

''Sec. 877A. Tax responsibilities of expatriation.''

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to United States citizens who relinquish (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) United States citizenship on or after February 6, 1995.

(2) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(1)(B) of such Code shall in no event occur before the 90th day after the date of the enactment of this Act.

The PRESIDING OFFICER. There are 5 hours of debate, equally divided.

The Senator from New York.

Mr. MOYNIHAN. Mr. President, I do believe the distinguished chairman of the committee wishes to speak first.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. I thank the Chair.

Mr. President, ''Amici attenti.'' These are the opening words in the play ''Fiorello'' when Fiorello LaGuardia is first campaigning for Congress in 1916. The set—and I saw it first in New York—is a wonderful set. As he is campaigning, to give the sense of ethnic campaigning, he has a little box and they put it on the left of the stage. He stands up, and as he is speaking to Italian immigrants, he says, ''Amici attenti, Trieste must be free as we must be free.''

Trieste was then a port disputed between what is now Italy and what we used to call Yugoslavia. It was then part of the Austro-Hungarian Empire.

Italy, of course, was allied on our side during World War I, and the Austro-Hungarian Empire was against us. And one of the big issues in American politics where there was ethnic campaigning—people of Italian ancestry—was the issue of Trieste.

Many of us today would understand it in a different venue—Cyprus, those of Greek and Turkish ancestry; Jerusalem, those of Jewish and Moslem faith. The issues may change, but not the methods.

It was interesting to watch ''Fiorello'' in New York because at the end of his little pitch to those of Italian ancestry, the box is simply moved to the other side of the stage, and he stands up and he is speaking to those of Jewish background in Yiddish, with whatever may have been at the time in 1916 appropriate for an appeal to that group.

As I went to law school at New York University, that was all I needed, or anybody familiar with New York needed, to give the impression of ethnic campaigning.

I saw the play produced at an Oregon high school some years later, and it was interesting the way the scene was done. They did the ''amici attenti,'' moved the box on the other side, and spoke in Yiddish. Then they moved it back, and there is the same type of interlude in Swedish. They moved it back again on the other side, and it was in Scottish.

Afterward, I talked to the high school producer and asked him did he know he had added this. He said, yes, he had seen ''Fiorello.''

I asked, ''Why did you add it?''

He said, ''Because the students here are familiar with the Johnsons and the Eriksons and the MacGivers, but not the Giadellis, Bergers, or Cohens. And so, for this audience to give the impression of what ethnic campaigning was like, it had to be put in a form understandable to that audience.

I thought to myself, we are all products of our environment and where we grew up. And we may see things in a different light and often at a different time.

You may remember the difficulty that Ed Muskie had in 1972 when he used, or was alleged to have used, the word ''Canuck,'' a term of derogation, a term not to be used, and it hurt him in the campaign.

Yet, you can go back not more than 60, 70 years to the musical ''Naughty Marietta'' and the captain, Captain Dick. Captain Dick's infantry was almost a free-booter in terms of this little private army, and in the Victor Herbert musical, ''Naughty Marietta,'' you recall the lines:

Tramp, tramp, tramp now clear the roadway.
Room, room, room the world is free.
We are Planters and Canucks.
Virginians and Kaintucks.
Captain Dick's own infantry.

There it was used as a term of geography, perhaps, but really used as a term for rural Americans. It does not matter if we are Canucks of French Canadian background or planters or Kaintucks. The times had changed and times do change.

I remember well January or February 1942. My father was a lobbyist for the principal Oregon business group, now called Associated Oregon Industries, and then called Columbia Empire Industries. He used to go to the legislature. He was a house counsel for them, not outside. He attempted to explain to me in 1942 an incident that I could not grasp at the time.

I grew up practically every day after school at the neighborhood YMCA—swimming, tumbling, basketball—and it was, indeed, a neighborhood youth center, and we had a number of boys, members of Japanese ancestry. One day they disappeared. Gone.

My father attempted to explain the relocation. He attempted to explain these were American citizens—he was also a member of the American Civil Liberties Union, even though he was a business lobbyist—and the unfairness in what he thought was clearly an unconstitutional act, and surely the Supreme Court would strike it down.

I remember him calling to my attention that we were not going to imprison any Americans whose names were Shultz or Heindrich of German ancestry, even though at the time German submarines were sinking ships 5 and 10 miles off our coast.

It was a difference in the way we looked at ethnic backgrounds.

Mr. MOYNIHAN. Or Giadelli.

Mr. PACKWOOD. Exactly. We did not imprison any Giadellis or any DeAngelos; only those of Japanese ancestry. So as we look at things, our whole growing up and our whole background influence us.

I noticed the glass ceiling report the other day on women and employment. I can understand the report. It is hard for me to grasp, in terms of my own employment practices. The women in my office are my chief of staff, my press secretary, my legislative director, my staff director, and chief counsel on the Finance Committee. All of the principal positions of leadership in my offices are held by women. All of my campaigns have been managed by women for the last four campaigns.

On average, although we did this study 8 or 9 months ago, women made, on average, $10,000 more a year than men in the office. I once had a man—I do not know if he was facetious or not—who talked to me about affirmative action and the feeling that somehow men were not treated quite as equally.

In my office, if I had to have a quota system, I would have to fire two or three women and probably lower the salaries of many others in order to reach some kind of equality.

So, again, we are all products of our background. We all see things as we saw them when we grew up, and often people who grow up in a different era, or are treated differently, come at things in a different way.

I think rather than being harsh with each other and judgmental, we are often better to be kind.

One of the nicest eulogies I think I ever read was by Winston Churchill when Neville Chamberlain died. He died in about 1942. Chamberlain had been the Prime Minister of Great Britain. He had been really the head of the pacifists and had negotiated with Hitler for peace for our time. He had been proven utterly wrong, and had to resign almost in disgrace at the start of the war.

Churchill, all during the thirties and during the ascendancy of Neville Chamberlain, said, ''Watch out for that man. This Hitler is evil. We are going to go to war. The pacifists are wrong. We should be arming, not disarming.'' Everything Chamberlain did, Churchill disagreed with, and Churchill was right.

Churchill's wonderful eulogy is as follows:

> At the lychgate, we may all pass our own conduct and our own judgments under a searching review. It is not given to human beings happily for them for otherwise life would be intolerable, to foresee or to predict to any large extent the unfolding course of events. In one phase, men seem to have been right, in another, they seem to have been wrong. Then again, a few years later, when the prospective of time has lengthened, all stands in a different setting. There is a new proportion. There is another scale of values. History with its flickering lamp stumbles along the trail of the past, trying to reconstruct its scenes, to revive its echoes, and kindle with pale gleams the passion of former days.

He goes on for another three or four paragraphs in his book and he concludes that, ''We do honor to one.'' Churchill would have had every right if he had wanted to say this man was wrong, but he did not.

Now, Mr. President, with that background, let me come to this bill. The issue of this bill, de facto, is whether or not we are going to fund, for those who are self-employed, enough money so that they can deduct 25 percent in the first year and 30 percent thereafter of the cost of their health insurance premiums. There is no debate about that subject. There is barely any debate about the funding levels. We would all like it to be higher, but there is no debate about what we have done. And in the discussion of this bill, I think relatively little controversy, if any, would be generated about the purpose of the bill.

But the bill became a flash point when it passed the House and part of the financing—we have continued it in the Senate—was the elimination of what are known as minority and women certificates at the Federal Communications Commission, whereby certificates of preference, in essence, are given to sellers or others of broadcast properties if they will sell them to minorities or to women.

This brings us, really, to the issue—and it is interesting that in the Washington Post this morning there is a long story and in USA Today is the longest story I have ever seen for USA Today—four pages—on the issue of affirmative action. I thought it ironic that on the day we start this debate, those stories would be in two principal newspapers. It is doubly ironic that we start this debate on a bill that comes from the Finance Committee. We have jurisdiction of many things on this committee, but never in my wildest imagination would I have thought the first debate on one of the major issues to face this country would come out of this committee. But so be it. Like generals, you cannot choose where you want to fight. You fight where you have to.

Let me discuss what the issues involved are and what we face, because I think in this bill and in this issue, whether or not we want to have preferences is really oblique. But what will come after this may be set by the tenor of the debate today. Take a look at the history of civil rights enforcement, and it really falls into three categories: individual discrimination, individual remedy, and then past discrimination, where the remedy was a group entitlement rather than just an individual remedy. The last is a situation is where you have no discrimination shown in the past at all, but you have group entitlements because you want to change the ratios of employment, or admittance to colleges, or whatever, but no showing of past discrimination. Those three—the first is individual discrimination and individual right; the second is past discrimination and group right, even though everybody in the group may not have been discriminated against. And the last is, where there is no evidence of discrimination.

Take the first, individual discrimination. Suzy Goldberg is Jewish, and Suzy wants to buy a house in a housing development. The developers have a covenant that they cannot sell to Jews. Suzy sues and wins and gets the house, and Suzy gets damages. An individual wrong and an individual remedy. And that was what we thought we meant, I think, by civil rights and civil rights enforcement, that all people were to be judged on their individual merits and treated individually. Then we moved to a second phase. I remember this era because I was here. To digress for a moment, it is interesting, when we were debating the budget the other day, I mentioned a 1972 bill in which we were voting whether or not to give to President Nixon the power to cut the budget when it exceeded $250 billion. One of the younger staff members, one of our permanent staff members, came up and said to me, ''Senator, that was very interesting, but if we had term limits, would anybody know about that except some historian? I thought her point was well taken, perhaps because I am going to go back now in history. I am not sure, if we had term limits, that anybody would know.

Anyway, we went through this first phase of individual remedies for individual discrimination—and Hubert Humphrey's wonderful comment is cited over and over on the 1964 Civil Rights Act. He said:

> I will start eating the pages, one after another, if there is any language which provides that an employer will have to hire on the basis of percentage or quota related to color.

He was thinking individual remedy for individual discrimination. But the difficulty came when you started getting into a situation where you had businesses that simply had a history of discrimination. Women would not rise above a certain position. No blacks would be hired. And you had this 30, 40, or 50 years of discrimination. What do you do? How does one individual remedy solve an almost aggregated problem?

So the Johnson administration—and my good friend, Senator MOYNIHAN, the ranking member of the Finance Committee, is well familiar with this era. He was in the Kennedy administration in the Department of Labor and certainly is familiar with everything that went on as we got to the Office of Federal Contract Compliance and the effort to get employers and those who contract with the Government to do better at hiring minorities and women. But the administration, I think, correctly was afraid to actually set quotas. They did not want to use the word ''quotas.'' Therefore, business, on the other hand, was not quite sure what goal they were to hit. Ironically, it fell to a Republican administration to really address this—there had been a couple of court decisions, but the first set out a remedy that went way beyond any remedy to rectify discrimination to an individual person. It was called

the Philadelphia plan. Here again, when I say I have been here long enough to remember this, I am not sure if we had term limits, if anyone would know this.

The Under Secretary of Labor was Larry Silberman. He was the author of the Philadelphia plan. He is now on the court of appeals. I knew him well. I was on the Labor and Public Welfare Committee and dealt with him then. More importantly, I got to know his wife, and she was my press secretary for several years in the 1970's. So it is a longstanding association. Larry Silberman, now Judge Silberman, was the author of the Philadelphia plan. In Philadelphia, in the building trades, they had a history of discrimination. Initially, we thought against blacks, but I recall, 20 years ago, Larry saying it was not against blacks, it was against anybody not related to somebody already in the trades. You hired your cousin or your uncle's nephew, or somebody like that. It was a closed show. But it was totally closed to blacks.

So the administration came up with the Philadelphia plan. Larry Silberman, Under Secretary of Labor, now Judge Silberman on the court of appeals, was simply decreeing that, henceforth, the building trades would have to hire a certain number of minorities, and there had to be a timetable and a goal to be reached. And the problem was—and Larry Silberman said, in retrospect, and he set this forth in a wonderful Wall Street Journal article in 1977—he said that inevitably the goals and the timetables became quotas. How could you know if somebody was meeting the goal without counting? And the counting became quotas. And, finally, the employers, out of frustration and fear, started setting quotas. If there were 20 percent blacks in the area, you try to hire 20 percent blacks, if you can.

I might quote one paragraph from that Wall Street Journal article that Larry Silberman wrote in 1977:

> I now realize that the distinction we saw between goals and timetables on the one hand, and unconstitutional quotas on the other, was not valid. Our use of numerical standards in pursuit of equal opportunity has led ineluctably to the very quotas, guaranteeing equal results, that we initially wished to avoid.

So now we have gone from an individual remedy, for an individual act of discrimination, to a group entitlement and having to hire a certain percentage of minorities, even though many in the minority may have never suffered any individual discrimination in hiring. They never applied and had never been turned down. As Larry Silberman said, once the Philadelphia plan was adopted, we began to apply it nationwide like Johnny Appleseed, scattering it every place, and even starting to apply it where there was no evidence of discrimination. Just assuming that after 200 years there had been discrimination and therefore, Mr. or Ms. Employer, if you want to contract with the Federal Government, you better have so many percentages of different minorities.

That brings us to the issue at hand. It is the issue of the Federal Communications Commission and the issuance of tax certificates. We are principally talking about sellers of broadcast properties receiving a tax credit when they sell to a minority. And the sellers are the ones that make, initially, the great profit. Here is an example: Let us say you bought a radio station for $1 million 10 years ago and you want to sell it now. It is now worth maybe $5 million.

The FCC says if a person sells it to a minority, they need pay no taxes on the profits if, within 2 years, they reinvest them in a similar property. No capital gains, no nothing.

So they have a $1 million station, they sell to a white person for $5 million, they have to pay taxes on $4 million. Sell to a minority, they have $4 million profit, and roll it into a similar profit and they pay no taxes.

What brought this issue to a head was the so-called Viacom deal, and this was a big deal. This was a sale of about $2.4 billion and a deferral of taxes, $400 to $600 million of taxes. That is what caused this issue to come to a head.

Here is the problem with the FCC tax certificate program. First, there is no history of discrimination in the sale of broadcast properties. If a person wants to sell their radio station, they will sell it to the highest bidder. One fellow said, ''I don't care if they have blue skin and an eye in the center of their forehead. If they have the most money, they get to buy the station.''

There is utterly no history of discrimination in the sale of properties. Yet the FCC wanted to ensure that minorities could get properties, and they had to hinge it on something, as they had no history of discrimination in the sale of these properties.

So they came up with the idea of diversity broadcasting. It is not a new idea; it is a policy they have followed for years. But normally we would have thought of it as economic concentration. A person was not allowed to own two radio stations in the same town. They came up with a policy that said, ''You have to sell one.'' Involuntary conversion. You sold it, you got the tax certificate because the Government made you sell it.

Pretty soon they said a person could not have a newspaper and television station in the same town, and they required the divesting of the involuntary diversions, and the tax certificates were used because they changed policy. It was almost as if they were thinking they did not want William Randolph Hearst to own the television station, radio station, and newspaper—almost an economic antitrust.

The argument is people wanted diversity. In 1978, the FCC, Federal Communication Commission, started the policy of diversity; you sell to minorities and you want diverse voices owning television and radio so you could get a different kind of editorial opinion and a different kind of news.

Here is where the interesting linchpin comes. It is a difference of opinion as to how one reads the studies. I have now read all the studies. I think I mistakenly had not read enough when it went through the Finance Committee. I thought initially that the studies proved that minority-owned radio stations and television stations programmed differently. I have now, I think, read all of the studies that were relied upon, and I will cite a few.

One was done by Marilyn Fife in 1984, an associate professor at Michigan State University. It was a relatively modest study, of two local television stations in Detroit. One was owned by a minority and one not, and her conclusions were as follows: There was no significant difference between the stations as to news and coverage of international politics or issues. No significant difference existed regarding coverage of community events and human interest stories. No significant difference existed as to coverage of crime, accidents and fire. And there was no significant difference in the amount of time devoted to racially significant stories. In sum, she could find in that study no evidence that minorities programmed to minorities.

She did another study in 1986. This time she studied four television stations, one in Corpus Christi which was owned by Hispanics; another one in Detroit—the minority owned station she had studied previously; one in Jackson, MS, that was black-owned; and a station in Bangor, ME, that was 100 percent black-owned, principally by 35 black professionals who were mostly from Chicago.

What she discovered was interesting. In Corpus Christi, which is 48 percent Hispanic, this station owned by Hispanics attempted to broadcast marginally to Hispanics but they had difficulty getting advertising revenue, and they did the best they could. But she also discovered that there were other stations in Corpus Christi. These are radio stations owned by whites that were broadcasting to Hispanics—48 percent of the market. We can understand why.

The Detroit study was no different than she had seen 2 years before. The two stations—one black-owned, one not—still broadcast similarly.

In Jackson, MS, about 40 percent of the population is black. But the black owned-station did not program any differently than the other stations programmed. All of the stations were aware that there was a 40 percent black audience; it did not matter if they were owned by minorities or not.

Then in Bangor, ME—the interesting one—Bangor has only about .2 percent black population. And although the station studied was totally owned by blacks, they said it was first and foremost a profit-oriented entity. The goal of the news management was to have

similar news coverage as the other two local stations. It is understandable.

Then we have the Trotter study in Boston in 1987. This study compared the types of news coverage by five newspapers and then three television stations and two radio stations, one white-owned and one black-owned.

They discovered among the newspapers, initially, a tremendous diversity in the way the news was covered depending upon whether you were black-owned or not. But then look at the papers that were being studied. The Boston Globe and the Boston Herald were immense big dailies, not black-owned. The three black-owned papers were the Bay State Banner and the Boston Greater News, both published weekly; and the Roxbury Community News, published monthly.

They, in essence, were ''narrow casting'' as can be done in the print. We still find all kinds of foreign language newspapers in this country, printed in this country, for a narrow population. Those three black-owned papers in Boston, two weeklies and a monthly, were programmed to some extent to a black audience. But we can do that in print; a person can do that. Say, if I have 5, 10 percent or 15 percent interest in this, I can make a little profit on it. But the two big papers, the Boston Globe and the Boston Herald that were in essence printing broadly for everybody, printed for the broad audience.

Then regarding the radio stations studied in Boston—one white-owned and one black-owned—again what the Trotter study concluded was interesting. We should think of it in the context of our use of the words ''narrow'' and ''broad.'' What do we call the function of radio and television stations? We call it broadcasting. It is almost impossible to limit your signal to a particular segment—to broadcast it to a particular segment of the population. A person might get a particular segment to listen —broadcast country and western, or soul, or all news. Whoever likes that will listen. No way can a person shut out everybody else who might want to listen.

What the Trotter study discovered on the broadcast properties was that they all broadcast ''broad'' whether they were owned by whites or owned by minorities. They all regarded themselves as part of the overall community. No significant difference.

Then we get to the CRS study, the Congressional Research Service study, which admitted in itself it had some shortcomings. It was done in 1986, but it was done by sending out a questionnaire. It had, basically, sort of multiple choice and then check boxes as to what kind of programs are done, no personal interviews. All the stations did not respond, but it was a broad study. There is a question as to whether it was deep or not—it is hard to tell.

From this study came the principal reliance of the courts, or the principal criticism by the courts, of the FCC's policy, because it finally came to the courts. And, in the Metro Broadcasting case, the Supreme Court, in a 5-to-4 decision—although it is interesting that 4 of the 5 in the majority are now gone and have been replaced by the other 4 that have been appointed since 1990—it relied upon, basically, the CRS study and said there is evidence that a minority-owned station programs more likely to a minority audience than would a nonminority-owned station.

But in a blistering dissent when the same case was in a lower court, Judge Williams said as follows:

> Hispanic targeting is obviously more likely to be profitable in Miami than in Minneapolis. Thus, if specific minorities are more likely to own stations in areas where they are numerous (which seems likely), the difference in ''targeting'' that the Report hesitantly attributes to the owners' racial characteristics may be due simply to their rational responses to demand.

This was the difficulty with the study. How do you tell if a station—if it is in a city that has a 30- or 40- or 50-percent Hispanic listening audience or a 25- or 35- or 40-percent black audience and is owned by a minority—programs a certain way because it is owned by a minority or programs that way because that is the audience there is to listen to it? And that is what the minority, both at the lower court and then 5 to 4, with Sandra Day O'Connor writing the dissent in the Supreme Court—that was the difficulty they found. And she says, ''First,'' in the dissent, ''the market shapes the programming to a tremendous extent. Second, station owners have only limited control over the content of programming. Third, the FCC had absolutely no factual basis for the nexus when it adopted the policies and has since established none to support its existence.''

In essence, she said there is no evidence to conclude that because minorities own a station they broadcast to minorities.

Now, however you look at these two or three reports, where you could read them one way or the other, there are two glaring problems with them. One, the CRS, the biggest study, did not include television in its analysis. So you have no evidence. They just did not cover any television stations. And, while they included women, the report basically concludes that women-owned stations do not program specifically to women. So if your hope in giving a minority certificate to a seller who sells to women is to get whatever women's programming might be—whatever that is—you do not get it. It is no different than any other station that is owned by a man.

So, in these multiple studies, you have this situation: Some arguable evidence—some—that a minority-owned station might program to minorities. But to me, the overwhelming evidence is that it depends upon the market that you are in, rather than the ownership. Second, as to women, there is no evidence that they program to women at all.

In fact, again, I started this speech talking earlier about my experiences. In Oregon—I do not know if this is true in many other States—our second biggest market is Eugene, OR. I know what its population is. I do not know what the thrust or radius of the broadcasting market is, but I would guess 300,000; and Medford, OR, I guess would be our third biggest market, and I guess it would be 200,000. Each of the towns have the three network affiliates. In each of the towns, two of the network affiliates are owned by women. Ironically, in each of the towns, the affiliates are owned—I mean in Medford and Eugene—each of the affiliates are owned by the same woman. So in Eugene, OR, you have Carolyn Chambers owning a television station, going head to head with Patsy Smullin, who owns a television station. And in Medford, OR, the same two women own two stations, going head to head in competition. I defy you to go to Eugene, OR, and watch any of the stations and try to figure out from looking at what is on it whether it is owned by a man or a woman. You cannot. I understand why. These are two canny women. They are successful businesswomen. They understand their markets.

So now you ask yourself—and this is where we are coming, now, down to the third issue. Remember, I said there are three types of remedies in the history of civil rights litigation.

One is remedies for individual discrimination. Suzy Goldberg cannot buy the house. She is discriminated against. She sues, she wins, she gets the house and damages. That is one.

Two, you have remedies based on a history of discrimination. Let us say it is in employment. A business has not hired blacks, or trade unions have not let minorities in for years, and you sue and your remedy is a class entitlement in which you say: We are going to require the business to hire so many women or promote so many women; or we are going to require the trade union to let in so many minorities until they reach a certain quota and we are going to give this preferential hiring right to any number of people in the class that has been discriminated against even though they individually have not been discriminated against, but you have a history of discrimination.

And then the third type of remedy is in a situation where you have no history of discrimination. This is where the difficulty comes in Federal programs, and it is an interesting distinction that the Court makes. When the Court is reviewing discrimination on the part of State or local governments, or businesses or trade unions, there must be evidence of past discrimination before there can be a remedy of any kind. But if the Federal Government is imposing some kind of hiring preference or admittance preference or whatever, the Court does not require any showing of discrimination. They

have made a distinction between Federal actions, whether they are administrative or congressional fiat or findings; they do not require any finding of past discrimination.

That brings you to the situation where we are now with the Federal Communications Commission, where you have no history of showing of past discrimination in the sale of broadcasting properties, and where at best the only justification for the minority tax certificates is the argument that minorities or women program differently, and you get diversity. As I say, the evidence on this is mixed. Is that a sufficient justification for setting aside part of the television and radio spectrum for women and minorities?

Without getting into the argument as to whether it is or it is not, the question you ask yourself is: Do we want a Government policy that says we are going to attempt to help minorities or to help women where there is no evidence of discrimination? And in order to help them, we will give them a preference and, of necessity, as there is a limited amount of these properties, the preference will have to exclude somebody else who could have otherwise bought the station or might have otherwise bought the station.

I want to tell you what I think is the danger of this policy. It is not so much a danger as to whether or not we want to have a policy of giving preference where there is no discrimination. What bothers me is that the Federal Government is first defining minority and deciding what voices it wants to hear in broadcasting.

I will tell you one group that is not included that I would think would have a legitimate complaint. It is Americans of Arab ancestry. They do not count as a minority. They are Caucasian, so they do not count. I would wager that the average American watching television news today thinks of anybody of Arab ancestry as a terrorist—they are going to blow up the plane, blow up the World Trade Center, or assassinate our diplomats. It is totally unfair to the millions of Americans of Arab ancestry who are hard-working, decent Americans, who send their kids to school—but they do not count as a minority. They cannot get any tax preference for the purchase of a radio station or television station because the Federal Government has made its decision as to which voices will be allowed. And when any government has the right to make that decision, that is a danger to be frightened of.

Most of us in the Senate can still remember the attacks that came before, during, and after Nazi Germany about the Jewish-owned press. The New York Times was singled out by the Fascists as supported by the Government. They were not, but it was the allegation: supported by the Government. It was a front for Franklin Roosevelt. That is the kind of fear I have, a fear of the consequences when governments begin to determine who is going to have the right to be the voice of the people.

You think back in history. Again I come back to what in my mind amounts to discrimination against Americans of Arab ancestry. It is particularly ironic if you think back in history. When we were going through the Dark Ages and Western Christendom was going through the Dark Ages, we progressed through holding on to repositories of learning in a few monasteries for practically 1,000 years. You had these great Moslem centers of learning, and Jewish centers of learning. Ironically, almost all of them were in what is present-day Iraq. Here were the candles of learning and education which we kept burning. Western Christendom was almost on the brink of intellectual extinction.

So times change. Were there periods in our history where we needed to have group entitlements to remedy past discrimination? I emphasize that again. Group entitlements to remedy evidence of past discrimination? Maybe. Maybe not. That was the Philadelphia plan. The Philadelphia plan, for all of its good intentions, when it set goals and timetables could not avoid quotas because there was no way to get there without counting.

But I really want to ask a broader question—we do not need to answer it really today in this bill—as to whether or not we want group entitlements where there is no evidence of past discrimination. Not an iota. And we allow the group entitlements at the expense of others in different groups because of the Government decision that we want to prefer some people over others where there is no evidence of discrimination.

So as we start this debate—I do not mean today—as we start it in this Congress and in this country, and it is coming in the years, I hope we begin this debate with understanding and not malice. I hope we can conduct this debate with gentleness rather than rancor. I hope we conclude this debate with love, charity, and the hope that all individuals of any race or ethnic background can finally achieve their rightful day in the Sun where they do not have to live in the shadow of the suspicion that they got there because of a preference.

I wish that we had not had to come to this today or any other day. But we are here.

So let us continue, as I hope, in spirit of fairness and let us make the decision as to whether or not this country wants to go down the path of group entitlements without any evidence of discrimination.

I thank the Chair.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, might I begin by—once again, not the first time and not for the last—expressing my great admiration for the clarity, openness, and wisdom with which the Senator from Oregon, the distinguished chairman of our committee, has spoken. I have nothing of the depth or breadth of his observations to offer myself today.

But I would make just a very few comments, some of which might resonate with the chairman. He mentions that I was in the Kennedy administration. I was, in fact, Assistant Secretary of Labor for policy planning in the Kennedy and Johnson administrations. I was present at the creation, if you could say, when Vice President Johnson went down Pennsylvania Avenue, and left this Chamber. He had two principal activities in the Federal Government, not many, after rather enormous energy was given to assignments: The space committee, which was mostly interested in whether—the great issue at the time—that would we build the supersonic transport. All the major transport planes in this country had been begun as military models. They had gotten bigger and faster and so forth.

Finally, they came along with the supersonic. It could get you anywhere in no time at all but with only a platoon of marines. And was it really worth it? The Defense Department said we will turn it over to civilian manufacture, if they want to. In the end, as you know, we decided not to and the Europeans decided to do so.

Vice President Johnson would concentrate on that, and have meetings all Saturday and Sunday. But mostly he was concerned with a Department of Labor subject of the employment of minorities in units. He threw himself into that effort.

I can remember walking into Secretary of Labor, Arthur Goldberg's office one morning and there on Steve Schulman's desk were three pink slips saying ''Call Camel.'' He was in Afghanistan, the Vice President at that point, in that celebrated effort in which he took a camel driver, and gave him a truck and ruined the man's life. They did not have any spare parts for the trucks but with camels you could go. But he was thinking of this mission and all.

When he became President and was dealing, he was confronting, and you were very sensitive. If I can say to the Senator that Judge Silverman, commenting on the Philadelphia plan, pointed out that they discovered that the absence of other groups in those building trade unions was not a matter of discrimination against as discrimination for. There has been a great deal of literature, apocalyptic, grandiose, about the nature of the labor movement and what it would do for the world, transformation, and so forth.

But still the most demanding text was written out of the University of Wisconsin in the 1920's by Selig Perlman, called the ''A Theory of the Labor Movement,'' in which he broke the hearts of a whole generation of progressives by saying the labor movement arises from the perception of the

scarcity of economic opportunity. There are not many jobs. There are only some jobs for plumbers in this town, and it would be very careful who gets to do the plumbing, trying to restrict it to your circle because the economic opportunity was scarce. That was published, ''A Theory of the Labor Movement,'' in 1928.

But it also became clear as we began these efforts that we were dealing with issues of caste in American life, then very real, but also class. Particularly in the Labor Department they had been able to understand the class issues; that these merged in many circumstances.

There is in the current issue of The New Republic an article by Richard Kahlenberg called ''Class, Not Race.'' It proposes a distinction which is real. But I do not think an exclusive consideration of either one gets you into a lot of difficulty. But he points out. He said:

> In Lyndon Johnson's June 1965 address to Howard University in which the concept of affirmative action was first unveiled did not ignore class. In a speech drafted by MOYNIHAN, Johnson spoke of the aftermath of caste discrimination which had the effect of class disadvantage. That was the first assertion of affirmative action as a Presidential policy.

The speech was given in June 1965, and on September 24, Executive Order 11246, part one, nondiscrimination in Government employment. This was directed to discrimination and nondiscrimination in employment by Government contractors and subcontractors, addressing yourself to the old refrain ''no Irish need apply'' phenomenon.

We provided that the Federal contractor had to agree to take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, creed, color or national origin. That is the first use of affirmative action.

In 1967, I had departed then but all work was done in the Labor Department—very important, the Labor Department—in 1967, the Executive Order 11246 was amended to apply to gender discrimination as well, by President Johnson. And then again in 1969—and peripatetically I am back, I am in the White House—President Nixon went further in Executive Order 11478 to speak basically to quantitative measures:

> The head of each executive department and agency in the United States Government shall establish and maintain an affirmative action program of equal employment opportunity within his jurisdiction, in accordance with the policy set forth in section 1, to assure that recruitment activities reach all sources of job candidates.

At this point, not to sound too theoretical, we are getting behavior of organizations. Two phenomena took place. One is that Federal executives seeking to bolster the legitimacy and widen the support for these affirmative action programs included successively new groups identified in one form or another, thinking that this would widen support—Native Americans, an obvious example.

But I remember, in the 1970's, running into a list that had been compiled in the Department of Health, Education and Welfare which on one line in a list of categories had the category Maylays and Aleuts. It is a little hard to be clear what exactly the relationship between Maylays and Aleuts was, but somebody had it in their head. We will deal more effectively, with the kind of openness of mind and heart that the Senator has spoken of, if we are aware that we are not alone in this matter. Ethnic divisions are the primary source of division in the world today, class division having turned out to be much less powerful—not absent but much less powerful. The problem is, as the Senator has referred, once you list 10 groups, you have excluded 110 groups. So then you go to 11 and then you will go to 12. But you never reach a point where there is nobody that has not been excluded, and indeed our affirmative action programs today on behalf of minorities cover about 75 percent of the population.

The second point to make, if I may—and I am sure the distinguished Presiding Officer would recognize this—it is invariably, inexorably the pattern of bureaucratic behavior—I know it is a bad word but it is a reality—to seek to quantify. They will say count up and then we will know. It is Weberian uniformity. I have got to be able to say I have the same standards you have and let us measure by these same standards which will turn out to be quantitative. Let us see who has done the better job.

I think if we demystify a lot of this, we will do a better job in handling it, with the openness that the Senator talks about, because let us not have any illusion about the problems of equality in the United States. There are very real problems of equality. The Senator from Oregon nodded agreement at this point. They are enduring problems and a democracy inevitably and properly addresses them, and does so in settings of great emotion because the one basic fact is that we are a Nation defined by credo rather than by territory and blood, and the credo of equality is very powerful in the United States. In the end, you have to be very sensitive to perceptions that it is not being equally applied, and that is one of the things we are going to deal with here.

If my friend would permit, however, I would like to address the more pedestrian but yet more urgent matter before us which is the restatement of the 25-percent tax deduction for the health insurance expenses of the self-employed, which is the measure before us today.

Authority for this tax deduction expired at the end of 1993. The health care reform legislation reported by the Finance Committee last year would have reinstated it on a timely basis, but obviously we did not get that legislation passed. Thus, we have a situation where the filing deadline for the 1994 tax year is fast approaching and the self-employed are left with no health insurance deduction. It is imperative that we act promptly on this legislation so that more than 3 million self-employed individuals across this country can file their 1994 tax return by the April 17 filing deadline. We must act quickly, and I am confident we will.

Of course, reinstating the deduction costs revenue. In order to avoid increasing the deficit, we must offset its cost with other provisions. And I was concerned, with colleagues on both sides of the aisle, that we have decided to pay for the health insurance deduction with a provision that has a long history and is controversial, as the chairman observed.

I refer to section 1071 of the Internal Revenue Code which authorizes the Federal Communications Commission to provide tax deferral to sellers of broadcast properties when such sales effectuate FCC policies, including sales to minority purchasers to foster program diversity. This bill would retroactively repeal section 1071 so that even those transactions which had been negotiated in reliance on section 1071 could not go forward. One thing is clear as we consider this bill—there were other ways to pay for the reinstatement of the deduction.

Mr. President, many assertions have been made about the FCC tax certificate program, some justified, some not. I, and many of my colleagues, recognize that valid questions have been raised about the way that section 1071 is currently being administered. But, before we act on this bill, we should be clear that other options were available, short of outright repeal on a retroactive basis. I proposed an amendment in the Finance Committee that would have paid for the health insurance deduction at an increased level of 30 percent, avoid the issue of retroactivity, and provided a moratorium of up to 2 years on the FCC's issuance of tax certificates. During the moratorium period, no FCC tax certificates would be issued and applications for tax certificates would not be processed by the FCC. The Administration is undertaking a comprehensive review of all Federal affirmative action programs. The moratorium would have provided adequate time for the Congress to take a careful look at section 1071, consider any recommendations from the administration, and make changes in an orderly way. Section 1071 was enacted more than 50 years ago, in 1943, and its application to sales of broadcast properties to minority purchasers has been in place for 17 years, since 1978. It is only reasonable to expend more than a few weeks when making significant changes to the provision. Unfortunately, the necessity of acting quickly on the extension of the self-employed

health insurance deduction has precluded that kind of deliberation.

The amendment that I offered in the Finance Committee to this legislation would have eliminated the retroactive aspect of the repeal of section 1071. Our colleagues in the other body, and more recently the Senate Finance Committee, have voted to repeal section 1071 on a retroactive basis—that is, retroactive to January 17 of this year, the date on which the Chairman of the Ways and Means Committee issued a press release raising concerns about the provision. The best information we have is that there are at least 19 transactions that were negotiated in reliance on the existence of section 1071 and had FCC tax certificate applications pending on January 17. In many of these cases, the parties had signed definitive purchase agreements, subject only to issuance of an FCC tax certificate, filed applications for FCC tax certificates, and expended hundreds of thousands—in some cases, millions—of dollars in negotiation costs. All done in reliance on an FCC policy that had been in place for 17 years and had been expressly reaffirmed by Congress in each annual appropriations bill for the FCC since 1987, most recently in appropriations legislation passed in August 1994.

Businesses cannot plan, cannot negotiate, and cannot compete on a fair basis under the threat of this kind of retroactive reversal of the law. The critical issues are adequate notice and justified reliance. Many of us believe that the affected parties justifiably relied on the law in effect when they entered into their transactions, and that the notice they received was not adequate. This kind of retroactive legislating should not be done. I regret that it is in this bill, but the time has now run out for alternatives if we are to get the self-employed health insurance deduction reinstated within a reasonable period before tax returns for 1994 must be filed.

Mr. President, we could have addressed the need to extend the self-employed health insurance deduction in a timely manner without retroactively repealing the Minority Broadcast Tax Preference Program. We must act promptly to reinstate the 25 percent tax deduction for the health insurance expenses of the self-employed. And, we will. I regret, however, that my colleagues did not accept the amendment I offered in the Finance Committee which would have allowed us to review this provision more carefully, correct what must be fixed and retain what has clearly worked for so many years.

Mr. President, I see the Senator from Maine has been on the floor. I think he wishes to address this.

I yield the floor.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Maine.

Mr. COHEN. Mr. President, first let me say that we have heard presentations here this morning by, I believe, two of the most intellectually gifted, eloquent Members of the U.S. Senate, both of whom have a long record in the field of civil rights and affirmative action programs that attempt to rectify policies of discrimination.

The PRESIDING OFFICER. Let me interrupt the Senator.

Who is yielding time?

Mr. PACKWOOD. Mr. President, I yield as much time as the Senator may need.

The PRESIDING OFFICER. The Senator is recognized.

Mr. COHEN. I thank the Senator for yielding.

I would like to discuss the broader issue involved here. Since this particular bill is said to be the first wave of an oncoming assault on all affirmative action programs, I would like to discuss the subject in a broader context.

First, commenting on the statement of the Senator from New York, we are trying to provide very much needed relief to the self-employed, a tax benefit that had expired last year for self-employed individuals who need to purchase health insurance. That deduction expired last year. It needs to be restored.

In my own opinion, we need to expand it as we try to reform our health care system. Many of us would like to see the self-employed put on the very same footing as the employers who now claim a 100-percent deduction. Obviously, that will involve a revenue loss and we will have to find ways to pay for it. That, of course, is the second component of what we are talking about here today, finding ways to pay for the restoration of a tax benefit that we would like to see not only restored but increased.

I think what is remarkable from my perspective, in reading today's Washington Post front page story about the mood that is sweeping the country, one that the polls tell us is overwhelming, that is the rejection of the whole notion of affirmative action.

Many people assert today that we are living in a color-blind society. I feel that is a flagrant falsehood. I do not for one moment believe that we live in a color-blind society. I think, quite to the contrary, perhaps we are more color conscious than ever by virtue of the social developments that have taken place in the past 10, 20, 30 years.

There is also a notion that not one of us should ever be held responsible for past discrimination. In other words, you could have what you call 2 centuries or 4 centuries of absolutely reprehensible conduct and its impact on the minority groups, and there should be no curative or restorative responsibility borne by today's generation. That is a sentiment which apparently is very widely held.

Another widely held view is that unqualified blacks and minorities are taking jobs away from more qualified white males, and some would even argue genetically intellectually superior individuals. They refer to ''The Bell Curve.''

It has also been stated that reverse discrimination—which, I think, is a misnomer, reverse discrimination, because discrimination really means you have the power to discriminate, to hold someone down or back. For most people who fall into the category of minority, they do not have power. But, nonetheless, assuming you accept the phrase ''reverse discrimination,'' some have said it is an evil equal to slavery. I find that to be more than a mild exaggeration, given the history of what has taken place in this country.

And, of course, most people believe, and all of us here share in that belief, that we are fundamentally opposed to discrimination.

On one hand, we are fundamentally opposed to discrimination; namely, basing our decisions and judgments of people on the color of their skin or the texture of their hair, their gender. We are all opposed to that, but we also reject any affirmative programs to rectify discrimination where, in fact, it exists.

I would like to say, respectfully, to my colleagues that we have yet to fully and honestly confront the fact that racism is an evil that is not simply a stained chapter in our history books. It still flourishes in many overt and, I would suggest, even more subtle ways.

We tell ourselves that we practice our religious teachings in terms of loving our fellow man, until a controversy arrives or a conflict in our emotions or our loyalties, and then the darker angels of our nature surface and they lash out and they blame or condemn those whose race or gender is different from our own.

I recall during the Iran-Contra hearings—those were chaired by our distinguished colleague from Hawaii—by virtue of the fact that we had a very popular lieutenant colonel testifying before that committee, the hate mail started to pour in, hate mail directed at Senator INOUYE—a floodtide of nasty, negative epithets directed toward a man who had given his limb, offered his life in defense of this country. And yet, because he had the audacity to question a Marine, a popular Marine, suddenly the hate surfaced and was directed at him.

I thank our colleague from New Hampshire, Senator Rudman, who spoke out vocally and strongly against that, condemning the indulgence of racial hatred. Because, suddenly, the poisonous emotions started to bubble up, and the hate-mongerers said, ''Ah-ha, there is a minority. How dare he challenge one of us.''

And so, this has been our past and I think it will continue to be our future unless there are major changes that will take place, hopefully during our lifetime, but I doubt that.

So we have to go back and ask what was the basis for affirmative action.

The Senator from Oregon, gave a very perceptive analysis of its birth.

But I think it is partly guilt, partly guilt on our part. And with reference to the Philadelphia story, so to speak, the Philadelphia plan, some saw it as partly political expediency.

The guilt came about because we had recognized that we had perpetrated a monstrous evil, that we had enslaved a people, that we had called them only three-fifths human, that we had destroyed their families, their dignity, their pride, and that we had deprived them of opportunity. We had prohibited them from learning to read or write or vote. And then we insisted that they should be willing to fight and die for America, but they could not sleep in the same barracks, they could not eat in the same dining halls, they could not drink from the same fountains.

I do not know whether the Senator from Oregon saw the article that appeared in the Washington Post about a week or two ago about the Tuskegee airmen. It was a poignant story. It was a reunion of the Tuskegee airmen, a group of black pilots who flew back in World War II. It was a very emotional reunion for them. There were tears welling up in their eyes as they were telling their stories.

They had to fight two wars. They had to fight a war against Hitler and they had to fight one against an inner rage that was burning inside them toward a society that said they could be equal only on the fields of slaughter.

We recall not too long ago in our history that we were turning German shepherd dogs on blacks who were marching or sitting in, hoping to enjoy the equal rights and privileges that we have under the Constitution. We blasted them with fire hoses.

It was in the wake of the marches and the sit-ins and, I might suggest, the assassination of Martin Luther King, Jr., that we, as a society, finally recognized and admitted that we had not measured up to our professed ideals, either as individuals or as a nation.

That gave birth to the affirmative action programs to break down the barriers in the worlds of construction and housing and corporate finance and banking and, yes, even eventually in the communications world.

The purpose, as the Senator from Oregon has suggested, was not to give unqualified people special preferential rights, but rather to give people who were, in fact, qualified and eager and ambitious the opportunity to enter into fields that had been denied them solely by virtue of the color of their skin or their gender. That was the purpose of the affirmative action program.

The Senator from Oregon said it was inevitable—quoting those who were the formulators of the program—inevitable that the affirmative action programs would lead to quotas—inescapable. All of us are opposed to quotas, because it is just the reverse of what we are trying to do; namely, not give any group preferential treatment by virtue of the color of their skin or the nature of their gender who are unqualified, but rather to use some affirmative action to allow those who are, in fact, gifted and willing and able to break through barriers that may be made of glass or concrete.

I mentioned expedience, by the way. The Senator from Oregon pointed to the Philadelphia plan. It has been written that Richard Nixon seized upon the plan back in the seventies, to get at the Democrats, to break through the trade and contruction unions who had at that point, and to this day, I suspect, still basically support the Democratic Party. That this was a way to really drive a wedge into the Democratic Party by opening up that particular marketplace, so to speak, to blacks who had been denied that opportunity.

So the question is, have we been successful? I suggest only partly. The Senator from Oregon rightly talks about stereotypes. What happens to Arab-Americans in this country? We immediately see the stereotype of a terrorist. How unfair, as he has pointed out.

The same thing is true for African-Americans in this country. We see them, do we not, as athletes? We are witnessing the return of Michael Jordan and a tremendous outpouring of pride and near hysteria at his returning. We see them as entertainers. But do we see them as entrepreneurs, as such? Not really.

As a matter of fact, there have been stories about the problem out in L.A. right now. All of us—not all of us, but many millions of people in this country—are mesmerized by the trial going on in Los Angeles right now. Why is it, as the trial attorney Jerry Spence suggests, that African-Americans look through a different lens than we do because they have had a different experience than we have had. That experience has not been a pleasant one, apparently, in Los Angeles.

Story after story starts to emerge about prominent actors or athletes who have been followed right to their homes, to their doorsteps because they happen to be driving a Mercedes or another expensive car, and immediately, of course, what do the police suspect? ''Must be a stolen car.'' Either that or, ''He is a drug dealer. Let's arrest him or stop him. Let's see the identification and make him prove ownership.'' So there are still stereotypes which exist to this very day.

Talking about affirmative action programs, I think the Senator from Oregon pointed out the CRS study was at least deficient in one respect. It had not analyzed television. I was going to ask the Senator from Oregon or the Senator from New York as to whether or not there is any relationship between minority ownership in programming, whether he has ever watched Black Entertainment Television? That is minority owned. There is a great story involved in that particular television station.

The owner, Robert Johnson, when he was applying to college, Princeton, was initially denied admission, except that he was then allowed to enter through a minority admissions program. He ended up finishing sixth in his class.

What he gained from that entry into Princeton was access to other Princetonians, access to capital, access to influence. And had he not had that opportunity to break through that barrier that initially had been denied him, he would not be in the position that he is today.

So he started Black Entertainment Television about 20 years ago with a personal investement of—I do not know— $25,000, $30,000, $40,000, whatever it was. Today, that station is probably worth $300 or $400 million.

I challenge anyone to watch the program. Is it different than CBS programming or NBC or CNN? I suggest to you the programming is quite different. It is quite different. And I suggest that that relationship between the ownership and his status has a great deal to do with that programming.

The Senator from Oregon asked the question: Do we want to grant preferential treatment to groups where there is no evidence of past discrimination? But there is another question I think we can also ask: How do those who have been victims of past or present discrimination ever acquire that access to the capital that is necessary for them to be in a position to acquire radio stations or television stations?

In other words, if you take the position that you have historically denied education to a group, let us say African-Americans, equal to that of another group, namely, white Americans, and then you, as an employer, say, ''I can't find any qualified blacks,'' that is the circular argument that those who are struggling to break through the barriers find themselves confronting.

I come back to the issue of stereotypes. All of us recall the Clarence Thomas hearings and the Anita Hill testimony. What was really remarkable to me is the reaction of the people to those hearings. They said, ''Isn't it amazing there were so many articulate blacks testifying during the course of that hearing?'' Now, why should that be so stunning? The word associated with those blacks being ''articulate,'' as if we expected them to be inarticulate. Again, another stereotype that they have to confront. We expect them to not be as educated or articulate as those in the white community.

Mr. President, I ask the question: Should we discontinue preferential treatment to veterans in this country? I see the Senator from New York is rising quickly on his feet, having been a noble sailor in his youth. But we grant preferential treatment to veterans. Why? Because of the sacrifice they have made in serving their country as a group.

Not every one of them served in the Persian Gulf or in Korea on Pork Chop

Hill or in Vietnam or at Iwo Jima—wherever it might be. Some stayed right here in the United States. Some sat behind a desk, never facing the threat of a bullet or a bayonet or a bomb. But we as a society say, nonetheless in hiring practices, we give preferences to our veterans, and we decide that.

When the Senator from Oregon says it is dangerous whenever a Government decides to determine who is in and who is out, well, we are the Government. We are the elected officials. We decide. We are held accountable by our constituents, and we have decided that there is merit in that particular case.

So I think this is just the beginning of a debate that needs to be approached, as the Senator from Oregon has said, with great sensitivity, with a recognition that this is a very powerful issue in this country; that it has the potential to become not only a wedge issue but a very damaging, polarizing issue in our society. We have to look to see whether or not everything should be scrapped in dealing with affirmative action. Let us say, for example, we have abuses in the Food Stamp Program, do we not? We have abuses in the welfare program, do we not? We have abuses in the Federal procurement programs, do we not? We have abuses in the workman's compensation programs and in the disability insurance programs. Has our answer been to terminate them, just kill the programs, they do not work. Or to stop feeding people and let them fend for themselves? We say, wait a minute, let us see if we cannot modify them.

Maybe the States have a better idea. Maybe there are ingenious Governors, creative individuals at the State and local level, that can do a better job than we have done. But the answer has not been, let us just terminate it, it is not working.

That is my fear, as we begin this debate, not on this issue specifically, but on the broader discussion of affirmative action, because if we simply go by what the polls say, there is no contest. But I think we have a higher duty than to simply read the polls and to really examine what is at stake here.

The stereotypes continue, as I have said. I recall reading an article by columnist Michael Wilbon, a Washington Post sports writer. He described an incident where he and five friends, an investment banker, a venture capitalist, a manufacturing executive, a lawyer, and an international marketing director for a large company, went down to the Super Bowl. They were dining in a restaurant and the waitress kept coming over to the table saying, ''Who do you play for?'' Well, he is a noted sports writer, and he was in the company of a reputable lawyer and, as I recall, an accountant, and an investment banker. But the waitress would not take that for an answer. ''No, no, no, who do you play for?''

So we have to deal with the issue of the stereotypes and what that means and what they continue to mean for individuals who try to break out of the stereotypes, who are trying to get into occupations and positions and to start a on a level playing field, which has not existed to date.

Whatever failures have been in affirmative action programs, let us look at them carefully and let us try to see if we cannot change them. If there is no evidence of past discrimination in the field of communications, that is one thing. If this is indeed a system which has been exploited and abused by white corporate owners and not really serving the minority community, then it is time for a change and indeed maybe in this case even a termination.

But I hope, Mr. President, as we begin this debate on affirmative action, that we approach it in the concluding words and with the concluding sentiments expressed by my friend from Oregon—with a sense of responsibility, not with a sense of hate or malice, or vindictiveness, or a simple urge to purge our laws as such of their preferential treatment to groups that historically have been discriminated against and continue to be discriminated against every day—every day of their lives.

So I commend my colleague from Oregon and also my friend from New York. I hope that we can begin this process of fixing those programs that have been misused or abused. But I hope we will refrain from playing the wedge issue, which I know the Senator from Oregon, the Senator from New York would never do, because those wedge issues can become polarizing, divisive issues that will not serve this country well.

I wanted to take the floor to express those sentiments. I know that is not the fashion in which you have proceeded. I commend the Senator for his comments as he expressed them.

Mr. PACKWOOD. Mr. President, I want to respond to my good friend from Maine. He and I have probably been on the same side of more issues than any other person in this Chamber. He mentioned Bob Johnson, the founder of Black Entertainment Television. Well, I met him. Despite the fact that he was a Princeton man and as qualified as anybody, his problem was access to capital. I do not know what I would have done as a banker 20 years ago if somebody came to me and said, listen, I have this idea for an all black entertainment channel. I do not know. It is interesting how he got the money. He could not get it from the banks. He went to John Malone of TCI. I think Malone is maybe one of the finest entrepreneurs in this country. Bob Johnson explained what he wanted to do. John Malone said, ''How much do you need?'' Bob said, ''$500,000.'' Malone said—and I thought this is where Bob Johnson was so humorous. He said, ''All right, I will put up $125,000, but I want 20 percent of your stock. I will loan you $375,000.'' Malone did not know that Johnson would have given him 80 percent of the stock. He got the $500,000 and he said to John Malone, ''I have not really been in a business. Do you have any advice? Malone said, ''Keep your expenses below your income.'' From that grew Black Entertainment Television.

There is an interesting difference. Cable is more like the ethnic newspapers. Cable is narrowcasting. This is where a smart entrepreneur can say, I can make money on 5 or 6 percent of the audience, not 60 percent. As you skim through the channels now, whether it is education, discovery, or history, I doubt if any of them have 50 percent of the audience, but they have 5, 10, 20 percent. There is money to be made.

The Senator put his finger, I think, on the most interesting issue here. No question, in my judgment, there is no discrimination in the sale of the broadcast property. If you have a radio station and you want to retire, you are going to sell to the highest bidder. One owner said, ''Even if you have blue skin and an eye in the center of your forehead, you will get it.'' The potential is limited to those who have the money to buy. Minorities, and maybe women to a lesser extent, did not have access.

So now the question becomes this, and I do not know the answer. Because minorities have been discriminated against for centuries, and because women could never rise above—you remember the settlement with AT&T 15 years ago. There was a glass ceiling. You could be a Ph.D and be first in your class in all the schools, and there is a level beyond which you were not going to go. Because of the past discrimination and because of the past access to capital—the lack of it—we set up a preference program in an area where there has been proven discrimination, simply to say we want 5 percent women or 10 percent women to own, and we want 10 percent Asians and 5 percent this and 5 percent that. You just do it. I am not sure I know the answer. But clearly, that is the discussion we are going to have.

Mr. COHEN. Here is another example of the problems confronting minorities in this city. Many years ago—almost more than 20 now—I had a problem with a car. I purchased a used car. I had a problem with it and took it over to a dealer, which will remain unnamed. The dealer told me the cost for fixing that particular automobile would be $1,800. I said, ''$1,800? That is more than I paid for the car.'' I then came back to Capitol Hill and inquired, ''Does anybody know a good mechanic?'' which is hard to find in any city. They gave me the name of Clarence Davis. I went to see Clarence and I said, ''Can you fix this car?'' He said, ''Well, let me look around.'' He kind of tapped it here and there. He said, ''I can fix it.'' I said, ''How much?'' He said, ''Do not worry about the money.'' I said, ''No, no, how much?'' He said, ''I am telling you do not worry about the money.'' So I, with my trusting soul,

handed him the keys to the car and said, ''OK, fix the car.'' Do you know what the bill was? It was $68. I will repeat that. It was $68. Behold, I had found a man, an honest mechanic. And sooner will a camel pass through the eye of a needle than you will find a mechanic that will charge you $68 for something somebody else wanted $1,800 for.

I have maintained a relationship with this individual. He ended up working for another station on the hill, owned by a Korean family. He was their real source of income, because everybody wanted to go to Clarence in order to have their automobiles fixed. He is really a genius in fixing automobiles. Then it occurred to him that he is working for somebody else, and would he like to go into business for himself? The answer was: Of course he would. He had a clientele of mostly Senators and Congressmen. But guess what? He could not get a loan. No matter that he had his eye an a piece of property that was prime territory; it was a great bargain and it was an old Exxon station; it was closed down. He had a list of clients at least 75 long of Members of Congress and executive branch, who testified to his competence, and he showed a stream of income that would have more than paid for the mortgage. He could not get a loan. I sent him to every bank in Washington. He could not get a loan. So then I contacted a wealthy, white friend of mine, whom I had never asked a favor from in my life. I said, ''Here is a person who is talented, brilliant, and he cannot get a loan in this city.'' And the individual made the loan, and the business is there and is flourishing today. It shows the barriers that people are up against.

Now here we are, in a predominantly black city, with a predominantly black clientele. Suppose now that individual, with a great record, history, clientele could not get a loan.

That is what I am talking about when I say ''access to capital.'' Give a person the access to capital and they can perform and prevail as anyone else. But that has been the history of denial in this country.

I say to my friend that I do not have the answer to it. I think the affirmative action programs were designed to achieve that. If they have gone astray, we ought to try to modify them as best we can. If it becomes the collective judgment of the people in this country, this Congress, that they no longer serve a socially useful goal, then obviously they will be terminated.

I must say that we have not yet reached our ideal of a colorblind society. There are still many, many, racial stereotypes that exist today. They will not be easily eliminated. So we still have an obligation, I think, to help those who have the talent and the ambition and the desire to share fully in the real benefits and bounty of this country, who have been denied that opportunity.

Mr. PACKWOOD. Mr. President, I yield such time as the Senator from Delaware may need.

Mr. ROTH. Mr. President, I thank the distinguished chairman.

Mr. President, what we are doing today is a most important step, one I have worked for for quite some time. I would like to thank the majority leader and the Finance Committee chairman for moving so quickly to pass this legislation—legislation that is extremely important for our hard-working farmers, as well as our job-creating small business men and women.

Few people understand how very difficult it is to get a tax bill passed through both Houses of Congress within about 2 months' time. I believe we have been successful not only because of the efforts of Senators DOLE, GRASSLEY, PRYOR, and me, but because our esteemed colleagues understand how important, how fair, this measure is.

It has been my objective, along with Senators DOLE, PRYOR, GRASSLEY, and others, to get the self-employed health insurance deduction passed retroactively for 1994; to have it passed before the filing deadline next month.

Personally, I will continue to do everything I can to get this bill passed and out of conference with the House before April 17, the deadline this year for filing our taxes.

This is so important to me that at the conclusion of the Senate session last year, I held up a vital Securities and Exchange Commission funding bill as long as I could because it was the last tax bill leaving the Congress. Since it was our last chance, as well, to get the 25-percent deduction extended, I wanted to attach this legislation to that bill so that there would not be this administrative nightmare facing small businesses and farmers, because they might have to file amended tax returns.

The Finance Committee chairman at that time, Senator MOYNIHAN, joined in a colloquy agreeing we would take up the legislation early this year if I would let the SEC bill go forward. I reluctantly agreed. The new Finance Committee chairman, Senator PACKWOOD, has kept that promise to move quickly, and we have. In fact, to pay for this bill, we have used some of the ways I suggested last year. In particular, I am pleased that we have enacted some of the changes I have been recommending on the earned-income tax credit.

Earlier this year, in an effort to encourage the House to pass the 25-percent health insurance deduction, I circulated a letter with my good friend and colleague, Senator PRYOR, which was signed by 75 Senators.

That letter, sent to both leaders, stated that in order to move quickly, we would all agree not to support or offer any amendments to the legislation to extend the 25-percent deduction for health insurance for the self-employed when it reached the floor of the Senate. I believe this letter was instrumental in helping get this bill passed quickly.

Finally, I want to mention that we are not done with the deduction for self-employed, even though this bill will enact the legislation on a permanent basis for the first time. I believe it must still go forward. I believe we need to increase the 30-percent deduction to a full 100 percent, just like major corporations get for that health insurance. In fact, it was my amendment in the Finance Committee that increased the 25-percent deduction to 30-percent beginning in 1995 and forever after that.

Although my amendment made progress, we have to go a lot further. I will continue to do everything I can to increase the deduction to 100 percent.

Mr. President, I yield the floor.

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

I ask that the time be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I would like to take just 2 minutes in support of the pending bill. Then I would ask unanimous consent to speak for 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. MOYNIHAN. Mr. President, I am happy to yield such time as indicated to my distinguished friend from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank the Senator from New York. I did not know we were under a time agreement.

First, let me say that I believe the matter of providing retroactively the 25-percent tax deduction for sole proprietorships and self-employed—including farmers—is very, very important.

We should not have let that expired. It did. But now to make it retroactive, so that it is a seamless 25 percent, makes a lot of sense. I believe we ultimately ought to make sure that sole proprietorships are able to deduct 100 percent of their health care costs, just as corporations are. My State is a lot like old England. It is a State of shopkeepers, small business people, many of whom are sole proprietors and unincorporated, including family farmers. Across the street may be someone who is incorporated. They can, under current law, deduct all of their health care costs as a business expense. On the other side of the street someone in business, but unincorporated, is now

able to deduct zero. With the passage of this piece of legislation, he will be able to deduct only 25 percent; 25 percent is a step forward. That is good. We certainly need to restore that. But I have introduced legislation and supported legislation and fought for legislation for years to make sure that we treat all businesses alike—unincorporated and incorporated.

Health care costs ought to be fully, 100 percent deductible as a business expense for farmers and sole proprietorships just as it now is for corporations.

So I commend the Senator from New York and the Senator from Oregon for bringing this legislation to the floor. I fully support it. I think the work the two Senators have done to correct this is admirable work and I hope we all can work together for a full 100-percent deduction for all sole proprietorships in the years ahead.

Mr. PACKWOOD. Mr. President, I yield as much time to the Senator from Rhode Island as he may need.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, first I thank the distinguished chairman of the Finance Committee and the ranking member of the Finance Committee, the former chairman, for giving me this time.

Mr. President, I am very pleased that this bill has come to the floor today and will be considered in an expeditious manner. I believe Congress needs to pass this legislation promptly so that hundreds of thousands of self-employed taxpayers can complete the filing of their 1994 income tax returns.

The bill reported by the Finance Committee includes sufficient revenues to pay for the extension of the health insurance deduction. That is covered. We also came up with additional money which will reduce the deficit by about $1.4 billion over the next 5 years. In terms of the entire Federal budget this is a modest amount—$1.5 billion over 5 years. But it represents a step in the right direction.

What concerns me about this bill, Mr. President, is that it provided a modest test—not a gigantic test but a modest test—of our desire to reduce the deficit; and I am afraid that we are in danger of failing that test.

Let me review the bidding. The immediate need which prompted the quick consideration of this legislation was a desire to extend the 25-percent deduction for the health insurance of self-employed individuals for 1994. Absent this action, they would not have been able to take that 25 percent deduction because it expired at the end of 1993. And we wanted to get this done before the filing date of April 17 for the income tax returns. That is the way it started out—take care of this year.

In the Ways and Means Committee the members chose to permanently extend the deduction. In other words, the 25 percent deduction for health care costs paid by the self-employed was to remain permanently on the books. The Finance Committee went a step further by not only making it permanent but also increasing the deduction from 25 to 30 percent for the year 1995 and thereafter.

So what started off as a bill that would have cost $500 million, a half a billion dollars, to address an immediate need, turned into a bill that costs $3.5 billion over the next 5 years.

I strongly support the 25 percent health insurance deduction for the self-employed. Always have. The mainstream coalition health care legislation that we presented last year included it. Indeed, we phased it up to a 100 percent over a period of years. And so, therefore, I can understand and sympathize with the effort to not only give the self-employed the 25-percent deduction but to bring it up to 30 percent next year and the years thereafter. All that is understandable.

I would make the point; however, that those who are working for a business where their insurance is not paid for by the employer and the individual must obtain his or her own insurance, cannot deduct a nickel of his or her payments for health insurance. The self-employed can, but if you are working for somebody else, you are employed by a corporation or a self-employed person, you cannot deduct the cost of your health insurance. You cannot deduct anything.

So, yes, it is nice that we have gotten it up to 30 percent for the self-employed. But we have not done anything for those who work for corporations.

But here is my concern, Mr. President. Sixty-six Senators in this body voted in favor of a constitutional amendment to provide a balanced budget amendment by the year 2002. Achieving that goal is going to take incredible effort. We are going to have to reduce Federal spending from what it otherwise would have been over these 7 years by $1.2 trillion.

Now, even for somebody from Washington, DC, $1.2 trillion is a lot of money. That is a monumental challenge. Yet, here we have a bill that gave us some money to start down this deficit reduction path, to use toward the $1.2 trillion, and what is the action we take? We increase the deduction and make it permanent.

I am going to support this bill as it was reported by the Finance Committee because we did exercise some discipline by providing for a modest amount of deficit reduction.

But I greatly fear that, in the conference, the House conferees will say, ''Well, the Senate increased the deduction from 25 percent to 30 percent. There is additional money in the bill that is directed toward deficit reduction. But let us not use it for deficit reduction. Let us use it to increase the deduction from 30 percent to 35 percent or 40 percent,'' whatever the traffic will bear. And that, Mr. President, would be a very great mistake, a very great mistake.

So I just want to go on record here to say that, should the conferees come back using up the money we set aside for deficit reduction for another purpose, I will not support that conference report. I believe it would be a great mistake. We in this body are determined to do something about these deficits. And to do something about it means we have got to make tough choices. It means we have to forgo attractive proposals, such as increasing the self-employed health insurance deduction.

I thank the Chair, and I thank the managers for giving me this time.

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, I yield as much time to the Senator from Missouri as he may want.

The PRESIDING OFFICER. The Senator from Missouri.

LINE-ITEM VETO

Mr. ASHCROFT. Mr. President, on occasion after occasion, you and I have heard it said that under the dark of night, in the late hours of evening or the early hours of the morning, this body does things that are a discredit to a democratic society—pay raises, pork-barrel projects, and profligate spending. The kind of things that we would not want to have brought to the light of day.

But late last night, something very befiting of this body took place. And, Mr. President, it did so at your hand and at the hand of your colleague, Senator MCCAIN of Arizona. Because under your leadership, late last night, the U.S. Senate passed the line-item veto. And in so doing, we placed a tool in the hands of Presidents which will allow us to move toward the aspiration of a balanced budget. In the cover of darkness, we uncovered the darkest parts of our behavior, and said no more. We put the national interest ahead of the special interests. We said that in the future, if you want to put projects in an appropriations bill, you will have to contend with the possibility of a veto by the President of the United States.

So I rise today, Mr. President, to draw attention to the importance of the action taken late last night to change the culture and structure of spending here in Washington.

Forty-three of the 50 States have some variant of the line-item veto. During the debate, however, we heard people talk hypothetically about potential abuses. It is important to note that, of the 43 States, there has not

been a single effort by any of the legislatures to repeal the line-item veto authority. In fact, it works so well that there is a consensus in the States that it should be left in place so that they might continue to provide a foundation for the financial integrity of the Nation.

Someone came to me recently and said, ''JOHN, there is a State that has changed their line-item veto. In 1990, the State of Wisconsin amended their provision.'' Well, it was interesting when I looked at what the amendment really said. It reads, and I quote: ''in approving an appropriations bill in part, the Governor may not create a new word by rejecting individual letters in a word of the enrolled bill.''

Mr. President, what the legislature said was that the Governor could not change the word ''cannot'' into ''can'' by striking out the last three letters of the word. That is not a real change in the philosophy behind the veto authority. It is simply a housekeeping detail about making the measure what it ought to be, namely, the capacity of the executive to knock those things out of spending bills which are not in the best interest of the State. So, it is important as we go to conference to understand the success that the line-item veto has enjoyed in the States.

In the end, I was encouraged by the vote last night. Sixty-nine votes in favor of the line-item veto reflected a strong understanding that we must adopt measures to restrain spending, and reduce the deficit. So we have made a significant step forward. For if the people sent us here for any purpose at all, it was to enact changes, such as this, that will fundamentally alter the way we do business.

I look forward to the time when the conference report comes back and we again have an opportunity to address this issue. It is critically important. The vote last night was encouraging. However, while the battle has been won, the war is not over. And as we work out the differences between the two bills, I hope that the end product gives us as great a promise for financial integrity as the measure we passed last night.

Mr. President, as the Senator from Indiana, you are to be commended for your role, along with Senator MCCAIN. It was your hard work that ensured we arrived at a product which could be subscribed to by such a broad majority of the Senate. I hope that this body acts on the conference report as it did last night. It was nighttime behavior, maybe somewhat reminiscent of times when we have done the wrong thing under the cover of darkness. Last night's behavior, however, was commendable in that it was in the national interest. We should seek to replicate it in the future.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. If the Senator will suspend his request. The Senator from New York.

Mr. MOYNIHAN. Mr. President, the Senator from Vermont would like 10 minutes to discuss and discourse on what was the once and possibly future national pastime. I yield those 10 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

MAJOR LEAGUE BASEBALL ANTITRUST REFORM ACT OF 1995

Mr. LEAHY. Mr. President, I thank my good friend, the distinguished senior Senator from New York and my neighbor. And like the distinguished Senator from New York, I, too, hope that we will some day actually have baseball played. I share his sense of patriotism in all things. I admire his sense of history. But I suspect he, like I, is at many, many events this time of year when our national anthem is played. We are all very proud to hear it, but we sometimes, as spring arrives, wait for the words, ''Play ball,'' right after it is played.

So the Major League Baseball Antitrust Reform Act of 1995 is being introduced, Mr. President. It is being introduced by Senators HATCH, THURMOND, and myself. I want the Senate to know why I back this.

Senator THURMOND and I introduced on February 14 an earlier version of this legislation to remove the antitrust law exemption that major league baseball has enjoyed for over 70 years. Major league baseball, unlike practically any other business in this country, has an exemption from the antitrust laws, and Senator THURMOND, Senator HATCH, and I, and others, feel that should be removed.

Actually, we are just saying that nobody should be above the law. We did this for Congress. We passed the Congressional Accountability Act, something I backed for years, which applies the same laws to Congress as apply to everybody else. We are just saying baseball should live by the same laws as everybody else.

I regret very much that the owners of major league baseball teams and major league baseball players have been unable to get through their impasse. Mediation has not been successful. Presidential entreaties could not do it. Congressional pleas for a voluntary settlement have gone for nought.

What we have always thought of as our national pastime may become a thing of the past. I am afraid that what we saw as children when we would follow games, when we would go to our Little League games and identify with various major leaguers at that time is gone. Seniors who look forward to the joys of spring training and following their favorite teams on radio, youngsters who identify with heroes in the world of baseball, this will be gone.

And let us not forget so many who make monthly mortgage payments by being vendors of everything from T-shirts to hot dogs, who park the cars, who take the tickets. These people are also out of a job.

There is a public interest in the resumption of major league baseball. I am concerned that the owners show no intent of really getting a strong commissioner who might look out for the best interest of baseball. That is what the commissioner is supposed to do—not the private interest of those who make the money from baseball, whether owners or players, but rather for the best interests of baseball itself.

Our antitrust laws are designed to protect consumers, but for over 70 years consumers have not seen these applied to baseball, on the assumption that there would be a strong commissioner and the major league would operate in the best interest of baseball. But that is not what is going on.

In Vermont, where I grew up, virtually everybody was a Red Sox fan. Now there is divided loyalty between the Red Sox and the Montreal Expos, and there is also the minor league team, the Vermont Expos.

We also have jobs in the State of Vermont that rely on baseball. There is a company called Moot Wood Turnings in Northfield Falls, VT. ''Turnings'' is wood turnings. They make the souvenir, replica baseball bats, the little bats that have been passed out for 40 years on bat day at baseball games. They had to drop a third of their 24-person work force because of the strike last summer. That is just one small company. These are not people who make a great deal of money. They make $5 and $6 an hour, and they were out of work because a small group of people cannot figure out how to divide up $2 billion. It makes absolutely no sense.

We had a chance last year to right this situation when we were considering a bill to repeal baseball's antitrust exemption, but we decided to hold off in the Senate, thinking that maybe everybody would work it out. Right after that, negotiations between the major league baseball owners and players disintegrated. We saw a preemptive strike, the unilateral imposition of a salary cap, failed efforts at mediation, the loss of one season and likely obliteration of a second, and pleas from all corners to get it going again.

I think if we had repealed this out-of-date, judicially proclaimed immunity from the antitrust laws, this matter would not still be festering. No other business, professional or amateur sport, has this exemption from law that major league baseball has enjoyed and, Mr. President, has abused.

In fact, one of the players who testified at the Judiciary Committee hearing this year asked a very perceptive question. He said, let us suppose that baseball did not have an antitrust exemption and let us suppose they were in the sorry state they are in today and then let us suppose baseball came to Congress and said, ''Oh, by the way, we cannot clean up this mess we have, but would you kindly give us an antitrust

exemption? Would you pass a special law to exempt us from the antitrust laws''—something nobody else has. Mr. President, they would get laughed off Capitol Hill. There would be no antitrust exemption passed for them.

So the question is, if we would not enact it today, why do we allow them to have it? Why do we not just end it? It is something that should be done.

I am concerned about the interest of the public. I am concerned particularly about the interest of baseball fans. I am not here to speak on behalf of the baseball owners or the players. Former commissioner Fay Vincent said:

> Baseball is more than ownership of an ordinary business. Owners have a duty to take into consideration that they own a part of America's national pastime—in trust. This trust sometimes requires putting self-interest second.

I am also concerned about some of the answers I got from some of major league baseball's representatives. In fact, I should note here on the floor that the answers that they sent, their written answers, are in severe variance with their hearing testimony on several points. In other words, they said one thing at the hearing and they said something else after, in their answers. I think the public should look at what they did, because either they are grossly mistaken on one point or they are not telling the truth on another.

For example, I asked the acting commissioner whether fans who reject replacement players and replacement games would retain season tickets when the strike ended and major league players return? He testified unequivocally and without hesitation, ''Yes, sir.'' But in his written response to the same question, he did not confirm his testimony. Instead, he responded that policies with regard to season tickets and priority seating are handled by the clubs individually.

Well, he has given two answers. One has to be honest, and one contradicts the other. At the hearing, I asked whether major league baseball owners, who benefit from a special antitrust exemption in order to be able to join together with regard to sports broadcasting, would make an unqualified commitment that major league baseball playoff and World Series games would continue to be broadcast over free television through the year 2010.

The acting commissioner responded in the affirmative. But when he got away from the TV lights and cameras and the hearing, he answers that ''it is not possible to make an unqualified commitment that far into the future.''

I think the public is being shortchanged by the policies and practices of major league baseball and by such disregard for the interests of the fans as evidenced from the hearing record.

They ought to have a little bit of competition. If we withdraw the antitrust exemption, they will have it. There is no joy here in Washington as we continue these proceedings—just a sense of loss, lost opportunities, lost innocence, and lost stature for a game that once symbolized America like no other.

I commend our chairmen, Senators HATCH and THURMOND, for taking up this challenge. We will move forward on it.

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, in the spirit of bipartisan harmony I would like to yield 5 minutes, or such time as he requires, to the distinguished senior Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I want to express my sincere appreciation to my good friend, the senior Senator from New York. We have worked together on many important projects.

This is a measure before the Senate today that is very important to small business people all across this country. Today, the person who operates a small business has many problems. There is nothing so glaring as the failure of the code, as it now stands, to give any deduction for the payment of health insurance for the business owner or that owner's family.

This 25-percent deduction level, as we all know, expired December 31, 1993. According to the Treasury Department, approximately 3.2 million self-employed taxpayers cannot currently deduct any of their health insurance premiums, unless this is corrected. The 3.2 million taxpayers represent approximately 30 percent of the unincorporated business owners in America today.

We had hoped last year, and we talked a great deal in health reform, about the need to put the small business owner on the same footing as the employee of a large corporation who can receive, essentially, 100 percent deductions for the cost of health care premiums.

Large corporations already are able to exclude these costs, and their employees do not have to report them on their tax returns. We are putting entrepreneurs at a very, very serious disadvantage. This problem afflicts small business owners who are farmers, who are ranchers, who are truck drivers. These people deserve fair tax credit treatment.

One of the biggest concerns that we have today is that without this deduction many families are left without health insurance because of its already high cost. We think this is a terrible impact on the families. It is very hard to imagine a more difficult problem for them to face. Nearly one-quarter or 23 percent of the self-employed are uninsured today. About 4 million of those who do not carry health insurance are in families headed by a self-employed worker.

This deduction makes insurance more affordable and helps to get the families the health insurance that they need and deserve to get. Whether these are small businesses in the town or the city, or farmers, or truck drivers, as I said, or ranchers, these people deserve to have the same kind of tax treatment.

The bill provides for a permanent extension of the deduction, which I think is long overdue, and would provide retroactive deduction for the 1994 returns. These returns are due April 17.

We must act swiftly so that those people who have paid the health insurance claims last year will be able to deduct them. Unfortunately, we were not able to act in time for farmers' returns, which were due on March 1.

If we delay this bill further and are not able to get it to the President on time, even more people who are eligible for the deduction will have to file amended returns.

This is going to burden the IRS with paperwork, not to mention what is even more important, the burdens on the people who have to refile. Mr. President, it is tough enough to have to file an income tax return one time. It is certainly no pleasure to have to file one again.

I think it is also very, very important—and I commend the managers of the bill and the sponsors of the legislation—that we are making this measure permanent. For years the self-employed have been subjected to the uncertainty of not knowing whether the extension would be granted for the deduction. I think it has made it very difficult for those people to plan. This should take that problem away.

I am concerned about the fiscal pressures and the need for deficit reduction, but this is not an area where we ought to economize. Small business, farmers, ranchers, truck drivers—they and their families need to have the health care that this will encourage them to have.

I would like to go further. If we have an opportunity, if the money its available, count me in on seeing if we cannot get the deduction to a par with those people who work for large corporations. But I am very pleased we are moving on this. I commend the managers of the bill, the chairman and ranking member of the committee as well as the sponsors. This will have important impacts on the health of many, many people, many of those who are in small businesses and their families.

I thank the distinguished Senator from New York for yielding the time and I urge my colleagues to support this very important measure.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER (Mr. COCHRAN). The Senator from New York.

Mr. MOYNIHAN. Mr. President, I know I speak for the distinguished

chairman when I thank the senior Senator from Missouri for his incisive remarks.

I am pleased to see on the floor our colleague from the Committee on Finance, the distinguished Senator from Illinois. I yield her 10 minutes, as she evidently desires, but in fact as much time as she requires for her statement, which I look forward to.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Mr. President, I thank the Senator from New York, and the chairman of our committee. I stand to speak with regard to H.R. 831.

I am a strong supporter of the provision that is at the heart of H.R. 831, the permanent extension and increase of the deduction of health insurance costs for the self-employed. There is no question that the health insurance expenses of millions of self-employed individuals around this country should be treated more like taxpayers who work for larger businesses.

Corporations that provide health insurance coverage for their employees get 100-percent deductibility for the portion of the health insurance costs of their employees that they pay. The employees of those companies use after-tax dollars only for that portion of health insurance costs not paid for by their employers.

Most businesses in this country provide health insurance coverage for their employees, as does the Federal Government, and State and local government. Employer-provided health insurance is at the heart of this country's system of health insurance coverage, and the tax deductibility of employer-financed health insurance costs encourages employers to provide that insurance.

However, millions of Americans do not work for large corporations and do not have access to the kind of group health insurance plans that large corporations often provide. Because they are self-employed, these Americans usually have to pay more for their health insurance. Because they are self-employed, there is no 100-percent tax deduction for the employer-provided portion of health insurance costs.

Congress has attempted to at least partially remedy this serious inequity by providing a 25-percent deduction of the health insurance costs of the self-employed. This provision of the Tax Code, however, was only temporary, and expired at the end of 1993. What that means is that, unless this Congress acts—now—all of the self-employed Americans across this country will face a serious tax increase when they file their 1994 tax returns next month.

That is clearly a totally unacceptable result. It is unfair, it is inequitable. It is simply wrong. That is why I strongly support the provisions in the pending substitute for H.R. 831 that restores the 25-percent deduction for health insurance expenses retroactively, so that it covers the 1994 tax year, the provisions that increase that deduction to 30 percent, beginning in 1995, and the provisions that make that deduction permanent, eliminating any possible future repetition of the kind of situation we find ourselves in right now.

Restoring the deduction, increasing it, and making it permanent is the right thing to do. It eliminates the kind of anxiety and uncertainty that self-employed Americans are facing right now, and assures them that Congress is committed to addressing the disparity in the tax treatment of health insurance costs incurred by self-employed Americans, and Americans who work for larger businesses, for the nonprofit sector, or for government.

Self-employed Americans are hard-working and make an enormous contribution to our economy. We should not, we must not, make it more difficult for them to make that contribution by handicapping their ability to access health care.

Unfortunately, Mr. President, the Finance Committee has chosen to end this unacceptable, inequitable, and unfair situation by creating another one. The price for a public policy of moving towards greater equity in the Tax Code treatment of the health insurance expenses of the self-employed, is the creation of a totally unacceptable, inequitable, and unfair policy in the tax treatment of the purchase of broadcast or certain other communications businesses by minority Americans, and, in some circumstances, women. I am, of court, speaking of the provisions in the committee substitute repealing the provisions known as section 1071.

I strongly oppose the repeal of section 1071 for both procedural and substantive reasons. It is a statement that Congress does not care about diversity of voice in major portions our Nation's communications industry which, after all, are using the public airwaves, or franchises granted by the public. And it is a statement that Congress does not care about Americans who have proceeded in good faith to spend literally millions of dollars based on the existence of section 1071. They are being taught a very bitter, expensive lesson, never to rely on the government's word, or to take actions based on the law, because the Government may decide, in a matter of just a few weeks to repeal that law—retroactively.

Most Americans, I am sure, have never heard of section 1071, and it is fair to say that, until 2 months ago, most Members of Congress knew little or nothing about it. And there was no particular reason for Congress to focus on the section. After all, it was enacted in 1943 as part of the revenue act of that year to help implement a new policy that prohibited the owners of radio stations from owning more than one radio station in a given market.

What section 1071 action does is to provide the Federal Communications Commission with the authority to defer capital gains taxes arising from transactions involving communications properties. Essentially, it permits those gains to be rolled over as a nontaxable event. It does not eliminate even one dollar of tax liability; it simply postpones the date when that tax liability must be paid.

As initially reported by the Senate Finance Committee in 1943, the provision would have allowed a rollover if the sale or exchange of the property was required by the FCC as a condition of the granting of the application. However, the provision was broadened during the conference with the House of Representatives. The conference report stated that, because:

> . . . the Commission does not order or require any particular sale or exchange, it has been deemed more appropriate to provide that the election, subject to other conditions imposed, shall be available upon certification by the commission that the sale or exchange is necessary or appropriate—I want to emphasize this part—to effectuate the policies of the commission with respect to ownership or control of radio broadcasting stations.

In 1954, the FCC's authority to defer capital gains taxes in transactions involving the sale of radio stations was broadened to include television stations. In 1973, the FCC's authority in this area was broadened yet again, to encompass cable systems.

Until 1978, this authority was used virtually exclusively by the kind of people who then owned radio, television, and cable systems, and that certainly, at the time, did not include minorities or women.

It was not until 1956 that even one radio station in this entire country was owned by a minority, and it was not until 1973 that there was even one television station in the Nation owned by a minority. It was not until 1974 that the FCC first awarded a new radio station license to a minority-owned company the same way it had awarded tens of billions of dollars' worth of broadcast spectrum to nonminorities—for free—by an FCC comparative hearing.

The truth is, Mr. President, that the FCC initially handed out virtually all of the broadcast spectrum to nonminorities free of charge, and then used section 1071 over and over and over again to allow them to roll over the huge capital gains they made in tax-free transactions that allowed them to defer their tax liability. The FCC, as it handed out the spectrum owned by all Americans relied heavily on the question of the previous broadcast experience of competing applicants in awarding new licenses. Yet for several decades, even broadcast training was denied to minorities in this country and in some parts of this country as a matter of law.

State universities were legally barred from admitting minorities at the time these stations were originally given out. State-owned public broadcasting authorities refused to hire or train them. State legislatures denied black

State colleges the funds to start broadcasting programs or to apply for broadcasting licenses. For example, the FCC routinely granted broadcast licenses to colleges and universities that were segregated by law, such as WBKY–FM, serving the University of Kentucky, which was licensed in 1941, WUNC–FM, serving the University of North Carolina, which was licensed in 1952, and KUT–FM, serving the University of Texas, among many others.

These segregated policies helped ensure that a generation of minorities would be denied the skills and the access necessary to enter the broadcast industry—with the FCC's full endorsement and ratification.

The extent of the FCC's complicity is illustrated by the case of Broward County Broadcasting versus FCC. This 1963 case involved a radio station, WIXX, located in a community with a large African-American population, a population that received no black-oriented programming from any station serving that market. WIXX decided to devote its program schedule to black-oriented news, public affairs, and music. The city government complained to the FCC that WIXX was offering a format which the city did not need and did not want. The FCC, in turn, threw the station into a public revocation proceeding, which placed its broadcast license in jeopardy. Faced with the loss of the ability to do business, the station dropped its black programming, and the FCC quietly dropped the charges of ''character violation.''

These policies kept minorities from participating in the free broadcast spectrum ''gold rush'' that was going on in America. And by the time these policies were ended, the gold rush was over, and there was no more spectrum to allocate for free.

In 1978, the FCC finally recognized its role in denying minorities any opportunity to participate in the gold rush and to enter the broadcast or cable industries. That year, the FCC announced a policy of promoting ownership of broadcast facilities by offering an FCC tax certificate to those who voluntarily sell such facilities to minority individuals or minority-controlled entities. The FCC's policy was based on the view that minority ownership of broadcast properties would provide a significant means of fostering the inclusion of the views of minority Americans in programming, thereby better serving the needs and interests of the minority community and enriching the range of material available to the nonminority audience. The FCC subsequently expanded its policy to cover the sale of cable systems, as well.

In 1982, during the Reagan administration, the FCC further expanded its tax certificate program. At that time, the FCC decided that, in addition to those who sell properties to minorities, investors who contribute to the stabilization of the capital base of a minority enterprise would be able to receive a tax certificate on the subsequent sale of their interest in the minority entity.

This became an incentive for investors to help with preserving and expanding diversity of voice.

The FCC program is not a set-aside or a quota. It functions in the same voluntary manner as the FCC's other uses of tax certificates. The FCC does not require a percentage of licenses to be controlled by minorities, it does not require media properties to be sold to minority-controlled businesses, it does not require a set percentage, nor does it require a nonminority seller of media property to a minority-controlled business to even request a tax certificate.

So there is nothing compulsory. There are no quota aspects of the tax certificate policy at all. The direct beneficiaries of the tax certificate may or may not be the minority member. In many instances it may be the nonminority seller and/or the investors who participate in the acquisition with the minority purchaser. The benefit to potential minority purchasers is the incentive it creates for sellers, and the enhanced access to capital it provides.

The FCC certificate program then operates as a key to unlock the door of opportunity for minorities who have a role in the broadcast industry in our Nation.

There can be no question that minority entrepreneurs have a tougher time accessing the capital markets of this country. The FCC recognized this fact, and the minority ownership program has expanded that access to capital.

In 1987, Congress explicitly endorsed the FCC's actions in expanding the tax certificate program to encourage expanded minority ownership of broadcast and cable systems. That year's Commerce, State, Justice, appropriations bill contained language locking in the tax certificate program, they thought. The committee report on the bill stated ''Diversity of ownership results in diversity of programming and improved service to minority and women audiences.'' Similar language has been included in every annual appropriations bill since that time, until now.

Between 1978 and 1994, the FCC issued 317 tax certificates under its minority ownership program. Radio stations represented about 83 percent of the certificates issued, television stations 8 percent, and cable systems, about 9 percent. These certificates helped minorities enter a business which, as I have outlined, was virtually completely closed to them. And it did so not by taking away a license from anyone, or through any form of direct financial assistance to the minority buyers, but, as I have already stated, through tax deferrals for potential sellers of radio and TV stations, and cable systems, and potential investors who were willing to enter partnerships with minority buyers to purchase these properties.

The program has begun to make a difference, but it is worth keeping in mind that, out of the 1,342 television stations operating in the United States, only 26, or about 1.9 percent are owned by women. African-Americans owned less than that, only 21 stations, Hispanics owned 9, and Asians owned 1.

In radio, the situation is a little better. Out of the 10,244 radio stations operating in the United States, 394, or about 3.8 percent are owned by women, another 172 are owned by African-Americans, 111 by Hispanics, 4 by Asians, and 5 by native Americans.

These are the public airwaves we are talking about, Mr. President, and cable systems that require public approvals in order to function. Every American ought to have the right to participate in this industry, and there should be enough diversity of voice to ensure that our broadcast and cable systems meet the needs of all of our people.

And research confirms a link, or the nexus, between expanding minority ownership and diversity of voice.

By diversity of voice we mean the notion that the airwaves that we communicate on as Americans will include the views of everybody and not just one segment of the population or community, but of all segments of the population and the community. And in that diversity comes the kind of vitality that will keep our Nation vital and keep our democracy alive.

You will recall George Orwell talked in ''1984'' about the wave of communication happening, and big brother sent one message to the people at all times. There were no alternative messages, alternative points of view, alternative perspectives to encourage people to think for themselves. The whole idea of diversity of voice is that the entire community benefits when it has the point of view and the perspective of all our people, when the perspective and the information that is communicated through the public airwaves represents the whole panoply of Americans in this country and that we can all participate and draw from our diversity as a source of our strength.

The Supreme Court made this clear, in a case of Metro Broadcasting, Inc. versus FCC. In that case, the Supreme Court held that benign, race-conscious measures mandated by Congress are constitutionally permissible, based on a record of empirical evidence demonstrating a nexus between minority ownership and diversity in programming.

There were five studies of this connection cited in the Metro case, including a study by the Congressional Research Service, ''Minority Broadcast Station Ownership and Programming: Is There a Nexus?'' (1988).

That is to say, does minority ownership encourage diversity of views?

This study, which looked at radio data collected by the FCC from over 9,000 radio and TV stations, showed a strong correlation between minority ownership and programming targeted

to minority ownerships and expansion of diversity of voice for everyone. The other studies all had similar findings, showing differences in programming, including news programming, and differences in the willingness to hire women and minorities as employees.

Mr. President, what the Finance Committee and the House of Representatives are now proposing with this legislation, however, is to terminate this progress toward diversity, to terminate the 1071 tax certificate program and to do so retroactively and with virtually no notice at all.

The committee report sets out three reasons for terminating the program. It says that the tax certificate program has evolved far beyond what Congress originally intended. The report makes this argument even though it was Congress that gave the FCC broad discretion to set the terms of the tax certificate program.

Second, the committee report argues that the FCC standards for issuing the certificates are vague and therefore subject to significant abuse. It asserts that the FCC's determination of control does not guarantee that a minority purchaser will continue to manage the broadcast or cable property after the tax certificate has been issued.

Third, the report argues that the tax certificate program is not supervised and reviewed by the Internal Revenue Service, and that the FCC does not request information regarding the size of the tax benefit or otherwise act to ensure that the nonminority seller does not get the entire benefit of the certificate.

Mr. President, these arguments, it seems to me, are sufficient to warrant a reasoned, deliberate and careful review of this program and not the total elimination retroactively of it. As a general matter, I believe that all Federal programs should be periodically reviewed. We should take a look at everything to make sure it works as it was intended to work by this Congress, to make sure that it is more efficient. However, that commonsense principle, I believe, should not be exploited as a blanket license to just carelessly throw out longstanding Federal laws without any review before the fact, without any chance to take a look at it. And yet that is exactly what we are saying here.

No study of the effectiveness of section 1071 was undertaken by the House of Representatives before it rushed to repeal this legislation. Nor has the Senate undertaken the opportunity to fully study the merits of section 1071. The majority leader of this body stood in the Chamber just last week talking about the fact that there are over 160 Federal programs he would like to see reviewed as part of a comprehensive review of Federal affirmative action policies. And the majority leader asked two Senate committees to hold hearings as part of that review. The majority leader also commended this administration for its ongoing review of affirmative action policies and programs.

All of these suggestions that there be a review indicate to me that the Finance Committee should have at least awaited the results of the administration's efforts and should have considered whether or not section 1071 was working, whether it had problems, whether its objectives were important ones, and whether or not reform rather than retroactive elimination would have been more appropriate.

That is not what is happening with this bill, Mr. President. Instead, we see a rush to judgment. Instead, what we see is an unwillingness to confront the fact that minorities and women have been excluded from the broadcast and cable industries and that minorities and women continue to have access-to-capital problems that are significantly greater and different than other potential acquirers.

Indeed, what we see is a total disregard of the policy considerations having to do with diversity of voice that led to the creation of this tax certificate program in the first place.

This hasty repeal would not just eliminate a genuinely worthy minority ownership program; it would also repeal all of the other uses of the FCC tax certificates. For example, a broadcast or cable licensee is eligible for a tax certificate when it divests a media property in order to comply with the FCC's cable/broadcast cross-ownership policy and the newspaper/TV cross-ownership policy. Repeal of section 1071, therefore, eliminates a reasonable incentive for FCC licensees to comply with FCC policies.

Repealing section 1071, moreover, does not mean ending capital gains rollovers in the future. There will still be many, many ways to structure transactions in ways that will avoid capital gains taxes. And in fact the experience is that the most recent sales in the cable industry have all been tax-free transactions that did not involve the tax certificate program which was calculated to give minorities and women a chance.

Some recent examples illustrate this point. Time/Warner announced in January of 1995 that it will acquire KBL Communication from Houston Industries in a tax-free stock transaction with an estimated purchase price of $2.2 billion. Time/Warner has also announced a tax-free acquisition of Summit Communications for $350 million via a stock exchange. Again, no tax rollover questions there. Cox Cable acquired Times Mirror Cable in a tax-free merger with an estimated price of $2.3 billion. Minority entrepreneurs, however, because they frequently lack the access to capital of long-established companies, cannot rely on section 328 of the Tax Code which authorizes those tax-free transactions. Instead, they have had to rely and have relied on section 1071.

That is why it is particularly troubling that the proposal before the Senate is to retroactively repeal section 1071 simply because a particular African-American businessman is involved in a large transaction that is eligible for a tax certificate and the resulting capital gains tax deferral. The rush to undo this transaction ignores, in my opinion, some important facts. The first is that the transaction that precipitated the House Committee's action, the so-called Viacom transaction, is not the only pending transaction at the FCC. There are at least 19 others.

Second, all of these acquirers have justifiably relied on the existence of section 1071, which has now been in place for over 17 years and which has been explicitly endorsed by Congress over and over again through the appropriations process.

In the Viacom transaction, the purchasing group has incurred literally millions of dollars in out-of-pocket expenses for costs such as legal fees, commitment fees, and travel. The prospective minority purchaser has made it clear that he was entering into the transaction in order to run the company, not to purchase it for a quick resale or turnover. Enormous amounts of time and energy and faith in our Government have been placed in putting this transaction together. Major banks have committed to participate. And the transaction was not hastily entered into in the last 30 days in order to get in under the wire before the repeal of this section. But the House of Representatives and the Finance Committee seemed to ignore all the time and money and energy that have been expended, all the faith and confidence in laws that have been around for 17 years and seemingly went out of its way to repeal this section with a retroactive effective date to get at this transaction which because of its size had made the newspapers.

Mr. President, I believe what we see here is a good example of why people are so cynical about Government. What we see here is an effort to ignore the facts, to ignore the good-faith reliance on section 1071 exhibited by the prospective purchaser in all transactions now pending before the FCC. What we see here is a total disregard of the equities and due process in an effort to rush to judgment.

Mr. President, retroactive effective dates are very unusual in the Senate. In fact, this body has a long and consistent history of using one of three dates as the effective date of a tax change that reduces or eliminates tax redemptions, exclusions or similar provisions. The usual choice for those effective dates are the date of enactment, the first December 31st of the year of enactment, or the first taxable year beginning after one of the first two dates.

Putting aside tax rate changes, Mr. President, the Senate has departed from the usual effective dates only in rare circumstances where there has been a legitimate concern about the ability of taxpayers to rush the market

and therefore avoid changes. Even in those rare cases where Congress was closing loopholes in the tax law because taxpayers were abusing the system, Congress adhered to the standards of fairness to ensure that taxpayers would have sufficient notice and could plan their private transactions, so that the business community could plan, the taxpayers could plan, so they could order their affairs in reliance on our activity.

That is not what has happened here, Mr. President. The provisions repealing section 1071 therefore represent a dramatic departure from the general procedure for drafting effective dates. After reviewing the facts and precedents, I remain convinced there is no policy reason to justify singling out this particular section of the Internal Revenue Code for an unprecedented formulation of an effective date.

It is worthwhile to compare the effective date for the repeal of section 1071 in this bill to the precedents. First, there is the January 17, 1995, effective date. What is the significance of this date? Well, Mr. President, it is the date on which the chairman of the House Ways and Means Committee issued a press release indicating the committee would review this section and that they might consider repealing the section, in which case he intended to use a January 17 effective date.

When has this body ever allowed a single Member of the House of Representatives to unilaterally dictate the effective date of a tax change? When the chief of staff of the Joint Committee on Taxation was asked this question during the Ways and Means markup, I understand that he cited the tax-exempt leasing bill that was introduced by former Congressman Jake Pickle. Well, in that case, the majority leader, Senator DOLE, introduced a companion bill in the Senate. And in that case, the retroactive effective date was made all but moot by three very generously, broadly applicable transition rules and a host of targeted rules.

The most recent and more relevant example of an effective date that was sent by press release occurred in the Tax Reform Act of 1986. However, in that case, taxpayers were put on notice in 1984—2 years before the press release—when Treasury published a tax reform proposal. In that case, a press release was issued to revolve the difference between a retroactive January 1, 1986, effective date in a House provision dealing with tax-exempt bonds, and a Senate provision with a January 1, 1987 prospective date. What is important to note is that this was a joint press release; it was signed not only by both chairman of the House and Senate tax-writing committees, but also by the two ranking members and the Secretary of the Treasury. It is also interesting that the parties involved chose a date well after the retroactive January 1, 1986, House bill; they agree instead on September 1, 1986.

It is interesting, in that situation also there was consensus, an agreement between both bodies with regard to the setting of an effective date. Again, that is not what happened here. Here, because of a press release of one Chamber by one individual, the Senate has rushed to judgment to adopt that and thereby undo the work that all these actors in the private sector have undertaken in reliance on section 1071.

This is the precedent that this body will overrule if we approve the effective date in H.R. 831 for the repeal of section 1071.

I mentioned earlier that Congress has departed from the general rule where there was a perceived abuse of the tax law. The general practice in those situations has been to use the date of the committee action as the effective date, and even then to provide fair and reasonable transition rules. For example, in the 1990 revenue reconciliation bill, Congress shut down a loophole through an amendment to section 355 of the Internal Revenue Code. The 1990 act was passed on October 27, 1990, and signed into law on November 5, of that year. In that case, the general effective date applied to securities purchased after October 9, 1990—the day before the Ways and Means Committee reported out the bill, but Congress also provided a transition rule where the material terms of a transaction were described in a written public announcement before October 10, 1990, and SEC filing was made before that date. The same rule was provided in another section of the 1990 act dealing with debt exchanges.

Another example is provided by the 1989 Revenue Reconciliation Act. Again, there were perceived abuses by businesses making debt-financed stock sales to ESOP's; there, the general effective date for an amendment that modified the partial interest exclusion for ESOP loans was for loans made after July 10, 1989, the day before that provision was presented in a chairman's mark to the Ways and Means Committee.

In the Revenue Act of 1987, which was signed into law on December 22, 1987, Congress closed a loophole that allowed ''C'' corporations to avoid LIFO recapture by converting to ''S'' corporation status. There the effective date was December 16, 1987—the date of the conference committee action. Moreover, a transition rule was provided where there was a board of directors resolution before the December 16 date.

Why are taxpayers with applications pending before the FCC not deserving of transition relief? The only concrete answer that I have received to this question is that the size of the one of those transactions, the Viacom transaction, is just too great—the implication is that we would somehow save tax revenues if we refuse to provide a reasonable and appropriate transition rule—and so the committee substitute before the Senate has no reasonable and appropriate transition rule.

Just yesterday, Mr. President, this Senate, by a very strong vote of 69 to 29, approved a form of line-item veto authority for the President of the United States. Senator after Senator stood up to explain how unfair it was that the Congress was, in effect, blackmailing the President, by linking pork-barrel items with must items in a single bill. Yet that is what we see here today. Those who want the Senate to consider the option of reforming section 1071 have no choice but to be linked up, in effect, be blackmailed by the fact that we also want to see the reform with the self-employed health insurance deduction issue. We want to see the health insurance passed, but now we are being forced by the committee action to accept this ill-considered rush-to-judgment, unfair, retroactive repeal of section 1071.

As I stated at the outset, I am a strong supporter of that provision; and I agree that it needs expedited consideration. However, there is no reason that the section 1071 issue had to be linked to that provision. The committee substitute now before us has offsets sufficient to ensure budget neutrality even without the provision repealing section 1071.

However, the provision repealing section 1071 is in the bill. And it is clear that the need for action in the next 2 weeks to complete action on the health insurance provisions effectively precludes this Senator, or any member of the Senate, from acting to try to slow down this train, and to ensure that the objectives of the minority ownership tax certificate program get the attention they deserve.

Let me conclude by reminding my colleagues that diversity of voice in our electronic media remains critically important, and that we have a responsibility to every American to see that entry is open enough to permit that business to meet the needs of all of our citizens. It is also critically important that Government act responsibly, and that Government keep it word. By repealing section 1071 retroactively, we are failing to meet our obligation to those who have in good faith relied on the law of the land, and our obligation to the American people generally to legislate responsibly.

By repealing this section retroactively, we have also, I believe, taken a rush to judgment and put at great peril an important policy consideration having to do with diversity of voice.

Mr. President, I intend to continue working on the issue raised by section 1071 and I intend to continue working to try to convince my colleagues in this body that the objectives of diversity of voice are important ones that must be preserved. I intend to continue speaking out on the issue of the importance of inclusion of women and minorities in every industry in this Nation, but certainly in communications, which has such a broad-range effect on the way that people see our country, the way that people see the world, the

kind of information to which they are given access.

It is access to information that is at the heart of the section 1071 program. And the notion that access to that information ought to come from as many places as we can manage, to the extent that section 1071 has had a positive effect in encouraging diversity of voice, encouraging diversity of ownership, allowing women and minorities a chance to participate in an industry in which they were historically deliberately excluded, it had a salutary effect and meaning and reason, and it is something that we should protect and preserve in this body, and not otherwise.

I think it is unfortunate that this retroactive repeal has been associated with this important health care initiative. I think it is something that I intend to continue to fight. And I hope, that as we move down the road in consideration of this tax legislation, we will not lose the one opportunity we had to unlock the door, to provide opportunity as a way of responding to concerns that may be misplaced, to concerns that need to be articulated and talked about, but concerns that we really have not looked closely enough at to see the benefit for all Americans.

And so I hope that the health care deduction passes. I want to support that. I want to help that. But on section 1071, the fight is not over. The fight continues.

I hope that what has happened here with regard to this retroactive repeal is a wake-up call to women, to minorities, to people in this country who care about diversity, who think that it is important, that we cannot sit back. And, as complex as this issue may seem, fundamentally it is a very simple one. It is an issue of whether or not the airwaves of this country are for all Americans or for some Americans. I believe that inclusion and diversity is the strength of our country and not otherwise, and I will fight to maintain access to the airwaves for all Americans.

Thank you, Mr. President.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I most emphatically wish to state the debt in which we all find ourselves to the Senator from Illinois for her powerful and persuasive statement; her first on this particular subject, but not, I dare think and hope, her last.

We will continue now with this debate.

Mr. President, I yield 5 minutes to my friend and colleague, the senior Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank my good friend, as well, the senior Senator from New York.

Mr. President, in Montana, we have a saying—''it's not what you say, it's what you do.''

For too long, Members of Congress said they only wish they could permanently extend the health insurance premium for the self-employed but that they didn't have the money to get the job done.

For too long, Members said they wanted to increase the deduction beyond 25 percent—but they did not have the money.

Today, we will vote on legislation that, at long last, permanently extends the health insurance premium deduction for the self-employed, and increases it from 25 to 30 percent for 1995 and afterward.

What does this mean back home? Well, this is real. This means farmers and small business people get relief.

I heard from Randy Koutnik in Helena who was planning to go into his own business. He needed the deduction so he could continue to afford health insurance coverage. I think this legislation is needed. It will help Randy, and many other hardworking, gutsy entrepreneurs like him start out on their own.

Polly Burke of Missoula called me up to say how angry she was that self-employed individuals were losing their 25-percent health insurance premium deduction while corporations kept their 100-percent deduction. And I think Polly is right to be angry.

Today we will take a first step to help Polly, Randy, and all self-employed across America.

My only complaint is that we should have acted earlier. For the cash-basis farmers who had to pay their taxes by March 1, Congress is 3 weeks late.

It is true that those farmers can amend their returns and collect a refund. But amending the return will take time and, unless their accountants work for free, will cost these farmers money. Probably 30 to 50 bucks apiece.

But with today's action, Congress will at least do the right thing.

We will permanently extend the health insurance premium deduction so Montana farmers, small business people, and all of America's self-employed have at least one less thing to worry about in the years ahead.

Mr. President, I intend to vote for this legislation and I strongly encourage my colleagues to vote for it. And I will push hard to make sure it gets to the President's desk fast, so the deduction is available to all the self-employed filing their tax returns before April 17.

I thank the Chair, and I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Oregon [Mr. PACKWOOD] for deferring to me briefly so that I might make a brief statement.

BLACK HUMOR

Mr. BYRD. Mr. President, a cartoon by Mr. Garry Trudeau appeared in the Washington Post last Sunday, March 19, 1995, and I assume in many other newspapers, in which he is syndicated, a cartoon which is an unfortunate example of tasteless, offensive, black humor. It belittles the war record, bravery, and selfless sacrifice of the distinguished majority leader, Mr. DOLE, by ridiculing the wounds he suffered and still carries, and always will, from the Italian campaign of World War II. The war record of all elected officials is usually a matter of some attention during political campaigns, and Mr. DOLE is no exception. But why anyone would take an excursion into cynical dark cartoon humor over this is incomprehensible and inexcusable.

Our political system and culture must be based on civility, mutual respect and honor. The discourse and debate in Presidential campaigns, indeed any campaign, should properly focus on the positions of the candidates on the major issues of the day, and what solutions are being offered. We have had too much of personal attacks, negative campaigning, and the politics of cynicism in America in recent years. I think it would be beneficial if we all tried a little more to elevate the political discourse in America, and that we focus on where we should, constructively, lead the Nation. Our attitude should certainly be positive and, while we differ on many issues, strive for unfailing courtesy and respect.

Mr. DOLE carries with him the symbol and the physical result of his valor in combat, defending our country, defending the very ability of cartoonists to exercise their trade in freedom, and our very ability to conduct an honorable, civil, enlightened debate in a democracy. Mr. DOLE has dedicated his entire life to the service of the Nation. Mr. Trudeau, I believe, owes Mr. DOLE an apology for this entirely inappropriate attack and innuendo.

Mr. President, I yield the floor.

SELF-EMPLOYED HEALTH INSURANCE COSTS DEDUCTION

The Senate continued with the consideration of the bill.

MATERIAL TERMS UNDER THE BINDING CONTRACT EXCEPTION IN H.R. 831

Ms. MOSELEY-BRAUN. Mr. President, I rise to request a clarification to a provision in H.R. 831 relating to the binding contract exception to the repeal of section 1071.

Binding contract exceptions to changes to the tax laws are commonly included in tax legislation to protect taxpayers who, in reliance on the laws, entered into legally binding agreements prior to the effective date of the statutory change but where the transaction itself will not be completed until after that effective date. H.R. 831 includes such a binding contract exception to the repeal of section 1071. The intent of this exception is to honor taxpayers' good faith reliance on the law.

The binding contract exception in this bill, however, would not apply if

the contract, or the material terms of the contract, are contingent on issuance of an FCC tax certificate. It is not clear what would constitute a material term being contingent on the issuance of an FCC tax certificate for purposes of this legislation.

It is important that we provide the FCC and the Internal Revenue Service with appropriate guidance in determining whether a contract for the sale of a broadcasting station qualifies for the binding contract exception to the repeal of section 1071 and therefore eligible for an FCC tax certificate. If a transaction contemplates a third-party action, such as the FCC issuing a tax certificate, but the contract requires that the transaction go forward even if the third-party action does not occur, it is only reasonable that the parties to the agreement provide in that agreement for a relatively minor adjustment to offset the effects of the failure of the third-party to act. Such a contract clearly is still binding—the transaction must go forward with the contract-required adjustment. It is my understanding that the ''material terms'' of a contract are not to be considered contingent on the issuance of an FCC tax certificate simply because the parties provided for a relatively minor adjustment of less than 10 percent of the selling price if the FCC certificate is not issued. Is this consistent with your understanding of what is intended by the clause ''or the material terms of such contract''?

Mr. PACKWOOD. Yes, the clause ''or the material terms of such contract'' is not intended to exclude binding contracts from the benefits of the legislation's binding contract rule simply because the parties included a relatively minor price adjustment of less than 10 percent in the original binding contract to compensate for the failure of the FCC to issue a tax certificate.

Mr. President, we are waiting for Senator DOLE to come, and then we will be ready to close up on this bill, I believe. 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. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I am here to support this proposal and to praise the Finance Committee and those in the House of Representatives who thought of a way in which to do justice on both sides of the equation of a tax proposal and to provide an extension and ultimately an increase in an overwhelmingly just—but still inadequate—deduction for the health care expenses of the self-employed.

For many years, the Tax Code has permitted a modest deduction of 25 percent of the health care insurance costs of the self-employed—modest, of course, in comparison with the very, very large number of Americans who have health care insurance premiums paid for by their employers, fully deductible to those employers. Yet, even this 25-percent deduction for the self-employed, for hard-working Americans in small towns and large cities and on farms across this country, is threatened. It has for years been a deduction with a terminal point. In every previous year in which that terminal point was reached, the Congress has extended the deduction for a few more years.

In 1994, it did not do so and technically there is no such provision today. There will be, however, if this bill passes. A deduction will be effective for the current year and will move up modestly from 25 to 30 percent next year. I believe that almost every Member of this body hopes that the time will come that, with a more sound and all-encompassing set of health care reforms, we will be able to allow the deduction of 100 percent of such health care insurance costs. In the meantime, however, to extend the present deduction and modestly to increase the present deduction is clearly overwhelmingly in the public interest.

Standing alone, that would not be a difficult task, except for its effect on the budget deficit. It is here that the thoughtfulness and the genius of the sponsors of this bill are in particular evidence. This bill is going to be paid for by four changes in the Internal Revenue Code, three of which are of considerable significance with respect to the amount of money that they produce.

The first is a denial of the earned-income tax credit to those who have substantial unearned income; that is to say, investment income. The earned-income tax credit, of course, is designed to see to it that the working poor—those who are trying to move out of poverty, who are below the level at which they would normally pay an income tax—literally get some money back from the Government as a reward for that work. To allow it, however, to those who have low levels of earned income but significant levels of unearned income is, of course, a perversion of the whole design of the earned-income tax credit itself. So this narrowing, this focus of the earned-income tax credit on those who are truly the working poor is a matter of tax justice and fiscal equity without regard for its use for this health care insurance deduction.

Second, we are for the first time actually going to penalize those Americans, those I think perverse Americans, who renounce their citizenship in order to save on taxes. They will be hit when they renounce that citizenship with what amounts to a capital gains tax on the assets they take with them out of the United States. The Finance Committee, I should note, has said that this provision is not designed to be a direct offset against the health care insurance premium deduction for the self-employed, but literally to be a modest contribution to our budget deficit.

The most significant of the tax changes, of course, is the cancellation of section 1071 of the Internal Revenue Code, which started out as a recognition of forced sales some 50 or more years ago, when we first developed rules that did not allow more than one radio station, in that case, to be owned by the same people in the same community; but since, that has become a rather famous and notorious form of affirmative action.

This provision, of course, was triggered by a huge sale involving Viacom and one member of a minority group, the cost of which to the Federal Treasury would be over half a billion dollars. It may very well have been one of the triggering causes of the attention being paid today to the whole subject of affirmative action. Yet, I think it is safe to say that this provision should be repealed without regard to the varying views of Members of this body and of the public as a whole on affirmative action overall. The kind of affirmative action that benefits one quite successful and fairly wealthy member of a minority group at the cost of half a billion dollars to the State treasury is a perversion of any kind of theory of equity, affirmative action or otherwise.

We will have in this body more than enough time to debate the whole subject of affirmative action, whether or not it has been a success, whether or not it deserves continuation in whole or in part in the future. In the meantime, however, we need to pass this bill in order to prevent this perverse use of affirmative action and in order to provide justice for literally hundreds of thousands of self-employed Americans. Here, a handful of people who do not deserve tax benefits will be penalized. Hundreds of thousands of hard-working self-employed Americans will at least retain, and ultimately have a slight increase, in a tax deduction for a highly worthy social and economic purpose.

This bill, in other words, does justice to the self-employed, ends a terrible loophole in the field of affirmative action, ends a loophole in the earned-income tax credit, and ends up helping us in some slight manner to reduce our deficit.

We very rarely get bills through this House in which every single element is a plus for our society, and it deserves the support of all Members of the Senate.

Mr. DOMENICI. Mr. President, April 15, is only 22 days away and unless the President signs a bill restoring the 25-percent health insurance deduction for the self-insured more than 4 million small business persons will experience yet another tax increase.

If a person is doing business as a corporation, health insurance is 100 percent deductible. Under the tax law in effect without this legislation, zero

percent, zip, none of their health insurance costs is deductible for the self-employed. There is no tax policy justification for treating corporations one way and the self-employed another. The majority of all businesses in this country are self-employed. These are often firms with very little cash, a good idea and talent struggling to make a success. Once they do succeed, they are the ones that create nearly two out of every three net new jobs. These small firms have sustained this job-creating record for more than 20 years. Clearly, the Tax Code should not treat them so shabbily.

The need for the deduction is indisputable. Unincorporated business owners experience the worst of all possible worlds in the health insurance marketplace. Usually they can only buy an insufficient health insurance policy for a very high price and they are denied the same incentives and tax treatment enjoyed by incorporated, bigger businesses.

If this legislation becomes law, the self-employed will be able to take 25-percent deduction for their health insurance costs on their 1994 taxes and receive a 30-percent deduction for tax years 1995 and beyond. I am pleased that Congress is taking this step to address the health insurance deductibility gap and to make it permanent.

We really should be working to achieve 100-percent parity and equity with corporations so that all businesses, regardless of form, would be treated the same. Total deductibility has been a top priority of the various State small business conferences which have been held prior to the 1995 White House Conference on Small business. In the mid-1980's, I sponsored legislation that was enacted calling for a White House Conference on Small Business once every Presidential term. These are valuable conferences because they help identify legislative priorities. In the past, a vast majority of the Small Business Conference recommendations have been enacted into law. I hope we will be able to make good on that record when it comes to the deduction of health insurance for the self-employed.

In addition to tax policy fairness and job creation, restoring the deduction for the self-employed is important because the self-employed are one of the largest groups of uninsured citizens in America. There are 3 million self-employed Americans without health insurance. The 30-percent deduction is a small, but meaningful incentive for unincorporated business owners to purchase health insurance for themselves and their families.

In New Mexico, there are 75,000 self-employed individuals about one-third of them take advantage of the deduction. This number does not include farmers and ranchers who are another group that will benefit from the tax law change we are making today.

I sincerely hope the Congress can complete it work on this legislation in time for the April 15 filing deadline. Making the deduction permanent will stop the uncertainty that has historically accompanied this section of the Tax Code. It will help millions of small business entrepreneurs, farmers, and ranchers provide health insurance for their families.

Mr. GRASSLEY. Mr. President, I want to lend my strong support for H.R. 831 to make the self-employed deduction permanent and to raise it to 30 percent.

There had been a number of threats to hold this legislation up by filibustering or offering numerous contentious amendments. I'm very glad that these threats disappeared, because holding up this bill would have only hurt the millions of taxpayers that are waiting for this relief.

Mr. President, most of the major health care bills introduced in the last Congress called for an increased extension of the 25 percent health insurance deduction for the self-employed. There's a broad consensus that an increased health insurance deduction would contribute to tax fairness and would also lead to a significant reduction in the number of uninsured Americans.

Unfortunately, as we all know, the self-employed health insurance deduction expired on December 31, 1993, with the understanding that an extension, and possible expansion, would be part of health care reform in 1994. However, we all know what happened to President Clinton's disastrous health care reform effort. And, unfortunately, the self-employed deduction went down with it.

Mr. President, if the 25-percent deduction is not retroactively reinstated, the self-employed will be hit with a sizable tax increase. Moreover, it would be a tax increase on predominantly middle-income persons since about 73 percent of those persons who pay self-employment tax earn under $50,000 in adjusted gross income.

Mr. President, I have introduced a separate bill that would reinstate the 25-percent deduction for the 1994 tax year, and then increase the deduction to 50 percent this year, 75 percent next year, and 100 percent the year after.

Organizations as diverse as the Farm Bureau, the National Federation of Independent Businesses, the Association for the Self-Employed, and the National Restaurant Association support this legislation.

I look forward to the Congress finally dealing with this problem by taking care of the 1994 tax year, making it permanent and increasing it to 30 percent. Hopefully, we will be able to expand the deduction up to 100 percent at a later date.

Mr. McCAIN. Mr. President, I strongly support legislation to permanently extend and expand the health insurance tax deduction for self-employed individuals. In addition to allowing these individuals and their dependents to deduct 25 percent of the cost of their health insurance for 1994, it will allow them to deduct 30 percent of these costs for all future years. This bill, which addresses one of the most unfair provisions in the Tax Code, is fully paid for without adding a penny to the budget deficit by eliminating an outdated and inequitable corporate tax break.

This issue has justifiably been a major concern to the small business community for a long time. The 25 percent deduction for the self-employed was first contained in the tax Reform Act of 1986. Due to congressional inaction, it expired at the end of 1993. Consequently, if we didn't pass an extension before April 15, self-employed individuals would not have been able to deduct any of their health insurance expenses this year. This would have been incredibly unfair. Employees of corporations continue to be able to deduct almost all of their health insurance costs.

Since 1989, we have been keeping small business in limbo each year while Congress decides whether to reextend this tax deduction. Small businesses are extremely important to our country. In Arizona, they are the fastest growing component of our economy and, in aggregate, our largest source of employment. They rely upon the modest insurance tax benefit that they are entitled to receive. By passing this bill today, and by making it retroactive so that the deduction can be taken this year, we make a major step forward in providing equity and certainly to small business people throughout our Nation.

Throughout the health reform debate last year, I argued that the deduction for self-employed individuals should be expanded to be comparable to the full deduction that other employees receive. I further contended that the result of allowing the deduction to expire would have been to substantially increase the number of uninsured Americans. It would have imposed a large burden on individuals who we should be helping, those who have taken the initiative and risk associated with small business and self-employment. Today, we vote to start to remedy their problems.

Passing this extension and expansion of the self-employed insurance tax deduction today is a major step in the right direction. I urge President Clinton to sign this bill into law as soon as possible. It is outrageous that self-employed individuals are not permitted to deduct the same percentage of their health insurance costs as do employees of large corporations. It is even more outrageous that we almost took away the small amount that they can currently deduct, and may still do so if President Clinton does not act quickly.

I remain committed to ensuring that all Americans receive the same tax advantages in deducting their health insurance, and to creating a more equitable and efficient health care system.

Mr. KENNEDY. Mr. President, with passage of H.R. 831, the Senate begins the effort to pick up this year where we left off last year on the very important issue of health care reform.

To some extent, this legislation simply extends a tax break for health insurance for small business that expired last year because it was closely related to other health reforms that also failed to pass.

Many of us had hoped to use this legislation as an opportunity to revise this tax deduction and make it fairer to all those involved in small businesses—employees as well as owners.

But because the tax deadline is so near, there is no real opportunity to have such a debate at this time. Small businesses deserve to have the expired provision extended as soon as possible, so that the applicable law will be clear as they file their tax returns for 1994. Many of them purchased their health insurance in expectation that the tax deduction would be continued, and it would be unfair to them to let it lapse now. So I join with many other Senators in expediting action on this bill.

But it is appropriate to point out the key issues involved in this tax incentive, and I am confident we will have an opportunity to address them on other tax bills and as part of our effort in the coming months to enact health reform in this Congress.

In the wake of our failure to enact health reform last year, the health care crisis facing American families has continued to grow worse. Last year, the number of uninsured increased by more than 1 million, to over 40 million of our fellow citizens. If current trends continue, the number of uninsured will exceed 50 million in the year 2000—1 in every 5 nonelderly Americans. But for the expansion of public health insurance coverage to more than 10 million people in the past decade, the current situation would be even worse.

Even those who have insurance are not secure. No family can be confident that the insurance which protects them today will be there for them tomorrow if serious illness strikes.

The decline in health insurance coverage on the job is especially serious. As recently as 1988, two-thirds of all nonelderly Americans received coverage through their employer. Today, that number has fallen to 61 percent. By the year 2000, only about half of all nonelderly Americans will be able to depend on private, job-based coverage for the health protection they need for their families and themselves.

Few, if any, people are more seriously victimized by the health care crisis than small business owners and their employees. If they try to buy coverage, they routinely face insurance company markups as much as eight times greater than large businesses. Despite reforms enacted by many States in recent years, small businesses in many areas of the country still face exorbitant prices or are denied coverage altogether if someone in the business is in poor health, or is elderly, or lives in the wrong part of town, or works in the wrong occupation.

The legislation before us provides some tax assistance for the self-employed, including the owners of small businesses, but I am disappointed that the imminent tax filing deadline prevents us from taking this opportunity to deal with the problems in a more balanced and more effective way.

The legislation offers a tax subsidy of $800 million a year—$8 billion over the next 10 years—to help the self-employed purchase the coverage they need. Many, many citizens in our society need help in purchasing health insurance. For $800 million a year, we could do a great deal to insure children, or give greater health security to workers who lose their jobs, or more assistance to senior citizens struggling desperately to pay the high cost of long-term care or prescription drugs.

But the entire $8 billion in this bill goes to the owners of small businesses. No one else benefits—not even the employees of those businesses. In fact, more than $3 billion of these funds goes to people making more than $50,000 a year. More than $2 billion goes to people making $75,000 or more—and that isn't fair. The wealthier they are, the bigger their tax benefit. Changing the tax deduction to a tax credit would be fairer, and making the tax credit refundable would be even fairer.

But if we're going to make the current system fairer to small business owners, we should at least make it fairer to their employees too. Small business owners and their families deserve help—but so do their employees and their families.

Under current tax law, any business, large or small, that provides health insurance to its employees can deduct the cost of that insurance as a business expense, just as it can deduct the wages paid to its employees.

The employees who receive the insurance get a significant tax break too, because the value of the insurance is a fringe benefit that is not counted as income to the employees for tax purposes.

This favorable tax treatment was one of the principal engines driving the expansion of private, job-based health insurance coverage in the past generation. It has also been a major factor in helping to make the loss of coverage in recent years less serious than it would otherwise have been.

This tax exclusion for fringe benefits is also one of the most expensive tax subsidies in the entire Internal Revenue Code. It will cost the Treasury $60 billion this year, and that revenue loss will rise to $94 billion in the year 2000.

Under a quirk in the tax laws, however, owners of small businesses that are not incorporated were not eligible for this tax break. In fact, they were at a serious disadvantage. No matter what contribution they made to health insurance coverage for their workers—and some small businesses do make such a contribution—the owners still could not deduct the cost of their own insurance.

So in 1986, Congress reduced this disparity by granting a separate tax deduction for small business owners, equal to 25 percent of the cost of the insurance they bought for themselves. Many people feel that the deduction should be 100 percent, in order to achieve full parity with managers of large corporations, and there is a good deal of merit in that view, at least in cases where the owners provide coverage for their employees.

The 1986 deduction was enacted on a temporary basis. It was extended by Congress on several occasions, but it expired at the end of 1993. A further extension was considered in 1994 as part of comprehensive health reform, but it died when the overall health reform effort failed.

The question now is whether, in this time of limited resources, it is fair to restore the subsidy—and make it permanent—and even sweeten it from a 25 percent deduction to a 30 percent deduction—for small business owners at a cost of $800 million a year, but do nothing for the employees of those small businesses.

Even large corporations don't do this well. The managers of large, self-insured corporations are not eligible for a tax break that is greater than the tax break given to their workers. Yet under the committee bill, owners of small businesses are eligible for the tax break even if they make no contribution at all to the cost of their workers' coverage.

Yet employees of small businesses have even more difficulty than their employers in obtaining good coverage. It is bad enough that 18 percent of all workers are uninsured. It is worse that 25 percent of the self-employed are uninsured. But it is even worse that 33 percent or workers in firms with fewer than 10 workers are uninsured.

The smaller the business, the more serious the problem. More than 90 percent of firms with over 250 employees offer coverage to their workers. But only a third of firms with fewer than 10 workers offer coverage to their employees.

This legislation does the right thing by helping the self-employed. But it should have gone farther. It should have helped both the owners and their employees.

Under this bill, mom and pop, the owners of the small mom and pop store, get a tax break, but the cashier or the worker in the stock room does not.

The partners in the law firms get the tax break, but the secretaries and the filing clerks and the paralegals do not.

The doctors in the group practice get the tax break, but the nurses and technicians and lab assistants and receptionists do not. And that isn't fair.

A fairer bill could have maintained the 30 percent deduction for the small business owners, as provided in the committee bill. But it should have required them to make group health insurance available to their workers as a condition of taking the deduction for themselves.

The owners would not have had to make any contribution to the cost of the coverage for their employees. They would only have to make the coverage available for the employers to purchase themselves. But employees exercising this choice should also be eligible for the same 30 percent tax break available to the owner.

This proposal is not an employer mandate. It does not require employers to contribute to the cost of coverage. It does not even require employers to offer coverage to their employees. All it says is that if they want to take advantage of a tax break to purchase health insurance for themselves, they will have the minimal obligation of arranging the availability of group coverage for their employees.

This proposal is a modest one. It does not even go as far as the Republican health reform bills offered by Senator DOLE and Congressman Michel last year. The Michel bill required all employers to make coverage available to their workers, regardless of whether the employers took a tax deduction for their own coverage. The Dole bill required all employers to administer a payroll deduction program for their employees, even if the employers took no tax deduction for themselves.

This proposal is not an expensive one—just a fair one. Final cost estimates are not yet available from the Joint Tax Committee. But it is likely that the program could be financed by using some of the excess revenue generated by the bill before us, or by retaining the level of the deduction at 25 percent instead of raising it to 30 percent.

Small business owners on the whole are not a wealthy group, and they often have trouble obtaining affordable insurance. They need the help that we are providing in this bill. But their employees have even lower incomes and are even less likely to be insured. Surely, they are at least as deserving a tax subsidy as the owners of the business.

This proposal has other benefits for workers, in addition to the tax subsidy it provides. Group coverage is less expensive than individual coverage. A majority of States have adopted limits on preexisting conditions and limits on premiums. They guarantee the issue of policies and the renewal of policies for such group coverage.

But only a handful of States have enacted comparable rules for individual coverage. By assuring the availability of group coverage to a broader number of people, the benefits of the insurance reforms already enacted by some States can be extended to many more citizens who need them.

Finally, a fair bill should provide tax parity for small business owners who do contribute to the cost of insurance coverage for their employees. They should be able to deduct 100 percent of the cost of their own coverage, if they pay the full coverage of their workers as well, as some small businesses already do.

Under the reform I favor, whatever share they provide to their workers would also be deductible for them. If they pay 70 percent of the premium for their workers, they could deduct 70 percent of their own premiums. They would have full parity with the manager of a large business.

In summary, the committee bill provides a tax subsidy for health insurance for the owners of small business. I regret that it does not provide a similar tax subsidy for the employees of small business too.

During the course of this Congress, there will be opportunities to consider measures to expand health care for the employees of small businesses, for other members of working families, for children, and for senior citizens. When these reforms come to a vote, I hope that the Members of the Senate will remember that these Americans need health care, too.

I also intend to do all I can, in these times of deep budget cuts and limited Federal resources, to see that the large tax subsidies now available through the Internal Revenue Code meet the same strict scrutiny that Congress is giving to other forms of Federal spending. We made bipartisan progress yesterday by extending the line-item veto to tax subsidies, and we need to do more to rein in this rapidly growing part of the Federal budget.

Mr. GRAMM. Mr. President, I rise today to voice my support for H.R. 831 and the protections it will provide to America's self-employed business owners—the men and women who create the jobs on Main Street.

Today, the Senate is finally ready to deliver the tax relief that should have been provided a long time ago.

And today, more than 3 million small business men and women—including as many as 146,000 in my home State of Minnesota—are breathing a sigh of relief.

Up until last year, the self-employed were allowed to deduct 25 percent of their health insurance premiums.

It was a powerful incentive: Small business owners were much more likely to buy insurance for their employees when they were offered an incentive to purchase health insurance for themselves.

That deduction, however, was allowed to lapse in December 1993 when it appeared that Congress would address health care reform in 1994.

But health care reform never materialized—and Congress never restored the deduction.

The self-employed have seen their 25-percent deduction expire five times over the past 8 years, leaving them in the precarious position of trying to second guess Congress each time as to whether the deduction would be extended.

H.R. 831 will restore the 25-percent deductibility for 1994—increase it to 30 percent this year—and make it permanent.

That is good news for the 3.2 million unincorporated, self-employed Americans the U.S. Treasury Department estimates would claim the deduction on their 1994 returns.

H.R. 831 moves us in the right direction, and I am pleased to join my colleagues in acting swiftly today to approve this desperately needed tax relief.

Yet, Mr. President, we should not look at 30 percent deductibility as our final goal.

We should use this opportunity during the 104th Congress to give small businesses the same benefit enjoyed by big business and their employees—by increasing the health insurance deduction to 100 percent for 1995 and beyond.

That is why I have also committed my support to S. 262, the Grassley-Roth-Pryor-Dole 100 percent deductibility bill.

Self-employers face the worst of all possible worlds in the health insurance marketplace.

Far too often, there aren't enough options—the price is too high—and the self-employed are denied the very incentives and tax treatment big business has come to expect.

And too often, the self-employed lack access to cost-saving managed care arrangements because insurers are reluctant to create and market them in the small towns and rural areas where most self-employers are located.

Even when they do buy insurance, self-employed business owners often pay approximately 30 percent more than larger companies for similar benefits.

That is because of costly State mandates for specific types of insurance coverage, which prevent self-employed business owners from shopping for only the basic care that they and their employees might need.

Larger firms that self-insure, on the other hand, are not subject to these costly mandates. The health insurance deduction helps small business owners defray at least some of the high cost of insurance.

The businesses that would benefit most from deductibility legislation represent almost 10 percent of the working population, and cover a tremendous variety of employers—from farmers and florists—grocers and bankers—to smalltown clothing stores, hardware stores, and photographers.

Mr. President, a tax deduction for the cost of insurance premiums would go a long way to help these self-employed business owners and their employees—especially in high-risk fields such as agriculture, where the hazards of the job often result in relatively high health insurance costs.

The health deduction is simply good business—a simple way for the Federal Government to help the people who create the jobs and deliver the paychecks on Main Street.

Small business needs encouragement, along with some incentives, to survive and continue creating jobs—providing for their employees. It is in our best interest to see that they do.

Since the 1970's small business has created two of every three new jobs in this country, and a substantial majority of those jobs were created in firms with fewer than five employees.

Congress should not neglect these entrepreneurs, Mr. President.

Self-employed business owners are the very people whose firms will have to thrive in order to create the jobs of the future.

These are often people with very little cash, but a lot of good ideas and talent, struggling to make their ideas work.

For them, the health insurance deduction could mean the difference between an ''Open for Business'' sign on the door and one reading ''Going Out of Business.''

It is time, Mr. President, for Washington to treat America's job providers equally.

I want to thank my colleagues for coming together in a bipartisan manner to ensure that 3.2 million more Americans will have access to more affordable care.

In fact, this is our first step toward serious and sensible health care reform.

It is legislation like H.R. 831 which I believe helps restore the people's faith in this great institution.

Mr. President, our ultimate aim should be to give the self-employed the same 100 percent health insurance deduction we've granted to incorporated businesses.

But today, passage of H.R. 831 moves us closer toward a goal we all share: Insuring more people, under policies that cost less, that allow them greater access to the health care services and providers they choose.

Mr. DASCHLE. Mr. President, I am pleased we will pass legislation today that, if enacted, will finally make permanent the health insurance deduction for the self-employed. This certainly will be a victory for small business in America.

During my entire tenure in the Senate, I have supported and cosponsored legislation to make the deduction permanent. It is very gratifying, therefore, to see that an overwhelming number of my colleagues share this goal.

Extension of the deduction is a bipartisan issue—one on which there is a very broad consensus. A letter signed by 75 Members of this body, earlier this year, bears testimony to that fact.

For too long, small businesses, including farmers, have been treated unfairly compared to corporations. Corporations may deduct 100 percent of the cost of qualified health insurance they purchase. But the self-employed do not receive equal treatment. In the past they have been able to deduct only 25 percent of the cost of purchasing health insurance for themselves and their families.

What is more, small businesses have not been able to rely on the availability of this deduction from year to year, preventing them from budgeting for their health insurance costs. For many, the existence of the deduction means the difference between having health insurance or not having it at all.

Frankly, it is not clear why this deduction was subject to sunset in the first place, often forcing an annual extensions of the measure. This is not a case of a controversial provision needing further review. Virtually all Members agree that, as a matter of fairness, the self-employed should be able to deduct at least some portion of these costs, if not the full amount.

I am also pleased that the deduction will be increased to 30 percent. It is my hope that at some point in the future we can increase the amount of the deduction; though it is of paramount importance that any further extension be offset appropriately.

I regret that we were unable to pass this measure earlier this year. Most farmers who are self-employed faced a March 1 filing deadline for their 1994 tax returns. Assuming the measure we are considering today is passed, they will have to go to the expense of filing amended returns for 1994. This situation could have been avoided if not for unnecessary delay in the House of Representatives unrelated to the self-employed deduction.

I am concerned that funding for this measure relies on the repeal of section 1071 benefits used to promote minority ownership of broadcast facilities. I would prefer that section 1071 benefits be reviewed in the context of a comprehensive analysis of affirmative action programs, as the administration has suggested. I ask unanimous consent that the administration's ''Statement of Administration Policy'' on H.R. 831 be printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. DASCHLE. I am pleased that the Senate was able to move this bill so quickly. In light of this, I am optimistic that the extension of the deduction will be enacted in time for the remaining self-employed to take advantage of it before they file their returns on April 15.

With the passage of the permanent extension of the self-employed health insurance deduction today, we can all claim victory for bringing greater fairness in the Tax Code to small businesses and for helping ensure that more Americans are covered by health insurance.

EXHIBIT 1

STATEMENT OF ADMINISTRATION POLICY

H.R. 831—PERMANENTLY EXTEND THE TAX DEDUCTIBILITY FOR HEALTH INSURANCE COSTS FOR SELF-EMPLOYED INDIVIDUALS (ARCHER (R) TX AND 3 COSPONSORS)

The Administration supports the primary purpose of H.R. 831, as reported by the Senate Finance Committee—to reinstate for 1994 the 25 percent tax deduction for health insurance premiums for self-employed individuals and increase the deduction to 30 percent on a permanent basis thereafter.

The Administration, however, opposes one of the bill's offsets—i.e., the outright repeal of the current tax treatment for the sale of radio and television broadcast facilities and cable television systems to minority-owned businesses (so-called ''section 1071 benefits''). The Administration is undertaking a comprehensive review of affirmative action programs, including certain aspects of section 1071 benefits. As part of the section 1071 review, the Administration will consider possible modifications to the ownership and holding period requirements as well as caps on the amount of gain eligible for deferral.

While the Administration, in the FY 1996 Budget, proposed limiting earned income tax credit (EITC) eligibility based on certain kinds of investment income, the Administration strongly believes that the cap on such income—as set forth in this bill—should be indexed for inflation.

The Administration supports the provision in H.R. 831 that would tax expatriating citizens on untaxed gains—a provision which is very similar to one included in the President's FY 1996 Budget.

SCORING FOR PURPOSES OF PAY-AS-YOU-GO

H.R. 831 would affect receipts; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act (OBRA) of 1990.

The Administration's preliminary scoring estimates of this bill are presented in the table below. Final scoring of this legislation may deviate from these estimates. If H.R. 831 were enacted, final OMB scoring estimates would be published within five days of enactment, as required by OBRA.

PAY-AS-YOU-GO ESTIMATES

[Receipts in millions]

	1995	1996	1997	1998	1999	2000	1999–2000
SE Health	−513	−525	−571	−621	−678	−740	−3648
FCC	399	449	213	220	226	233	1740
EITC	.....	23	464	507	543	576	2113
Citizen	60	200	300	410	530	650	2150
Other	8	23	32	40	44	48	195

PAY-AS-YOU-GO ESTIMATES—Continued

[Receipts in millions]

	1995	1996	1997	1998	1999	2000	1999–2000
Totals	−46	170	438	556	665	767	2550

Note.—
SE Health — 30 percent tax deduction for self-employed persons (includes 25 percent tax deduction retroactive to 1994).
FCC — Repeal of current tax treatment on sale of broadcast facilities to minority-owned businesses.
EITC — Modification of the Earned Income Tax Credit.
Citizen — Bar citizens from renouncing their citizenship to avoid tax obligations incurred before they renounced.
Other — Change in Section 1033 of the Internal Revenue Code.

Ms. SNOWE. Mr. President, I rise this morning to express my strong support for passage of H.R. 831, legislation which restores the 25-percent tax deduction for the health insurance costs of the self-employed.

At a time when America's small businesses are under virtual attack from Federal regulations and mandates, we must take a leadership role in Congress to bring them the relief they deserve.

In order to create jobs in Maine and across America, we need to assist small businesses in any way we can; they are the engine that keeps our Nation's economy running. Businesses with fewer than 10 employees make up more than 85 percent of Maine's jobs, and, nationally, small businesses employ 54 percent of the private work force. In 1993, small businesses created an estimated 71 percent of the 1.9 million new jobs. When we call small businesses the engine of our economy, we mean it—and America's small are jump-starting our economy in all 50 States.

From investors to startup businesses, self-employed workers make up an important and vibrant part of the small business sector—and too often they are forgotten in providing benefits and assistance. Indeed, the 11 percent of uninsured workers in America are self-employed. By extending tax credits for health insurance to these small businesses—which is what H.R. 831 does—we will help provide health care coverage to millions of Americans.

There is an old saying that is particularly appropriate this time of year: ''Nothing is certain but death and taxes.'' The 3 million self-employed in this country are particularly aware of the tax part this year, as they have sat and watched and worried about whether we would restore the 25-percent deduction before they had to pay Uncle Sam on April 17.

Earlier this year, I joined 74 of my colleagues in asking the majority leader and the minority leader to expedite the passage of this legislation because of its importance to the self-employed.

In doing so, I promised that I would not offer any amendments and that I would vote against any amendments offered, again, in order to expedite its passage. At this late date, we cannot keep the self-employed taxpayer hostage any longer. As it is, we have forced them to wait until the very end of the tax period to file.

I would like to thank the Senator from Oregon [Mr. PACKWOOD], chairman of the Finance Committee, for getting this bill to the floor and for getting agreement to make this deduction a permanent part of the tax code. That way, neither the self-employed, nor Congress, will have to go through this exercise again. I know that the 74,000 self-employed in my home State of Maine will breath a sigh of relief once we complete action on this bill.

After all, it is not as if there is disagreement on the need to assist the self-employed in this manner. In fact, amid all the disagreement on health care reform over the last 2 years, this is one of the areas where we all agreed. Why? Because the self-employed—the hard-working, tax-paying, job-creating small business men and women of America—cannot afford their own health care insurance. I am particularly, pleased that the bill before us expands the deduction to 30 percent for the 1995 tax year. This is an important step in the right direction, as I believe we should expand it further, and grant the same tax treatment to the self-employed that we provide for corporations. In fact, I have introduced a bill to assist small businesses which includes phasing in a 100-percent deduction.

So I urge my colleagues to join me in support of H.R. 831 and in support of the 3 million self-employed Americans who need our help today.

Mr. PRESSLER. Mr. President, let me begin by emphasizing the fundamental reason why we are here today—to extend the 25 percent tax deduction for health insurance costs of self-employed Americans. This is one of the most important items Congress will consider this year.

We must put the needs of self-employed Americans—small business men and women, farmers and ranchers—at the forefront of our agenda. Passing the 25 percent deduction on a permanent basis is a step in that direction. By doing so, these hard-working individuals can make their business plans knowing they can depend on this reasonable deduction. Without the deduction, self-employed individuals will see their taxes increase and their ability to afford health insurance decrease. That is unfair, and must not happen.

Frankly, Mr. President, the legislation we are considering today is a modest deduction, particularly when compared to the corporate deduction of 100 percent, but it is nonetheless critical. It is critical to the 48,000 small business men and women, farmers and ranchers in South Dakota, as well as the millions of other self-employed people across this country.

As a member of the Finance Committee I supported the legislation before the Senate today. It retroactively reinstates the 25 percent deduction for last year. More importantly, it permanently increases the deduction to 30 percent for 1995 and thereafter. This legislation is a first step toward bringing self-employed individuals onto equal footing with corporations, which are allowed to deduct 100 percent of their health insurance costs.

We have already done a great disservice to our family farmers by not passing this legislation prior to the March 1 filing deadline for their Federal tax returns. It is my hope that we will not do the same for all the other self-employed individuals by missing the April 17 deadline, thereby creating a paperwork avalanche of amended returns.

Approximately 67,200 South Dakotans are either self-employed or are employed by the self-employed. These men and women represent almost 20 percent of South Dakota's total workforce—many of them are farmers and ranchers. This tax deduction makes insurance more affordable for them and their families. Immediate passage of this bill should be a top priority for the Senate.

I know that most of my colleagues agree that this is a bill of critical importance. However, as we all know, controversy surrounds the offset. This is unfortunate because it threatens the timely passage of the 25 percent provision.

I support the offset so that we can get this legislation permanently placed in law and also expand it to 30 percent. The FCC tax certificates program—the program we terminate to pay for this legislation—is no longer justifiable.

When the choice is between giving multibillion dollar corporations a tax break or giving small businesses, farmers and ranchers relief for health insurance coverage, the choice is clear: I side with the hard-working small business people, and farmers and ranchers—not large corporations.

I encourage my colleagues to recognize the core issue here today and to vote to retroactively reinstate the 25 percent deduction for 1994 and to permanently extend the deduction at the 30 percent level thereafter. We must do this for the sake of our farmers, ranchers, small business people, and the families and employees who rely upon them.

I urge my colleagues to vote for H.R. 831 as approved by the Finance Committee, and urge our colleagues in the House to approve it as well.

SECTION 1071

Mr. BRADLEY. Mr. President, section 1071 of the Internal Revenue Code authorizes the FCC to permit sellers of broadcast properties to defer capital gains taxes on a sale or exchange if the sale or exchange is deemed by the agency to be necessary or appropriate to effectuate a change in a policy of, or adoption of a new policy by, the Commission with respect to the ownership and control of radio broadcasting stations. As such, the Commission has used tax deferral certificates for, among other things, the promotion of minority ownership of broadcasting stations and cable television systems.

From a tax perspective, I believe that the FCC's tax deferral program is not appropriate tax policy. Over the past 16 years, and as the author of the Tax Reform Act of 1986, I have consistently advocated that we spend just as easily through the Tax Code as we do through appropriated and mandatory spending. I have consistently opposed these special interest loopholes. Indeed, in this bill, I offered an amendment that eliminated the granddaddy of all tax loopholes—one that benefits those who renounce their U.S. citizenship. By closing this expatriate loophole, we raise $1.3 billion that incredibly benefitted only 12 taxpayers.

Tax loopholes raise taxes on those in society who do not use them and distort rational economic decision-making. Thus, as a member of the Finance Committee, I voted to place a moratorium on section 1071 effective as of January 17, 1995, thereby overturning commercial transactions that would have sheltered approximately $500 million in capital gains taxes.

I am profoundly disturbed, however, that the issue of affirmative action has been interjected into the underlying issue of how to finance the 25 percent health insurance deduction for self-employed individuals. I support the concept of affirmative action, which is a remedial measure designed to identify qualified women and minorities and afford them the opportunity to enter the mainstream of American life and contribute their skills and talents to make America more competitive on the world stage. Further, I thought it best to consider affirmative action in full, not simply one small provision. As such, I voted in committee to place a 2-year moratorium on the application of section 1071 so that Congress could study the program and alternative ways to increase broadcast diversity.

As the affirmative action debate rages, I will attempt to broaden the discussion to deal with the underlying issues of race in American society. In addition, I will be offering my views and suggestions about how to assure that individuals who are truly discriminated against on the basis of race and gender have a means of obtaining a remedy, not simply lip service. I challenge my colleagues to join me in this discussion.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I will take but a few moments here so we can finish this bill. First, I want to congratulate the managers of the bill, Senator PACKWOOD and Senator MOYNIHAN.

Mr. President, we start debate today on an issue that is important to many Americans across the country. H.R. 831 seeks to make permanent the deductibility of health care insurance costs for self-employed individuals.

Since 1986, Congress has allowed the self-employed a 25-percent deduction for their health care insurance costs. Almost every year, we have had to extend the deduction, but we failed to extend it last year when it expired on December 31, 1993. We were told that we would address this matter in the health care reform debate. And we did address it. In some bills, including mine and Senator PACKWOOD's, we sought to allow up to 100 percent dedication phased in over a period of time. But, in the end, we did nothing. None of the health care reform bills had enough support to pass last year, and so, here we are today again looking at this issue.

H.R. 831 seeks to make this deduction permanent. We don't want to leave the 3.2 million tax filers in 1994, hanging on the edge of a cliff every year. And we do not want to tell them that although corporations can deduct 100 percent of their health care insurance costs, small businesses cannot. We decided 9 years ago that in order to make the playing field more equitable, we should allow small businesses to deduct their health care insurance costs. But we did not give them 100 percent, we gave them only 25 percent—one quarter of what corporations are allowed to deduct. Today, we seek to increase that amount permanently to 30 percent. And we must continue to fight for parity.

In fact, many small businesses strongly believe that increasing the deductibility begins to solve the disparity between self-employed and incorporated businesses and will give even more individuals access to affordable health insurance. I agree when them. I have received many letters from various small business and agricultural associations supporting my efforts to increase the deduction even more than the 30 percent in the committee bill. Letters from: The National Federation of Independent Business, the American Farm Bureau Federation, the National Restaurant Association, the National Association of Wheat Growers, the National Corn Growers Association, the American Soybean Association, the Small Business Legislative Council, the National Small Business Unified, the National Association of Home Builders, the Healthcare Equity Action League [HEAL], Communicating for Health Consumers, U.S. Chamber of Commerce, the National Association of Private Enterprise, and the Society of American Florists.

I know that many in this Chamber share their belief—so much, in fact, that the minority leader and I have sent a letter to both the chairman of the Senate Finance Committee and the chairman of the House Ways and Means Committee to strongly consider raising the deductible percentage higher than 30 percent, but within the confines of the offsetting revenues.

EMPLOYEE DEDUCTION

I also share the concerns of many of my colleagues over the many employees who pay their own health insurance, but do not get to deduct any amount. There is no doubt, that these people deserve fair and equal treatment as well. I am hopeful that when we return to health care reform we will address this issue.

Many believe that the health care reform issue is dead, but it is not. We still have people without insurance. We still have people who are denied insurance because of existing illness. We still have people who cannot change their jobs in fear of losing health insurance. To me, and many of my colleagues, health care reform is still very much alive, and the issue of taxation of employees who pay for their own health insurance, will be addressed.

OFFSETTING REVENUES

In the Senate Finance Committee last week, under Chairman PACKWOOD's leadership, we passed a bill that not only extended the deduction permanently, we raised the deductibility percentage to 30 percent. And we did so by repealing a Federal Communications Commission [FCC] program that I believe is not only ineffective, but costs the Federal Government billions of dollars. This program has gained notoriety in the newspapers in the recent months because one particular transaction could cost the Government in excess of $500 million. One company, 500 million dollars.

The FCC, the agency that administers this program, does not know how much the entire program has cost the Government. And neither does the Treasury Department. The program has been in existence for 17 years, and yet we have no idea how much this has cost the Government. One of my distinguished colleagues on the Finance Committee said it right, ''If you are looking for the enemy, the enemy is us.'' And so, members of the Senate Finance Committee overwhelmingly repealed this program.

THE FCC'S TAX CERTIFICATE PROGRAM

Congress, in 1943, gave the FCC authority to grant tax deferrals to owners of broadcast facilities who were forced to sell their properties to break up monopolies during World War II. Congress' intent was to, and I quote, ''Alleviate the burden of taxpayers who had been forced to sell their radio stations under difficult wartime circumstances.''

The FCC, in 1978, expanded the provision to give a tax preference to radio, television, and later cable broadcasters

who sold their properties to minority-owned firms. For this policy, the FCC defines minorities as including ''Blacks, Hispanics, American Indians, Alaska Natives, Asians and Pacific Islanders.''

The greatest flaw in this program is that the economic benefit does not go to the minority buyer, the economic benefit goes to the seller. It is like a kickback. If you sell to me and not the other guy, I will give you a little extra something. And I will not be paying for it, the American taxpayer will. I do not understand it, and I do not understand why people would think this is benefiting minorities when the monetary gain is going to the seller.

These are also million-dollar deals. These are tax breaks to millionaires. The average sales price for transactions in which tax certificates were granted is $3.5 million for radio, and $38 million for television. Although there is no data currently available for the cable industry, one of the transactions in the cable industry seeking to utilize the tax certificate, is $2.3 billion.

EFFECTIVE DATE

Some have tried to say that this bill's effective date is retroactive. And that this bill is crafted to target one particular transaction—the Viacom transaction. I disagree.

Chairman ARCHER of the House Ways and Means Committee issued a press release on January 17 of this year entitled, ''Archer Announces Review of FCC Tax Provision,'' putting all FCC tax certificate transactions on notice. It reads, and I quote:

> The Committee on Ways and Means will undertake this review immediately to explore possible legislative changes to section 1071, including the possibility of repeal. Any changes to section 1072 may apply to transactions completed, or certificates issued by the FCC, on or after today, January 17, 1995.

Two days later, on January 19, representatives from Viacom, House Ways and Means Committee, and the Joint Tax Committee met. And Viacom was fully apprised of the situation and the possible consequences on their transaction.

Nevertheless, the parties in the Viacom transaction signed an asset purchase agreement the following day. and even then I do not believe it was not a binding contract. The purchase agreement is contingent upon the FCC granting a tax certificate. They filed a tax certificate application with the FCC on February 3, with full knowledge that Congress would be acting to repeal the program. On February 6, 1995, H.R. 831 was introduced, and reported by the Ways and Means Committee on February 8. The bill passed the House on February 21.

This transaction is not a small one. This a $2.3 billion transaction. the parties involved are sophisticated players in the mergers and acquisitions world. A world where players are accustomed to reacting quickly. It is clear to me that the parties of this transaction were given reasonable expectation that the FCC tax certificate program would be repealed. And it is clear to met that they decided to sign their agreement regardless. And, remember, they did not file for an FCC tax certificate until February 3. Their agreement continues to be contingent upon a tax certificate being granted.

TURNING TAX BREAKS AND LOOPHOLES FOR MILLIONAIRES INTO HEALTH CARE FOR THE ORDINARY CITIZEN

Let me be clear, if we do not pass this legislation today, then what we are doing is raising taxes for 3.2 million Americans. Make no mistake about it. If we do nothing today, then they will pay more in taxes this year than they did last year.

What we are trying to do here today; what we will accomplish here today is taking a million dollar, unjustifiable tax break for millionaires, not minorities, and turn them into health care for ordinary Americans. Americans who really need it.

Let me also remind everyone here that this bill passed the House of Representatives with an overhwelming majority vote of 388 to 44. I urge my colleagues to vote for this bill.

AFFIRMATIVE ACTION

Mr. DOLE. As the Washington Post reported today, the overwhelming majority of the American people believe that the race-counting game has gone too far.

I am proud of my own civil rights record. I have supported affirmative action in the past. That's no secret.

But my past record did not disqualify me last December from asking the Congressional Research Service to compile a list of all Federal preference laws and Regulations.

And my record does not disqualify me today from raising legitimate questions about the continuing fairness and effectiveness of affirmative action, particularly when the affirmative-action label is used to describe quotas, set-asides, and other group preferences.

Equal treatment, not preferential treatment, should be the standard. Equal opportunity, not equal results, must be the goal.

Earlier today, my distinguished colleague from Maine, Senator COHEN, gave a very eloquent speech on the Senate floor where he pointed out that America is not a color-blind society, and he is right. Discrimination continues to exist. The color-blind ideal is just that—an ideal that has yet to be achieved in the America of 1995.

But, Mr. President, do you become a color-blind society by dividing people by race? Do you achieve the color-blind ideal by granting preferences to people simply because they happen to belong to certain groups? Do you continue programs that have outlived their usefulness or original purpose? The answer to these questions is, of course, a resounding ''no.''

I look forward to the completion of the President's review of all Federal affirmative action policies, but if the President is seeking a magical ''third way,'' I suspect he is going to run into a dead end: When it comes to the issue of group preferences, you are either for them or against them. There can be no splitting the difference, no ''third way.''

With that said let us hope that reason prevails as we continue down this road. If we keep our voices low and our intentions good, the debate over affirmative action can, in fact, be an opportunity to unite the American people, and not divide us.

Mr. PACKWOOD. Mr. President, I believe we are prepared to yield back our time.

Mr. MOYNIHAN. Mr. President, I yield back our remaining time.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall the bill pass?

So the bill (H.R. 831), as amended, was passed.

Mr. PACKWOOD. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PACKWOOD. Mr. President, I move that the Senate insist on its amendment to H.R. 831, request a conference with the House, and that the chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. PACKWOOD, Mr. DOLE, Mr. ROTH, Mr. CHAFEE, Mr. GRASSLEY, Mr. MOYNIHAN, Mr. BAUCUS, Mr. BRADLEY, and Ms. MOSELEY-BRAUN conferees on the part of the Senate.

MORNING BUSINESS

Mr. PACKWOOD. Mr. President, I ask unanimous consent that there now be a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHILD NUTRITION PROGRAMS

Mrs. MURRAY. Mr. President, I rise today to talk about my deep concern over the House proposal on the child nutrition program and stand before you today to speak about the questions that I have asked and the answers I have looked to to find out whether this is the right road for this body to go down.

I want to relate some of that to you today. The National School Lunch Program, as we all know, began in 1946 in response to concerns that our national security was jeopardized because many of our incoming military personnel suffered from nutrition-related illness.

The Federal Government made a decision that it is in the national security interest of this country to feed and nourish our youth to ensure a strong population and a strong nation.

If we take the time to review this program's record, we will clearly find that it has been successful in boosting health and achievement among our children.

This program touches every family in America. Its elimination will shake the very foundation of the family: health, nutrition, education, and opportunity.

Here is why: Every single school day, more than 25 million children in 93,000 schools across America eat a lunch provided through the National School Lunch Program. More than half of these children receive the meal free or at a reduced price.

I doubt my colleagues know what it is like to sit in a classroom as a small child and try to concentrate on learning when you have not had a meal for several hours.

I doubt that many know what it is like to teach these children.

As a mother and a pre-school teacher, I can assure you that for hungry children, learning is not a priority. It cannot be. Often, the meals they get at school are their only meals for the day.

Often, these lunches are the only nutritious meal they get. I can tell you from first-hand experience that food makes a child—any child—happy and healthy and willing to learn.

Teachers are overburdened as it is. The last thing we need to do is to put more hungry children in our classrooms and then ask our teachers to teach them.

The Women, Infants, and Children Program [WIC], another nutrition program targeted for block granting, is one of the most successful forms of health care cost containment that we have today. It has an outstanding record of reducing the incidence of low-birth-weight babies born to poor women, and saving lives.

This program serves nearly 7 million mothers and children each month at a cost of less than $1.50 a day for each participating child. The Medicaid savings this program produces outweigh the costs by a 3 to 1 ratio.

It is a model program which should not be lost in the welfare reform debate but rather one we can and should learn from.

I think it is important to point out that these programs have rightfully enjoyed bipartisan support in this body. The Senate has affirmed the issue of nutrition as one of health for our children.

It is one of economics too. This Nation will pay so much more later if growing children do not get the nutrition they need now and if women do not get the parental care they need now.

Let me touch on a few other aspects of this legislation. One of the reasons these nutrition programs have been so successful is because of national nutrition standards. Where do you think the campaign for the five basic food groups came from?

The House proposal would eliminate these and ask each State to set their own. So, instead of one proven, workable national program, we will have 50 individual bureaucracies experimenting on our children.

But that is not all. If we look further into the legislation, we realize that despite what the House would have us believe, their proposal will cut nutrition funds to many States.

The claim that the school lunch program will see a 4.5-percent increase cannot be found in this legislation. What you can say is that the school nutrition block grant would provide 2.5-percent more funding in fiscal year 1996 than schools will receive in fiscal year 1995. However, this does not take into account food price inflation or increases in participation.

Under current law, these programs would see a 5-percent increase in order to keep pace with food costs and participation. Because block grants do not take these into account, the bill will actually provide $170 million less in fiscal year 1996 than would be provided under current law.

By fiscal year 2000, the block grant would provide $760 million less than the levels needed to keep pace with inflation and participation. Over a 5-year period, the block grant would provide $2.3 billion less than current law. These are not block grants; they are block cuts.

The House proposal shifts these funds to discretionary spending. Once this happens, 1996 is the only year funds can be guaranteed. Afterward, State nutrition programs would be subject to arbitrary spending caps, across-the-board cuts, and other money savings gimmicks without regard to the impact on children.

The House proposal does not take into account the possibility of a recession. Nor does it compensate for any increases in population or poverty.

It puts our States in a position of setting nutrition standards they may not be able to afford. It caps administrative costs which will limit each State's ability to establish the new State regulations.

What does this mean? When States run out of funds—and believe me, they will—The children will not eat. The end result will be devastating to our children, our schools, our families, our communities, and our economies.

I have talked with many people since the introduction of this proposal. I know that my State of Washington will lose under the current block grant formula.

I know that hard working parents who need WIC or school lunches are afraid of what the future holds for their children. I know that children are worried about their families.

I understand and share their fears and I urge all of my colleagues to get out and talk with those people who participate in these programs.

Talk to parents, to teachers, and to children so that when the Senate takes up this issue you have a clear and deep understanding of just what you will be doing if you support this effort.

Mr. President, one last issue I want to touch on in regard to this whole block grant effort is the issue of welfare and how it has become associated with abuse and irresponsibility.

I share the view that the programs I just discussed are investments in our future.

The overwhelming majority of those people involved are using these programs as a last resort and not because they choose to. They are necessary for survival.

Mr. President, I have several letters from families in the Washington WIC programs which I ask unanimous consent to print in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I am very grealfut for the WIC Program, and to the nurses I have meet. I have learned alot about nutristion.

If I was not recieving WIC, Moniqua my two year old would not have enough milk.

I have felt very support by the ladies that wort there.

There are a lot of ladies that come to the WIC office to learn how to take good care of their new babies. Without the WIC a lot of babies would go hungrey. They givee formula, baby food and sopport you if the mother would like to Breast feed their Baby. These nurses help to keep a lot of Babies healthy.

In school my older girl would not beable eat, because not all the time, I have enough food to send with her for lunch, she able to eat and worry about how hungrey she is. she can concentrate on her school work.

I know what it is like to go to school and be hungrey and not beable to think very clear.

Katheran Northrop.

The WIC program has really helped supply my family with the nutritious foods we need. It has supplemented the food stamps we receive I always feel that the staff here at WIC is very dedicated to the welfare of our children.

Susan Bess.

DEAR SENATOR MURRY: I'm hoping that they don't cut the WIC program because it has really helped me the past 3½ years. Baby milk is really expensive and when you are on a fixed income and only recieve a certain amount of Food stamps it becomes a problem with finance. The WIC program helps us women and children afford milk for their children and even help us afford some things we need but if there wasn't the program we would have alot of under nurished babies. So you see Sen. Murry we really need the WIC program. * * *

Julie Allen.

DEAR SENATOR MURRY: I just want to say that the WIC program has helped me so much and many others that I know. Without the WIC program I don't think I could of made it threw. Formula is very expensive. It would cost about 150.00 dollars more a month if I had to buy it myself then I would probably have to seek other assistance.

Sarah Zottman.

DEAR SENATOR MURRAY: I would like to encourage you to Keep funding WIC. It is a fantastic program. This is my second Child to have on WIC my first was five years ago, She is a healthy beautiful little girl. I am expected another baby in April and thanks to WIC I know this baby will have the Formula She or he will need to grow strong and healthy. WIC is wonderful. WIC is a program that really benifits the Children.

Sincerely,

Diane Aston.

DEAR SENATOR MURRAY: Please continue to support the WIC Program. I'm glad I've join this program because I have learn a lot for my pregnancy this time. Also, the WIC Program help my family a lot for all. Such as financially & family support, etc.

Thank you for your attention.

Sincerely,

Fondy Lee.

Being a mother of three small children ranging from 7 years of age to 3 months, I am currently enrolled in a local WIC Program. I must take this opportunity to tell you how happy and grateful I am to be provided this opportunity.

I started receiving WIC September of 1994 when my husband of 3½ years walked out on me and my children. I was five months pregnant at the time and worrying about the stress involved in caring for my family.

The WIC Program was a life saver. Not only was I able to take care of myself during my pregnancy but it helped to provide for my other children. I learned more about pregnancy and infant care than I knew the two previous pregnancies. I am currently breastfeeding my three month old, and providing overall better nutrition to myself and my children.

None of these things would have been possible without WIC.

Please do not cut WIC funding.

Sincerely,

Janet L. Pettie.

DEAR SENATOR GORTON: I'm writing to inform you of the importance for a WIC Program. Me and my family used WIC for approximately one year and if it hadn't been for the program we wouldn't have made it. WIC enabled me and my family to get on our feet, thus giving us the ability to give back. So please don't cut this program because it would be creating a problem rather than solving one.

Sincerely,

Eddie Carter and Family.

DEAR SENATOR MURRAY: The WIC Program has made a huge difference in the life of all four of my children. My last two pregnancy were monitored by WIC. The nutrition conceling nurse care and social work were invaluable. My daughter age 4 and son age 2 have been on WIC since before they were born. Having WIC has ment they would always have formula or milk. They probably would not have had milk everyday if it wasn't for WIC. I am a working mom and make just a little too much to stay on foodstamps. So WIC has bridged a big gap in our food budget.

Thank you for all the help in the past.

And please don't take it away from the children who really need it.

My family uses WIC and w/out their help I don't know what I would have done. My son used a special formula that was very expensive and I couldn't afford it on my own. Also, being a first time parent, they informed me about all the right foods to feed my child and at what age he should start these foods. They have helped me out in so many ways.

Sincerely,

Martina Sambrano.

DEAR SENATOR MURRAY: Please do not vote to cut the WIC Program. Without it I would not be able to give my kids milk once a day and probably not once a week. We are a struggling family of 7 with a small business. We hope to not need help soon but there are a lot of people still out there who wouldn't survive without this program.

Thank you for your time.

Mischel V. Sullivan.

SENATOR PATTY MURRAY: My infant daughter and I have greatly enjoyed the WIC program. The services are excellent. The staff are profesional and the classes and information are valuable.

Now that I am home with my daughter, (she is our first child), motherhood is a completely new and different world. The WIC program has helped me learn a lot about nutrition. Our daughter is very physically small and the formula provided has greatly helped her growth. In addition, the nutrition program has benefited our entire family.

Please do not reduce the WIC funds. The infants & children we raise today will be our furture leaders, such as yourself. (We need as many positive factors towards their development.)

Thank you.

Mary Jane Brogan.

I am writing to you regarding the WIC program. I was informed today that for some reason you are trying to erase WIC from Seattle. Obviously you do not know the importance of WIC to thousands of pregnant women & their children. Women must eat, receive proper medical care, good social care, & correct knowledge & advise to bring healthy babies (like you once were yourself) into this world. Mothers will do almost anything to protect & provide for their babies including theft & illegal ways of making money. With WIC, these women do not have to submit themselves to the ugly ways of life, but instead feel that they have a whole building of friends they can always come to. Nobody wants to rely on anyone else, but in these days & ages, life is so vastly unfair, that sometimes your low days do outnumber your high days. So, until then, when everyone in this world is totally self-sufficient, programs like WIC are needed & worth every penny the government puts towards it.

Sondra Erskine.

WIC help me to get in Heath for kind good for my children on WIC we learn a lot of how to feed my children to eat good food for health.

Saeleuon, Koi Fong.

WIC has been very helpful to me as a single mother—to be sure that I have the basics. Milk, peanut butter is a real comfort. I don't know what I would do without the support of this office, the vouchers and the support in general. WIC is a great program.

P.S. I'm not on food stamps but I think that program should be more like WIC where there are specific foods allowed—people will be healthier, better educated and tax payers less resentful.

JENNIFER MELTZER.

Please don't cut WIC. It means a lot to our family. It helps a lot with the children. We need WIC to help like families like ours. In times of need.

Thanks,

Barbara Wilkens.

The WIC program is extremely good, the program help my child so much as he was growing. They had choices of milk for him. A lot of it is very expensive and with my income God knows how I would have purchase what he needed. They (WIC) were very helpful in the right foods he needed and just very helpful in all my questions. I highly recommend WIC for any mother and wish the program would stay around for many years to come.

Phyllis Sanders.

I support continued funding of the Women, Infants and Children (WIC) program. I do not believe we should make any cuts to the funding of this program. This program is extremely vital to the well being of many of our country's young children. We need to continue to ensure the well being of these children by continuing all funding to programs, such as WIC, that help children begin life with a healthy start.

Donna M. Fine.

Mrs. MURRAY: Let me quote a few:

I am writing to you regarding the WIC program. I was informed today that for some reason you are trying to erase WIC from Seattle. Obviously, you do not know the importance of WIC to thousands of pregnant women and their children. Women must eat, receive proper medical care, good social care, and correct knowledge and advice to bring healthy babies (like you once were yourself) into this world. Mothers will do almost anything to protect and provide for their babies. Including theft and illegal ways of making money.

She goes on to say that:

Nobody wants to rely on anyone else, but in these days and ages, life is so vastly unfair, that sometimes your low days outnumber your high days. So until then, when everyone in this world is totally self-sufficient, programs like WIC are needed and worth every penny the government puts towards it.

Another letter writer talks about how important WIC has been to her children and ends by saying that:

Having WIC has meant my children would always have formula or milk. They probably wouldn't have had milk everyday if it weren't for WIC. I am a working mom and make just a little too much to stay on food stamps so WIC has bridged a big gap in our food budget. Please don't take it away from the children. They need it.

Another letter:

We are a struggling family of 7 with a small business. We hope to not need help soon but there are a lot of people still out there who wouldn't survive without this program.

I think you will find that these are caring, responsible, hard-working individuals who have benefited tremendously from this program. It has been the safety net they need.

Finally, I want to share a few quotes from some letters children wrote:

''If we don't get our lunch we would starve. Don't do this to us. You are breaking our hearts.''

''Instead of taking something that we do not need you are taking something that we do need. I am one of those children that needs those programs.''

''We need school lunches because we do not have lunch at home. I do not like you for taking this away.''

I could go on and on but will not as time will not allow it.

I will, however, submit these for the record so that others can read them. I wanted to make the point that these are caring, responsible, hard-working individuals who have benefited tremendously from these programs.

These are children who know the only full meal they or many of their friends get is at school. It has been the safety net they need. These letters make that point so much better than I can.

In closing, I want to say that I do not argue that our welfare system is in need of some change. What I do not like is the assumption that every person utilizing these programs is out to take the Government and the taxpayers.

Like so many other issues, the House has gone too far on child nutrition.

Welfare reform merits in-depth, serious consideration and I am anxious to begin that process. I think a little common sense will go a long way on this issue.

However, in the case of child nutrition programs, I am appalled that such little time or consideration was taken before this bill was reported out of committee. We cannot afford to follow the House lead and expect responsible, effective legislation to result.

This legislation affects a group of Americans who are completely unable to come to Congress and speak out. I strongly urge my colleagues to oppose the wholesale slashing of child nutrition when the issue comes to the Senate.

I yield the floor.

THE BALANCED BUDGET AMENDMENT DEBATE

Mr. DORGAN. Mr. President, there was a column in the Washington Post this morning entitled, ''More 'Trust Fund' Whoppers'' by a columnist named Charles Krauthammer. I felt it necessary to come over and respond to this column. Mr. Krauthammer was upset about a response that Senator CONRAD and I had written to the Washington Post in response to his first column about us that was titled ''Social Security 'Trust Fund' Whopper.''

His first column was so devoid of facts and reasonable conclusions that we wrote a column back and said, in our part of the country we expect people to tell the whole truth. We did not like what he had done in his first column in which he called our arguments with respect to the constitutional amendment to balance the budget and looting of the trust funds in Social Security to do so as ''fraudulent.'' Now he is upset at the column we wrote back and so he wrote a second long column, a long-winded column this morning.

As I read that, I was thinking, I come from ranching country in southwestern North Dakota. And occasionally you refer to people as ''all hat and no cattle.'' I thought about that when I finished reading his column this morning. It was hard for me to understand how, with facts so evident, he can reach a conclusion so flawed.

The Presiding Officer, the Senator from Wyoming, also comes from ranching country, and I brought along a piece of cowboy poetry that I thought might describe the difference in perspectives, and the difference, sometimes, is simply that some do not have the capability of understanding the clear perspective. It is sort of described as the difference between tongue and egg in this poem.

A cowboy poet, whose name I do not have, wrote a piece and I thought about this piece as it might apply to the disconnect of logic in Mr. Krauthammer's column. Let me read the piece to you, the poem called ''The Disputed Epicure.'' It is about a cowboy who is queried by a high-born lady.

''What's your favorite cut of beef?''
The high-born lady queried.
Of an old cowboy who long ago
Had grown, both wise and wearied,
Of direct infernal questions
On the ways of cowpoke lore.
So he considered on this question
That he'd not been asked before.

With rapt anticipation,
On his pause, the lady hung.
Until, at last the cowboy said,
''I'd have to say it's tongue.
Tongue's got flavor, 'n texture,
And nary a bit of bond.
A cinch to cook. I'd put her up
On top there, all alone.''

Recoiling, the lady said aghast,
''Surely air, you jest.''
The idea is disgusting.
Your grossness I protest.
Eat something from out a cow's mouth?
Your suggestion's crude, I beg.''
The cowboy then said softly,
''Don't s'pose you've ate no egg.''

Sometimes cowboy poets are able to say simply and clearly what we in politics fumble around to try to express.

I guess this difference between us and Charles Krauthammer is really kind of the tongue and egg difference here. Mr. Krauthammer, in his column today, first is upset that I responded to his first column on the balanced budget amendment and the misuse of the Social Security trust fund by saying on the floor of the Senate that, based on his column, I thought he might qualify as a candidate for O.J.'s defense team. He seems almost unmoved by facts and evidence.

He was upset by that, and, maybe I overreached. It may be I overreached because the column Mr. Krauthammer writes today demonstrates his talent is not in law, his talent truly is in fiction. Let me go through, if I might, the fiction that I see in Mr. Krauthammer's column, and perhaps just briefly review the dispute.

The dispute is that, briefly, in 1983 we had to solve some problems in the Social Security System. We did that by deciding to save for the long term. We, in fact, forced a national pool of savings so that each year we would raise more money in Social Security than we spent. This year we will raise $69 billion more than we spend. That surplus in the Social Security System is not an accident. Mr. Krauthammer, in his last column, said this is a pay-as-you-go system. But that is not true. This is not an accident. This is a deliberate strategy to force a national pool of savings in the Social Security trust funds to meet the time when the baby boomers retire after the turn of the century.

Since the surplus began to accumulate it has been used as an offset to show a lower Federal deficit. I do not think there is much dispute about that. And it is also true, and demonstrably true that, since 1983 when I offered the first amendment on the Ways and Means Committee, and time after time after time on the floor of the House and on the floor of the Senate, I have raised the question, offered the amendments, and objected to the looting the Social Security trust fund or using those moneys to offset against a lower budget deficit because I think it is dishonest budgeting.

Then we had a constitutional amendment brought to the floor of the Senate and the constitutional amendment was written very precisely. It prescribed that by the year 2002, the U.S. budget shall be in balance and it shall be in balance when you use all expenditures and all receipts counting towards that balance. Under that constitutional amendment to balance the budget it would enshrine forever the practice, that I have objected to in recent years, of looting the Social Security trust funds to balance the budget. In fact, the way the constitutional amendment to balance the budget was written, it was clear that is the case. Senator REID offered an amendment to provide that would not happen. That amendment was defeated. So it was clear that is exactly what would happen and we were told, my colleague Senator CONRAD and I, that those who offer this amendment had no intention of using the Social Security trust funds to balance the budget.

But back in that room behind this Chamber we were told by the same people, ''Look fellows, let's all be honest. We cannot balance the Federal budget without using the Federal trust funds.'' Those are direct quotes. Then they gave us handwritten pieces of paper that said we will stop using the trust funds in the year 2012; and then the second piece of paper said we will stop using the trust funds—that they were saying we will not do any time—by the year 2008; in other words, we will stop doing something we claim we are not doing 13 years from now. What twisted sense of logic that is.

Senator CONRAD and I refused to budge. We said we will support the constitutional amendment to balance the budget, but you must guarantee we are not going to enshrine in the Constitution the use of the Social Security trust funds to get there. They refused to do that. We refused to budge.

I happen to think that the Social Security System is important in this country. I happen to think the principles that I was involved with in 1983 when I helped write the Social Security Reform Act were important. I just refused to change the Constitution in a way that would have guaranteed in the next 13 years what I consider the misuse of $1.3 trillion of Social Security trust funds.

So the Krauthammer column was calling our argument fraudulent. We responded and said Mr. Krauthammer was clearly misinformed. He was offering a misinformed defense of an indefensible practice, some neat trick for a pundit.

Now, there is a new column from Mr. Krauthammer. And I would like to go through just a couple of points in this new column. Mr. Krauthammer, if I can review this column, says a number of things. First, he says that he had checked with our offices because he says he wonders about the sincerity of our charge about looting the Social Security trust funds. He says if we were sincere about that, could we provide evidence that we had complained about that before? Well, yes. He did call our office. My first thought was to respond by telling his assistant: ''Do your own research. You make lots of money.'' But then I thought better of that.

So we sent many examples of what I said on the floor of the Senate and on the floor of the House—yes, during President Clinton's Presidency and during previous Presidencies—saying this practice is wrong; this practice is dishonest budgeting. So he had the examples. He apparently chose to ignore them or misrepresent them by saying we had not been sincere because we had not complained about that before. Speaking for myself, he knows better than that, and he has an obligation to put that in his column.

Second, he says that Senators CONRAD and DORGAN then accused him of seeking to enshrine a procedure in the Constitution of counting Social Security in calculating the deficit in the Constitution. He said this is pure invention. This balanced budget amendment is entirely silent on the issue. ''It is up to Congress to decide whether to count Social Security surpluses in calculating the budget,'' he says. Oh, really? I am trying to figure out what Mr. Krauthammer is reading. Has he read the proposal before the Congress, the proposal that says in the Constitution, ''all revenues and all expenditures'' would be counted? Is there some new law school that you can apply to on the back of a matchbook that teaches a different kind of law, one that allows you to misread these proposals?

Well, you know. Some of us believe, especially out in western ranching country, that things mean what they say they mean. If you write it, that is what you mean. If you say it, that is what you mean.

Mr. Krauthammer says no, that is pure invention. Apparently a Washington thought, not one that I subscribe to. The constitutional amendment means what the words in the amendment say it means, and until Mr. Krauthammer wrote this column, I did not think there was any serious dispute about that.

Mr. Krauthammer says, third, until 1969, it was not our practice to use surpluses in calculating the deficit. Only since 1983 have we begun developing a consistent, deliberate strategy of very large surpluses to save for the future. So what counts is after 1983, Mr. Krauthammer would probably know.

In any event, he misses the point on the 1983 amendment. He apparently just missed the whole body of law in which we decided that we would enforce a national pool of savings. Mr. Krauthammer said, you know, the Social Security system is a pay-as-you-go system, and the reason we have all this money is because we have these baby boomers working. False! Wrong! As with a lot of the rest of his column. He knows it. We told him he was wrong, of course. He did not point out in his column that, yes, he had made an error. Had he read the 1983 amendments, he would have known it is not a pay-as-you-go system. It is a system designed now with a tax base to create a deliberate national pool of savings with which to meet our future obligations.

Mr. Krauthammer says the amendment that CONRAD and DORGAN killed would have required a balanced budget by law—it would not be by law, of course. It would have to be by Constitution, unlike other such laws that could not be changed by a movement of truth, by a cowardly Congress. ''It would have forced people like CONRAD and DORGAN to stop scaring the electorate and buckle down to the real deficit reduction problem.''

I wonder what Mr. Krauthammer would write with respect to buckling down in 1993? We buckled down. In 1993, we passed the deficit reduction package through this Chamber that raised some taxes that were unpopular. I understand that. It cut some spending that was unpopular. I understand that. It was an act to reduce the deficit of over $500 billion, and the actual experience is over $600 billion in deficit reduction in 5 years.

Do you know something? We did not even get one accidental vote from the other side of the aisle, Mr. Krauthammer's friends. You would expect somebody to vote wrong by accident now and then. It took every single vote we could muster to win on that issue because it was unpopular, and we knew it. We had the courage to do what was necessary to reduce the deficit. We did not get one single vote from Mr. Krauthammer's friends.

So I say, when Mr. Krauthammer uses words like ''cowardice,'' and so on, he might want to rethink who has exhibited courage in recent years, who has decided that they are willing to do what is unpopular if it is right, in order to help their country.

Well, we will, of course, send another response to try to correct some of the whoppers in Mr. Krauthammer's column. Again, I keep thinking that Mr. Krauthammer must believe that double-entry bookkeeping means you can use the same money twice. Of course, the first accounting course you take tells you that is not what double entry means. You cannot use the same money twice. There are some bookkeepers in America that have done that. They are now doing 4 years of hard tennis in minimum security prisons. You cannot use the same money twice. You cannot do it in businesses, and you cannot do it in the Federal budget.

When I finished reading his column this morning, it reminded me of something Clement Freud's grandson said. Clement Freud's grandson said this: ''When you hit someone over the head with a book and get a hollow sound, it does not mean the book was empty.''

Mr. President, I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER (Mr. COATS). The Senator from North Dakota.

Mr. CONRAD. Mr. President, I want to thank my colleague from North Dakota.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. Mr. President, I ask my friend from North Dakota how much time he would like?

Mr. CONRAD. Ten minutes.

Mr. MOYNIHAN. Mr. President, I am happy to yield 10 minutes off the bill to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the Senator from New York for his courtesy, and I thank my colleague from North Dakota for his discussion of the latest Krauthammer column.

Let me just say that it is very apparent to me why Mr. Krauthammer is a columnist and not an accountant, because he clearly does not get it. He just does not understand why it is wrong to take Social Security trust fund moneys to balance the Federal operating budget. He does not understand why it is wrong to take a dedicated trust fund and use it to pay the other operating expenses of Government. But most people understand why that is wrong. Most people understand that you do not take a trust fund and loot it in order to pay other expenses and then say you have balanced the budget.

Mr. Krauthammer, in his latest work, indicates that the balanced budget amendment is ''entirely silent on the issue.'' The issue he is talking

about is taking trust funds and using them for the other operating expenses of Government. It makes me wonder if Mr. Krauthammer has ever read the amendment that was before this body.

I brought along just one section of the balanced budget amendment that was before this Chamber. It says very clearly. ''Total receipts shall include all receipts of the United States Government * * * total outlays shall include all outlays of the United States Government.''

By definition, this amendment was including the Social Security funds because they are receipts of the U.S. Government. And, of course, Social Security is not contributing to the deficit. Social Security is in surplus.

So, by definition, Social Security surplus moneys would have been used, and used to balance the operating budget of the Federal Government. And those surpluses would have been used to pay other expenses. That is precisely the point.

Mr. President, to say you are balancing the budget when you are using trust fund moneys is a fraud. It reminds me of the Reverend Jim Bakker. Do you remember Rev. Jim Bakker, Jim and Tammy, that used to have the show ''PTL'' on television? He was an evangelist, a television evangelist. Does anyone know where he has been for the last several years? He has been in a Federal facility in Minnesota. He has been in a Federal jail. He has been there because he raised money for one purpose and used it for another, and that is called fraud.

That is precisely what is happening with the Social Security trust funds. We are taking money from people's paychecks. We are telling them that is going to be used to secure their retirement. We are taking that money and the part that is in surplus is being used to pay for other operating expenses of Government. The trust fund? There is no money in the trust fund. IOU's are in the trust fund, but there is no money there because we have spent it.

We are as guilty of fraud as Rev. Jim Bakker. And at some point the chickens are going to come home to roost in this country. To have put that kind of flawed policy in the Constitution of the United States would have been a profound mistake because then we would have had very little chance to change it.

Let me give an example of what is wrong with the Krauthammer thinking. Let us take a company that is earning $1 million a year, has $1 million of income but is spending $1.5 million a year. That company is experiencing losses of $500,000.

Now, of course, it could borrow from the retirement funds of its employees and say that it is balancing the budget. That is the kind of approach that apparently Mr. Krauthammer would endorse. I do not think many people in this country would think, if you were earning $1 million a year as a company and were spending $1.5 million, and you were making up the difference by looting the trust fund of your employees, you would balance the budget. But that is the policy that he endorses. That is the policy Mr. Krauthammer thinks makes sense. I think most people would recognize you may have balanced cash against cash, but you have run up a $500,000 liability. You owe it, and you are going to have to pay it back or you are going to renege on your obligation.

Mr. President, that is what is wrong with the approach we are taking. That is what is wrong with what we would have done if we would have put that principle into the Constitution of the United States.

Mr. Krauthammer apparently belongs to the school of thought which believes that in order to save Social Security we must loot the Social Security trust funds. I do not belong to that school of thought. I think that is a profound mistake.

Mr. Krauthammer has one thing right. One of the threats to Social Security is the debt that we are accumulating in this country. When we spend more than we take in, we are mortgaging the long-term future of this country—no question about it. That is a threat to Social Security just as it is a threat to the economic security of the United States.

There is a second threat. The second threat to Social Security is the raiding of the Social Security trust funds. The reason we are running a surplus now, and the reason we are going to be running surpluses for the next 10 or 15 years is to prepare for the day the baby boom generation retires. That generation, which is twice as large in terms of people who are eligible to receive Social Security as the current generation, is going to put enormous pressure on the system. When we changed the Social Security methodology in 1983, we changed it in order to prepare for the day when the baby boom generation retires. That is why we are running surpluses. That is why those surpluses ought to be preserved.

The notion that the only way to save Social Security is to loot its trust funds is mere nonsense. That is the position Mr. Krauthammer endorses. I think he is entirely wrong in that proposition. I think the people of this country have the common sense to reject that theory. I think by all of the reaction we have received from the balanced budget amendment debate the people of this country recognize we are on a course that cannot be sustained. It ought to be changed. Mr. Krauthammer might want to be a guardian at the gate of the gridlock of the past, the policies of the past. Senator DORGAN and I do not choose to join him in that endeavor. We do not think defending the policies of the past is defensible. There ought to be a change. To have enshrined those failed policies in the Constitution of the United States would have been an insult to the Framers of that document who put together, after all, a method of operating for this Government that has made us the envy of the world. That document has made this Nation the greatest country in human history. We should not tamper with it lightly. We certainly should not enshrine in it a flawed policy, one that says you have balanced the budget when you have looted trust funds in order to do so. That is not a policy that belongs in the Constitution of the United States.

I thank the Chair. I yield the floor.

COMMEMORATING GREEK INDEPENDENCE DAY

Mr. BRADLEY. Mr. President, I rise today to commemorate Greek Independence Day—a national day of celebration of Greek and American democracy. Tomorrow, on March 25, 1995, all people of Greek descent will celebrate the 174th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire.

A historic bond exists between Greece and America, forged by our shared democratic heritage. America is truly indebted to the ancient Greeks for giving the world the first example of direct democracy. As the solid stone of this neoclassically designed building provides a protected place for our own democratic government to flourish, the philosophical and democratic influences of the ancient Greeks provides the inspiration. It is therefore fitting that Members of this Chamber join in paying tribute to the long struggle for freedom that Greece endured.

On March 25, 1821, when Germanos, the archbishop of Patros, proclaimed Greek independence, another link between Greece and the United States was forged. The American revolution served as a model for the Greek struggle for freedom and when the Declaration of Independence, translated into Greek, served as the declaration of the end of the Greek struggle, a circle was completed.

The interconnection between Greek and American democracies lies not only in the philosophical underpinnings of our Government, but in many areas of American life. Percy Bysshe Shelley once said, ''We are all Greeks! Our laws, our literature, our religion, our art, have their roots in Greece.'' The tremendous influence that Greece has had on American life continues today through the activities of the vibrant Greek community in America. In every field—politics, entertainment, business, and education—Greek-Americans continue to contribute to American life.

In particular, I wish to pay a tribute to the Greek-American community in New Jersey. Groups that are leaders in the New Jersey Greek community include: the Greek American Chamber of Commerce of New Jersey, the Greek American Voters League of New Jersey, the Hellenic American Bar Association of New Jersey, the Pan Gregorian Enterprises & Foundation,

P.G.E.I. of America Charitables Foundation, Inc., the Council Generals of Greek Cypriot, the Order of AHEPA and the Joint Public Policy Committee of Hellenic American Women. On behalf of these organizations, the Greek community in New Jersey and all Americans of Greek descent, I am honored to pay tribute, on behalf of the Nation, to the Greek community on the anniversary of their independence day.

Mr. DASCHLE. Mr. President, I will use some of my leadership time to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF DR. FOSTER TO BE SURGEON GENERAL

Mr. DASCHLE. Mr. President, I want to take this opportunity to state my concern about the direction and tenor of the debate on the nomination of Dr. Henry Foster to be Surgeon General.

I spoke on the floor a month ago about this nomination. At that time, I expressed hope that this debate could be restored to its proper perspective—an honest assessment of whether Dr. Henry Foster's skills fit the Nation's needs for the position of Surgeon General.

So far, Mr. President, that has not occurred.

First of all, there has not been much substantive discussion about this nomination. At a time when many of the public health problems historically addressed by the Surgeon General are reaching crisis proportions, it seems that there should be more discussion about the contributions Dr. Foster can make in this capacity and the urgency of approving his nomination.

Unfortunately, what little debate there has been has not centered on Dr. Foster's qualifications, skills, and contributions to society. Instead, it has revolved around Dr. Foster's performance of a legal medical procedure, and how many times he has performed it.

Little attention has been paid to the thousands of lives Dr. Foster has brought into the world over his 35-year career, or the hundreds of lives he has saved.

Little attention has been paid to the evidence that supports President Clinton's evaluation that Dr. Henry Foster has much to contribute as Surgeon General of the United States.

Do not be fooled into believing the evidence is lacking. Nothing can be further from the truth.

Before being nominated to the post of Surgeon General, Dr. Foster was perhaps best known for his efforts in establishing the I Have A Future Program. This teen pregnancy prevention program, which stresses abstinence and attempts to help teens understand the positive reasons for delaying pregnancy, was selected by President Bush as one of his Thousand Points of Light.

Listen to the words of Dr. Louis Sullivan, President Bush's Health and Human Services Secretary.

> [The] I Have a Future [program] turns young people's lives around . . . [it is] the kind of program that the country needs.

Dr. Foster has pledged to focus on teen pregnancy prevention as Surgeon General. That cause certainly should be a national priority, and Dr. Foster would bring great experience and credibility to it.

Little attention has been paid to the stories of Dr. Foster's commitment and heroism. Like the time he saved the life of the mayor's son when his wife developed complications with her pregnancy.

Or the time a pregnant patient of Dr. Foster's called him up in the middle of the night because she was bleeding, and Dr. Foster met her at the hospital in his bedroom slippers.

Or the time Dr. Foster talked a young, pregnant and unmarried woman out of having an abortion. Her child later went on to become high school valedictorian.

These are the elements that are missing in the debate over the Surgeon General nomination. These are the reasons Dr. Foster deserves every consideration for this post.

It is my sincere hope that Dr. Foster will receive a fair hearing. It is unfair to judge a candidate before having heard all the facts. I hope that those who have reservations about the nomination will keep an open mind until committee hearings are held.

I also hope that these hearings will be held sooner rather than later. The Nation needs a Surgeon General.

Every day approximately 2,781 teenagers become pregnant.

Mr. President, this many teenagers become pregnant while we wait to confirm a Surgeon General who plans to make teen pregnancy prevention the centerpiece of his tenure in that post.

We should not delay action on this nomination. I urge the Chair of the Labor Committee to schedule hearings on this issue as soon as possible and do everything within her power to ensure that Dr. Foster is given a full and fair hearing.

Mr. President, I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, is there a time limit for morning business?

The PRESIDING OFFICER. It has been 10 minutes per Senator.

FARM POLICY REFORM

Mr. KERREY. Mr. President, every year the President of the United States is required by law to send an economic report not just to the Congress but to the people of the country. It is a very, very important report. It provides us with the administration's assessment of where the economy is and what needs to be done both to sustain economic recovery and to adjust in certain areas.

There is a section in the President's economic report described as farm policy reform. I would like to comment upon that here this afternoon in the time that I am allowed.

Mr. President, one of the first statements that this document says is:

> Efficiency requires that farmers be given greater opportunity to respond to marketing incentives, and the cost-effective public policies used to correct market failures in agriculture. Revising agriculture to meet better these objectives will help unleash more of the innovative energy that has long characterized American agriculture.

Mr. President, there is very little barrier between the farmer and the marketplace today, notwithstanding a lot of the political rhetoric that seems to imply that somehow agriculture is heavily subsidized. If agriculture was heavily subsidized, Mr. President, one would expect an economic analysis to reveal very low rates of productivity. That is typically what one sees.

If I subsidize somebody a great deal—we hear this in the welfare debate—subsidize somebody a great deal, it is apt to encourage not increased productivity, it encourages just the opposite.

If agriculture was heavily subsidized, one would expect to see very low rates of productivity and would expect to see economic analysis, particularly analysis that showed how the agriculture sector compared to other sectors of the U.S. economy and our international competitors, it would show that we are relatively unproductive. Just the opposite, Mr. President.

Compared to our OECD competitors, agriculture is more productive than computers, more productive than automobiles, more productive than steel, more productive than pharmaceuticals, more productive than chemicals, more productive than all other sectors of our economy.

This report, Mr. President, implies that the Government of the United States of America somehow is standing in between farmers out there who would like to be competitive and the market, and it just is not true.

The report, in my judgment, distorts what is actually in plain view out there in the countryside. The report says that ''The farm sector no longer looms large in the macroeconomy.''

Now, that is based on a GAO analysis that showed that only 2 percent of the U.S. population is now in agriculture production. But 18 percent of all the jobs, according to this report, are either directly or indirectly related to agriculture production. So if farmers are not making money, if the profit shifts someplace else, Mr. President, these businesses are going to have a tough time making ends meet and,

thus, production in agriculture is still vital not just in the micro-sense but in the macro-sense of the entire U.S. economy.

Now, let me provide what I would have hoped this kind of report would have provided. Instead of beginning with, I think, an incorrect identification of what is going on in agriculture, let me provide those in America who are wondering what this farm program is all about with some basic facts.

First, there are only 500,000 full-time farmers left in this country. This report has a statement in here, a commonly applied statement, that agriculture production is increasingly concentrated. Well, you would think—increasingly concentrated —does that mean that it is like automobiles, where we have three? Is that like pharmaceuticals, where we have 9 or 10? Is that like computers, where we have half a dozen? Is that what we are talking about? No.

There are 500,000 fully competitive, relatively small businesses—even a big farm is relatively small, Mr. President. A farm that an economist might describe as a large farm might not have as much revenue as an average McDonald's restaurant, for gosh sakes. So these are very competitive businesses.

Indeed, if you ask a Nebraska farmer, ''Honestly, what is your idea of an enlightened policy?'', they will say, ''We pray for bad weather in Iowa.'' Well, you know, we do not honestly do that.

But the truth is, it is very competitive. We are competing out there not just with each other, but we are competing throughout the world. We would not be this productive were we not faced with the blessing of having this large number, still relatively large number, of full-time, highly competitive small businesses, family-operated businesses, mostly, that are manufacturing food products.

Now, one of the common things that I very often hear, not just in Washington, but I hear in Grand Island or Hastings and other communities in Nebraska, they will say, ''Well, why do we have to have any kind of a Government program?''

Well, there are a couple of reasons that we do this. This report here, by the way, traces it all the way back to the 1920's and 1930's. It says in this report, ''Today's agriculture commodity support programs are rooted in landmark New Deal legislation that followed the agricultural depression of the 1920's and 1930's.'' Again, feeding a misperception that this is a 60-year old program, started by Franklin Roosevelt, no longer needed; modern times no longer needs this sort of thing.

Well, Mr. President, one thing today is true that was true in 1930. And Americans who wonder why we have a program need to take this into consideration. Unlike other manufacturing businesses that I have referenced—automobiles, textiles, computers—we manufacture food out of doors. You might think that is kind of a silly and simple observation, but as long as we manufacture food out of doors we are always going to be dependent upon God to give us good weather. If we do not have good weather, if we have drought, we do not produce food. It is as simple as that, Mr. President.

You think, well, that is not a big deal.

Well, in 1987, I remember just after I left the office of Governor and went back into business, in 1987, swirling in the country was this big debate: What are we going to do with these enormous reserves that built up after the 1985 farm program was enacted? It is too costly—$125 billion a year, I believe it was. What are we going to do with these large reserves?

We had a drought in 1987. Then in 1988, we had another drought. I was campaigning at the time for the U.S. Senate. I almost remember the day when the American people stopped talking about these excess reserves and they started to say to themselves, ''Oh, my gosh. Maybe we do not have enough inventory.'' Suddenly, the reserves became an inventory.

Now, I say that to Americans who are saying, ''Is this worth it?''

We have an $8 billion program, the Commodity Credit Corporation program. There are $450 billion worth of food purchases in the United States. So you really pay $458 billion, $8 billion through farm price deficiency payments and $450 billion at the supermarket.

The reason that this reserve issue is important, I say to consumers, is because—I will tell you, as somebody who represents about 55,000 of those full-time farmers in the State of Nebraska, if we cut this program back too much and listen to the rhetoric, both Republican and Democrat, around here, it leads me to believe that may happen. You may find this Senator on the floor saying to the American consumer, no longer are we going to maintain a reserve, because that reserve serves the American consumer, Mr. President. It does not serve the producer.

In spite of what this report says, that reserve is there because the American consumer is concerned about what happens if we find ourselves short of food. You say, ''Well, that's an exaggeration.'' It is not.

In 1993—and again, this report would lead you to believe that farm policy does not have any impact at all on macroeconomic policies—in 1993, the Secretary of Agriculture, at that time Secretary Espy, was having to make a decision: What should our reserve program be? Should we set a 5-percent reserve, a 10-percent reserve, a 0-percent reserve? What should our reserve be?

The farmers in Nebraska, the farmers in Iowa, but particularly in Nebraska where we are polled a lot, said, ''Set it at 10 percent acreage reduction program.''

Secretary Espy said out loud and in public, ''I am going to set a 0-percent acreage reduction program.'' Go back and look at what Secretary Espy said. He said:

> I'm afraid if I set a 10-percent ARP that my food prices are going to be higher, and if food prices get higher, inflation comes back in the economy, high interest rates could come back in the economy and this entire recovery could get shut down.

That was the economic analysis done by the administration. You say, ''Well, OK, so he did that, what is the impact?'' It is a big impact. Farmers were asking for a 10-percent acreage reduction program. They got a 0-percent acreage reduction program, and here is the effect:

In 1993, the corn payments under CCC in the State of Nebraska were $600 million. In 1994, they dropped to $160 million. This year they are probably in the $700 million range again. You say, ''My gosh, why are they going back and forth? Why is it 600, 160, 700?'' The answer is, the price is impacted by the decision that the Secretary makes to set the reserve. When the Secretary set the reserve at 0 percent, farmers wanted 10 percent. When he set the reserve at 10 percent, we produced a bumper crop in 1994, along with tremendous weather that we had in 1994, we have lower prices and higher deficiencies in 1995.

So the higher budget exposure in 1995, which would probably be $700 million in my State, is not something I asked for. I asked for a 10 percent reserve which probably would have cost the taxpayers $160 million again. But USDA says, ''No, we're going to go with the 0-percent reserve.'' The cost to the taxpayers ends up being four times greater, and guess who gets blamed? The farmer. The farmers in Nebraska are accused of wanting more welfare. The farmers in Nebraska are accused of wanting more money from the Government. Mr. President, American taxpayers should understand that the farmers were asking for a higher reserve which would have resulted in lower payments by the Federal Government.

Now it may be, I must say, that this kind of language, and others that I have heard, will result this year in deficiency payments being cut back. Perhaps the permission granted to this program is going to be pulled out if we change it radically. Mr. President, if we change it radically, consumers need to understand that this representative for American farmers is going to come to the floor and say we ought to get out of the reserve business altogether. No more reserve for the American consumer, no more holding food back on behalf of the American consumer, and we will just let the market set the prices. There will be times, as a consequence of that, when the price ends up being much higher.

This is not the only area where increasingly we come down and hear this mantra: Well, 60 years of failure, 40 years of failure. You hear it a lot about welfare today. You hear it a lot about other programs. I heard the chairman of I guess it is called the Health and

Economic Opportunity Committee. They renamed it over on the House side. The committee chairman, Representative GOODLING, stood on the floor of the House of Representatives the other evening—I watched on C–SPAN—and he said, ''Just name me one thing this Federal Government of ours does well. Just name me one.''

I wish that he was a Senator in some way so in unlimited debate we had an opportunity to challenge that. I would have said, ''Senator Goodling, how about you, are you one good thing? Are you efficient and effective? Because, if you are not, get out of here, resign and let somebody else take your job. If the answer is yes, then at least we found one.''

Then I would pursue it.

How about your staff, buddy? They work about 16 hours a day. Are they efficient and effective? Are the taxpayers getting their money's worth out of your staff? How about those folks over at NIH trying to find a cure for AIDS or cancer? Are you getting your money's worth? How about those folks up in the *Endeavor* a week ago exploring space? Are you getting your money's worth there?

I must say, Mr. President, I think as we come and debate, particularly as we are trying to find ways to balance the Federal budget and trying to find ways to restore America's confidence in Government, we ought to take care not to throw out those things and, in fact, to work it and take care not to throw out those things that, in fact, are lifting a little bit of hope in the country.

I find, as well, a tendency to blame the wrong people, blaming farmers for the farm program, while farmers are arguing for something that would cost taxpayers less; blaming the poor, for gosh sakes, for their own behavior. We know that the nonpoor behavior is having some difficulty as well.

Mr. President, I came to the floor because I did not like the language in the President's economic report to the Nation. I hope, though I am not overly optimistic given what I have seen thus far, I hope that we are, in 1995, able to write not just a farm program but a health program, a children's program, an education program, a welfare program that takes into account what is going on in the countryside.

I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before my friend from Nebraska leaves the Senate floor, I would like to respond through the Chair to my friend the Congressman from the State of Pennsylvania that I do believe without any question that we do have in this body a person who is efficient and effective, and I believe the State of Nebraska is certainly getting its money's worth from the junior Senator from the State of Nebraska.

NEVADA PARTNERS

Mr. REID. Mr. President, we come to this floor often, and most of the things we talk about are in a negative sense, whether it is the farm program, taxes, delinquency, schools, students, teachers, health care, floods, earthquakes, deficits, lost species, endangered species, all types of crimes—murders, rapes, robberies, battering of women—unemployment.

Mr. President, I am here today to talk about something on a positive note, something that has taken place in the State of Nevada that is now to the point where we can talk about it as being effective and having worked.

We all know that work is the cornerstone upon which we can do something about welfare reform. I have long been a supporter of a welfare-to-work program. I, with a couple of my colleagues in this body, sponsored legislation that would have modern-day American welfare programs handled like they were handled during and after the Depression, programs like the Civilian Conservation Corps, the Works Progress Administration, where people who needed Government help would work in exchange for that help.

That legislation—five pilot programs—passed the House and the Senate and was sent to the President. Because this very important legislation was part of an overall tax bill that President Bush did not like, he vetoed the legislation. I am sorry that our bill was part of the tax bill because, on its face, I am sure he would not have vetoed it. But those are the kinds of programs that we need to recognize have worked in the past and will work again if we allow them to come into being.

As we continue to debate these welfare-to-work proposals, Mr. President, I think it is important that we, as an example, look to the private sector, programs there that we know are already successful, and are placing people into the work force. A program in Nevada like that is called Nevada Partners.

Nevada Partners came into being after the Rodney King riots that took place in southern California and in Las Vegas, NV. We had significant civil unrest in Las Vegas, and the community joined together to find out what could be done so that this would not take place in the future. This effort was led by Gov. Robert Miller, who was then Governor and is still Governor of the State of Nevada. This was in 1992. He was the guiding light, along with the mayor of Las Vegas, Jan Laverty Jones, a number of State legislators, and others, to set up a program that has worked very well.

Nevada Partners works with business, industry, and government, to provide job readiness, training, and placement to the at-risk and disadvantaged and unemployed in southern Nevada. Too often, we have people who we train, but they are trained for jobs that do not exist or jobs that they cannot find. Well, this program includes all them all.

I want to take a minute here to talk about the reason this program came into being. It was as a result of the generosity of one man by the name of Kirk Kerkorian. He is a man who came from, to say the least, humble beginnings, a person who has made it on his own, and who is now, it is no secret, one of the richest men in America. Kirk Kerkorian has been a very successful businessman all over the United States, but especially in Nevada. It was as a result of his generous contribution of a million dollars that this program was able to get started. The program received its funding from an organization that he established called the LINCY Foundation. Nevada Partners now is wholly funded by the private sector. It receives no Government funding, not a single penny.

Since its inception, Nevada Partners has placed more than 2,200 applicants into the work force. This is not a statistic used to make a report to some Government agency just to look good. These are 2,200 people who are actually working now and who were not working previously. As part of their job readiness training, participants with Nevada Partners must take a 2-week class focusing on personal success, preemployment and post-employment issues such as stress management, hygiene, dressing for success, interviewing techniques, résumé writing, filling out an application, and what to expect from an employer.

Remember, Mr. President, many of these people are people who have never worked and if, in fact, they have worked, it has been unsuccessful, or they would not be out of work now, most of the time. In addition, Nevada Partners, in collaboration with the Training Station, which is a private sector computer training school, offers a 3-week computer fundamentals course designed to equip the trainee with the skills necessary to obtain positions requiring some computer literacy.

What is unique about Nevada Partners is that this program not only assists those on public assistance, but—and this is important—it helps many avoid the welfare rolls. It has been successful in that we have taken people who are on welfare and put them into the work force. But it has also taken people who are on the verge of going on welfare and put them to work.

This program deals especially with young people. It recognizes the importance of reaching out to our young people to break the cycle of dependency. That is why, Mr. President, we must be concerned about the summer jobs programs that have taken such a hit in the other body. I was happy to see in the original markups over here that the committees of jurisdiction within the Appropriations Committee have not treated them accordingly. I think that is good.

We must reach out to youth. Mr. President, the Youth Employment for the Summer Program that is part of

this Nevada Partners Program targets youths ages 16 to 21. This program, which is known as the YES Program, is a summer jobs program offering a series of workshops designed to help applicants to gain an understanding of the tools and skills necessary to obtain employment. Working with local employers who have committed to providing summer opportunities, Nevada Partners offers these young people critical exposure to professional environments, as well as the opportunity to become acquainted with community role models.

Mr. President, I had the good fortune many years ago, when I practiced law, to be one of the attorneys in my law firm representing the interests of Kirk Kerkorian and his family. He has done a lot of things of which he is very proud. He created thousands and thousands of jobs in America. But there is nothing that he is any more proud of than what has happened here with Nevada Partners. As a result of his investment, we now have over 2,200 people working. And from the time these remarks were outlined for me, we have a lot more. The number is unknown.

One of Nevada Partners' most compelling programs—perhaps a model for welfare reform—is the Women in Transition Program. Women in Transition provides 6 weeks of in-depth transition training in addition to task-oriented counseling provided by the University of Nevada-Las Vegas masters of social work interns. Focusing on empowerment issues such as domestic violence, evaluating and selecting child care, and women in the work force, this pilot project is providing an alternative to public assistance by successfully placing women in the work force.

The key ingredient to the success of Nevada Partners is the commitment and participation of the private sector. Private sector involvement allows Nevada Partners and its participants to respond more quickly to changes in the business climate than many Government programs allow. Moreover, the private sector can easily and readily assist in identifying real job opportunities and has a vested interest in ensuring new employees become trained team members as quickly as possible. Here is one of the good things that comes from programs like this. More than 80 businesses, including hotels, casinos, banks, and utilities are consistently providing employment opportunities for Nevada Partners' applicants.

Programs such as Nevada Partners provide an invaluable service to southern Nevada and all of its communities. Providing individuals with work greatly enhances their self-esteem, their sense of responsibility and citizenship. Employment is a key factor, as we know, in reducing drug use, crime, teen pregnancy, and other social ills that affect all of America. This program saves untold amounts of money in our criminal justice system, our welfare system, and our educational system.

Mr. President, I believe that people want to lead productive lives, not collect handouts. I think it is programs like this that we, the Government, can use as a model to develop successful welfare-to-work programs. I look forward to the debate that is coming soon dealing with welfare and to talking with my colleagues about the program that has worked in Nevada, a program that we can use to help formulate what we need to do to reform welfare on the Federal level.

Mr. President, I look forward to working with my colleagues in the ensuing months to formulate welfare-to-work proposals that include and incorporate programs that are working—programs like Nevada Partners.

Mr. DOLE. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are in morning business.

EXECUTIVE SESSION

CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS

Mr. DOLE. I ask unanimous consent that the Senate proceed to executive session to consider the following treaty: convention on prohibitions or restrictions on the use of certain conventional weapons (Treaty Cal. 1).

I further ask unanimous consent that the treaty be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification: that the seven conditions recommended by the Committee on Foreign Relations be considered as having been offered and agreed to, en bloc, and that the motion to reconsider be laid upon the table; that no other amendments, conditions, declarations, provisos, reservations or understandings be in order; that any statements be inserted in the CONGRESSIONAL RECORD as if read; that when the resolution of ratification is agreed to, the motion to reconsider be laid upon the table; that the President be notified of the Senate's action and that the following disposition of the treaty, the Senate return to legislation session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask for consideration of the resolution of ratification by a division vote.

The PRESIDING OFFICER. A division is requested. Senators in favor of the resolution of ratification will please stand and be counted. [After a pause.]

Those opposed to ratification please rise and stand to be counted.

On a division, two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to as follows:

Resolved (two-thirds of the Senators present concurring therein), That (a) the Senate advise and consent to the ratification of the following Convention and two accompanying Protocols, concluded at Geneva on October 10, 1980 (contained in Treaty Document 103–25), subject to the conditions of subsections (b) and (c):

(1) The Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects (in this resolution referred to as the ''Convention'').

(2) The Protocol on Non-Detectable Fragments (in this resolution referred to as ''Protocol I'').

(3) The Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, together with its technical annex (in this resolution referred to as ''Protocol II'').

(b) The advice and consent of the Senate under subsection (a) is given subject to the following conditions, which shall be included in the instrument of ratification of the Convention:

(1) RESERVATION.—Article 7(4)(b) of the Convention shall not apply with respect to the United States.

(2) DECLARATION.—The United States declares, with reference to the scope of application defined in Article 1 of the Convention, that the United States will apply the provisions of the Convention, Protocol I, and Protocol II to all armed conflicts referred to in Articles 2 and 3 common to the Geneva Conventions for the Protection of War Victims of August 12, 1949.

(3) UNDERSTANDING.—The United States understands that Article 6(1) of Protocol II does not prohibit the adaptation for use as booby-traps of portable objects created for a purpose other than as a booby-trap if the adaptation does not violate paragraph (1)(b) of the Article.

(4) UNDERSTANDING.—The United States considers that the fourth paragraph of the preamble to the Convention, which refers to the substance of provisions of Article 35(3) and Article 55(1) of Additional Protocol I to the Geneva Conventions for the Protection of War Victims of August 12, 1949, applies only to States which have accepted those provisions.

(c) The advice and consent of the Senate under subsection (a) is given subject to the following conditions, which are not required to be included in the instrument of ratification of the Convention:

(1) DECLARATION.—Any amendment to the Convention, Protocol I, or Protocol II (including any amendment establishing a commission to implement or verify compliance with the Convention, Protocol I, or Protocol II), any adherence by the United States to Protocol III to the Convention, or the adoption of any additional protocol to the Convention, will enter into force with respect to the United States only pursuant to the treaty-making power of the President, by and with the advice and consent of the Senate, as set forth in Article II, Section 2, Clause 2 of the Constitution of the United States.

(2) DECLARATION.—The Senate notes the statements by the President and the Secretary of State in the letters accompanying transmittal of the Convention to the Senate that there are concerns about the acceptability of Protocol III to the Convention from a military point of view that require further examination and that Protocol III should be given further study by the United States Government on an interagency basis. Accordingly, the Senate urges the President to complete the process of review with respect to Protocol III and to report the results to the Senate on the date of submission to the Senate of any amendments which may be concluded at the 1995 international conference for review of the Convention.

(3) STATEMENT.—The Senate recognizes the expressed intention of the President to negotiate amendments or protocols to the Convention to carry out the following objectives:

(A) An expansion of the scope of Protocol II to include internal armed conflicts.

(B) A requirement that all remotely delivered mines shall be equipped with self-destruct devices.

(C) A requirement that manually emplaced antipersonnel mines without self-destruct devices or backup self-deactivation features shall be used only within controlled, marked, and monitored minefields.

(D) A requirement that all mines shall be detectable using commonly available technology.

(E) A requirement that the party laying mines assumes responsibility for them.

(F) The establishment of an effective mechanism to verify compliance with Protocol II.

Mr. DOLE. Mr. President, I ask unanimous consent a letter directed to the chairman be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, March 22, 1995.

Hon. JESSE HELMS,
Chairman, Foreign Relations Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Committee on Armed Services has conducted a brief review of the military implications of the Convention on Conventional Weapons (Treaty Document 103–25). We understand that the Administration has requested the Senate to provide its advice and consent to ratification at the earliest possible time, so that the United States may participate in the Review Conference scheduled to begin September 25, 1995.

The Committee's understanding is that for humanitarian purposes the Convention is intended to restrict the use of specific types of conventional weapons in armed conflicts, specifically, landmines and booby-traps.

Like the Committee on Foreign Relations, the Committee on Armed Services has concerns about the Treaty, which include:

(1) The effectiveness of the Convention having been ratified by only 42 States Parties;

(2) Future amendments to the Convention, that are meant to improve its effectiveness; and,

(3) The impact of Protocol III on NATO operations.

EFFECTIVENESS OF CONVENTION

We understand that the Convention is part of a broader program of humanitarian conventions to restrict the production, use, and export of landmines, which the Administration would like to have other countries join, to reduce civilian casualties.

The United States military services have identified landmines as a significant threat to future force projections and military operations other than war, including peacekeeping and humanitarian assistance. The use of landmines in internal conflicts in undeveloped countries is particularly acute in Africa, Asia, and Latin America. Training and education assistance for humanitarian landmine clearing activities, as well as development of technology for mine detection, classification, mapping and neutralization, is being provided to these regions by the Department of Defense and the military services.

The Committee strongly urges the Administration to encourage the countries in the regions in which the United States is providing assistance in humanitarian landmine activities, to ratify, and adhere to the Convention. Additionally, the Committee urges the Administration to seek assistance from the other parties to the Convention, during the Review Conference, and in bilateral discussions with non-parties, to encourage the undeveloped nations of Africa, Asia and Latin America to ratify the Convention.

FUTURE AMENDMENTS TO THE CONVENTION

The Committee understands that the Administration intends to offer amendments to the Convention during the September 1995 Review Conference with regard to establishing a verification and compliance commission, to tighten restrictions on the use of landmines, and to ensure exclusion of command-detonated Claymore mines from such restrictions.

The Committee enjoins the Administration to consult closely with the relevant congressional committees prior to the tabling and negotiation of amendments to the Convention.

NATO OPERATIONS AND PROTOCOL III

The United States is concerned about restrictions on the use of air-delivered incendiaries in Protocol III, from both a military and humanitarian perspective, and as such, the Administration did not submit it to the Senate for its advice and consent to ratification.

During a briefing on the Convention with the Administration interagency team, it was brought to the Committee's attention that with the exception of France, all other countries ratifying the Convention accepted Protocol III.

The Committee is concerned about the impact on NATO operations resulting from ratification of Protocol III by a number of our alliance partners.

COMMITTEE RECOMMENDATION

The Committee has reviewed the Convention on Conventional Weapons Convention Resolution of Ratification approved by the Committee on Foreign Relations on March 22, 1995. With the following concerns noted, the Committee agrees with the Foreign Relations Committee's actions on this Treaty.

The Committee is concerned about the Administration's plans for amendments to the Convention, particularly the establishment of a Commission. The Committee believes it is important to ensure that a large, expensive bureaucracy is not established and that the precedent-setting nature of an enforcement commission must be carefully considered.

Second, the Committee believes that command-detonated Claymore-type mines must be excluded from the coverage of any future amendments intended to tighten restrictions on the use of landmines.

We have consulted with all Members of the Committee on the views, recommendations, and understandings contained in this report.

We are pleased to advise you of the Committee's advice and consent to ratification of this Convention.

Sincerely,

SAM NUNN,
Ranking Member.
STROM THURMOND,
Chairman.

EXECUTIVE CALENDAR

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate immediately proceed to the consideration of the following nominations on the Executive Calendar en bloc; Calendar Nos. 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 and 48, and all nominations placed on the Secretary's desk; further that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc, that any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Karen Nelson Moore, of Ohio, to be United States Circuit Judge for the Sixth Circuit, vice Robert B. Krupansky, retired.

Janet Bond Arterton, of Connecticut, to be United States District Judge for the District of Connecticut.

Willis B. Hunt, Jr., of Georgia, to be United States District Judge for the Northern District of Georgia.

Charles B. Kornmann, of South Dakota, to be United States District Judge for the District of South Dakota.

DEPARTMENT OF JUSTICE

J. Don Foster, of Alabama, to be United States Attorney for the Southern District of Alabama for the term of four years vice J.B. Sessions III, resigned.

Martin James Burke, of New York, to be United States Marshal for the Southern District of New York for the term of four years.

DEPARTMENT OF STATE

Ray L. Caldwell, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary of State for Burdensharing.

Philip C. Wilcox, Jr., of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Coordinator for Counter Terrorism.

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

John Chrystal, of Iowa, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1997. (Reappointment)

George J. Kourpias, of Maryland, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1997. (Reappointment)

Gloria Rose Ott, of California, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1996.

Harvey Sigelbaum, of New York, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1996.

Nominations placed on the Secretary's desk:

IN THE COAST GUARD, FOREIGN SERVICE

Coast Guard nominations beginning Daniel V. Riley, Jr., and ending Heather L. Morrison, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 1995

Coast Guard nominations beginning Ralph R. Hogan, and ending John W. Kolstad, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 1995

Coast Guard nominations beginning Genelle T Vachon, and ending Gregory A Howard, which nominations were received by

the Senate and appeared in the Congressional Record of February 3, 1995

Coast Guard nominations beginning James M. Begis, and ending Jon W. Minor, which nominations were received by the Senate and appeared in the Congressional Record of February 16, 1995

Coast Guard nomination of Louise A. Stewart, which was received by the Senate and appeared in the Congressional Record of February 16, 1995

Foreign Service nominations beginning Christopher E. Goldthwait, and ending William L. Brant, II, which nominations were received by the Senate and appeared in the Congressional Record of January 10, 1995

Foreign Service nominations beginning John Thomas Burns, and ending Van S. Wunder, III, which nominations were received by the Senate and appeared in the Congressional Record of January 10, 1995

Foreign Service nominations beginning Luis E. Arreaga Rodas, and ending Jeffrey A. Wuchenich, which nominations were received by the Senate and appeared in the Congressional Record of January 10, 1995

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

MAKING MAJORITY PARTY APPOINTMENTS

Mr. DOLE. Mr. President, I send resolutions to the desk regarding Senator CAMPBELL's new committee assignments as a majority Member, and ask they be considered en bloc and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 92) amending Rule XXV of the Standing Rules of Senate; a resolution (S. Res. 93) making majority party appointments to the Energy and Natural Resources Committee, the Veterans' Affairs Committee, and the Committee on Indian Affairs; a resolution (S. Res. 94) making a majority party appointment.

The PRESIDING OFFICER. The question is on agreeing to the resolutions en bloc.

The resolutions (S. Res. 92, S. Res. 93, S. Res. 94) were agreed to en bloc as follows:

SENATE RESOLUTION 92

Resolved, That Rule XXV, paragraph 2, of the Standing Rules of the Senate is amended as follows:

Strike the figure after ''Agriculture, Nutrition, and Forestry'' and insert in lieu thereof ''18''.

Strike the figure after ''Energy and Natural Resources'' and insert in lieu thereof ''20''.

SEC. 2. That Rule XXV, paragraph 3(c) of the Standing Rules of the Senate is amended as follows:

Strike the figure after ''Indian Affairs'' and insert in lieu thereof ''16''.

SENATE RESOLUTION 93

Resolved, That the following shall constitute the majority party's membership on the following Senate committees for the 104th Congress, or until their successors are appointed:

Energy and Natural Resources: Mr. MURKOWSKI (Chairman), Mr. HATFIELD, Mr. DOMENICI, Mr. NICKLES, Mr. CRAIG, Mr. CAMPBELL, Mr. THOMAS, Mr. KYL, Mr. GRAMS, Mr. JEFFORDS, and Mr. BURNS.

Veterans' Affairs: Mr. SIMPSON (Chairman), Mr. MURKOWSKI, Mr. SPECTER, Mr. THURMOND, Mr. JEFFORDS, Mr. CAMPBELL, and Mr. CRAIG.

Indian Affairs: Mr. MCCAIN (Chairman), Mr. MURKOWSKI, Mr. GORTON, Mr. DOMENICI, Mrs. KASSEBAUM, Mr. NICKLES, Mr. CAMPBELL, Mr. THOMAS, and Mr. HATCH.

SENATE RESOLUTION 94

Resolved, That the Senator from Colorado (Mr. CAMPBELL) is hereby appointed to the Committee on Agriculture, Nutrition, and Forestry, and that the following be the majority membership on that committee for the 104th Congress, or until their successors are appointed:

Agriculture, Nutrition and Forestry: Mr. LUGAR (Chairman), Mr. DOLE, Mr. HELMS, Mr. COCHRAN, Mr. MCCONNELL, Mr. CRAIG, Mr. COVERDELL, Mr. SANTORUM, Mr. WARNER, and Mr. CAMPBELL.

UNANIMOUS-CONSENT AGREEMENT—S. 219

Mr. DOLE. Mr. President, I ask unanimous consent that at 11:30 a.m., Monday, March 27, the Senate begin 6 hours of general debate equally divided in the usual form on the subject of S. 219, the regulatory moratorium bill; further that at the hour of 10 a.m., Tuesday, March 28, the Senate proceed to the consideration of S. 219.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE INDEFINITELY POSTPONED—S. RES. 49

Mr. DOLE. Mr. President, I ask unanimous consent that Calendar No. 15, Senate Resolution 49 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–40. A joint resolution adopted by the Legislature of the State of California; to the Committee on Armed Services.

ASSEMBLY JOINT RESOLUTION NO. 5

''Whereas, the state has endured billions of dollars in losses through a disproportionate share of federal Department of Defense facilities closures mandated by the federally appointed Base Closure and Realignment Commissions in 1988, 1991 and 1993; and

''Whereas, it has been documented that this state has suffered more than its share of economic devastation during the current worldwide economic recession, and is the last of the states to show signs of positive recovery; and

''Whereas, the state has sustained disasters, both natural and manmade, in recent years from earthquakes in the San Francisco and Los Angeles areas, fires in northern and southern California, and from riots in the greater Los Angeles area; and

''Whereas, Southern California, through its particular world preeminence in the technologies of earth and space travel, military defense systems, and interglobal communications has been the free world's guarantor of peace through strength of leadership; and

''Whereas, the Long Beach Naval Shipyard is being considered for closure as part of the military base closure and realignment process; and

''Whereas, built in 1943, the Long Beach Naval Shipyard is the Navy's primary surface ship repair facility on the west coast in addition to having the highest aircraft carrier usage of any public shipyard; and

''Whereas, the Long Beach Naval Shipyard is a large, full service facility that includes 347 acres, four industrial piers, two wharves, and three drydocks; and

''Whereas, the Long Beach Naval Shipyard represents approximately $757,000,000 in total local spending and 10,100 jobs in the southern California region so that closing the shipyard would have a devastating impact on that area of the state; now, therefore, be it

''*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature hereby memorializes the President and the Congress of the United States to provide for the continued operation of the Long Beach Naval Shipyard as an essential facility and as an integral part of the southern California economy; and be it further

''*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.''

POM–41. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Armed Services.

U.S. NAVAL AIR STATION AT BRUNSWICK, ME.

''Whereas, the Department of the Navy has maintained a naval air station at Brunswick, Maine during World War II and continuously since 1951; and

''Whereas, the United States Naval Air Station at Brunswick has performed in an exemplary manner throughout its more than 4 decades of history; and

''Whereas, the United States Naval Air Station at Brunswick is one of the most up-to-date facilities available in the United States for long-range maritime patrol; and

''Whereas, the United States Naval Air Station at Brunswick is the only remaining operational naval air station in the northeast quadrant of the United States and the only military airfield in northern New England; and

''Whereas, on the entire east coast, only the United States Naval Air Station at Brunswick and Key West has been identified as having ''strategic military value''; and

''Whereas, the United States Naval Air Station at Brunswick offers unencumbered air space, no encroachment problems and expansion capability to handle all 7 of the projected Atlantic Fleet VP squadrons with no additional military construction required; and

''Whereas, the State of Maine is firmly committed to actively supporting the continuation of the United States Naval Air Station at Brunswick; now therefore, be it

''*Resolved:* That We, your Memorialists, respectfully recommend and urge the Congress of the United States to continue to operate, develop and diversify the United States Naval Air Station at Brunswick, Maine; and be it further

''*Resolved:* That We further urge the Congress of the United States to take all necessary action to ensure that the United

States Naval Air Station at Brunswick remains an integral part of our nation's defense; and be it further

''*Resolved:* That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation.''

POM–42. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Armed Services.

U.S. NAVAL SHIPYARD AT KITTERY, ME

Whereas, the Department of the Navy has maintained a shipyard at Kittery, Maine since June 12, 1800; and

Whereas, the United States Naval Shipyard at Kittery has performed duties in an exemplary manner throughout its almost 2 centuries of history; and

Whereas, the Kittery shipyard is one of the most up-to-date facilities available in the United States for the repair, overhauling and refueling of naval vessels; and

Whereas, the communities in Maine, New Hampshire and Massachusetts located near the Kittery shipyard offer an abundance of highly trained, skilled and experienced workers who have an outstanding work ethic; and

Whereas, the State of Maine is firmly committed to actively supporting the continuation of the United States Naval Shipyard at Kittery; now, therefore, be it

''*Resolved:* That We, your Memorialists, respectfully recommend and urge the Congress of the United States to continue to operate, develop and diversify the United States Naval Shipyard at Kittery, Maine; and be it further

''*Resolved:* That we further urge the Congress of the United States to take all necessary action to ensure that the Kittery shipyard remains an integral component in a post-Cold War defense strategy; and be it further

''*Resolved:* That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation.''

POM–43. A joint resolution adopted by the Legislature of the State of New Jersey; to the Committee on Armed Services.

ASSEMBLY RESOLUTION NO. 130

''Whereas, the Pentagon is recommending the closure of the Bayonne Military Ocean Terminal; and

''Whereas, the closure of the terminal would cost 100 military and over 1,200 civilian jobs and indirectly almost 750 additional jobs; and

''Whereas, even though some of the present employees could be relocated to Fort Monmouth in Eatontown, New Jersey, this closure would create a significant disruption in employees' lives; and

''Whereas, the closure would also create a significant disruption in the economic life of Bayonne with the loss of about $44 million annually in contracts with New Jersey firms and about $71 million annually in salaries; and

''Whereas, the terminal performs critical functions in shipping and storing military cargo, providing sealift capability for the Pentagon, and handling traffic management for East Coast ports; and

''Whereas, with the location at the Bayonne Military Ocean Terminal of the Military Transportation Management Command Eastern Area Headquarters and the traffic management portion of the 1301st Major Port Command, the terminal is an integral part of the United States military operations; and

''Whereas, the closure of this terminal would not reflect sound financial or military logic; now, therefore, be it

''*Resolved by the General Assembly of the State of New Jersey:*

''1. This House calls upon the Base Closure and Realignment Commission to remove the Bayonne Military Ocean Terminal from the list of base closings recommended by the Pentagon and to maintain the operation of the terminal.

''2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the Base Closure and Realignment Commission, the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, and every member of Congress elected from this State.''

POM–44. A resolution adopted by the Senate of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Armed Services.

BASE CLOSURE

''Whereas, military installations in this Commonwealth provide employment for 163,000 Pennsylvanians; and

''Whereas, military installations in this Commonwealth constitute 2.9 percent of all State employment and 4.1 percent of all State output and represent 2.7 percent of the Department of Defense budget spent within this Commonwealth; and

''Whereas, the closure or realignment of military installations in this Commonwealth could result in the termination of not only those jobs on operating bases, but also thousands of base-related jobs and the loss of millions of dollars in total income; and

''Whereas, this Commonwealth has lost 11.5 percent of all defense jobs eliminated in the United States as a result of the Defense Base Closure and Realignment Commission's 1991 and 1993 recommendations; therefore be it

''*Resolved*, that the Senate of the Commonwealth of Pennsylvania memorialize the President of the United States and Congress to oppose the closure or realignment of military installations in Pennsylvania for the reasons stated in this resolution; and be it further

''*Resolved*, that copies of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress, to each member of Congress from Pennsylvania and to the members of the Defense Base Closure and Realignment Committee.''

POM–45. A resolution adopted by the Senate of the Legislature of the State of Hawaii; to the Committee on Commerce, Science, and Transportation.

''Whereas, the future success of Hawaii's economy and the future welfare of its citizens rests upon its ability to increase the employment skills and competitiveness of its people and to stimulate economic growth; and

''Whereas, the improvement of Hawaii's employment capabilities and competitiveness of its people requires high quality education; and

''Whereas, increases in the productivity and competitiveness of Hawaii's education and library system are essential to upgrading the quality of the existing education system; and

''Whereas, the development of an advanced state-of-the-art telecommunications infrastructure, utilizing modern information processing technology in Hawaii's education and library system, linked locally, nationally, and internationally to businesses, residences, and other public and private services, is essential for achieving a quality educational system in a cost-effective manner; and

''Whereas, the development of an advanced state-of-the-art telecommunications infrastructure in Hawaii is essential to promoting the economic competitiveness of the State, improving the literacy and employment skill level of its citizens, and ensuring the future vitality of its educational and library systems; and

''Whereas, Hawaii must ensure that the State benefits from telecommunications infrastructure advances and ensure universal access to information and education resources for all residents of the State; and

''Whereas, Hawaii must assume a position of economic leadership and national prominence in the information age by funding school and library information infrastructure; and

''Whereas, current funding mechanisms may not provide Hawaii's schools and libraries with the funds needed to construct the infrastructure necessary to take advantage of telecommunications technologies and services, to purchase those services, or to provide the educational, training, and information they are intended to service; and

''Whereas, the current Congress of the United States has expressed its belief in the concept that the individual states are better able to determine their individual needs and are better positioned to determine who moneys should be spent to address those needs; and

''Whereas, the Federal Communications Commission (FCC) is charged with the responsibility of administering the radio frequency spectrum as a national asset for the benefit of the American public; and

''Whereas, the FCC is currently conducting an auction of radio spectrum that will be used by winners of that auction to provide personal communications services (PCS); and

''Whereas, the FCC auction will generate moneys in excess of $4,000,000,000 that should be shared with the individual states such that they will be better able to construct their education infrastructure; now, therefore, be it

''*Resolved by the Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995,* That the Congress of the United States is requested to enact whatever laws are necessary to allow the individual states to share in the proceeds of the current Federal Communications Commission auction of radio spectrum for purposes of funding the states' schools' and libraries' telecommunications and information infrastructure; and

''*Be it further resolved,* That the Public Utilities Commission, the Consumer Advocate, and the Department of Education are requested to prepare a plan for the efficient expenditure of revenues received by the State of Hawaii as a result of this Resolution; and

''*Be it further resolved,* That certified copies of this Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii's congressional delegation.''

POM–46. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Commerce, Science, and Transportation.

S.C.R. No. 20

''Whereas, the future success of Hawaii's economy and the future welfare of its citizens rest upon its ability to increase the employment skills and competitiveness of its people and to stimulate economic growth; and

''Whereas, the improvement of Hawaii's employment capabilities and competitiveness of its people require high quality education; and

''Whereas, increases in the productivity and competitiveness of Hawaii's education and library system are essential to upgrading the quality of the existing education system; and

''Whereas, the development of an advanced state-of-the-art telecommunications infrastructure, utilizing modern information professing technology in Hawaii's education and library system, linked locally, nationally, and internationally to businesses, residences, and other public and private services, is essential for achieving a quality educational system in a cost-effective manner; and

''Whereas, the development of an advanced state-of-the-art telecommunications infrastructure in Hawaii is essential to promoting the economic competitiveness of the State, improving the literacy and employment skill level of its citizens, and ensuring the future vitality of its educational and library systems; and

''Whereas, Hawaii must ensure that the State benefits from telecommunications infrastructure advances and ensure universal access to information and education resources for all residents of the State; and

''Whereas, Hawaii must assume a position of economic leadership and national prominence in the information age by funding school and library information infrastructure; and

''Whereas, current funding mechanisms may not provide Hawaii's schools and libraries with the funds needed to construct the infrastructure necessary to take advantage of telecommunications technologies and services, to purchase those services, or to provide the educational, training, and information they are intended to service; and

''Whereas, the current Congress of the United States has expressed its belief in the concept that the individual states are better able to determine their individual needs and are better positioned to determine how moneys should be spent to address those needs; and

''Whereas, The Federal Communications Commission (FCC) is charged with the responsibility of administering the radio frequency spectrum as a national asset for the benefit of the American public; and

''Whereas, The FCC is currently conducting an auction of radio spectrum that will be used by winners of that auction to provide personal communications services (PCS); and

''Whereas, the FCC auction will generate moneys in excess of $4,000,000,000 that should be shared with the individual states such that they will be better able to construct their education infrastructure; now, therefore, be it

''*Resolved by the Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995, the House of Representatives concurring*, That the Congress of the United States is requested to allow the individual states to share in the proceeds of the current Federal Communications Commission auction of radio spectrum for purposes of funding the states' public schools', universities', and libraries' telecommunications and information infrastructure; and

''*Be it further resolved*, That the Public Utilities Commission, the Consumer Advocate, and the Department of Education are requested to prepare a plan for the efficient expenditure of revenues received by the State of Hawaii as a result of this Concurrent Resolution; and

''*Be it further resolved*, That certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of Hawaii's congressional delegation, the public utility/public service commissions of the fifty states, the National Association of Regulatory Utility Commissioners, the National Governors Association, the National Conference of State legislatures, the National Association of State Universities and Land Grant Colleges, and EDUCOM.''

POM–47. A concurrent resolution adopted by the Legislature of the State of Iowa; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT RESOLUTION 17

''Whereas, the Federal Trade Commission has published an agreement containing a consent order, file number 941–0124, dealing with the proposed acquisition of Alpo by Nestle Food Company; and

''Whereas, Nestle Food Company owns a processing facility in Fort Dodge, Iowa, operating as Friskies PetCare Products; and

''Whereas, the consent order requires Nestle to divest the Fort Dodge Friskies PetCare plant within 12 months; and

''Whereas, the Friskies PetCare Products has operated in Fort Dodge for more than 19 years and has been an excellent corporate citizen, providing good jobs and benefits to 141 employees; and

''Whereas, the direct economic impact of the Friskies plant in Webster County and Fort Dodge approaches $100 million per year; and

''Whereas, the complaint filed with the Federal Trade Commission alleges that the acquisition of Alpo by the Nestle Food Company will eliminate substantial actual competition between Nestle and Alpo, increase the likelihood that Nestle will unilaterally exercise market power in the relevant market, and increase the likelihood of, or facilitate collusion or coordinated interaction among, firms in the relevant market; and

''Whereas, the relevant market in the complaint is the manufacture and production of canned cat food for the geographies market of the United States of America; and

''Whereas, the Fort Dodge facility produces 24,000,000 cases of canned pet food per year of which 66 percent is canned cat food and 33 percent is canned dog food; and

''Whereas, Nestle officials have stated that they will increase the production at other Nestle-owned plants to replace the lost production from the sale of the Fort Dodge plant; and

''Whereas, the Federal Trade Commission has indicated that it is unlikely that it will allow the sale of the Fort Dodge plant to any other major competitor in the pet food industry; and

''Whereas, the citizens of Fort Dodge and Webster County, the Mayor and City Council of Fort Dodge, the Webster County Board of Supervisors, the employees of Friskies, and the Webster County Industrial Development Commission all believe that the remedy proposed by the Federal Trade Commission will not accomplish the stated goals, and will, in fact, result in the loss of 141 good jobs in Fort Dodge and have a disastrous effect on the local economy, including the loss of more than $200,000 per year in Iowa sales taxes; now therefore, be it ''*Resolved by the House of Representatives, the Senate concurring*, That the Federal Trade Commission is urged to amend the agreement containing consent order, file number 941–0124, so that Nestle is not required to divest itself of the Fort Dodge Friskies PetCare Plant; and

''*Be it further resolved*, That the entire Iowa congressional delegation, Governor Branstad, and the Director of the Iowa Department of Economic Development are urged to support the citizens of Fort Dodge in their efforts to appeal to the Federal Trade Commission to amend the consent order; and

''*Be it further resolved*, That copies of this resolution be sent to the Governor, the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Chairperson of the Federal Trade Commission, and members of the Iowa congressional delegation.''

POM–48. A joint resolution adopted by the Legislative of the State of Maine; to the Committee on Commerce, Science, and Transportation.

SUPPORT AMTRAK

''Whereas, Amtrak is energy-efficient and environmentally beneficial, consuming about ½ as much energy per passenger mile as airlines and causing less air pollution; and

''Whereas, Amtrak provides mobility to citizens of many smaller communities poorly served by air and bus services, as well as to those senior citizens, people with disabilities, students and people with medical conditions who need trains as a travel option; and

''Whereas, Amtrak is 9 times safer than driving per passenger mile and operates even in severe weather conditions; and

''Whereas, Amtrak travel rose 48% from 1982 to 1993 and Amtrak dramatically improved coverage of its operating costs from revenues; and

''Whereas, expansion of Amtrak service using existing rail rights-of-way would cost less and use less land than new highways and airports and would further increase the advantage of Amtrak's efficiency; and

''Whereas, federal investment in Amtrak has fallen in the last decade while it has risen for airports and highways; and

''Whereas, states may use highway trust fund money as an 80% federal match for a variety of nonhighway programs but are prohibited from using the money for Amtrak projects; and

''Whereas, Amtrak pays a fuel tax that airlines do not pay; and

''Whereas, Amtrak workers and vendors pay more in taxes than the Federal Government invests in Amtrak; now, therefore, be it

''*Resolved*, That We, your Memorialists, respectfully urge the President and Congress of the United States not to reduce federal funding of Amtrak; to exempt Amtrak from paying fuel taxes that airlines do not pay; to allow the states flexibility in using federal highway trust fund money on Amtrak projects; and to require that federal officials include a strong Amtrak system in any plans for a national transportation system; and be it further

''*Resolved*, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation.''

POM–49. A resolution adopted by the Legislative of the State of Nebraska; to the Committee on Commerce, Science, and Transportation.

LEGISLATIVE RESOLUTION 48

''Whereas, the Nebraska Educational Telecommunications Commission employees an impressive variety of television and radio broadcast and non-broadcast technologies to serve the residents of this state; and

''Whereas, the commission is a major cultural and educational resource serving and unifying Nebraska residents of all ages and locations; and

''Whereas, the commission is widely recognized as both the pioneer employer of educational communications technologies and one of the premiere statewide educational and public telecommunications systems in the United States; and

''Whereas, the Commission assists every Nebraska educational sector and institution, public and private, in providing quality teaching and learning and making education more readily accessible; and

''Whereas, the commission brings a wide variety of national, international, and Nebraska-produced programs to the schools and homes of the state, as well as repeatedly brings national recognition to Nebraska; and

''Whereas, the commission is the only entity, public or private, with both the capability to provide picture and sound throughout Nebraska and the responsibility to employ that capacity to pursue educational equity, maintain educational quality, and provide responsible and constructive programming for the people of Nebraska; and

''Whereas, the commission provides on a daily basis children's, cultural, public affairs, informational, and distance-learning programs of impressive substance and quality; and

''Whereas, the commission employs an appropriate and interdependent mix of state, federal, and private funding to address this important mission on behalf of the people of Nebraska; now, therefore, be it

''Resolved by the Members of the ninety-fourth Legislative of Nebraska, first session:

''1. That the Legislative commends the Nebraska Educational Telecommunications Commission for forty years of exemplary service, and urges the Congress of the United States, in partnership with the people of Nebraska, to continue critical support of educational and public telecommunications and the national public broadcasting organizations providing programs of significant quality to rural and urban residents alike, which are of particular importance as Nebraska and the nation move increasingly into the information age and the next century.

''2. That the Clerk of the Legislative transmit a copy of this resolution to the Speaker of the House of Representatives, and President of the Senate of the Congress of the United States, to all members of the Nebraska delegation to the Congress of the United States, and to the President of the United States with the request that it be officially entered in the Congressional Record as a memorial to the Congress of the United States.''

POM–50. A resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Armed Services.

''Whereas, Picatinny Arsenal at Dover, New Jersey, traces its roots to the ''middle Forge'' which was established in 1749 at the foot of Picatinny Peak and later became part of the Mount Hope Iron Works, which provided cannon shot, bar iron, shovels and axes for the Revolutionary Army; and

''Whereas, the Army purchased the site and established the Picatinny Powder Depot in 1880 when the War Department needed a location which to construct a black powder magazine; and

''Whereas, Picatinny Arsenal produced high explosives and ammunition from 1902 until 1977, when its role as an arsenal changed from manufacturing to research and development; and

''Whereas, Picatinny Arsenal is the United States Army's principal research, development and engineering facility for assigned weapon systems, responsible for developing 90 percent of the Army's weaponry; and

''Whereas, the Army Armament Research, Development and Engineering Center (ARDEC) at Picatinny Arsenal has assignments which include artillery, infantry, surface vehicle mounted and aircraft mounted weapons and ammunition; rocket and missile warhead sections; fire control systems; demolition munitions; mines, bombs and grenades, pyrotechnic systems and munitions; explosives and propellants; and practice and training munitions; and

''Whereas, for the past four years, ARDEC management has downsized and reduced operating costs while retaining core capabilities and the ability to expand to accommodate new missions or to respond to national emergencies; and

''Whereas, Picatinny is staffed by more than 5,000 civilian engineers, scientists and support personnel, with a technical staff of whom more than 30 percent have graduate degrees; and

''Whereas, Picatinny Arsenal has a national mission and represents a unique intellectual community that cannot easily be duplicated; and

''Whereas, if the arsenal is closed, no assurance exists that the functions therein performed can be replaced or will be assumed anywhere else; and

''Whereas, the kind of institutional knowledge located at Picatinny Arsenal is critical because U.S. laws restrict the munitions and weapons marketplace, both domestic and international, deterring industry from substantial investment or retention of staff and facilities in a commodity arena where there is no commercial market; and

''Whereas, Picatinny Arsenal, invaluable to the Nation's defense with its specialized facilities on 6,500 acres, faces possible consolidation or closure as the Department of Defense reduces its budget with another round of base closures; now, therefore, be it

Resolved by the General Assembly of the State of New Jersey:

1. This House urges the President and the Congress of the United States to carefully examine the impact of the closure of the Picatinny Arsenal upon the Nation's defense readiness and to reject such closure.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives and every member of Congress elected from this State.''

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATFIELD, from the Committee on Appropriations, without amendment:

S. 617. An original bill making additional supplemental appropriations and rescissions for the fiscal year ending September 30, 1995, and other purposes (Rept. No. 104–17).

By Mr. THURMOND, from the Committee on Armed Services:

Special report entitled: ''The Activities of the Committee on Armed Services United States Senate, 103d Congress, First and Second Sessions'' (Rept. No. 104–18).

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. BRADLEY (for himself and Mr. LAUTENBERG):

S. 611. A bill to authorize extension of time limitation for a FERC-issued hydroelectric license; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER (for himself, Mr. DASCHLE, Mr. GRAHAM, and Mr. MURKOWSKI):

S. 612. A bill to amend title 38, United States Code, to provide for a hospice care pilot program for the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. ROCKEFELLER (for himself, Mr. GRAHAM, Mr. AKAKA, Mr. DORGAN, Mr. MURKOWSKI, Mr. JEFFORDS, Mr. DASCHLE, Mr. LEAHY, Mrs. MURRAY, and Mr. WELLSTONE):

S. 613. A bill to authorize the Secretary of Veterans Affairs to conduct pilot programs in order to evaluate the feasibility of participation of the Department of Veterans Affairs health care system in the health care systems of States that have enacted health care reform; to the Committee on Veterans' Affairs.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 614. A bill to confer jurisdiction of the U.S. Court of Federal Claims with respect to land claims of Pueblo of Isleta Indian Tribe, and for other purposes; to the Committee on the Judiciary.

By Mr. AKAKA (for himself and Mr. CRAIG):

S. 615. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war; to the Committee on Veterans' Affairs.

By Mr. BINGAMAN:

S. 616. A bill to amend the Tariff Act of 1930 to provide parity between the United States and certain free trade agreement countries with respect to the exemption for personal and household effects purchased abroad by returning residents, and for other purposes; to the Committee on Finance.

By Mr. HATFIELD:

S. 617. An original bill making additional supplemental appropriations and rescissions for the fiscal year ending September 30, 1995, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. COATS (for himself and Mr. LIEBERMAN):

S. 618. A bill to provide a low-income school choice demonstration program; to the Committee on Labor and Human Resources.

Mr. Mr. SMITH (for himself, Mr. LAUTENBERG, Mr. FAIRCLOTH, Mr. MCCONNELL, Mr. SIMON, Mr. MACK, Mr. BOND, Mr. GRAHAM, Mr. LIEBERMAN, Mr. WARNER, and Mr. REID):

S. 619. A bill to phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and certain other batteries, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CRAIG (for himself and Mr. DOMENICI):

S. 620. A bill to direct the Secretary of the Interior to convey, upon request, certain property in Federal reclamation projects to beneficiaries of the projects and to set forth

a distribution scheme for revenues from reclamation project lands; to the Committee on Energy and Natural Resources.

By Mr. BENNETT (for himself, Mr. CAMPBELL, Mr. BROWN, Mr. JEFFORDS, Mr. STEVENS, and Mr. HATCH):

S. 621. A bill to amend the National Trails System Act to designate the Great Western Trail for potential addition to the National Trails System, and for other purposes.

By Mr. LEVIN (for himself, and Mr. ABRAHAM):

S. 622. A bill to amend the Clean Air Act to provide that a State containing an ozone nonattainment area that does not significantly contribute to ozone nonattainment in its own area or any other area shall be treated as satisfying certain requirements if the State makes certain submissions, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SPECTER (for himself and Mr. HATCH):

S. 623. A bill to reform habeas corpus procedures, and for other purposes; to the Committee on the Judiciary.

By Mr. HATFIELD:

S. 624. A bill to establish a Science and Mathematics Early Start Grant program, and for other purposes; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE:

S. Res. 92. A resolution amending Rule XXV of the Standing Rules; considered and agreed to.

S. Res. 93. A resolution making majority party appointments to the Energy and Natural Resources Committee, the Veterans' Affairs Committee, and the Committee on Indian Affairs; considered and agreed to.

S. Res. 94. A resolution making a Majority party appointment; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 611. A bill to authorize extension of time limitation for a FERC-issued hydroelectric license; to the Committee on Energy and Natural Resources.

FERC-ISSUED LICENSE AUTHORIZATION EXTENSION ACT

• Mr. BRADLEY. Mr. President, I introduce legislation which would allow the Federal Energy Regulatory Commission to extend a license already granted to the Mount Hope pumped storage project. It is my understanding that the FERC has no objection to this extension and that the agency itself would grant the extension, if it were not statutorily prohibited from doing so.

I am very pleased to have Senator LAUTENBERG as a cosponsor on this legislation.

The Mt. Hope project is an advanced pumped-storage hydroelectric plant. It will be constructed on an existing industrial site that has been active for almost 300 years. It will be largely underground, once it is established, and should have a very limited environmental impact.

This project will cost $1.8 billion to construct and will be financed entirely by the private sector. It is estimated that this single project will create up to 1,300 jobs during construction and provide about $20 million annually in property taxes.

Mr. President, the project's existing license will expire in August, 1996. When the license was originally requested and granted in the early 1990's, the sponsors presumed that the financing would be complete and construction underway by 1996, as required. Unfortunately, the extended economic recession intervened. Because of the general economic climate and the difficulty of financing any project of this magnitude, the start-up date has slipped.

Normally, I am very hesitant to intervene in any way in a regulatory process. However, since I understand that the FERC has no objections and will support this extension, I am willing to move ahead. I also understand that the Congressman representing this district, Rodney Frelinghuysen, is preparing companion legislation.

When the FERC granted the original license, they required public hearings and an extensive environmental analysis. While I understand that there is substantial local support for this project, this legislation will now be the subject of additional hearings. Before agreeing to move the legislation in the Senate, I will weigh carefully any new comments or concerns about the project and I will be contacting local community members to gauge the level of their enthusiasm and support.

Mr. President, I ask unanimous consent to have the text of the bill printed following these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 611

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the time limitation of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission, upon the request of the licensee for FERC Project No. 9401 is authorized, in accordance with the good faith, due diligence, and public interest requirements of section 13 and the Commission's procedures under such section, to extend until August 3, 1999, the time required for the licensee to commence the construction of such project. This section shall take effect for the project upon the expiration of the extension (issued by the Commission under section 13) of the period required for commencement of construction of such project.•

By Mr. ROCKEFELLER (for himself, Mr. DASCHLE, Mr. GRAHAM, and Mr. MURKOWSKI):

S. 612. A bill to amend title 38, United States Code, to provide for a hospice care pilot program for the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

VETERANS' HOSPICE CARE SERVICES ACT

• Mr. ROCKEFELLER. Mr. President, in the spirit of strengthening our commitment to provide a comprehensive package of health care benefits to veterans eligible for care in the VA health care system, I am today introducing a bill that would require VA to conduct a hospice care pilot program to determine how best to provide hospice care services to terminally ill veterans. I am proud that Senators DASCHLE, GRAHAM, and MURKOWSKI have joined with me as original cosponsors. As the number of veterans who are elderly or have terminal illnesses continues to grow, the need and demand for VA hospice care is likely to increase. We must stay ahead of the surge and explore the various ways to provide such care, so our veterans and their families will have the best choices available to them.

Our legislation is derived from S. 1141, which I sponsored and which was incorporated into the committee bill, S. 1030, of the 103d Congress. Though S. 1030 passed the Senate, it did not pass the House. The bill also builds upon S. 1358 of the 102d Congress which Senator GRAHAM introduced on June 24, 1991, and the Senate passed on October 16, 1991.

Although VA has expanded and improved hospice care services over the past 4 years, it continues to fall short of the goals we envisioned. Thus we feel compelled to introduce the Veterans' Hospice Care Services Act of 1995.

SUMMARY OF PROVISIONS

Mr. President, this legislation would expand comprehensive VA hospice care programs and promote VA research on hospice care. The bill would amend chapter 17 of title 38 to establish a new subchapter VII, the provisions of which would:

First, require VA, during the period beginning on October 1, 1995, and ending on December 31, 2000, to conduct a pilot program in order to assess the desirability of furnishing hospice care services to terminally ill veterans, and determine the most effective and efficient means of furnishing such services.

Second, require VA to furnish hospice care services under the pilot program to any veteran who has a life expectancy of 1 year or less, as certified by a VA physician and who is entitled to VA hospital care, eligible for and receiving VA hospital or nursing home care, eligible for and receiving care in a community nursing home under a VA contract, or eligible for and receiving care in a State veterans home for which VA is making per diem payments to offset the costs of that care.

Third, specify that the hospice care services that VA must provide to veterans under the pilot program are: The services to which Medicare beneficiaries are entitled under the Medicare's hospice care benefit, and personal care services, including care or services relating to activities of daily living, such as dressing, personal hygiene, feeding, and housekeeping.

Fourth, require the Secretary to establish hospice care demonstration projects that would provide these services at not fewer than 15 but mote than 30 VA medical centers [VAMC's] by one of these means: A hospice operated by a VAMC, a non VA hospice under contract with a VAMC and pursuant to which the VA facility furnishes any necessary inpatient services, or a non-VA facility furnishes any necessary inpatient services.

Fifth, require that each of the three means for furnishing hospice care services be used at not fewer than five VAMC's.

Sixth, require the Secretary to ensure, to the maximum extent feasible, that VAMC's selected to conduct demonstration projects under the pilot program include facilities that: Are located in urban areas and rural areas, encompass the full range of affiliations between VAMC's and medical schools, operate and maintain various numbers of beds, and meet any additional criteria or standards that the Secretary may deem relevant or necessary.

Seventh, provide that the amount paid by VA or a non-VA hospice under a hospice care services contract generally may not exceed the amount that would be paid to that hospice under the Medicare hospice benefit, and authorize the Secretary to pay an amount in excess of the Medicare reimbursement rate, if the Secretary determines, on a case-by-case basis, that the Medicare rate would not adequate compensate the hospice for the costs associated with furnishing necessary care to a terminally ill veteran.

Eighth, require the Secretary to designate not fewer than 10 VAMC's that would function as a control group and furnish a less comprehensive range of hospice care services to terminally ill veterans that the range that VAMC's participating in the pilot program must provide, by VA personal providing one or more hospice care services to veterans at a VAMC, or VA personal monitoring the furnishing by non-VA provider of one or more hospice care services to veterans.

Ninth, require the Secretary to ensure, to the maximum extent practicable, that terminally ill veterans receive information regarding their eligibility, if any, for Medicare's hospice care benefit.

Tenth, require the Secretary, not later than September 30, 1996, and on an annual basis thereafter, until October 1, 2001, to submit periodic written reports to the House and Senate Committee on Veterans' Affairs about the pilot program.

Eleventh, require the Under Secretary for Health, not later than August 1, 1999, to submit to the House and Senate Committees on Veterans' Affairs a detailed final report on the pilot program, including an assessment of the desirability of furnishing hospice care services to terminally ill veterans, an assessment of the optimal means of furnishing hospice care services to terminally ill veterans, and his recommendations, if any, for additional legislation regarding such care.

Twelth, clarify that the pilot program would not preclude VA from furnishing hospice care services at VAMC's not participating in the pilot program or the control group.

BACKGROUND

Clearly, terminally ill veterans need an alternative to customary, curative care, and the Department of Veterans Affairs has made steady progress in meeting the demand.

However, VA headquarters officials have given only general guidance to VAMC's regarding the types of hospice care services they must provide and the manner in which they must provide them. Not surprisingly, significant variations exist in the manner in which VAMC's provide these services. Only 39 of 171 VAMC's operate their own hospice units. These units are freestanding buildings or separate units where a homelike atmosphere is created. Other VAMC's provide hospice in units that are converted patient rooms where cure-oriented care is administered adjacent to the hospice rooms. Still other VAMC's only provide some hospice services such as caregiver counseling and pain management. Many offer only an assessment of a terminally ill veterans' needs and referral to a non-VA hospice.

Neither uniformity nor marked variation in the provision of VA hospice care may be the answer. Each local area may need to tailor its programs and services to the unique needs of the veterans they serve, as well as the delivery modalities in their areas.

Yet I continue to believe that there are important questions that need to be asked and answered about the ways to provide such care. For example, some claim that we can best meet terminally ill veterans' needs by integrating hospice concepts into mainstream care for terminally ill persons. Others believe that because most VAMC's are affiliated with medical schools that emphasize technology-intensive, curative interventions, veterans would be better served if VA contracted with community hospice providers. There may not be only one correct approach, and that is fine. But I do know that we must address these difficult questions if we truly care about meeting terminally ill veterans' needs.

The pilot program this legislation envisions could be of great help in assessing these concerns. The bill calls for VA to establish hospice demonstration projects at 15 to 30 VAMC's that will provide a comprehensive range of hospice care services. Ten other VAMC's will constitute a control group and offer a less comprehensive range of hospice services. In essence, an experiment will be set up, whereby consistent data can be generated and valuable information extrapolated. This study will help health care providers identify veterans most likely to benefit from that program and tailor the program's services to meet their needs.

This year's bill, like S. 1030 of the 103d Congress, contains a provision that explicitly states that VA can continue to provide hospice care services at any VAMC, which would guarantee that no veteran will lose access to hospice care as a result of the pilot program. We certainly do not want VA to eliminate its existing hospice programs. Rather, we seek to ensure that VA studies and learns from them.

CONCLUSION

Mr. President, many terminally ill veterans do not want to spend their last days in a hospital environment receiving high technology, curative care. These veterans, who have served our country with honor and dignity, choose a different type of environment, one where pain management and emotional support are the focus. They are veterans like Tom, a West Virginian whose plight the committee learned of in 1991. The executive director of the Hospice of Huntington, WV, Charlene Farrell, told the committee that while Tom was in the hospital, suffering from cancer, this depressed veteran asked that the drapes be closed so he could sit in darkness. Eventually, his daughters decided to use their modest resources to purchase hospice care from a non-VA provider, because their father longed for the type of care and support that a hospital simply cannot offer. We owe veterans like Tom nothing less than the best hospice care our Nation can provide. The Veterans Hospice Care Services Act of 1995 will help us meet our obligation to these brave men and women.

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. 612

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans' Hospice Care Services Act of 1995''.

SEC. 2. PROGRAMS FOR FURNISHING HOSPICE CARE TO VETERANS.

(a) ESTABLISHMENT OF PROGRAMS.—Chapter 17 of title 38, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VII—HOSPICE CARE PILOT PROGRAM; HOSPICE CARE SERVICES

''§ 1761. Definitions

''For the purposes of this subchapter—

''(1) The term 'terminally ill veteran' means any veteran—

''(A) who is (i) entitled to receive hospital care in a medical facility of the Department under section 1710(a)(1) of this title, (ii) eligible for hospital or nursing home care in such a facility and receiving such care, (iii) receiving care in a State home facility for which care the Secretary is paying per diem under section 1741 of this title, or (iv) transferred to a non-Department nursing home for nursing home care under section 1720 of this title and receiving such care; and

''(B) who has a medical prognosis (as certified by a Department physician) of a life expectancy of six months or less.

''(2) The term 'hospice care services' means—

''(A) the care, items, and services referred to in subparagraphs (A) through (H) of section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1)); and

''(B) personal care services.

''(3) The term 'hospice program' means any program that satisfies the requirements of section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2)).

''(4) The term 'medical facility of the Department' means a facility referred to in section 1701(4)(A) of this title.

''(5) The term 'non-Department facility' means a facility (other than a medical facility of the Department) at which care to terminally ill veterans is furnished, regardless of whether such care is furnished pursuant to a contract, agreement, or other arrangement referred to in section 1762(b)(1)(D) of this title.

''(6) The term 'personal care services' means any care or service furnished to a person that is necessary to maintain a person's health and safety within the home or nursing home of the person, including care or services related to dressing and personal hygiene, feeding and nutrition, and environmental support.

''§ 1762. Hospice care: pilot program requirements

''(a)(1) During the period beginning on October 1, 1995, and ending on December 31, 2000, the Secretary shall conduct a pilot program in order—

''(A) to assess the desirability of furnishing hospice care services to terminally ill veterans; and

''(B) to determine the most effective and efficient means of furnishing such services to such veterans.

''(2) The Secretary shall conduct the pilot program in accordance with this section.

''(b)(1) Under the pilot program, the Secretary shall—

''(A) designate not less than 15 nor more than 30 medical facilities of the Department at or through which to conduct hospice care services demonstration projects;

''(B) designate the means by which hospice care services shall be provided to terminally ill veterans under each demonstration project pursuant to subsection (c);

''(C) allocate such personnel and other resources of the Department as the Secretary considers necessary to ensure that services are provided to terminally ill veterans by the designated means under each demonstration project; and

''(D) enter into any contract, agreement, or other arrangement that the Secretary considers necessary to ensure the provision of such services by the designated means under each such project.

''(2) In carrying out the responsibilities referred to in paragraph (1) the Secretary shall take into account the need to provide for and conduct the demonstration projects so as to provide the Secretary with such information as is necessary for the Secretary to evaluate and assess the furnishing of hospice care services to terminally ill veterans by a variety of means and in a variety of circumstances.

''(3) In carrying out the requirement described in paragraph (2), the Secretary shall, to the maximum extent feasible, ensure that—

''(A) the medical facilities of the Department selected to conduct demonstration projects under the pilot program include facilities located in urban areas of the United States and rural areas of the United States;

''(B) the full range of affiliations between medical facilities of the Department and medical schools is represented by the facilities selected to conduct demonstration projects under the pilot program, including no affiliation, minimal affiliation, and extensive affiliation;

''(C) such facilities vary in the number of beds that they operate and maintain; and

''(D) the demonstration projects are located or conducted in accordance with any other criteria or standards that the Secretary considers relevant or necessary to furnish and to evaluate and assess fully the furnishing of hospice care services to terminally ill veterans.

''(c)(1) Subject to paragraph (2), hospice care to terminally ill veterans shall be furnished under a demonstration project by one or more of the following means designated by the Secretary:

''(A) By the personnel of a medical facility of the Department providing hospice care services pursuant to a hospice program established by the Secretary at that facility.

''(B) By a hospice program providing hospice care services under a contract with that program and pursuant to which contract any necessary inpatient services are provided at a medical facility of the Department.

''(C) By a hospice program providing hospice care services under a contract with that program and pursuant to which contract any necessary inpatient services are provided at a non-Department medical facility.

''(2)(A) The Secretary shall provide that—

''(i) care is furnished by the means described in paragraph (1)(A) at not less than five medical facilities of the Department; and

''(ii) care is furnished by the means described in subparagraphs (B) and (C) of paragraph (1) in connection with not less than five such facilities for each such means.

''(B) The Secretary shall provide in any contract under subparagraph (B) or (C) of paragraph (1) that inpatient care may be provided to terminally ill veterans at a medical facility other than that designated in the contract if the provision of such care at such other facility is necessary under the circumstances.

''(d)(1) Except as provided in paragraph (2), the amount paid to a hospice program for care furnished pursuant to subparagraph (B) or (C) of subsection (c)(1) may not exceed the amount that would be paid to that program for such care under section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)) if such care were hospice care for which payment would be made under part A of title XVIII of such Act.

''(2) The Secretary may pay an amount in excess of the amount referred to in paragraph (1) (or furnish services whose value, together with any payment by the Secretary, exceeds such amount) to a hospice program for furnishing care to a terminally ill veteran pursuant to subparagraph (B) or (C) of subsection (c)(1) if the Secretary determines, on a case-by-case basis, that—

''(A) the furnishing of such care to the veteran is necessary and appropriate; and

''(B) the amount that would be paid to that program under section 1814(i) of the Social Security Act would not compensate the program for the cost of furnishing such care.

''§ 1763. Care for terminally ill veterans

''(a) During the period referred to in section 1762(a)(1) of this title, the Secretary shall designate not less than 10 medical facilities of the Department at which hospital care is being furnished to terminally ill veterans in order to furnish the care referred to in subsection (b)(1).

''(b)(1) Palliative care to terminally ill veterans shall be furnished at the facilities referred to in subsection (a) by one of the following means designated by the Secretary:

''(A) By personnel of the Department providing one or more hospice care services to such veterans at or through medical facilities of the Department.

''(B) By personnel of the Department monitoring the furnishing of one or more of such services to such veterans at or through non-Department facilities.

''(2) The Secretary shall furnish care by the means referred to in each of subparagraphs (A) and (B) of paragraph (1) at not less than five medical facilities designated under subsection (a).

''§ 1764. Information relating to hospice care services

''The Secretary shall ensure to the extent practicable that terminally ill veterans who have been informed of their medical prognosis receive information relating to the eligibility, if any, of such veterans for hospice care and services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

''§ 1765. Evaluation and reports

''(a) Not later than September 30, 1996, and on an annual basis thereafter until October 1, 2001, the Secretary shall submit a written report to the Committees on Veterans' Affairs of the Senate and House of Representatives relating to the conduct of the pilot program under section 1762 of this title and the furnishing of hospice care services under section 1763 of this title. Each report shall include the following information:

''(1) The location of the sites of the demonstration projects provided for under the pilot program.

''(2) The location of the medical facilities of the Department at or through which hospice care services are being furnished under section 1763 of this title.

''(3) The means by which care to terminally ill veterans is being furnished under each such project and at or through each such facility.

''(4) The number of veterans being furnished such care under each such project and at or through each such facility.

''(5) An assessment by the Secretary of any difficulties in furnishing such care and the actions taken to resolve such difficulties.

''(b) Not later than August 1, 1999, the Secretary shall submit to the committees referred to in subsection (a) a report containing an evaluation and assessment by the Under Secretary for Health of the hospice care pilot program under section 1762 of this title and the furnishing of hospice care services under section 1763 of this title. The report shall contain such information (and shall be presented in such form) as will enable the committees to evaluate fully the desirability of furnishing hospice care services to terminally ill veterans.

''(c) The report under subsection (b) shall include the following:

''(1) A description and summary of the pilot program.

''(2) With respect to each demonstration project conducted under the pilot program—

''(A) a description and summary of the project;

''(B) a description of the facility conducting the demonstration project and a discussion of how such facility was selected in accordance with the criteria set out in, or prescribed by the Secretary pursuant to, subparagraphs (A) through (D) of section 1762(b)(3) of this title;

''(C) the means by which hospice care services care are being furnished to terminally ill veterans under the demonstration project;

''(D) the personnel used to furnish such services under the demonstration project;

''(E) a detailed factual analysis with respect to the furnishing of such services, including (i) the number of veterans being furnished such services, (ii) the number, if any, of inpatient admissions for each veteran being furnished such services and the length of stay for each such admission, (iii) the number, if any, of outpatient visits for each such veteran, and (iv) the number, if any, of home-care visits provided to each such veteran;

''(F) the direct costs, if any, incurred by terminally ill veterans, the members of the families of such veterans, and other individuals in close relationships with such veterans in connection with the participation of veterans in the demonstration project;

''(G) the costs incurred by the Department in conducting the demonstration project, including an analysis of the costs, if any, of the demonstration project that are attributable to (i) furnishing such services in facilities of the Department, (ii) furnishing such services in non-Department facilities, and (iii) administering the furnishing of such services; and

''(H) the unreimbursed costs, if any, incurred by any other entity in furnishing services to terminally ill veterans under the project pursuant to section 1762(c)(1)(C) of this title.

''(3) An analysis of the level of the following persons' satisfaction with the services furnished to terminally ill veterans under each demonstration project:

''(A) Terminally ill veterans who receive such services, members of the families of such veterans, and other individuals in close relationships with such veterans.

''(B) Personnel of the Department responsible for furnishing such services under the project.

''(C) Personnel of non-Department facilities responsible for furnishing such services under the project.

''(4) A description and summary of the means of furnishing hospice care services at or through each medical facility of the Department designated under section 1763(a)(1) of this title.

''(5) With respect to each such means, the information referred to in paragraphs (2) and (3).

''(6) A comparative analysis by the Under Secretary for Health of the services furnished to terminally ill veterans under the various demonstration projects referred to in section 1762 of this title and at or through the designated facilities referred to in section 1763 of this title, with an emphasis in such analysis on a comparison relating to—

''(A) the management of pain and health symptoms of terminally ill veterans by such projects and facilities;

''(B) the number of inpatient admissions of such veterans and the length of inpatient stays for such admissions under such projects and facilities;

''(C) the number and type of medical procedures employed with respect to such veterans by such projects and facilities; and

''(D) the effectiveness of such projects and facilities in providing care to such veterans at the homes of such veterans or in nursing homes.

''(7) An assessment by the Under Secretary for Health of the desirability of furnishing hospice care services by various means to terminally ill veterans, including an assessment by the Director of the optimal means of furnishing such services to such veterans.

''(8) Any recommendations for additional legislation regarding the furnishing of care to terminally ill veterans that the Secretary considers appropriate.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

''SUBCHAPTER VII—HOSPICE CARE PILOT PROGRAM; HOSPICE CARE SERVICES

''1761. Definitions.
''1762. Hospice care: pilot program requirements.
''1763. Care for terminally ill veterans.
''1764. Information relating to hospice care services.
''1765. Evaluation and reports.''.

(c) AUTHORITY TO CARRY OUT OTHER HOSPICE CARE PROGRAMS.—The amendments made by subsection (a) may not be construed as terminating the authority of the Secretary of Veterans Affairs to provide hospice care services to terminally ill veterans under any program in addition to the programs required under the provisions added by such amendments.

(d) AUTHORIZATION OF APPROPRIATIONS.—Funds are authorized to be appropriated for the Department of Veterans Affairs for the purposes of carrying out the evaluation of the hospice care pilot programs under section 1765 of title 38, United States Code (as added by subsection (a)), as follows:

(1) For fiscal year 1996, $1,200,000.
(2) For fiscal year 1997, $2,500,000.
(3) For fiscal year 1998, $2,200,000.
(4) For fiscal year 1999, $100,000.●

By Mr. ROCKEFELLER (for himself, Mr. GRAHAM, Mr. AKAKA, Mr. DORGAN, Mr. MURKOWSKI, Mr. JEFFORDS, Mr. DASCHLE, Mr. LEAHY, Mrs. MURRAY, and Mr. WELLSTONE):

S. 613. A bill to authorize the Secretary of Veterans Affairs to conduct pilot programs in order to evaluate the feasibility of participation of the Department of Veterans Affairs health care system in the health care systems of States that have enacted health care reform; to the Committee on Veterans' Affairs.

VA STATE HEALTH CARE REFORM PILOT PROGRAM ACT

● Mr. ROCKEFELLER. Mr. President, although the efforts of the last Congress to provide national health care reform failed, many States have already enacted reform legislation. These States have taken the first, important steps on the road to universal coverage. I applaud the efforts of these courageous legislators. They are giving their citizens health care security. These State plans provide Congress with the perfect opportunity to learn from their successes and to study the effects of reform on existing Federal medical programs, including the VA medical system.

The VA medical system—the Nation's largest health care system—cannot participate fully in health care reform efforts in specific States because current Federal law makes it impossible for VA facilities to do so. This deprives VA of the kinds of experiences and information it needs to thrive under national health care reform. If this situation continues, we will miss a valuable opportunity to study the effects of reform.

At a February 9, 1994, Senate Committee on Veterans' Affairs' hearing on VA participation in State health care reform, then-Acting Deputy Under Secretary of Health, Elwood Headley, M.D., stated that as a public health care system, VA lacks experience in participating in a competitive environment.

Mr. President, I believe VA will do well in a national plan under which costs are controlled and coverage is expanded for all Americans, because VA already operates within a fixed budget. VA must, however, have the opportunity to learn what kinds of changes are needed in the VA medical system as a whole.

It is in the spirit of improving VA medical services for veterans that I am today introducing a bill that would require VA to conduct a pilot health care reform program. This VA State Health Care Reform Pilot Program would enable VA to participate in the health care reform programs of several States. I am delighted to be joined in sponsoring this bill by Committee members BOB GRAHAM, DAN AKAKA, BYRON DORGAN, FRANK MURKOWSKI, and JIM JEFFORDS, and by Senators TOM DASCHLE, PATRICK LEAHY, PATTY MURRAY, and PAUL WELLSTONE.

At the committee's February 9, 1994, hearing, John Bollinger, deputy executive director of the Paralyzed Veterans of America, testified that ''the pilot programs will give VA in those states the opportunity to become a full participant in the health care system. It will also provide valuable experience to draw upon when the full VA system faces the same challenges in the context of national health care reform.'' I agree wholeheartedly.

SUMMARY OF PROVISIONS

Mr. President, this legislation would enable VA to evaluate the most appropriate means of participating in reformed State health care systems, providing invaluable information to help them prepare for national health care reform.

This bill would give VA the authority to select up to five States with comprehensive health benefit plans in place, or where such plans are imminent, to participate in the pilot program for a period of 2 years. The bill would authorize VA facilities in the selected States to offer free comprehensive care to all compensable service-connected veterans and to all veterans with incomes below the current levels that apply to inpatient care.

The legislation would grant the Secretary authority to waive certain laws and regulations that could interfere with the ability of VA facilities to participate in State health care reform activities.

This legislation would give VA medical center directors flexibility in allocating their resources, except with respect to regional programs, such as spinal cord injury services, post-traumatic stress disorder, blind rehabilitation, and substance abuse programs, which are funded from central office.

The bill would give the head of the VA in selected States—the VA health system director—the authority to contract out for medical services without prior review from VA central office.

For other services, VA facilities within the State would have the authority to enter into contracts below $250,000 without prior review by central office. Contracts above $250,000 would be reviewed by central office, but would automatically be approved if central office did not make a decision within 30 days. This would give local VA facilities the autonomy they need to increase their number of providers in a timely manner.

This bill would also give local VA facilities more flexibility in the hiring process, by extending authority that is currently available for hiring certain title 38 personnel to the hiring of all staff. This is intended to help VA facilities hire the best possible employees in a timely manner.

The bill would exempt VA facilities in the pilot program from FTE cuts. Arbitrary FTE cuts could make it impossible for VA facilities to compete under health care reform.

The legislation would give the participating VA facilities the authority to carry over leftover funding from one year to the next. Again, this would help VA facilities make better use of limited funds.

Finally, this legislation would give VA the authority to collect employer contributions and other third-party payments for noncore veterans who choose VA health care. These payments would enable VA facilities to provide care for all veterans who choose VA health care, not just core veterans.

CONCLUSION

Mr. President, VA needs legislative relief from restrictions in current law which, although enacted for good and appropriate reasons, could prevent VA facilities from competing as providers in certain States. The major obstacle which must be overcome is that VA facilities cannot qualify as providers under some state plans because of current eligibility requirements. Under various State proposals, all citizens would be eligible to choose a provider, and all providers must offer the same basic package of services. In most States, VA could not be considered a provider for several reasons, including the restrictions which limit preventive and primary care.

Mr. President, the ''VA State Health Care Reform Pilot Program'' would provide VA with invaluable experience regarding how it needs to change in order to survive and thrive under health care reform. the ''VA State Health Care Reform Pilot Program'' will help us meet our obligation to the brave men and women who served in every branch of the Armed Forces, by improving the VA medical system that serves them.

Mr. President, one final note before closing. On Friday, March 17, 1995, Secretary of Veterans Affairs Jesse Brown submitted to our committee notice of a plan to realign the field management of the Veterans Health Administration. Pursuant to section 510(b) of title 38, United States Code, this realignment cannot go into effect for 90 days of continuous session of Congress.

Should there be no action of the Congress to modify the Secretary's proposed plan—and I know of no such proposed action at this point—VA will undertake a very significant realignment of the field management structure of VHA. I mention this possibility in the context of my introduction of this measure today, because it is likely that the proposed pilot authority would have to be modified in light of the realignment. Such changes in the legislation can be discussed later in the committee's consideration of the issue, at which time we will have a better sense of the outcome of the Secretary's proposed field realignment.

Mr. President, I am looking forward to working with Senator SIMPSON and all the members of the Senate Committee on Veterans' Affairs, as well as with the chairman of the House Committee on Veterans' Affairs, BOB STUMP, and chairman of the House Subcommittee on Hospitals and Health Care, TIM HUTCHINSON. This legislation was passed by the Senate in the last Congress, and I hope that we can move forward with it in this Congress.

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. 613

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 ''VA State Health Care Reform Pilot Program Act''.

SEC. 2. PURPOSE OF PILOT PROGRAMS.

The purpose of this Act is to authorize the participation of the Department of Veterans Affairs health care system in the health care systems of States that have enacted health care reform in order to evaluate the most appropriate means of enabling the Department health care system to participate in such systems and in the National health care system contemplated under any plans for National health care reform.

SEC. 3. HEALTH CARE PILOT PROGRAMS.

(a) IN GENERAL.—The Secretary may carry out pilot programs on the participation of the Department of Veterans Affairs health care system in the health care systems of States that have adopted comprehensive health benefit plans. The Secretary shall carry out any pilot program under this Act in accordance with the provisions of this Act.

(b) STATES ELIGIBLE FOR DESIGNATION.—(1) The Secretary shall designate each of not more than five States as a location for a pilot program under this Act. The Secretary shall complete the designation of States as locations for pilot programs not later than 30 days after the date of the enactment of this Act.

(2) The Secretary may designate a State as a location for a pilot program under this Act if the Secretary determines that—

(A) the State has enacted, or will soon enact, a statute establishing or providing for a comprehensive health benefit plan; and

(B) the participation of the health care system of the Department under the plan is feasible and appropriate in light of the purpose of this Act.

(c) DEPARTMENT PARTICIPATION IN STATE HEALTH BENEFIT PLANS—(1) To the maximum extent practicable, the Secretary shall provide eligible persons under each pilot program under this Act with the comprehensive package of basic health care benefits that would otherwise be available to such persons under the comprehensive health benefit plan of the State in which the pilot program is carried out. The Secretary shall provide such benefits through the health care system of the Department in such State as if such system were a provider of such benefits under such plan.

(2) Notwithstanding any other provision of law, a State may not prohibit the participation of the Department under the comprehensive health benefit plan of the State under a pilot program unless the chief executive officer of the State certifies to the Secretary that—

(A) the benefits to be provided by the Department under the pilot program do not meet requirements for quality of benefits established by or provided under the plan; or

(B) the location of Department facilities (including facilities providing services by contract or agreement with the Secretary) in the State is such that the proximity of eligible persons to such facilities does not meet requirements so established for such proximity.

(3) Not later than 30 days after the designation of a State as a location for a pilot program under this Act, and at such other times as the Secretary may determine, the Secretary and the health system director for that State shall jointly determine the regulations under the authority of the Secretary the waiver or modification of which is necessary in order to facilitate the carrying out of the pilot program. Upon such determination, the Secretary shall waive or modify the application of such regulations to the pilot program.

(4) The Secretary shall furnish any eligible person living in a State in which a pilot program is carried out (including any eligible person electing to receive benefits under the pilot program and any eligible person not electing to receive benefits under the pilot program) with the health care benefits for which such person is eligible under chapter 17 of title 38, United States Code, notwithstanding that the comprehensive package of basic health care benefits provided under the comprehensive health benefit plan of the State does not otherwise include such health care benefits. The Secretary shall furnish any health care benefits under this paragraph in accordance with the provisions of that chapter.

(5) The Secretary may not provide any health care benefit under a pilot program under this Act that the Secretary is not otherwise authorized to provide under the laws administered by the Secretary.

(d) HEALTH SYSTEM DIRECTOR.—(1) The Secretary shall designate a health system director for each State in which a pilot program is carried out under this Act. To the maximum extent feasible, the Secretary shall delegate to the health system directors the responsibilities of the Secretary under this Act.

(2)(A) Subject to subparagraph (B), the Secretary shall designate an individual as health system director for a State from among nominees for that position selected by a panel composed of individuals who are senior management personnel of the Department medical centers located in that State.

(B) An individual selected for nomination to be a health system director of a State under subparagraph (A) shall be—

(i) the director or chief of staff of a Department medical center located in the State in which the pilot program is carried out; or

(ii) any other individual having experience with the Department medical system that is equivalent to the experience with that system of an individual in a position referred to in clause (i).

(e) ADMINISTRATIVE REORGANIZATION.—The Secretary may carry out any administrative reorganization of an office, facility, activity, or function of the health care system of the Department in a State in which a pilot program is carried out that the Secretary and the health system director jointly determine to be necessary in order to facilitate the carrying out of the pilot program. Section 510(b) of title 38, United States Code, shall not apply to any such administrative reorganization.

(f) PROVISION OF BENEFITS.—(1)(A) Except as provided in subparagraph (B), the Secretary shall provide health care benefits under a pilot program—

(i) through the direct provision of such services by the health care system of the Department in the State in which the pilot program is carried out; or

(ii) by contract or other agreement in accordance with paragraph (2).

(B) The Secretary may exclude facilities of the Department from participation in a pilot program. Any facilities so excluded shall continue to provide health care benefits to veterans and other persons eligible for such benefits in accordance with the provisions of laws administered by the Secretary.

(2) The health system director of a pilot program may enter into contracts and agreements for the provision of health care services and contracts and agreements for other services with respect to the pilot program under paragraph (1)(A)(ii). Any such contract or agreement (including any lease) shall not be subject to the following provisions of law:

(A) Section 8110(c) of title 38, United States Code, relating to contracting of services at Department health-care facilities.

(B) Section 8122(a)(1) of such title, relating to the lease of Department property.

(C) Section 8125 of such title, relating to local contracts for the procurement of health-care items.

(D) Section 702 of title 5, United States Code, relating to the right of review of agency wrongs by courts of the United States.

(E) Sections 1346(a)(2) and 1491 of title 28, United States Code, relating to the jurisdiction of the district courts of the United States and the United States Court of Federal Claims, respectively, for the actions enumerated in such sections.

(F) Subchapter V of chapter 35 of title 31, United States Code, relating to adjudication of protests of violations of procurement statutes and regulations.

(G) Sections 3526 and 3702 of such title, relating to the settlement of accounts and claims, respectively, of the United States.

(H) Subsections (b)(7), (e), (f), (g), and (h) of section 8 of the Small Business Act (15 U.S.C. 637(b)(7), (e), (f), (g), and (h)), relating to requirements with respect to small businesses for contracts for property and services.

(I) The provisions of law assembled for purposes of codification of the United States Code as section 471 through 544 of title 40 that relate to the authority of the Administrator of General Services over the lease and disposal of Federal Government property.

(J) The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), relating to the procurement of property and services by the Federal Government.

(K) Chapter 3 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), relating to the procurement of property and services by the Federal Government.

(L) Office of Management and Budget Circular A–76.

(3)(A) Notwithstanding any other provision of law, contracts and agreements for the provision of health care services under this subsection may include contracts and other agreements with insurers, health care providers, or other individuals or entities that provide health care services.

(B) Contracts and agreements under this paragraph may be entered into without prior review by the Central Office of the Department.

(4)(A) Contracts and agreements under this subsection for services other than the services referred to in paragraph (3) (including contracts and agreements for procurement of equipment, maintenance and repair services, and other services related to the provision of health care services) shall not be subject to prior review by the Central Office if the amount of such contracts or agreements is less than $250,000.

(B) Contracts and agreements for services under this paragraph shall be subject to prior review by the Central Office if the amount of such contracts or agreements is $250,000 or greater. If the Central Office fails to approve or reject a contract or agreement under this clause within 30 days of its submittal to the Central Office, such contract or agreement shall be deemed approved by the Central Office.

(g) DEPARTMENT PERSONNEL.—(1) Notwithstanding any other provision of law and to the extent necessary to carry out the purpose of a pilot program, the Secretary may—

(A) appoint personnel to positions in the health care system of the Department in the State in which the pilot program is carried out in accordance with such standards for such positions as the Secretary may establish; and

(B) promote and advance personnel serving in such positions in accordance with such standards as the Secretary may establish.

(2) Not later than 60 days after the designation of a State as a location for a pilot program under this Act, or at such other time as the Secretary may determine, the Secretary shall request authority from the Director of the Office of Management and Budget to permit the Secretary to employ a number of full time equivalent employees in the health care system of the Department in that State which exceeds the number of such employees that would otherwise be authorized for such employment by the Director.

(3) Notwithstanding any other provision of law, employees of the Department at facilities of the Department under a pilot program shall not, during the carrying out of the pilot program, be subject to any reduction in the number of full time employees of the Department or as a result of a reduction in the number of full time employees of the Federal Government.

(h) ELIGIBLE PERSONS.—(1) A person eligible for health care benefits under a pilot program is any person residing in a State in which a pilot program is carried out as follows:

(A) Any veteran.

(B) Any spouse or child of a veteran.

(C) Any individual eligible for care under paragraph (2) or (3) of section 1713(a) of title 38, United States Code.

(2) Notwithstanding any other provision of law, a State may not require that any person other than a person referred to in paragraph (1) be eligible for health care benefits through the Department under a pilot program.

(i) COPAYMENTS AND OTHER CHARGES.—(1) Except as provided in paragraph (2), the Secretary may collect from or on behalf of any individual receiving health care benefits from the Secretary under a pilot program under this Act a premium, deductible, copayment, or other charge with respect to the provision of a benefit under the pilot program. The amount of the premium, deductible, copayment, or other charge collected with respect to a benefit provided under a pilot program may not exceed the maximum amount otherwise permitted for a premium, deductible, copayment, or other charge with respect to that benefit under the comprehensive health benefits plan of the State in which the pilot program is carried out.

(2)(A) Except as provided in subparagraph (B), the Secretary shall not collect under the pilot programs premiums, deductibles, copayments, and other charges with respect to the benefits provided by the Department to the following:

(i) Veterans with compensable service-connected disabilities.

(ii) Veterans whose discharge or release from active military, naval, or air service was for a compensable disability that was incurred or aggravated in the line of duty.

(iii) Veterans who are in receipt of, or who, but for a suspension pursuant to section 1151 of title 38, United States Code (or both a suspension and the receipt of retired pay), would be entitled to disability compensation, but only to the extent that such veterans' continuing eligibility for such care is provided for in the judgment or settlement provided for in such section.

(iv) Veterans who are former prisoners of war.

(v) Veterans of the Mexican border period or of World War I.

(vi) Veterans who are unable to defray the expenses of necessary care, as determined in accordance with section 1722(a) of such title.

(B) The Secretary may collect premiums, deductibles, copayments, and other charges with respect to benefits provided under a pilot program to veterans referred to in subparagraph (A) from any third party obligated to provide, or to pay the expenses of, such benefits to or for such veterans under the comprehensive health benefits plan of the State in which the pilot program is carried out.

(j) FUNDING.—(1) There is established in the Treasury a fund to be known as the Department of Veterans Affairs Health Care Reform Fund (hereafter referred to in this subsection as the ''Fund'').

(2)(A) Notwithstanding any other provision of law, amounts shall be deposited in the Fund as follows:

(i) Amounts collected under a pilot program in accordance with subsection (i).

(ii) Amounts made available to a pilot program based upon a determination under paragraph (3).

(iii) Amounts transferred to the Fund with respect to a pilot program under paragraph (4).

(iv) Such other amounts as the Secretary and the health system directors of the pilot programs jointly determine to be necessary in order to carry out the pilot programs.

(v) Such other amounts as may be appropriated to the pilot programs.

(B) The Secretary shall make available amounts under clauses (ii) and (iv) of subparagraph (A) from amounts appropriated to the Department of Veterans Affairs for the provision of health care services.

(C) The Secretary shall establish and maintain a separate account under the Fund for each pilot program carried out under this Act. Any deposits and expenditures with respect to a pilot program shall be made to or from the account established and maintained with respect to that pilot program.

(3)(A) For each year of the operation of a pilot program under this Act, the Secretary

shall deposit in account of the Fund for the pilot program an amount (as determined by the Secretary) equal to the amount that would otherwise be made available to the health care system of the Department in the State in which the pilot program is carried out for the payment of the cost of health care services by such system in that State in that year. The Secretary shall deposit such amount at the beginning of such year.

(B) The costs referred to in subparagraph (A) shall not include costs relating to the provision by the Secretary of the following services:

(i) Services relating to post-traumatic stress disorder.

(ii) Services relating to spinal-cord dysfunction.

(iii) Services relating to substance abuse.

(iv) Services relating to the rehabilitation of blind veterans.

(v) Services relating to prosthetics.

(4) Funds deposited in the Medical-Care Cost Recovery Fund established under section 1729(g) of title 38, United States Code, during any fiscal year in an amount in excess of the Congressional Budget Office baseline (as of the date of the enactment of this Act) for deposits in that fund for that fiscal year shall not be subject to paragraph (4) of section 1710(f), 1712(f), or 1729(g) (as the case may be) of that title, but shall be transferred to the fund established under this subsection. Such transfer for any fiscal year shall be made at any time that the total of amounts so received less amounts estimated to cover the expenses, payments, and costs described in paragraph (3) of section 1729(g) of that title is in excess of the applicable Congressional Budget Office baseline.

(5)(A) Notwithstanding any other provision of law, the health system director for a State in which a pilot program is carried out shall determine the costs for which amounts in the Fund may be expended in carrying out the pilot program.

(B)(i) Except as provided in clause (ii), the costs of carrying out a pilot program under this paragraph shall include any costs of marketing and advertising under the program, costs of legal services provided to such pilot program by the General Counsel of the Department of Veterans Affairs, and costs relating to acquisition (including acquisition of land), construction, repair, or renovation of facilities.

(ii) Costs under this subparagraph shall not include any costs relating to a major medical facility project or a major medical facility lease as such terms are defined in subparagraphs (A) and (B) of section 8104(a)(3) of title 38, United States Code, respectively.

(C) Amounts in the Fund for the payment of costs of a pilot program under this subsection shall be available for such purpose without fiscal year limitation.

(k) TERMINATION.—A pilot program carried out under this Act shall terminate not later than 2 years after the date of the commencement of provision of benefits under the pilot program.

SEC. 4. REPORTS ON PILOT PROGRAMS.

(a) COLLECTION OF INFORMATION.—(1) The Secretary shall collect such information with respect to the provision of health care benefits under each pilot program as is necessary to permit the Secretary to evaluate the pilot program in light of the purpose of the pilot program under this Act.

(2) The information collected by the Secretary under paragraph (1) shall include aggregated data on the following:

(A) The number of persons participating in each pilot program, including the age, sex, health status, disability ratings (if any), employment status, and incomes of such persons.

(B) The nature of benefits sought by such persons under each pilot program.

(C) The nature and quantity of benefits provided to such persons under each pilot program.

(D) The cost to the Department of providing such benefits under each pilot program.

(b) REPORTS.—(1) Not later than 14 months after the date of the completion of the designation of States as locations for pilot programs under this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the progress of the Secretary in carrying out the pilot programs. Such report shall include the information referred to in subsection (a)(2) on the date of the report.

(2) Not later than November 30 of the year of the termination of the final pilot program under this Act, the Secretary shall submit to the committees referred to in paragraph (1) a report on the pilot programs carried out under this Act. The report shall include the following:

(A) The information referred to in subsection (a)(2), together with the comments and conclusions of the Secretary with respect to such information.

(B) An assessment by the Secretary of the utility of each pilot program for carrying out the purpose of this Act.

(C) An assessment by the Secretary of appropriate means of integrating the health care system of the Department into the health care systems of States that have enacted health care reform and into the National health care system contemplated under any plans for National health care reform.

(D) Such other information, assessments, and conclusions as the Secretary considers appropriate.

SEC. 5. DEFINITIONS.

For the purposes of this Act—

(1) The terms ''Secretary'', ''Department'', ''veteran'', ''child'' and ''spouse'' have the meanings given such terms in paragraphs (1), (2), (4), and (31) of section 101 of title 38, United States Code, respectively.

(2) The term ''comprehensive health benefit plan'', in the case of a State, means a plan or system established under the law of the State that—

(A) attempts to ensure the access of residents of the State to a comprehensive package of basic health care benefits; and

(B) ensures such access by providing that such benefits shall be provided directly or by contract by public and private entities.

(3) The term ''comprehensive package of basic health care benefits'' means the health care benefits provided for by a State under the comprehensive health benefit plan of the State.

(4) The term ''health care system of the Department'', in the case of a State designated as a location for a pilot program, means the facilities and personnel of the Department located in that State that provide health care services under chapter 17 of title 38, United States Code.●

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 614. A bill to confer jurisdiction of the U.S. Court of Federal Claims with respect to land claims of Pueblo of Isleta Indian Tribe, and for other purposes; to the Committee on the Judiciary.

PUEBLO OF ISLETA LAND CLAIMS ACT

Mr. BINGAMAN. Mr. President, I rise today with my good friend and distinguished colleague, Senator DOMENICI, to reintroduce a bill on behalf of our constituents, the people of the Pueblo of Isleta in New Mexico. The Senate approved and passed an identical version of this measure in the previous Congress. Unfortunately, the House adjourned before its Members were able to take action on our bill, but a similar measure was approved by the House in the 102d Congress.

The legislation we are introducing today will provide authority for New Mexico's Pueblo of Isleta to file an aboriginal land claim in the United States Court of Federal Claims under the Indian Claims Act. The bill does not pass judgment on the claim or give the Pueblo priority on the court's docket. If, however, the Pueblo of Isleta proves to the court that it does indeed have a valid claim of aboriginal land use and occupancy, then appropriate monetary compensation would be determined by the court.

In April 1992, the House Judiciary Subcommittee on Administrative Law and Governmental Relations held a hearing on an early version of our bill. During that hearing, testimony made clear that the Pueblo of Isleta—like all the Pueblo Tribes in New Mexico—had standing to pursue land claims under the Indian Claims Act of 1946. Under the act, claims could be based either on title to the land or aboriginal use, but all claims must have been filed by 1951.

Unfortunately, due to incomplete or improper advice from counsel, the Pueblo of Isleta filed only a limited claim based on a Spanish land grant, to which there was a written record, before the 1951 deadline. According to tribal leaders, their fore-fathers were not informed by counsel that they could file a claim based on aboriginal land use. Significantly, the Pueblo's counsel was a Bureau of Indian Affairs official who was later found by the court to have given erroneous advice on a similar matter to the Pueblo of Zuni. Like many other tribes, the Pueblos of Zuni and Isleta were completely dependent on the Bureau of Indian Affairs for advice and assistance regarding land claims during the 1940's and 1950's.

Mr. President, this legislation would simply allow the Pueblo of Isleta to pursue a claim today, much like legislation Congress approved some years ago for the Pueblo of Zuni. Again, the bill does not give the Pueblo priority on the court's docket, and it does not pass judgement on the claim itself.

The people of the Pueblo of Isleta are entitled to their day in court. This bill assures them of that right. I urge my colleagues to support its swift passage.

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. 614

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

SECTION 1. JURISDICTION.

(a) IN GENERAL.—Notwithstanding sections 2401 and 2501 of title 28, United States Code, and section 12 of the Act of August 13, 1946 (60 Stat. 1052, chapter 959), or any other law that would interpose or support a defense of untimeliness, jurisdiction is hereby conferred upon the United States Court of Federal Claims to hear, determine, and render judgment on any claim by the Pueblo of Isleta Indian Tribe of New Mexico against the United States with respect to any lands or interests therein in the State of New Mexico or any adjoining State that were held by aboriginal title or otherwise and that were acquired from the tribe without payment of adequate compensation by the United States.

(b) INTEREST.—As a matter of adequate compensation, the United States Court of Federal Claims may award interest at a rate of 5 percent per year to accrue from the date on which such lands or interests therein were acquired from the tribe by the United States.

(c) LIMITATIONS.—Such jurisdiction is conferred only with respect to claims accruing on or before August 13, 1946. All such claims must be filed not later than 3 years after the date of enactment of this Act.

(d) JURISDICTION IS NOT DEPENDENT ON EXHAUSTION.—Such jurisdiction is conferred notwithstanding any failure of the tribe to exhaust any available administrative remedy.

SEC. 2. CERTAIN DEFENSES NOT APPLICABLE.

Any award made to any Indian tribe other than the Pueblo of Isleta Indian Tribe of New Mexico before, on, or after the date of the enactment of this Act, under any judgment of the Indian Claims Commission or any other authority, with respect to any lands that are the subject of a claim submitted by the tribe under section 1 shall not be considered a defense, estoppel, or set-off to such claim, and shall not otherwise affect the entitlement to, or amount of, any relief with respect to such claim.

By Mr. AKAKA (for himself and Mr. CRAIG):

S. 615. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war; to the Committee on Veterans' Affairs.

VETERANS OUTPATIENT HEALTH CARE ACT

Mr. AKAKA. Mr. President, today I am introducing legislation that would ensure that all former prisoners of war [POW's] receive outpatient care provided by the Department of Veterans Affairs [VA]. Under current law, POW's with service-connected disabilities are entitled to outpatient medical services. However, POW's with less than 30 percent disability may be provided outpatient services at the discretion of VA. This distinction is unfair to many POW's and fails to recognize the trauma and brutality of imprisonment endured by all former POW's. I am pleased to have Senators CRAIG, ROCKEFELLER, and CAMPBELL join me as original cosponsors of this measure.

Mr. President, the need for this legislation is clear. All of America's POW's deserve to be treated equally. Americans would agree that those who served in defense of our Nation and were imprisoned by the enemy deserve special consideration.

Some may feel this legislation is unnecessary because VA has been providing outpatient services to POW's. But, when times get tough and funding becomes tight, POW's without service-connected disabilities, or with a lower disability rating, may be denied outpatient care. This is exactly what happened in 1990. Due to budgetary reasons, two midwestern VA medical centers began denying outpatient services to former POW's. Fortunately, through congressional intervention, this policy was reversed and POW's continued to receive ambulatory care. Although we are facing a lean fiscal climate, accountants should not determine whether our POW's receive outpatient care.

This bill only seeks to ensure that VA will continue to provide outpatient services at all times to POW's. As of January 1, 1995, there were only 62,676 former U.S. POW's, 94 percent of whom served in World War II. As we observe the 50th anniversary of the conclusion of World War II, this bill provides a fitting tribute to the sacrifices made by POW's on behalf of our country.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 615

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

SECTION 1. ELIGIBILITY OF FORMER PRISONERS OF WAR TO RECEIVE OUTPATIENT MEDICAL SERVICES FROM THE DEPARTMENT OF VETERANS AFFAIRS.

Section 1712(a)(1) of title 38, United States Code, is amended—

(1) by striking out ''and'' at the end of subparagraph (C);

(2) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof ''; and''; and

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

''(E) to any former prisoner of war for any disability.''.

AMERICAN EX-PRISONERS OF WAR,
NATIONAL CAPITAL OFFICE,
Washington, DC, March 22, 1995.

Hon. DANIEL K. AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: On behalf of our 33,000 members, I want to thank you very warmly for introducing the bill to guarantee outpatient care for ex-POWs.

This bill, which was passed in 1992 by the Senate, means a great deal to our members. Several years ago two VA Medical Centers discontinued outpatient care to ex-POWs to save money. Although outpatient care was restored to those Centers, we never know when this may occur again.

Senator Akaka, we consider you a good friend of the former prisoners of war, and we are looking forward to working with your colleagues to assure enactment by Congress.

Again our sincere gratitude to you for introducing this bill for us.

Sincerely,

CHARLES S. PRIGMORE,
National Commander.

• Mr. CRAIG. Mr. President, I am pleased to be joining my colleague from Hawaii, Senator AKAKA, in introducing legislation that will clarify veterans health services for ex-prisoners of war [ex-POW].

This bill will amend title 38 of the United States Code, ensuring access to outpatient medical services for any disability of a former prisoner of war. Mr. President, these services are currently being provided in accordance with a directive from the Secretary of the Veterans Administration. This bill is necessary in order to secure, by law, access to these services by our veterans who have suffered as prisoners of war.

The law currently covers inpatient medical services for ex-POWs. However, as medical care continues to convert into more outpatient care, we need to ensure that those who are in need of care can obtain it in the most cost-effective manner. In the long-term this should ensure that we continue to provide care in the most cost effective manner as more ailments are treated on an outpatient basis. In short, we will be better able to control costs and provide better delivery of care to those veterans who suffered at the hands of our enemies as prisoners of war.

Mr. President, I would like to point out that bills similar to this one have previously passed the Senate. However, they have never completed the process leading to enactment. I hope that my colleagues will see the merit in this legislation and support it so that we can see it signed into law during this Congress.•

By Mr. BINGAMAN:

S. 616. A bill to amend the Tariff Act of 1930 to provide parity between the United States and certain free-trade agreement countries with respect to the exemption for personal and household effects purchased abroad by returning residents, and for other purposes; to the Committee on Finance.

BORDER TARIFFS ACT

Mr. BINGAMAN. Mr. President, I rise today to offer a bill to correct an inequity that has developed along our border with Mexico with respect to tariffs on goods crossing the border.

The United States currently permits duty-free entry of $400 of retail goods for personal consumption each month. There is a 10-percent duty on the next 1,000 dollars' worth of purchases brought into the United States. Mexico, by contrast, limits the amount of goods that can be imported for personal consumption to $50 per day. Goods above that amount have a duty of approximately 33 percent.

Mr. President, this difference in policy obviously hampers trade along our borders. It is yet another burden on our border businesses, which are also currently struggling with the adverse effects of the peso crisis on the ability of Mexican citizens to purchase goods in the United States.

Before introducing this legislation in the 103d Congress, I had hoped that this problem could be corrected administratively. I wrote to the Secretary of

State about this issue. With my fellow border Senators, I also contacted the Commissioner of Customs in our country and President Salinas in Mexico. All, ultimately, to no avail.

I still believe that there are two tracks we can take to persuade the Government of Mexico to increase its duty-free limit, and I believe that we should pursue both of them. The first is to get our Government to negotiate with the Government of Mexico to equalize the duties. My good friend and colleague from Arizona, Senator DeConcini, who retired at the end of the 103d Congress, inserted language in the fiscal year 1995 Commerce, State, Justice appropriations report that would direct the U.S. Trade Representative to make doing so a priority. It is my understanding that USTR officials have raised the issue in trade talks, but that the issue has yet to be resolved. Until it is resolved, I believe that we should pursue a second track, that of changing the exemption provided for in our tariff laws to match that of Mexico's. Together, these two actions can help ensure that retail businesses on both sides of the border are on the same footing.

So, today, I rise to again offer legislation that would equalize the amount of personal retail goods that can cross the border duty-free in either direction. This legislation simply says that our duty will not be lower than Mexico's.

By Mr. COATS (for himself and Mr. LIEBERMAN):

S. 618. A bill to provide a low-income school choice demonstration program; to the Committee on Labor and Human Resources.

SCHOOL CHOICE DEMONSTRATION ACT

Mr. COATS. Mr. President, I rise today, with my colleague from Connecticut, to introduce the School Choice Demonstration Act. This bill will establish 10 to 20 demonstration projects to study the effects of providing low-income parents and their children with financial assistance to enable them to select the public or private school of their choice.

This is a very simple and straightforward bill—we want to enable low-income parents to choose the school their children attend. They can select a public or a private school, but the point is that they will be able to make a choice. Up until now, only those families who can afford to send their children to private schools have had that option. Senator LIEBERMAN and I believe that all families should have the opportunity to choose where their children will be educated. For too long, we have asked everyone to pay for a particular type of education without ensuring that people have a say in what they receive for their money.

American education has reached a critical point. Time has taught us that we cannot simply throw more and more money at the public schools, and rely on that to improve education. As many of you know, annual per pupil spending has tripled in the last 30 years, while student achievement has dropped dramatically, evidenced by a decrease in average SAT scores of almost 90 points. Clearly, more money is not the solution.

We have to do something soon. In inner cities across America, almost half of all high school students fail to graduate. This is a chilling statistic. We should take it as a wake up call. Obviously, something is seriously wrong with our educational system. This bill proposes an option for some students who are not succeeding in the public education system.

Our bill is simple. It says, let us allot a small amount of funds, so that 10 to 20 demonstration grants can be awarded to local districts around the country who are interested in offering increased educational opportunities to their students. The funds granted by this bill will provide assistance to children from the lowest-income homes. The children eligible under this program are those children who qualify for reduced or free school lunches. These funds will only go to low-income families. And they are to be used to pay for education costs at public or private schools. The parents choose which school their child will attend.

We have incorporated a very strict civil rights and desegregation protection clause to make sure that participating schools can in no way discriminate on the basis of race. We also stipulate that demonstration projects cannot continue if they interfere with these desegregation plans.

The cost of this program will be $30 million and there will be no more than 20 projects. School districts would voluntarily apply for the grants through the secretary of education, and we have established some criteria for the secretary to make the determination as to which districts would be included.

This bill also requires that a nationwide evaluation of the demonstration program be conducted. Up until now, discussion concerning the actual effects of school choice policies has been limited by a lack of conclusive data. This bill addresses that need for objective data. An evaluation will give us a baseline from which to conduct our discussion at the Federal level.

Many localities are already experimenting with some type of school choice. My home State of Indiana, for example, has several existing choice initiatives under way. One program, originated by Golden Rule Insurance, helps low-income children in Indianapolis attend the private school of their choice by awarding them scholarships to cover up to half of the tuition costs. There are currently 1,100 students being sponsored, and 650 kids are on the waiting list. Our public schools are also experimenting with choice. Indianapolis public schools, for example, has initiated the select schools program, by which parents can choose which IPS school their child will attend. Eighty-six percent of IPS parents participated in this program this year.

I have spoken with educators in a district in Indiana who have already expressed an interest in the program. Some public school educators have met with private and parochial school educators and there is a real interest in testing the concept to see how it works, to work out the bugs, and to see if it would actually make a difference.

None of you should have any reason to oppose this bill. It is not a mandate. It is a purely voluntary program for those local education associations who are interested in broadening the educational opportunities offered in their community. This bill provides a basis by which we in Congress can evaluate the validity of this particular concept. If it results in substantially new opportunities for low-income children, then shouldn't such data be offered to school districts and education agencies across this country? Why would we not want to have this information available so we can make intelligent choices? After all, we are not here to protect a particular system. Our bottom line is to provide the best education opportunities to American children. For far too long, we have denied low-income families the educational choice that many others have.

It is important to understand what this bill does not do. It does not force choice on anyone. This bill presents a purely voluntary program. It will not upset the American public education system. Ten to twenty voluntary choice programs throughout the country will not upset public education.

Furthermore, Federal resources will not be drained from any public school or education system. The Secretary cannot reduce or deny funds that a public school would otherwise be eligible for, even though students in that school or school system opted out or numbers decreased. This bill does not violate civil rights protections. It does not destroy public education. In fact, I think it enhances public education.

My home is Fort Wayne, IN. For decades our education system has thrived on competition. We have a vigorous Catholic school education system in Fort Wayne, IN. We have a Lutheran school system because of our heavy concentration of people of Lutheran belief. They have established their own system.

These two systems exist, along with other private education opportunities, side by side with the public education system in Fort Wayne and they are all thriving. They are thriving because the parents and students of Fort Wayne have a choice. The competition between those three systems has caused each system to better their education program to compete with each other for the students, and they work hand in hand. Parents in Fort Wayne have opportunities which parents in many States and areas do not have.

This bill says that it is time for low-income families to have the same

choice concerning their child's school that those who can afford to send their kids to private schools already have. Let's try this limited demonstration project and see if it improves the education of some of America's neediest children.

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. 618

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 ''Low-Income School Choice Demonstration Act of 1995''.

SEC. 2. PURPOSE.

The purpose of this Act is to determine the effects on students and schools of providing financial assistance to low-income parents to enable such parents to select the public or private schools their children will attend.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term ''choice school'' means any public or private school, including a private sectarian school or a public charter school, that is involved in a demonstration project assisted under this Act;

(2) the term ''eligible child'' means a child in grades 1 through 12 who is eligible for free or reduced price lunches under the National School Lunch Act;

(3) the term ''eligible entity'' means a public agency, institution, or organization, such as a State, a State or local educational agency, a consortium of public agencies, or a consortium of public and private nonprofit organizations, that can demonstrate, to the satisfaction of the Secretary, its ability to—

(A) receive, disburse, and account for Federal funds; and

(B) carry out the activities described in its application under this Act;

(4) the term ''evaluating agency'' means any academic institution, consortium of professionals, or private or nonprofit organization, with demonstrated experience in conducting evaluations, that is not an agency or instrumentality of the Federal Government;

(5) the term ''local educational agency'' has the same meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965;

(6) the term ''parent'' includes a legal guardian or other individual acting in loco parentis;

(7) the term ''school'' means a school that provides elementary education or secondary education (through grade 12), as determined under State law; and

(8) the term ''Secretary'' means the Secretary of Education.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $30,000,000 for fiscal year 1996, and such sums as may be necessary for each of the fiscal years 1997 and 1998, to carry out this Act.

SEC. 5. PROGRAM AUTHORIZED.

(a) RESERVATION.—From the amount appropriated pursuant to the authority of section 4 in any fiscal year, the Secretary shall reserve and make available to the Comptroller General of the United States 5 percent for evaluation of programs assisted under this Act in accordance with section 11.

(b) GRANTS.—

(1) IN GENERAL.—From the amount appropriated pursuant to the authority of section 4 and not reserved under subsection (a) for any fiscal year, the Secretary shall award grants to eligible entities to enable such entities to carry out at least 10, but not more than 20, demonstration projects under which low-income parents receive education certificates for the costs of enrolling their eligible children in a choice school.

(2) AMOUNT.—The Secretary shall award grants under paragraph (1) for fiscal year 1996 so that—

(A) not more than 2 grants are awarded in amounts of $5,000,000 or less; and

(B) grants not described in subparagraph (A) are awarded in amounts of $3,000,000 or less.

(3) CONTINUING ELIGIBILITY.—The Secretary shall continue a demonstration project under this Act by awarding a grant under paragraph (1) to an eligible entity that received such a grant for a fiscal year preceding the fiscal year for which the determination is made, if the Secretary determines that such eligible entity was in compliance with this Act for such preceding fiscal year.

(c) USE OF GRANTS.—Grants awarded under subsection (b) shall be used to pay the costs of—

(1) providing education certificates to low-income parents to enable such parents to pay the tuition, the fees, the allowable costs of transportation, if any, and the costs of complying with section 9(a)(1), if any, for their eligible children to attend a choice school; and

(2) administration of the demonstration project, which shall not exceed 15 percent of the amount received in the first fiscal year for which the eligible entity provides education certificates under this Act or 10 percent in any subsequent year, including—

(A) seeking the involvement of choice schools in the demonstration project;

(B) providing information about the demonstration project, and the schools involved in the demonstration project, to parents of eligible children;

(C) making determinations of eligibility for participation in the demonstration project for eligible children;

(D) selecting students to participate in the demonstration project;

(E) determining the amount of, and issuing, education certificates;

(F) compiling and maintaining such financial and programmatic records as the Secretary may prescribe; and

(G) collecting such information about the effects of the demonstration project as the evaluating agency may need to conduct the evaluation described in section 11.

(d) SPECIAL RULE.—Any school participating in the demonstration program under this Act shall comply with title VI of the Civil Rights Act of 1964 and not discriminate on the basis of race, color, or national origin.

SEC. 6. AUTHORIZED PROJECTS; PRIORITY.

(a) AUTHORIZED PROJECTS.—The Secretary may award a grant under this Act only for a demonstration project that—

(1) involves at least one local educational agency that—

(A) receives funds under section 1124A of the Elementary and Secondary Education Act of 1965; and

(B) is among the 20 percent of local educational agencies receiving funds under section 1124A of such Act in the State and having the highest number of children described in section 1124(c) of such Act; and

(2) includes the involvement of a sufficient number of public and private choice schools, in the judgment of the Secretary, to allow for a valid demonstration project.

(b) PRIORITY.—In awarding grants under this Act, the Secretary shall give priority to demonstration projects—

(1) in which choice schools offer an enrollment opportunity to the broadest range of eligible children;

(2) that involve diverse types of choice schools; and

(3) that will contribute to the geographic diversity of demonstration projects assisted under this Act, including awarding grants for demonstration projects in States that are primarily rural and awarding grants for demonstration projects in States that are primarily urban.

SEC. 7. APPLICATIONS.

(a) IN GENERAL.—Any eligible entity that wishes to receive a grant under this Act shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

(b) CONTENTS.—Each application described in subsection (a) shall contain—

(1) information demonstrating the eligibility for participation in the demonstration program of the eligible entity;

(2) with respect to choice schools—

(A) a description of the standards used by the eligible entity to determine which public and private schools are within a reasonable commuting distance of eligible children and present a reasonable commuting cost for such eligible children;

(B) a description of the types of potential choice schools that will be involved in the demonstration project;

(C)(i) a description of the procedures used to encourage public and private schools to be involved in the demonstration project; and

(ii) a description of how the eligible entity will annually determine the number of spaces available for eligible children in each choice school;

(D) an assurance that each choice school will not impose higher standards for admission or participation in its programs and activities for eligible children provided education certificates under this Act than the choice school does for other children;

(E) an assurance that each choice school operated, for at least 1 year prior to accepting education certificates under this Act, an educational program similar to the educational program for which such choice school will accept such education certificates;

(F) an assurance that the eligible entity will terminate the involvement of any choice school that fails to comply with the conditions of its involvement in the demonstration project; and

(G) a description of the extent to which choice schools will accept education certificates under this Act as full or partial payment for tuition and fees;

(3) with respect to the participation in the demonstration project of eligible children—

(A) a description of the procedures to be used to make a determination of eligibility for participation in the demonstration project for an eligible child, which shall include—

(i) the procedures used to determine eligibility for free or reduced price lunches under the National School Lunch Act; or

(ii) any other procedure, subject to the Secretary's approval, that accurately establishes the eligibility for such participation for an eligible child;

(B) a description of the procedures to be used to ensure that, in selecting eligible children to participate in the demonstration project, the eligible entity will—

(i) apply the same criteria to both public and private school eligible children; and

(ii) give priority to eligible children from the lowest income families;

(C) a description of the procedures to be used to ensure maximum choice of schools for participating eligible children, including procedures to be used when—

(i) the number of parents provided education certificates under this Act who desire to enroll their eligible children in a particular choice school exceeds the number of eligible children that the choice school will accept; and

(ii) grant funds and funds from local sources are insufficient to support the total cost of choices made by parents with education certificates under this Act; and

(D) a description of the procedures to be used to ensure compliance with section 9(a)(1), which may include—

(i) the direct provision of services by a local educational agency; and

(ii) arrangements made by a local educational agency with other service providers;

(4) with respect to the operation of the demonstration project—

(A) a description of the geographic area to be served;

(B) a timetable for carrying out the demonstration project;

(C) a description of the procedures to be used for the issuance and redemption of education certificates under this Act;

(D) a description of the procedures by which a choice school will make a pro rata refund of the education certificate under this Act for any participating eligible child who withdraws from the school for any reason, before completing 75 percent of the school attendance period for which the education certificate was issued;

(E) a description of the procedures to be used to provide the parental notification described in section 10;

(F) an assurance that the eligible entity will place all funds received under this Act into a separate account, and that no other funds will be placed in such account;

(G) an assurance that the eligible entity will provide the Secretary periodic reports on the status of such funds;

(H) an assurance that the eligible entity will cooperate with the Comptroller General of the United States and the evaluating agency in carrying out the evaluations described in section 11; and

(I) an assurance that the eligible entity will—

(i) maintain such records as the Secretary may require; and

(ii) comply with reasonable requests from the Secretary for information; and

(5) such other assurances and information as the Secretary may require.

SEC. 8. EDUCATION CERTIFICATES.

(a) EDUCATION CERTIFICATES.—

(1) AMOUNT.—The amount of an eligible child's education certificate under this Act shall be determined by the eligible entity, but shall be an amount that provides to the recipient of the education certificate the maximum degree of choice in selecting the choice school the eligible child will attend.

(2) CONSIDERATIONS.—

(A) IN GENERAL.—Subject to such regulations as the Secretary shall prescribe, in determining the amount of an education certificate under this Act an eligible entity shall consider—

(i) the additional reasonable costs of transportation directly attributable to the eligible child's participation in the demonstration project; and

(ii) the cost of complying with section 9(a)(1).

(B) SCHOOLS CHARGING TUITION.—If an eligible child participating in a demonstration project under this Act was attending a public or private school that charged tuition for the year preceding the first year of such participation, then in determining the amount of an education certificate for such eligible child under this Act the eligible entity shall consider—

(i) the tuition charged by such school for such eligible child in such preceding year; and

(ii) the amount of the education certificates under this Act that are provided to other eligible children.

(3) SPECIAL RULE.—An eligible entity may provide an education certificate under this Act to the parent of an eligible child who chooses to attend a school that does not charge tuition or fees, to pay the additional reasonable costs of transportation directly attributable to the eligible child's participation in the demonstration project or the cost of complying with section 9(a)(1).

(b) ADJUSTMENT.—The amount of the education certificate for a fiscal year may be adjusted in the second and third years of an eligible child's participation in a demonstration project under this Act to reflect any increase or decrease in the tuition, fees, or transportation costs directly attributable to that eligible child's continued attendance at a choice school, but shall not be increased for this purpose by more than 10 percent of the amount of the education certificate for the fiscal year preceding the fiscal year for which the determination is made. The amount of the education certificate may also be adjusted in any fiscal year to comply with section 9(a)(1).

(c) MAXIMUM AMOUNT.—Notwithstanding any other provision of this section, the amount of an eligible child's education certificate shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency in which the public school to which the eligible child would normally be assigned is located for the fiscal year preceding the fiscal year for which the determination is made.

(d) INCOME.—An education certificate under this Act, and funds provided under the education certificate, shall not be treated as income of the parents for purposes of Federal tax laws or for determining eligibility for any other Federal program.

SEC. 9. EFFECT ON OTHER PROGRAMS; USE OF SCHOOL LUNCH DATA.

(a) EFFECT ON OTHER PROGRAMS.—

(1) IN GENERAL.—An eligible child participating in a demonstration project under this Act, who, in the absence of such a demonstration project, would have received services under part A of title I of the Elementary and Secondary Education Act of 1965 shall be provided such services.

(2) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this Act shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act.

(b) COUNTING OF ELIGIBLE CHILDREN.—Notwithstanding any other provision of law, any local educational agency participating in a demonstration project under this Act may count eligible children who, in the absence of such a demonstration project, would attend the schools of such agency, for purposes of receiving funds under any program administered by the Secretary.

(c) SPECIAL RULE.—Notwithstanding section 9 of the National School Lunch Act, an eligible entity receiving a grant under this Act may use information collected for the purpose of determining eligibility for free or reduced price lunches to determine an eligible child's eligibility to participate in a demonstration project under this Act and, if needed, to rank families by income, in accordance with section 7(b)(3)(B)(ii). All such information shall otherwise remain confidential, and information pertaining to income may be disclosed only to persons who need that information for the purposes of a demonstration project under this Act.

(d) CONSTRUCTION.—

(1) SECTARIAN INSTITUTIONS.—Nothing in this Act shall be construed to supersede or modify any provision of a State constitution or State law that prohibits the expenditure of public funds in or by sectarian institutions, except that no provision of a State constitution or State law shall be construed to prohibit the expenditure in or by sectarian institutions of any Federal funds provided under this Act.

(2) DESEGREGATION PLANS.—Nothing in this Act shall be construed to interfere with any desegregation plans that involve school attendance areas affected by this Act.

SEC. 10. PARENTAL NOTIFICATION.

Each eligible entity receiving a grant under this Act shall provide timely notice of the demonstration project to parents of eligible children residing in the area to be served by the demonstration project. At a minimum, such notice shall—

(1) describe the demonstration project;

(2) describe the eligibility requirements for participation in the demonstration project;

(3) describe the information needed to make a determination of eligibility for participation in the demonstration project for an eligible child;

(4) describe the selection procedures to be used if the number of eligible children seeking to participate in the demonstration project exceeds the number that can be accommodated in the demonstration project;

(5) provide information about each choice school, including information about any admission requirements or criteria for each choice school participating in the demonstration project; and

(6) include the schedule for parents to apply for their eligible children to participate in the demonstration project.

SEC. 11. EVALUATION.

(a) ANNUAL EVALUATION.—

(1) CONTRACT.—The Comptroller General of the United States shall enter into a contract, with an evaluating agency that has demonstrated experience in conducting evaluations, for the conduct of an ongoing rigorous evaluation of the demonstration program under this Act.

(2) ANNUAL EVALUATION REQUIREMENT.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to annually evaluate each demonstration project under this Act in accordance with the evaluation criteria described in subsection (b).

(3) TRANSMISSION.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to transmit to the Comptroller General of the United States—

(A) the findings of each annual evaluation under paragraph (1); and

(B) a copy of each report received pursuant to section 12(a) for the applicable year.

(b) EVALUATION CRITERIA.—The Comptroller General of the United States, in consultation with the Secretary, shall establish minimum criteria for evaluating the demonstration program under this Act. Such criteria shall provide for—

(A) a description of the implementation of each demonstration project under this Act and the demonstration project's effects on all participants, schools, and communities in the demonstration project area, with particular attention given to the effect of parent participation in the life of the school and the level of parental satisfaction with the demonstration program; and

(B) a comparison of the educational achievement of all students in the demonstration project area, including a comparison of—

(i) students receiving education certificates under this Act; and

(ii) students not receiving education certificates under this Act.

SEC. 12. REPORTS.

(a) REPORT BY GRANT RECIPIENT.—Each eligible entity receiving a grant under this Act shall submit to the evaluating agency entering into the contract under section 11(a)(1) an annual report regarding the demonstration project under this Act. Each such report shall be submitted at such time, in such manner, and accompanied by such information, as such evaluating agency may require.

(b) REPORTS BY COMPTROLLER GENERAL.—

(1) ANNUAL REPORTS.—The Comptroller General of the United States shall report annually to the Congress on the findings of the annual evaluation under section 11(a)(2) of each demonstration project under this Act. Each such report shall contain a copy of—

(A) the annual evaluation under section 11(a)(2) of each demonstration project under this Act; and

(B) each report received under subsection (a) for the applicable year.

(2) FINAL REPORT.—The Comptroller General shall submit a final report to the Congress within 9 months after the conclusion of the demonstration program under this Act that summarizes the findings of the annual evaluations conducted pursuant to section 11(a)(2).

Mr. LIEBERMAN. Mr. President, I am very pleased to join Senator COATS today to introduce the Low-Income School Choice Demonstration Act. I know Senator COATS shares my deep commitment to improving education. All of our children deserve and need the best possible academic instruction. Increasing school choice will help give more children the opportunity they deserve.

Our bill authorizes up to 20 demonstration projects to determine the effects on students and schools of providing education vouchers to low-income parents for their children. Parents would use the vouchers to choose the public or private school their child would attend. The demonstration programs will give participating children new opportunities, and will provide those participating children new opportunities, and will provide those of us seeking to strengthen education with a fair evaluation of private school choice programs.

Education in America is in need of change. We are failing too many of our children. The performance of our kids lags behind that of children living in those countries we compete with in the global marketplace. While we have many fine schools, we have too many that do not give our children what they need to succeed.

I have visited many excellent public schools in Connecticut, and have met countless dedicated and effective teachers and administrators. I command them for their work and am committed to supporting their efforts. At the same time, it is clear that the public schools are not working for all students, particularly in our poorest communities. We have a responsibility to seek more effective ways to address the needs of these children.

School choice programs expand opportunity for low-income children. They provide low-income children with the same options other kids have. For some that may mean another public school, for others a private or parochial school.

Private school choice opens doors for children in our poorest neighborhoods, where religious schools—particularly Catholic schools—often have had better results than public schools. I have long believed what some research has shown—that the success of parochial schools is in part due to their students' and teachers' shared beliefs and strong moral values. Lower-income parents who want their kids to learn in a religious environment should have that chance, just as wealthier parents do.

Some fear that school choice programs will hurt our public schools, but I think choice will help revitalize public education. A national panel of experts, the Panel on the Economics of Educational Reform, recently concluded that public schools have few incentives for innovation. Good, effective teachers are often not rewarded by greater pay. Programs are rarely evaluated systematically to see if they are working.

Choice programs and charter school programs hold schools accountable for results. Voucher programs let parents and students reward good schools—public or private schools—with their business. That increased competition may help those students who stay put as well as those who choose to attend a new school.

As a U.S. Senator I have worked to promote public and private school choice. Last year Congress passed legislation, which I had co-authored, to promote the establishment of charter schools—public schools that are freed from burdensome regulatory requirements and are instead held accountable for improving the performance of their students. I am pleased that Congress made a commitment to public school choice, and will work to ensure the new program the rapidly growing interest in charter schools.

This year Senator COATS and I are introducing legislation that establishes demonstration programs that provide parents with the ability to choose private or public schools, including public charter schools and private parochial schools. The demonstrations will allow low-income children to attend the public or private school of their choice. The bill will also fund evaluations so that we can learn more about how voucher programs affect public and private schools, and how they affect our children's ability to learn.

Improving public education is and must be our country's top priority. What we are trying to do is find new ways to accomplish that goal. School choice programs should be tested. They create competition for failing bureaucracies and failing schools. They reward public and private schools that work. And, most important, they give our poorest students the chance for a better education and a better life.

Mr. President, I thank Senator COATS for his leadership on this bill, and I look forward to continuing to work with him to ensure our children have the education and opportunity they deserve.

By Mr. SMITH (for himself, Mr. LAUTENBERG, Mr. FAIRCLOTH, Mr. MCCONNELL, Mr. SIMON, Mr. MACK, Mr. BOND, Mr. GRAHAM, Mr. LIEBERMAN, Mr. WARNER and Mr. REID):

S. 619. A bill to phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and certain other batteries, and for other purposes; to the Committee on Environment and Public Works.

THE MERCURY-CONTAINING AND RECHARGEABLE BATTERY MANAGEMENT ACT

MR. SMITH. Mr. President, today I am introducing the Mercury-Containing and Rechargeable Battery Management Act. I am pleased to be joined by Senators LAUTENBERG, FAIRCLOTH, MCCONNELL, LIEBERMAN, SIMON, MACK, BOND, GRAHAM, WARNER and REID. This legislation is urgently needed to remove Federal barriers detrimental to much-needed State and local recycling programs for batteries commonly found in cordless products such as portable telephones, laptop computers, tools, and toys.

Since 1992, Federal battery legislation has been approved in various congressional forums, including passage by the Senate in 1994, but it did not become law because the legislation to which it was attached did not move forward. Our bill, which is virtually identical to the Senate passed provisions last year, would—

First, facilitate the efficient and cost effective collection and recycling or proper disposal of used nickel cadmium [Ni-Cd] and certain other batteries by: establishing a coherent national system of labeling for batteries and products; streamlining the regulatory requirements for battery collection programs for regulated batteries; and encouraging voluntary industry programs by eliminating barriers to funding the collection and recycling or proper disposal of used rechargeable batteries; and

Second, phase out the use of mercury in batteries.

Without this legislation, States and industry face Federal barriers to implementing State battery recycling programs across the country. Thirteen States, including New Hampshire, have enacted legislation requiring that Ni-Cd and small sealed lead-acid batteries be labeled and are easily removable from consumer products. Of these 13 States, 9 have enacted legislation calling for the collection of Ni-Cd and small-sealed lead-acid batteries.

Mr. President, although industry has developed a national collection program to comply with these laws, without enactment of a Federal bill, EPA's current regulatory requirements preclude industry from fully implementing this program and from complying with the State collection requirements. Regulatory changes currently under consideration, even if promulgated, will not provide the necessary solution. Additional lengthy rulemaking procedures would also be necessary to make the regulation operational on a national basis. Further, we would still lack a coherent national system of labeling, which is necessary to facilitate nationwide marketing of batteries and products while advancing a national battery collection program. Federal legislation is the only real solution to removing the barriers to complying with State battery recycling laws, and to achieving a comprehensive recycling program.

The prompt passage of this legislation will achieve a number of important goals. First, by establishing uniform national standards to promote the recycling and reuse of rechargeable batteries, this legislation provides a cost effective means to promote the reuse of our Nation's resources. Second, our bill will further strengthen efforts to remove these potentially toxic heavy metals from our Nation's landfills and incinerators. Not only will this lower the threat of groundwater contamination and toxic air emissions, but it will also significantly reduce the threat that these materials pose to the environment. Third, this legislation represents an environmentally friendly policy choice that was developed as the result of a strong cooperative effort between the States, environmental groups and the affected industries. Our bill is strongly supported by the Electronic Industries Association [EIA], the Portable Rechargeable Battery Association [PRBA], and the National Electrical Manufacturers Association [NEMA]. For all of the reasons cited above, I believe that this legislation provides a substantial win-win from both an environmental as well as an economic standpoint.

Mr. President, I urge my colleagues to cosponsor this important legislation, and ask unanimous consent that a copy of the bill, a section-by-section outline of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 619

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 ''Mercury-Containing and Rechargeable Battery Management Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) it is in the public interest to—

(A) phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and other regulated batteries; and

(B) educate the public concerning the collection, recycling, and proper disposal of such batteries;

(2) uniform national labeling requirements for regulated batteries, rechargeable consumer products, and product packaging will significantly benefit programs for regulated battery collection and recycling or proper disposal; and

(3) it is in the public interest to encourage persons who use rechargeable batteries to participate in collection for recycling of used nickel-cadmium, small sealed lead-acid, and other regulated batteries.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) BUTTON CELL.—The term ''button cell'' means a button- or coin-shaped battery.

(3) EASILY REMOVABLE.—The term ''easily removable'', with respect to a battery, means detachable or removable at the end of the life of the battery—

(A) from a consumer product by a consumer with the use of common household tools; or

(B) by a retailer of replacements for a battery used as the principal electrical power source for a vehicle.

(4) MERCURIC-OXIDE BATTERY.—The term ''mercuric-oxide battery'' means a battery that uses a mercuric-oxide electrode.

(5) RECHARGEABLE BATTERY.—The term ''rechargeable battery''—

(A) means 1 or more voltaic or galvanic cells, electrically connected to produce electric energy, that is designed to be recharged for repeated uses; and

(B) includes any type of enclosed device or sealed container consisting of 1 or more such cells, including what is commonly called a battery pack (and in the case of a battery pack, for the purposes of the requirements of easy removability and labeling under section 103, means the battery pack as a whole rather than each component individually); but

(C) does not include—

(i) a lead-acid battery used to start an internal combustion engine or as the principal electrical power source for a vehicle, such as an automobile, a truck, construction equipment, a motorcycle, a garden tractor, a golf cart, a wheelchair, or a boat;

(ii) a lead-acid battery used for load leveling or for storage of electricity generated by an alternative energy source, such as a solar cell or wind-driven generator;

(iii) a battery used as a backup power source for memory or program instruction storage, timekeeping, or any similar purpose that requires uninterrupted electrical power in order to function if the primary energy supply fails or fluctuates momentarily; or

(iv) a rechargeable alkaline battery.

(6) RECHARGEABLE CONSUMER PRODUCT.—The term ''rechargeable consumer product''—

(A) means a product that, when sold at retail, includes a regulated battery as a primary energy supply, and that is primarily intended for personal or household use; but

(B) does not include a product that only uses a battery solely as a source of backup power for memory or program instruction storage, timekeeping, or any similar purpose that requires uninterrupted electrical power in order to function if the primary energy supply fails or fluctuates momentarily.

(7) REGULATED BATTERY.—The term ''regulated battery'' means a rechargeable battery that—

(A) contains a cadmium or a lead electrode or any combination of cadmium and lead electrodes; or

(B) contains other electrode chemistries and is the subject of a determination by the Administrator under section 103(d).

(8) REMANUFACTURED PRODUCT.—The term ''remanufactured product'' means a rechargeable consumer product that has been altered by the replacement of parts, repackaged, or repaired after initial sale by the original manufacturer.

SEC. 4. INFORMATION DISSEMINATION.

The Administrator shall, in consultation with representatives of rechargeable battery manufacturers, rechargeable consumer product manufacturers, and retailers, establish a program to provide information to the public concerning the proper handling and disposal of used regulated batteries and rechargeable consumer products with nonremovable batteries.

SEC. 5. ENFORCEMENT.

(a) CIVIL PENALTY.—When on the basis of any information the Administrator determines that a person has violated or is in violation of any requirement of this Act, the Administrator—

(1) in the case of a willful violation, may issue an order assessing a civil penalty of not more than $10,000 for each violation and requiring compliance immediately or within a reasonable specified time period, or both; or

(2) in the case of any violation, may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

(b) CONTENTS OF ORDER.—An order under subsection (a)(1) shall state with reasonable specificity the nature of the violation.

(c) CONSIDERATIONS.—In assessing a civil penalty under subsection (a)(1), the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

(d) FINALITY OF ORDER; REQUEST FOR HEARING.—An order under subsection (a)(1) shall become final unless, not later than 30 days after the order is served, a person named in the order requests a hearing on the record.

(e) HEARING.—On receiving a request under subsection (d), the Administrator shall promptly conduct a hearing on the record.

(f) SUBPOENA POWER.—In connection with any hearing on the record under this section, the Administrator may issue subpoenas for the attendance and testimony of witnesses and for the production of relevant papers, books, and documents.

(g) CONTINUED VIOLATION AFTER EXPIRATION OF PERIOD FOR COMPLIANCE.—If a violator fails to take corrective action within the time specified in an order under subsection (a)(1), the Administrator may assess a civil penalty of not more than $10,000 for the continued noncompliance with the order.

SEC. 6. INFORMATION GATHERING AND ACCESS.

(a) RECORDS AND REPORTS.—A person who is required to carry out the objectives of this Act, including—

(1) a regulated battery manufacturer;

(2) a rechargeable consumer product manufacturer;

(3) a mercury-containing battery manufacturer; and

(4) an authorized agent of a person described in subparagraph (A), (B), or (C),

shall establish and maintain such records and report such information as the Administrator may by regulation reasonably require to carry out the objectives of this Act.

(b) ACCESS AND COPYING.—The Administrator or the Administrator's authorized representative, on presentation of credentials of

the Administrator, may at reasonable times have access to and copy any records required to be maintained under subsection (a).

(c) CONFIDENTIALITY.—The Administrator shall maintain the confidentiality of documents and records that contain proprietary information.

SEC. 7. STATE AUTHORITY.

Except as provided in sections 103(e) and 104, nothing in this Act shall be construed to prohibit a State from enacting and enforcing a standard or requirement that is more stringent than a standard or requirement established or promulgated under this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

TITLE I—RECHARGEABLE BATTERY RECYCLING ACT

SEC. 101. SHORT TITLE.

This title may be cited as the ''Rechargeable Battery Recycling Act''.

SEC. 102. PURPOSE.

The purpose of this title is to facilitate the efficient recycling or proper disposal of used nickel-cadmium rechargeable batteries, used small sealed lead-acid rechargeable batteries, other regulated batteries, and such rechargeable batteries in used consumer products, by—

(1) providing for uniform labeling requirements and streamlined regulatory requirements for regulated battery collection programs; and

(2) encouraging voluntary industry programs by eliminating barriers to funding the collection and recycling or proper disposal of used rechargeable batteries.

SEC. 103. RECHARGEABLE CONSUMER PRODUCTS AND LABELING.

(a) PROHIBITION.—

(1) IN GENERAL.—No person shall sell for use in the United States a regulated battery that is ready for retail sale or a rechargeable consumer product that is ready for retail sale, which was manufactured on or after the date that is 12 months after the date of enactment of this Act, unless—

(A) in the case of a regulated battery, the regulated battery—

(i) is easily removable from the rechargeable consumer product; or

(ii) is sold separately; and

(B) in the case of a regulated battery or rechargeable consumer product, the labeling requirements of subsection (b) are met.

(2) APPLICATION.—Paragraph (1) does not apply to a sale of—

(A) a remanufactured product unit unless paragraph (1) applied to the sale of the unit when originally manufactured; or

(B) a product unit intended for export purposes only.

(b) LABELING.—Each regulated battery or rechargeable consumer product without an easily removable battery manufactured on or after the date that is 1 year after the date of enactment of this Act, whether produced domestically or imported, shall be labeled with—

(1)(A) 3 chasing arrows or a comparable recycling symbol;

(B)(i) on each nickel-cadmium battery, the chemical name or the abbreviation ''Ni-Cd''; and

(ii) on each lead-acid battery, ''Pb'' or the words ''LEAD'', ''RETURN'', and ''RECYCLE'';

(C) on each nickel-cadmium regulated battery, the phrase ''BATTERY MUST BE RECYCLED OR DISPOSED OF PROPERLY.''; and

(D) on each sealed lead acid regulated battery, the phrase ''BATTERY MUST BE RECYCLED.'';

(2) on each rechargeable consumer product containing a regulated battery that is not easily removable, the phrase ''CONTAINS NICKEL-CADMIUM BATTERY. BATTERY MUST BE RECYCLED OR DISPOSED OF PROPERLY.'' or ''CONTAINS SEALED LEAD BATTERY. BATTERY MUST BE RECYCLED.'', as applicable; and

(3) on the packaging of each rechargeable consumer product, and the packaging of each regulated battery sold separately from such a product, unless the required label is clearly visible through the packaging, the phrase ''CONTAINS NICKEL-CADMIUM BATTERY. BATTERY MUST BE RECYCLED OR DISPOSED OF PROPERLY.'' or ''CONTAINS SEALED LEAD BATTERY. BATTERY MUST BE RECYCLED.'', as applicable.

(c) EXISTING OR ALTERNATIVE LABELING.—

(1) INITIAL PERIOD.—For a period of 2 years after the date of enactment of this Act, regulated batteries, rechargeable consumer products containing regulated batteries, and rechargeable consumer product packages that are labeled in substantial compliance with subsection (b) shall be deemed to comply with the labeling requirements of subsection (b).

(2) CERTIFICATION.—

(A) IN GENERAL.—On application by persons subject to the labeling requirements of subsection (b) or the labeling requirements promulgated by the Administrator under subsection (d), the Administrator shall certify that a different label meets the requirements of subsection (b) or (d), respectively, if the different label—

(i) conveys the same information as the label required under subsection (b) or (d), respectively; or

(ii) conforms with a recognized international standard that is consistent with the overall purposes of this title.

(B) CONSTRUCTIVE CERTIFICATION.—Failure of the Administrator to object to an application under subparagraph (A) on the ground that a different label does not meet either of the conditions described in subparagraph (A)(i) or (ii) within 120 days after the date on which the application is made shall constitute certification for the purposes of this Act.

(d) RULEMAKING AUTHORITY OF THE ADMINISTRATOR.—

(1) IN GENERAL.—If the Administrator determines that other rechargeable batteries having electrode chemistries different from regulated batteries are toxic and may cause substantial harm to human health and the environment if discarded into the solid waste stream for land disposal or incineration, the Administrator may, with the advice and counsel of State regulatory authorities and manufacturers of rechargeable batteries and rechargeable consumer products, and after public comment—

(A) promulgate labeling requirements for the batteries with different electrode chemistries, rechargeable consumer products containing such batteries that are not easily removable batteries, and packaging for the batteries and products; and

(B) promulgate requirements for easy removability of regulated batteries from rechargeable consumer products designed to contain such batteries.

(2) SUBSTANTIAL SIMILARITY.—The regulations promulgated under paragraph (1) shall be substantially similar to the requirements set forth in subsections (a) and (b).

(e) UNIFORMITY.—After the effective dates of a requirement set forth in subsection (a), (b), or (c) or a regulation promulgated by the Administrator under subsection (d), no Federal agency, State, or political subdivision of a State may enforce any easy removability or environmental labeling requirement for a rechargeable battery or rechargeable consumer product that is not identical to the requirement or regulation.

(f) EXEMPTIONS.—

(1) IN GENERAL.—With respect to any rechargeable consumer product, any person may submit an application to the Administrator for an exemption from the requirements of subsection (a) in accordance with the procedures under paragraph (2). The application shall include the following information:

(A) A statement of the specific basis for the request for the exemption.

(B) The name, business address, and telephone number of the applicant.

(2) GRANTING OF EXEMPTION.—Not later than 60 days after receipt of an application under paragraph (1), the Administrator shall approve or deny the application. On approval of the application the Administrator shall grant an exemption to the applicant. The exemption shall be issued for a period of time that the Administrator determines to be appropriate, except that the period shall not exceed 2 years. The Administrator shall grant an exemption on the basis of evidence supplied to the Administrator that the manufacturer has been unable to commence manufacturing the rechargeable consumer product in compliance with the requirements of this section and with an equivalent level of product performance without the product—

(A) posing a threat to human health, safety, or the environment; or

(B) violating requirements for approvals from governmental agencies or widely recognized private standard-setting organizations (including Underwriters Laboratories).

(3) RENEWAL OF EXEMPTION.—A person granted an exemption under paragraph (2) may apply for a renewal of the exemption in accordance with the requirements and procedures described in paragraphs (1) and (2). The Administrator may grant a renewal of such an exemption for a period of not more than 2 years after the date of the granting of the renewal.

SEC. 104. REQUIREMENTS.

For the purposes of carrying out the collection, storage, transportation, and recycling or proper disposal of used rechargeable batteries, batteries described in section 3(3)(C) or in title II, and used rechargeable consumer products containing rechargeable batteries that are not easily removable rechargeable batteries, persons involved in collecting, storing, or transporting such batteries or products to a facility for recycling or proper disposal shall, notwithstanding any other law, be regulated in the same manner and with the same limitations as if the persons were collecting, storing, or transporting batteries subject to subpart G of part 266 of title 40, Code of Federal Regulations, as in effect on January 1, 1993, except that sections 264.76, 265.76, and 268.7 of that title shall not apply.

SEC. 105. COOPERATIVE EFFORTS.

Notwithstanding any other law, if 2 or more persons who participate in projects or programs to collect and properly manage used rechargeable batteries or products powered by rechargeable batteries advise the Administrator of their intent, the persons may agree to develop jointly, or to share in the costs of participating in, such a project or program and to examine and rely on such cost information as is collected during the project or program.

TITLE II—MERCURY-CONTAINING BATTERY MANAGEMENT ACT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Mercury-Containing Battery Management Act''.

SEC. 202. PURPOSE.

The purpose of this title is to phase out the use of batteries containing mercury.

SEC. 203. LIMITATIONS ON THE SALE OF ALKALINE-MANGANESE BATTERIES CONTAINING MERCURY.

No person shall sell, offer for sale, or offer for promotional purposes any alkaline-manganese battery manufactured on or after January 1, 1996, with a mercury content that was intentionally introduced (as distinguished from mercury that may be incidentally present in other materials), except that the limitation on mercury content in alkaline-manganese button cells shall be 25 milligrams of mercury per button cell.

SEC. 204. LIMITATIONS ON THE SALE OF ZINC-CARBON BATTERIES CONTAINING MERCURY.

No person shall sell, offer for sale, or offer for promotional purposes any zinc-carbon battery manufactured on or after January 1, 1996, that contains mercury that was intentionally introduced as described in section 203.

SEC. 205. LIMITATIONS ON THE SALE OF BUTTON CELL MERCURIC-OXIDE BATTERIES.

No person shall sell, offer for sale, or offer for promotional purposes any button cell mercuric-oxide battery for use in the United States on or after January 1, 1996.

SEC. 206. LIMITATIONS ON THE SALE OF OTHER MERCURIC-OXIDE BATTERIES.

(a) PROHIBITION.—On or after January 1, 1996, no person shall sell, offer for sale, or offer for promotional purposes a mercuric oxide battery for use in the United States unless the battery manufacturer—

(1) identifies a collection site that has all required Federal, State, and local government approvals, to which persons may send used mercuric-oxide batteries for recycling or proper disposal;

(2) informs each of its purchasers of mercuric-oxide batteries of the collection site identified under paragraph (1); and

(3) informs each of its purchasers of mercuric-oxide batteries of a telephone number that the purchaser may call to get information about sending mercuric-oxide batteries for recycling or proper disposal.

(b) APPLICATION OF SECTION.—This section does not apply to a sale or offer of a mercuric oxide button cell battery.

SEC. 207. NEW PRODUCT OR USE.

On petition of a person that proposes a new use for a battery technology described in this title or the use of a battery described in this title in a new product, the Administrator may exempt from this title the new use of the technology or use of battery in the new product on the condition, if appropriate, that there exist reasonable safeguards to ensure that the resulting battery or product without an easily removable battery will not be disposed of in an incinerator, composting facility, or landfill (other than a facility regulated under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6291 et seq.).

THE MERCURY-CONTAINING AND RECHARGEABLE BATTERY MANAGEMENT ACT—BILL SUMMARY (SECTION BY SECTION)

Sec. 1. Short Title

The ''Mercury-Containing and Rechargeable Battery Management Act.''

Sec. 2. Congressional Findings

This section finds that it is in the public interest to phase out the use of mercury in batteries and provide for efficient and cost effective collection and recycling or proper disposal of certain batteries; that uniform national labeling of certain batteries will significantly benefit recycling programs; and that battery recycling programs are to be encouraged.

Sec. 3. Definitions

Provides standard definitions for battery-related terms such as easily removable battery, rechargeable battery, rechargeable consumer product, regulated battery, and remanufactured product.

Sec. 4. Information Dissemination

Requires the Administrator to provide information to the public on proper handling and disposal of used batteries.

Sec. 5. Enforcement

Gives the Administrator the enforcement authority found in RCRA, and provides for fines not to exceed $10,000 for willful violations.

Sec. 6. Information Gathering and Access

Provides recordkeeping requirements for those subject to the Act, and gives the Administrator information gathering authority on battery collection and recycling.

Sec. 7. State Authority

Preserves State authority to enact and enforce standards or requirements more stringent than a standard or requirement established or promulgated under this Act, except as provided in sections 103(e) and 104.

Sec. 8. Authorization

Funds necessary to implement the requirements of this Act are authorized to be appropriated.

TITLE I. RECHARGEABLE BATTERY RECYCLING ACT

Sec. 101. Short Title

This Title may be cited as the ''Rechargeable Battery Recycling Act.''

Sec. 102. Purpose

The purpose of this Title is to facilitate the efficient recycling of used nickel-cadmium rechargeable batteries, used small sealed lead-acid rechargeable batteries, and such rechargeable batteries in used consumer products, through uniform labeling requirements, streamlined regulatory requirements for regulated battery collection programs, and voluntary industry programs by eliminating barriers to funding the collection and recycling or proper disposal of used rechargeable batteries.

Sec. 103. Rechargeable Consumer Products and Labeling

Twelve months after enactment of this Act, batteries and battery packs containing nickel-cadmium or small sealed lead-acid batteries must be easily removable from rechargeable consumer products, and must have specific labeling. The EPA Administrator may promulgate similar regulations for batteries with other electrode chemistries, and shall modify the required labeling to conform with recognized international standards (e.g., labeling standards adopted under NAFTA, GATT, or international standards organizations). These labeling standards would be imposed on batteries nationwide. Upon petition the EPA Administrator can grant a 2-year exemption from the easy removability requirements.

Sec. 104. Requirements

Batteries collected for recycling or proper disposal under the Act will be subject to the same requirements as lead-acid batteries are at present.

Sec. 105. Cooperative Efforts

Two or more persons who participate in projects or programs under this Act may inform the EPA Administrator of their intent to develop jointly or share in the costs of such a program, and may examine and rely upon cost information collected by the program.

TITLE II. MERCURY CONTAINING BATTERY MANAGEMENT ACT

Sec. 201. Short Title

This Title may be cited as the ''Mercury-Containing Battery Management Act.''

Sec. 202. Purpose

The purpose of this Title is to phase out the use of batteries containing mercury.

Sec. 203. Limitations on the Sale of Alkaline-Manganese Batteries Containing Mercury

No person shall sell, offer for sale, or offer for promotional purposes any alkaline-manganese battery manufactured on or after January 1, 1996, with a mercury content that was intentionally introduced (as distinguished from mercury which may be incidentally present in other materials), except that the limitation on mercury content in alkaline-manganese button cells shall be 25 milligrams of mercury per button cell.

Sec. 204. Limitations on the Sale of Zinc Carbon Batteries Containing Mercury

No person shall sell, offer for sale, or offer for promotional purposes any zinc carbon battery manufactured on or after January 1, 1996, that contains any mercury that was intentionally introduced.

Sec. 205. Limitations on the Sale of Button Cell Mercuric-Oxide Batteries

No person shall sell, offer for sale, or offer for promotional purposes in the United States any button cell mercuric-oxide battery on or after January 1, 1996.

Sec. 206. Limitations on the Sale of Other Mercuric-Oxide Batteries

On or after January 1, 1996, no person shall sell, offer for sale, or offer for promotional purposes, non-button cell mercuric-oxide batteries for use in the United States unless the battery manufacturer 1) identifies a collection site that has all required government approvals, to which persons may send used mercuric-oxide batteries for recycling or proper disposal; and, 2) informs each of its purchasers of such batteries of such identified collection site; and 3) informs each of its purchasers of such batteries of a telephone number that the purchaser may call to get information about sending mercuric-oxide batteries for recycling or proper disposal. This section does not apply to mercuric-oxide button cell batteries.

Sec. 207. New Product or Use

Allows persons proposing a new use for battery technology covered by this title or the use of any such battery in a new product to petition the Administrator for an exemption from this title. The Administrator may grant such an exemption, and, if appropriate, require that reasonable safeguards exist to assure that such batteries will not be disposed of in incinerators, composting facilities, or landfills (other than a RCRA-regulated facility).

By Mr. CRAIG (for himself and Mr. DOMENICI):

S. 620. A bill to direct the Secretary of the Interior to convey, upon request, certain property in Federal reclamation projects to beneficiaries of the projects and to set forth a distribution scheme for revenues from reclamation project lands; to the Committee on Energy and Natural Resources.

RECLAMATION FACILITIES TRANSFER ACT

Mr. CRAIG. Mr. President, I am today introducing legislation that would direct the Secretary of the Interior to transfer the Federal interest in certain Bureau of Reclamation projects to the project beneficiaries. This legislation has already been introduced in the other body by Congressman SKEEN.

I am introducing the identical legislative language in order to frame what I believe will be an interesting debate.

The reclamation program was intended to assist in the settlement of the West, and it has been extraordinarily successful in that endeavour. There are many instances, throughout the West, where the objectives of individual projects have been fully accomplished. The project works have been constructed and the allocable repayment obligations have been satisfied. Operation and maintenance of the projects have been turned over to the project beneficiaries and the Federal Government simply holds bare legal title with little or no involvement with the project.

Those seem to me to be classic examples of the type of projects that should be fully turned over to the beneficiaries. The Federal Government incurs annual costs and is exposed to out-year liabilities for no other reason than it holds title to certain works. Given the downsizing of the Bureau of Reclamation, it seems all the more sensible that the Bureau conserve its personnel and resources. Just to have one person available for a project on which the Federal Government does nothing probably costs over $100,000. Given the needs elsewhere within the Department, each of those personnel could be better used.

I do not want anyone to think that this legislation is a final product, but it does serve to frame the debate. Many of our reclamation projects are multiple purpose, and we will need to be careful to ensure that we do not lose sight of those other objectives. Many projects provide important flood control and navigation benefits that are of national interest. That does not argue against a transfer of title, but it is a concern that we should be aware of. A very important consideration, at least to this Senator, will be the issue of the transfer of the water rights associated with the project. Luckily, we do not have to face the issue of Federal reserved water rights since under reclamation law, the Bureau has obtained water rights from the States in conformity with State water law for all its projects. We will, however, need to be careful to make certain that title to those rights is transferred to the appropriate entities or individuals and that the transfer is in conformity with State water law.

There are many other considerations as well, and I do not intend to be exhaustive in this statement but one item deserves mention. We dealt with some of those issues when we considered the transfer of the Solano project several years ago, and our inability to fully resolve all those issues, including the recreational responsibilities of the Bureau at Lake Berryessa, was the reason why we were unable to enact legislation. As drafted, this legislation only applies to fully paid-out projects. In particular instances, I think a case could be made to permit prepayment of the outstanding indebtedness much as we have done for other reclamation loans. That is another issue we will have to closely examine.

I want to congratulate Congressman SKEEN and his cosponsors for raising this issue. All of us in the West, and some from outside the West, have questioned from time to time, the future of the Bureau of Reclamation. Congressman SKEEN has proposed one answer for many projects. I fully expect that we may even find agreement within the Department of the Interior that on some projects there simply is no further role for the Federal Government. I do not expect that we will have a complete transfer of all projects, but that should not stop us from looking at the question. A fully paid out single purpose project located solely within one State will be the easy transfer. I hope we do not limit our vision that narrowly.

By Mr. BENNETT (for himself, Mr. CAMPBELL, Mr. BROWN, Mr. JEFFORDS, Mr. STEVENS and Mr. HATCH):

S. 621. A bill to amend the National Trails System Act to designate the Great Western Trail for potential addition to the National Trails System, and for other purposes.

GREAT WESTERN TRAIL STUDY ACT

Mr. BENNETT. Mr. President, today I am introducing a bill which would direct the U.S. Forest Service, in consultation with the Department of the Interior, to study the Great Western Trail to determine if it should be included in the National Scenic Trails System.

The Great Western Trail takes in some of the greatest outdoor and natural opportunities the West has to offer. The trail will be a continuous, multiple-use route that reaches from Mexico to Canada. It encompasses a series of existing trails, mostly on public lands, running through a corridor which extends through five States. The trail itself extends from the panhandle of Idaho to the southern tip of Arizona. Along the 2,400 mile length of the trail are numerous recreational opportunities for all interests, from cross-country skiers to backpackers, hikers, and off-road enthusiasts. The trail passes through areas rich in western heritage as well as some of the most spectacular scenery in the world.

Prior to designating the Great Western Trail as part of the National Trails System, a study must be conducted to determine its feasibility. This bill take the first step by instructing the Secretary of Agriculture, in consultation with the Secretary of Interior, to conduct a study of the current land ownership and use along the designated trail route. The study would include cost estimates of any necessary land acquisition as well as reporting on the appropriateness of including motorized activity along the trail route. Since the proposed trail route follows roads and trails already in existence, very little right-of-way acquisition would be required and minimal construction would be necessary.

This study will play an important role by determining land and resource capability, public safety needs, and the administrative requirements necessary to designate the trail as part of the National Trails System. It is also important to note that the trail takes advantage of and will rely heavily upon volunteer construction, maintenance, and management of the trail system.

Communities throughout the West will benefit tremendously from the Great Western Trail. The recreational opportunities and rural economic development that travel and tourism will bring to the region will not only provide an economic boost to the local economies, but will help those who travel the Great Western Trail to gain a greater appreciation for our Nation's heritage. The Great Western Trail will provide a positive experience for those who use it. It will become a significant and vital addition to America's system of national trails.

By Mr. LEVIN (for himself and Mr. ABRAHAM):

S. 622. A bill to amend the Clean Air Act to provide that a State containing an ozone nonattainment area that does not significantly contribute to ozone nonattainment in its own area or any other area shall be treated as satisfying certain requirements if the State makes certain submissions, and for other purposes; to the Committee on Environment and Public Works.

CLEAN AIR ACT OZONE TRANSPORT PROVISIONS AMENDMENT ACT

Mr. LEVIN. Mr. President, the bill that Senator ABRAHAM and I are introducing today is intended to help correct a significant flaw in the Clean Air Act. This flaw plagues communities in west Michigan, and affects many other areas of the country that are downwind from significant sources of ozone-causing emissions.

As it is written, the act is unfair. It does not equitably distribute the burden of reducing ozone emissions. Some areas, like west Michigan, could be required to undertake vehicle inspection and maintenance testing programs, although these programs will not be effective in reducing the local concentrations of ozone because their ozone is being transported by wind and weather from other States and parts of the country.

Let me explain the west Michigan situation, the outlook for which has changed significantly in recent weeks. Three west Michigan counties are currently designated as two separate moderate ozone nonattainment areas by the EPA pursuant to the Clean Air Act; Kent and Ottawa Counties are one, and Muskegon County is the other. Because of their classification as moderate ozone nonattainment areas, the State of Michigan was required by law to pass legislation imposing mandatory vehicle inspection and maintenance testing in these two areas starting in

January 1995. This requirement would have made sense were these three counties the cause of either their own nonattainment or the nonattainment of other areas. But they aren't. Governor Engler recognized this inequity and halted the I/M program in late December 1994.

EPA has acknowledged that the three counties ''are essentially overwhelmed by emissions coming from Chicago and northern Indiana.'' In a June 20, 1994, letter to the Michigan department of natural resources, EPA Administrator Carol Browner said, ''. . . the USEPA recognizes that ozone transport may make it very difficult, if not impossible, for Muskegon and Grand Rapids, themselves, to achieve the NAAQS (National Ambient Air Quality Standards) for ozone by deadlines prescribed by the CAA (Clean Air Act).''

In a hearing held on Monday, July 25, 1994, before my Subcommittee on Oversight of Government Management, EPA acknowledged ''that Muskegon County would be in attainment but for ozone transport.'' EPA also confirmed that Muskegon and Grand Rapids ''are not the cause of Chicago and northern Indiana being in nonattainment . . .'' In fact, EPA has not shown that any area is in nonattainment due to west Michigan's emissions. The Lake Michigan ozone study director states, ''. . . that no matter what reductions are made in Michigan, the air quality will not be affected.''

In short, these three counties are not the cause of their own or any other area's ozone problem and no matter what these counties do for themselves, it is unlikely that they will be able to achieve and stay in attainment. Because of ozone blown their way and their resultant classification as moderate nonattainment areas, they could be forced to implement a burdensome vehicle inspection program that would not make a significant difference. As stated succinctly in the Senate Environment Committee's report to accompany S. 1630, the Clean Air Act Amendments of 1989, ''Because ozone is not a local phenomenon but is formed and transported over hundreds of miles and several days, localized control strategies will not be effective in reducing ozone levels.'' Unfortunately, this sentiment did not translate into the act's requirements and implementation. The inflexibility and inequity of the localized mandate undermines public support for the Clean Air Act and environmental laws—in an area of the country that is generally supportive of both.

Fortunately, the last 3 years of ozone monitoring data in the west Michigan area show no violations of the Federal ozone standard for the area, according to an expedited review that I requested of EPA. This means that Michigan can apply for redesignation to attainment, and Administrator Browner has indicated that that process is very ''doable.'' But, once attainment has been achieved, it is possible that only one violation could force west Michigan to return to the I/M requirements. Though EPA has stated that the Agency would seek to avoid this outcome and would carefully examine the violation to determine whether it was caused by local or transported ozone before returning to those requirements, I believe that it would be best to correct the law before such circumstances arise. This bill is a step toward fixing it.

At the hearing mentioned previously, I asked Mary Nichols, Assistant Administrator for Air, if these three counties were treated in the same way rural areas are treated, would they qualify for an exemption from the Clean Air Act requirements. Ms. Nichols replied, ''I believe that is correct.'' She is right. That is at the heart of the unfairness of the Clean Air Act. The legislation we are offering specifically addresses that unfairness. Whether such an area is rural or nonrural should not make any difference, if the area is not a significant cause of its own or any other area's nonattainment. It is the emissions from an area and not the number of people that live in an area that should matter.

This bill applies that principle and eliminates the illogical disparate treatment between rural and nonrural areas. EPA would be required to treat any ozone nonattainment area as a marginal ozone nonattainment area, if the State demonstrates to EPA that sources of ozone-causing emissions in that area do not make a significant contribution to ozone nonattainment measured in the area or in other areas. So, rather than arbitrarily denying the regulatory relief to a metropolitan statistical area, or an adjacent area, which is currently available to a rural transport area, the act's standards would apply equally to rural and nonrural areas. As a result, the burden would be placed more squarely on the shoulders of the ''significant contributors,'' rather than the victims of transport. This is only fair.

Clearly, we may need to refine this legislation further or make the legislative history clear so that the definition of ''significant contribution'' is not subject to excessively narrow interpretation by an EPA Administrator and so that we can ensure protection for the west Michigan area from the unfair burdens associated with transported pollution. But, we also want to make sure that other areas who need to be reducing their emissions because they are transporting pollution elsewhere don't get off the hook. I know that the State of Michigan has the data to prove that west Michigan deserves relief under this bill, but we will work with the State, EPA, and the relevant congressional committees to insure that this legislative effort does not have unintended consequences.

After repeated urgings by myself and others, the EPA has issued a new ozone transport policy. Under the previous policy the west Michigan nonattainment areas would have been required by 1996 to meet clean air standards which they could not meet because of pollution carried by the winds from outside areas such as Chicago, areas with severe air pollution problems. The old policy was particularly unfair, since, under the law, these other more polluted areas do not need to meet the requirements themselves until the year 2007.

The EPA has informed me that the states will be permitted to present an analysis demonstrating the problem and that EPA will consider granting an extension of the 1996 deadline, possibly until 2007. This new policy should avoid further unfairness, as additional requirements could have been placed, in 1996, on the west Michigan area, triggered by pollution which is not generated in the local area.

While I appreciate EPA's efforts in providing this extension, the new policy was, according to Administrator Browner, to have held ''areas responsible only for that portion of the ozone problem which they cause.'' However, this new policy only corrects one inequity in the act, to wit, the fact that downwind areas suffering from significant ozone and other pollution transported from more severely polluted areas have less time to achieve attainment. The change in attainment deadlines does not address the problem of areas inappropriately designated in the first place.

Mr. President, there appear to be a number of other States that contain victim of transport areas in situations similar to west Michigan. I am sure that my colleagues in New England, for instance, have been noticing a significant increase in public attention to the vehicle testing requirements. It will be argued that we should not reopen the Clean Air Act. But, we cannot permit an unfair regulatory burden to fall upon our constituents to correct a problem which they did not cause and which the regulatory requirements cannot cure. We should right that wrong.

Mr. President, I support the goals of the Clean Air Act. But, it needs to be applied with common sense, if it is to retain the support of the American people. Without that support, it cannot succeed.

By Mr. SPECTER (for himself and Mr. HATCH):

S. 623. A bill to reform habeas corpus procedures, and for other purposes; to the Committee on the Judiciary.

THE FEDERAL HABEAS CORPUS REFORM ACT

Mr. SPECTER. Mr. President, the American people want government to do something about violent crime. Unfortunately, the crime bill that passed last year in the 103d Congress did nothing about one of the most serious aspects of the crime problem: the interminable appeals process that has made the death penalty more a hollow threat than an effective deterrent.

The crime bill abandoned key provisions which would have limited appeals in the Federal courts by State death row inmates. These appeals currently average more than 9 years and last as long as 17 years. Of all people sentenced to death since 1976, 266 have been executed, while over 2,900 sit in death row cells. Is it any wonder that in 1963, when the imposition of the death penalty was a real possibility that criminals had to worry about, there were 8,500 homicides in America, a rate of 4.5 homicides per 100,000 people; while in 1993 there were 23,760 homicides, and a more than doubled homicide rate of 9.3 per 100,000. The legal system has turned the death penalty into a toothless saw.

National polls continue to show fear of crime to be the No. 1 concern of most Americans. One survey conducted right after President Clinton's State of the Union Address last year found 71 percent thought more murders should be punishable by the death penalty. My own 12 years of experience in the Philadelphia District Attorney's office, first as an assistant district attorney and chief of the appeals division and later as district attorney, convinces me they are right.

The great writ of habeas corpus has been the procedure used to guarantee defendants in State criminal trials their rights under the U.S. Constitution. It is an indispensable safeguard because of the documented history of State criminal-court abuses such as the Scottsboro case. Unfortunately, it has been applied in a crazy-quilt manner with virtually endless appeals that deny justice to victims and defendants alike, making a mockery of the judicial system.

The best way to stop this mockery is to impose strict time limits on appeals. The bill I am introducing today, along with my distinguished colleague and the Chairman of the Judiciary Committee, Senator HATCH, will do just that.

Criminal justice experts agree that for any penalty to be effective as a deterrent, the penalty must be swift and certain. When years pass between the time a crime is committed and a sentence is carried out, the vital link between crime and punishment is stretched so thin that the deterrent message is lost.

Delays leave inmates, as well as victims, in a difficult state of suspended animation. In a 1989 case, the British Government declined to extradite a defendant to Virginia on murder charges until the local prosecutor promised not to seek the death penalty because the European Court of Human Rights had ruled that confinement in a Virginia prison for 6 to 8 years awaiting execution would violate the European Convention on Human Rights.

Similarly, for survivors of murder victims, there is an inability to reach a sense of resolution about their loved one's death until the criminal case has been resolved. The families do not understand the complexities of the legal process and suffer feelings of isolation, anger, and loss of control over the lengthy court proceedings. The unconscionable delays deny justice to all—society, victims, and defendants.

Since upholding the constitutionality of the death penalty in 1976, the U.S. Supreme Court has required more clearly defined death penalty laws. Thirty-eight States have responded to voters' expressions of public outrage by enacting capital punishment statutes that meet the requirements of the Constitution.

My 12 years experience in the Philadelphia District Attorney's office convinced me that the death penalty deters crime. I saw many cases where professional burglars and robbers refused to carry weapons for fear that a killing would occur and they would be charged with first-degree murder, carrying the death penalty.

One such case involved three hoodlums who planned to rob a Philadelphia pharmacist. Cater, 19, and Rivers, 18, saw that their partner Williams, 20, was carrying a revolver. The two younger men said they would not participate if Williams took the revolver along, so Williams placed the gun in a drawer and slammed it shut.

Right as the three men were leaving the room, Williams sneaked the revolver back into his pocket. In the course of the robbery, Williams shot and killed pharmacist Jacob Viner. The details of the crime emerged from the confessions of the three defendants and corroborating evidence. All three men were sentenced to death because, under the law, Cater and Rivers were equally responsible for Williams's act of murder.

Ultimately, Williams was executed and the death sentences for Cater and Rivers were changed to life imprisonment because of extenuating circumstances, because they did not know their co-conspirator was carrying a weapon. There are many similar cases where robbers and burglars avoid carrying weapons for fear a gun or knife will be used in a murder, subjecting them to the death penalty.

The use of the death penalty has gradually been limited by the courts and legislatures to apply only to the most outrageous cases. In 1925, the Pennsylvania Legislature repealed the mandatory death penalty for first-degree murder, leaving it to the discretion of the jury or trial court. More recently, in 1972, the Supreme Court struck down all State and Federal death penalty laws and prohibited capital punishment for all inmates on death row, or future executions, unless thereafter they contained detailed procedures for considering aggravating and mitigating circumstances.

Prosecutors customarily refrain from asking for the death penalty for all but the most heinous crimes. I did that when I was a district attorney, personally reviewing the cases where capital punishment was requested.

While the changes required by the Supreme Court help insure justice to defendants, there is a sense that capital punishment can be retained only if applied to outrageous cases. I agree with advocates who insist on the greatest degree of care in the use of capital punishment. I have voted for limitations to exclude the death penalty for the mentally impaired and the very young. However, I oppose those who search for every possible excuse to avoid the death penalty because they oppose it on the grounds of conscientious scruples.

While I understand and respect that moral opposition, our system of government says the people of the 38 States that have capital punishment are entitled to have those sentences carried out where they have been constitutionally imposed. In those jurisdictions, the debate is over until the statutes are repealed or the Constitution reinterpreted.

Many Federal habeas corpus appeals degenerate into virtually endless delays, where judges bounce capital cases like tennis balls from one court to another, exacerbated by repetitive petitions. Here is an example, Mr. President: After being convicted in California for a double murder in 1980, Robert Alton Harris filed 10 petitions for habeas corpus review in the State courts, 5 similar petitions in the Federal courts, and 11 applications to the U.S. Supreme Court. Many of those applications to invalidate the death penalty overlapped.

Habeas corpus reform is not a new issue in the Senate. In 1984, the Senate first passed a habeas corpus reform measure, but the House failed to consider it. In 1990, during the 101st Congress, I offered my first legislation to speed up and simplify Federal habeas corpus procedures in capital cases. That year, the Senate adopted the amendment that Senator THURMOND and I wrote to the omnibus anticrime bill that would have reformed habeas corpus procedures in death penalty cases. Unfortunately, at the insistence of the House conferees, our provision was dropped from the conference report.

Habeas corpus reform was revisited in the 102d Congress. Portions of my proposal, S. 19, were incorporated into the Republican habeas corpus reform package, which again became part of the Senate's omnibus anticrime legislation. This time, the conference committee on the Senate and House anticrime bills kept a habeas corpus reform provision in the conference report, but it was the House version. As reported by the conference committee, that version would have exacerbated the delay, not eased it. Despite late efforts at a compromise, habeas reform died with that crime bill.

Again in the 103d Congress, I introduced habeas corpus reform legislation. In 1993, when the new omnibus anticrime bill was being debated in the

Senate, all habeas corpus reform provisions were stripped from the bill. I was dismayed. Even as the Senate was voting to establish a broad Federal death penalty, it was refusing to address the compelling need to expedite review of the death sentences once imposed.

When I demanded that the issue of habeas corpus reform be addressed by the Senate, I was given the opportunity to bring my bill to the floor for debate. Unfortunately, the legislation I introduced to eliminate the delays in carrying out death sentences was tabled by a vote of 65 to 34.

Which brings us to today, Mr. President. My new proposal, the Federal Habeas Corpus Reform Act of 1995, sets strict time limits on the filing of habeas corpus petitions and severely restricts the filing of any successive petition. It requires that the appropriate Federal court of appeals approve the filing of any successive petition. It ensures adequate counsel in habeas corpus proceedings. It imposes time limits on Federal judges to decide habeas corpus petitions in capital cases. And it does this so that imposition of the death penalty in State cases will become more certain and swift, making the death penalty again a meaningful sanction and deterrent.

This bill builds on some innovative strategies that I first proposed in 1990. Already, much of that approach has become widely accepted as the basic building blocks of habeas corpus reform, namely establishing time limits on filing habeas corpus petitions and on Federal court consideration of capital habeas corpus petitions, and requiring that the filing of any successive petition be approved by the appropriate court of appeals under stringent standards.

Under this bill, a single Federal court review will resolve most death penalty cases in under 2 years. First, a Federal habeas corpus petition in a capital case must be filed within 6 months from the final action in State court proceedings. A final decision must be made by the Federal district court within 180 days from the filing of the habeas corpus petition. And a final decision must be made by the Federal court of appeals within 120 days from the filing of the final brief. No successive Federal court habeas corpus petition could be considered unless specific leave was granted by the appropriate court of appeals, and then only for very limited reasons.

In addition, the proposed expedited treatment of habeas corpus petitions in capital cases would apply only to States which agree to provide free, competent legal counsel for defendants during their State court appeals. The bill provides that the Federal government will provide free legal counsel during their Federal habeas corpus proceedings.

The compressed time frame is both just and practical. It would eliminate the lengthy delays and establish habeas corpus proceedings in death penalty cases as the highest priority in the Federal judicial system.

Unless there are unusually complicating factors, which must be detailed in the district court's opinion, I know that such cases can be heard within a few weeks, with no more than a week or two being required to write an opinion. Some district courts have sat on such cases for as long as 12 years. Even in States with the most prisoners on death row, such as Florida, Texas, and California, each district court judge would have such a case only every 1 to 3 years. Judges would not be overburdened.

Decisions on appeal to the court of appeals should be made within 120 days of briefing. That is manageable with priority attention to these relatively few capital cases. The authority of Congress to establish such time limits was exercised in the Speedy Trial Act of 1974, which calls for criminal trials to begin within 70 days unless delayed by specified causes. The key factor in this timetable is the requirement that competent, free counsel be provided to defendants in capital cases during their State and Federal habeas corpus proceedings.

I must stress, however, that the abbreviated timetable does not take effect until State court review of a sentence of death is completed. No time limit is placed by this legislation on the length of trial or on periods for consideration of post-trial motions and the State court appeals. During that period, most, if not all, of the complex factual and legal issues will be organized, analyzed and resolved by the State courts, so that these issues will not be novel when the case goes to Federal court.

Requiring prisoners on death row to file petitions within 6 months of final State court action is not only reasonable, but is necessary to end the abuse in which petitioners and their attorneys now engage. A perfect example of the abuse can be seen in a recent case from my own State of Pennsylvania.

Steven Duffey was convicted of a 1984 murder. His conviction and sentence were unanimously upheld by the Pennsylvania Supreme Court in 1988. From then on, he did nothing until after his death warrant had been signed in September 1994. Then, on the eve of his execution, Duffey's attorneys filed a habeas corpus petition and sought a stay of execution.

The Federal district judge thought himself bound to enter the stay so that the petition could be entertained. But the judge castigated the game-playing of Duffey and his lawyer. In his opinion, Judge Thomas Vanaskie of the Middle District of Pennsylvania hit on a central problem with the current system when he noted that ''[t]here is an overwhelming incentive on the part of a death row inmate to ignore until the eleventh hour collateral challenges to his or her conviction.'' He then quoted the 1994 decision of the U.S. Court of Appeals for the Sixth Circuit in Steffen versus Tate, which had likewise found that ''it is almost always in the interest of a death sentenced prisoner to delay filing a [habeas corpus] petition as long as possible.''

Mr. President, this bill goes a long way toward restoring the death penalty as an effective deterrent. But to get the rest of the way there we need to address the endless delays caused by requiring defendants to exhaust all of their claims in State court before they are allowed to file Federal habeas corpus petitions.

The absurdity of this exhaustion requirement is illustrated by the series of decisions involving a Philadelphia criminal, Michael Peoples. Peoples was convicted in the State trial court in 1981 of setting his victim on fire during a robbery. Following this legal trail is not easy, but it illustrates the farcical procedures. After the Pennsylvania intermediate appellate court affirmed Peoples' conviction in 1983, the Pennsylvania Supreme Court denied review in a decision that was unclear as to whether it was based on the merits or on the Court's procedural discretion that there was no special reason to consider the substantive issues.

Peoples then filed a petition in 1986 for habeas corpus in the U.S. district court. That petition was denied for failure to exhaust State remedies, meaning the State court did not consider all his claims. The case was then appealed to the next higher court level, the Third Circuit Court of Appeals, which reversed the district court on the ground that the exhaustion rule was satisfied when the State Supreme Court had the opportunity to correct alleged violations of the prisoner's constitutional rights. Next, Peoples asked the U.S. Supreme Court to review his case.

Even though the Supreme Court was too busy to hear 4,550 cases in 1988, the Peoples case was one of 147 petitions it granted. After the nine justices reviewed the briefs, heard oral argument and deliberated, Justice Scalia wrote an opinion reversing the Court of Appeals for the Third Circuit.

The Third Circuit then undertook the extensive process of briefs and argument before three judges. It issued a complicated opinion concluding that the original petition for a writ of habeas corpus contained both exhausted and unexhausted claims. That ruling sent the case back to the district court for reconsideration.

Had the Ddstrict court simply considered Peoples' constitutional claims on the substantive merits in the first instance, all those briefs, arguments and opinions would have been avoided. These complications arise from a Federal statute that requires a defendant to exhaust his or her remedies in the State court before coming to the federal court. The original purpose of giving the State a chance to correct any error and to limit the work of the Federal courts was sound. In practice,

however, that rule has created a hopeless maze, illustrated by thousands of cases like those of Peoples and Harris.

The elimination of the statutory exhaustion requirement would mean that Congress, which has authority to establish Federal court jurisdiction, would direct U.S. district courts to decide petitions for writs of habeas corpus after direct appeals to the Supreme Court had upheld the death penalty. From my own experience, I have seen State trial court judges sit on such habeas corpus cases for months or years and then dismiss them in the most perfunctory way because the issues had already been decided by the State Supreme Court in its earlier decision.

Obviously, Mr. President, Federal habeas corpus is a complex and arcane subject. Its difficult and restrictive rules simply delay imposition of the death penalty and render it useless as a deterrent. The purposes of tough law enforcement are best served by full and prompt hearings instead of a procedural morass that defeats the substantive benefits of capital punishment.

In 1990, Chief Justice William H. Rehnquist said the current system for handling death penalty habeas corpus cases in the Federal courts ''verges on the chaotic.'' He was charitable. If justice delayed is justice denied, there's little justice left in the Federal judicial treatment of death sentences.

My proposal for habeas corpus reform will bring practical reinstatement of the death penalty, so that meaningless procedures do not remain the enemy of substantive justice.

Mr. President, I ask unanimous consent that the full text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 623

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 ''Habeas Corpus Reform Act of 1995''.

SEC. 2. FILING DEADLINES.

Section 2244 of title 28, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) A 1-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of—

''(A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;

''(B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such State action;

''(C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and is made retroactively applicable; or

''(D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

''(2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim shall not be counted toward any period of limitation under this subsection.

SEC. 3. APPEAL.

Section 2253 of title 28, United States Code, is amended to read as follows:

''§ 2253. Appeal

''(a) In a habeas corpus proceeding or a proceeding under section 2255 before a district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit in which the proceeding is held.

''(b) There shall be no right of appeal from a final order in a proceeding to test the validity of a warrant to remove to another district or place for commitment or trial a person charged with a criminal offense against the United States, or to test the validity of such person's detention pending removal proceedings.

''(c)(1) Unless a circuit justice or judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from—

''(A) the final order in a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court; or

''(B) the final order in a proceeding under section 2255.

''(2) A certificate of appealability may issue under paragraph (1) only if the applicant has made a substantial showing of the denial of a constitutional right.

''(3) The certificate of appealability under paragraph (1) shall indicate which specific issue or issues satisfy the showing required by paragraph (2).''.

SEC. 4. AMENDMENT OF FEDERAL RULES OF APPELLATE PROCEDURE.

Rule 22 of the Federal Rules of Appellate Procedure is amended to read as follows:

''Rule 22. Habeas corpus and section 2255 proceedings

''(a) APPLICATION FOR THE ORIGINAL WRIT.—An application for a writ of habeas corpus shall be made to the appropriate district court. If application is made to a circuit judge, the application shall be transferred to the appropriate district court. If an application is made to or transferred to the district court and denied, renewal of the application before a circuit judge shall not be permitted. The applicant may, pursuant to section 2253 of title 28, United States Code, appeal to the appropriate court of appeals from the order of the district court denying the writ.

''(b) CERTIFICATE OF APPEALABILITY.—In a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court, an appeal by the applicant for the writ may not proceed unless a district or a circuit judge issues a certificate of appealability pursuant to section 2253(c) of title 28, United States Code. If an appeal is taken by the applicant, the district judge who rendered the judgment shall either issue a certificate of appealability or state the reasons why such a certificate should not issue. The certificate or the statement shall be forwarded to the court of appeals with the notice of appeal and the file of the proceedings in the district court. If the district judge has denied the certificate, the applicant for the writ may then request issuance of the certificate by a circuit judge. If such a request is addressed to the court of appeals, it shall be deemed addressed to the judges thereof and shall be considered by a circuit judge or judges as the court deems appropriate. If no express request for a certificate is filed, the notice of appeal shall be deemed to constitute a request addressed to the judges of the court of appeals. If an appeal is taken by a State or its representative, a certificate of appealability is not required.''.

SEC. 5. SECTION 2254 AMENDMENTS.

Section 2254 of title 28, United States Code, is amended—

(1) by amending subsection (b) to read as follows:

''(b)(1) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that—

''(A) the applicant has exhausted the remedies available in the courts of the State; or

''(B)(i) there is an absence of available State corrective process; or

''(ii) circumstances exist that render such process ineffective to protect the rights of the applicant.

''(2) An application for a writ of habeas corpus may be denied on the merits, notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the State.

''(3) A State shall not be deemed to have waived the exhaustion requirement or be estopped from reliance upon the requirement unless the State, through counsel, expressly waives the requirement.'';

(2) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(3) by inserting after subsection (c) the following new subsection:

''(d) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that was adjudicated on the merits in State court proceedings unless the adjudication of the claim—

''(1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or

''(2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.'';

(4) by amending subsection (e), as redesignated by paragraph (2), to read as follows:

''(e)(1) In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a determination of a factual issue made by a State court shall be presumed to be correct. The applicant shall have the burden of rebutting the presumption of correctness by clear and convincing evidence.

''(2) If the applicant has failed to develop the factual basis of a claim in State court proceedings, the court shall not hold an evidentiary hearing on the claim unless the applicant shows that—

''(A) the claim relies on—

''(i) a new rule of constitutional law, made retroactive by the Supreme Court, that was previously unavailable; or

''(ii) a factual predicate that could not have been previously discovered through the exercise of due diligence; and

''(B) the facts underlying the claim would be sufficient to establish by clear and convincing evidence that but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.''; and

(5) by adding at the end the following new subsections:

''(h) Notwithstanding any other provision of law, in all proceedings brought under this section, and any subsequent proceedings on review, appointment of counsel for an applicant who is or becomes financially unable to

afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

''(i) The ineffectiveness or incompetence of counsel during Federal or State collateral post-conviction proceedings shall not be a ground for relief in a proceeding arising under section 2254.''.

SEC. 6. SECTION 2255 AMENDMENTS.

Section 2255 of title 28, United States Code, is amended—

(1) by striking the second and fifth paragraphs; and

(2) by adding at the end the following new paragraphs:

''A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of—

''(1) the date on which the judgment of conviction becomes final;

''(2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making a motion by such governmental action;

''(3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and is made retroactively applicable; or

''(4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

''In all proceedings brought under this section, and any subsequent proceedings on review, appointment of counsel for a movant who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

''A second or successive motion must be certified as provided in section 2244 by a panel of the appropriate court of appeals to contain—

''(1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense; or

''(2) a new rule of constitutional law, made retroactive by the Supreme Court, that was previously unavailable.''.

SEC. 7. LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.

(a) CONFORMING AMENDMENT TO SECTION 2244(a).—Section 2244(a) of title 28, United States Code, is amended by striking ''and the petition'' and all that follows through ''by such inquiry.'' and inserting '', except as provided in section 2255.''.

(b) LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.—Section 2244(b) of title 28, United States Code, is amended to read as follows:

''(b)(1) A claim presented in a second or successive habeas corpus application under section 2254 that was presented in a prior application shall be dismissed.

''(2) A claim presented in a second or successive habeas corpus application under section 2254 that was not presented in a prior application shall be dismissed unless—

''(A) the applicant shows that the claim relies on a new rule of constitutional law, made retroactive by the Supreme Court, that was previously unavailable; or

''(B)(i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and

''(ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.

''(3)(A) Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.

''(B) A motion in the court of appeals for an order authorizing the district court to consider a second or successive application shall be determined by a three-judge panel of the court of appeals.

''(C) The court of appeals may authorize the filing of a second or successive application only if it determines that the application makes a prima facie showing that the application satisfies the requirements of this subsection.

''(D) The court of appeals shall grant or deny the authorization to file a second or successive application not later than 30 days after the filing of the motion.

''(E) The grant or denial of an authorization by a court of appeals to file a second or success application shall not be appealable and shall not be the subject of a petition for rehearing or for a writ of certiorari.

''(4) A district court shall dismiss any claim presented in a second or successive application that the court of appeals has authorized to be filed unless the applicant shows that the claim satisfies the requirements of this section.''.

SEC. 8. DEATH PENALTY LITIGATION PROCEDURES.

(a) ADDITION OF CHAPTER TO TITLE 28, UNITED STATES CODE.—Title 28, United States Code, is amended by inserting after chapter 153 the following new chapter:

''CHAPTER 154—SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES

''Sec.
''2261. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.
''2262. Mandatory stay of execution; duration; limits on stays of execution; second or abusive petitions.
''2263. Filing of habeas corpus application; time requirements; tolling rules.
''2264. Scope of Federal review; district court adjudications.
''2265. Application to State unitary review procedure.
''2266. Limitation periods for determining applications and motions.

''§ 2261. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment

''(a) This chapter shall apply to cases arising under section 2254 brought by prisoners in State custody who are subject to a capital sentence. It shall apply only if the provisions of subsections (b) and (c) are satisfied.

''(b) This chapter is applicable if a State establishes by statute, rule of its court of last resort, or by another agency authorized by State law, a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in State post-conviction proceedings brought by indigent prisoners whose capital convictions and sentences have been upheld on direct appeal to the court of last resort in the State or have otherwise become final for State law purposes. The rule of court or statute must provide standards of competency for the appointment of such counsel.

''(c) Any mechanism for the appointment, compensation, and reimbursement of counsel as provided in subsection (b) must offer counsel to all State prisoners under capital sentence and must provide for the entry of an order by a court of record—

''(1) appointing one or more counsel to represent the prisoner upon a finding that the prisoner is indigent and accepted the offer or is unable competently to decide whether to accept or reject the offer;

''(2) finding, after a hearing if necessary, that the prisoner rejected the offer of counsel and made the decision with an understanding of its legal consequences; or

''(3) denying the appointment of counsel upon a finding that the prisoner is not indigent.

''(d) No counsel appointed pursuant to subsections (b) and (c) to represent a State prisoner under capital sentence shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

''(e) The ineffectiveness or incompetence of counsel during State or Federal post-conviction proceedings in a capital case shall not be a ground for relief in a proceeding arising under section 2254. This limitation shall not preclude the appointment of different counsel, on the court's own motion or at the request of the prisoner, at any phase of State or Federal post-conviction proceedings on the basis of the ineffectiveness or incompetence of counsel in such proceedings.

''§ 2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions

''(a) Upon the entry in the appropriate State court of record of an order under section 2261(c), a warrant or order setting an execution date for a State prisoner shall be stayed upon application to any court that would have jurisdiction over any proceedings filed under section 2254. The application shall recite that the State has invoked the post-conviction review procedures of this chapter and that the scheduled execution is subject to stay.

''(b) A stay of execution granted pursuant to subsection (a) shall expire if—

''(1) a State prisoner fails to file a habeas corpus application under section 2254 within the time required in section 2263;

''(2) before a court of competent jurisdiction, in the presence of counsel, unless the prisoner has competently and knowingly waived such counsel, and after having been advised of the consequences, a State prisoner under capital sentence waives the right to pursue habeas corpus review under section 2254; or

''(3) a State prisoner files a habeas corpus petition under section 2254 within the time required by section 2263 and fails to make a substantial showing of the denial of a Federal right or is denied relief in the district court or at any subsequent stage of review.

''(c) If one of the conditions in subsection (b) has occurred, no Federal court thereafter shall have the authority to enter a stay of execution in the case, unless the court of appeals approves the filing of a second or successive application under section 2244(b).

''§ 2263. Filing of habeas corpus application; time requirements; tolling rules

''(a) Any application under this chapter for habeas corpus relief under section 2254 must be filed in the appropriate district court not later than 180 days after final State court affirmance of the conviction and sentence on direct review or the expiration of the time for seeking such review.

''(b) The time requirements established by subsection (a) shall be tolled—

''(1) from the date that a petition for certiorari is filed in the Supreme Court until the date of final disposition of the petition if a State prisoner files the petition to secure review by the Supreme Court of the affirmance of a capital sentence on direct review by the court of last resort of the State or other final State court decision on direct review;

''(2) from the date on which the first petition for post-conviction review or other collateral relief is filed until the final State court disposition of such petition; and

''(3) during an additional period not to exceed 30 days, if—

''(A) a motion for an extension of time is filed in the Federal district court that would have jurisdiction over the case upon the filing of a habeas corpus application under section 2254; and

''(B) a showing of good cause is made for the failure to file the habeas corpus application within the time period established by this section.

''§ 2264. Scope of Federal review; district court adjudications

''(a) Whenever a State prisoner under capital sentence files a petition for habeas corpus relief to which this chapter applies, the district court shall only consider a claim or claims that have been raised and decided on the merits in the State courts, unless the failure to raise the claim properly is—

''(1) the result of State action in violation of the Constitution or laws of the United States;

''(2) the result of the Supreme Court recognition of a new Federal right that is made retroactively applicable; or

''(3) based on a factual predicate that could not have been discovered through the exercise of due diligence in time to present the claim for State or Federal post-conviction review.

''(b) Following review subject to subsections (a), (d), and (e) of section 2254, the court shall rule on the claims properly before it.

''§ 2265. Application to State unitary review procedure

''(a) For purposes of this section, a 'unitary review' procedure means a State procedure that authorizes a person under sentence of death to raise, in the course of direct review of the judgment, such claims as could be raised on collateral attack. This chapter shall apply, as provided in this section, in relation to a State unitary review procedure if the State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in the unitary review proceedings, including expenses relating to the litigation of collateral claims in the proceedings. The rule of court or statute must provide standards of competency for the appointment of such counsel.

''(b) To qualify under this section, a unitary review procedure must include an offer of counsel following trial for the purpose of representation on unitary review, and entry of an order, as provided in section 2261(c), concerning appointment of counsel or waiver or denial of appointment of counsel for that purpose. No counsel appointed to represent the prisoner in the unitary review proceedings shall have previously represented the prisoner at trial in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

''(c) Sections 2262, 2263, 2264, and 2266 shall apply in relation to cases involving a sentence of death from any State having a unitary review procedure that qualifies under this section. References to State 'post-conviction review' and 'direct review' in such sections shall be understood as referring to unitary review under the State procedure. The reference in section 2262(a) to 'an order under section 2261(c)' shall be understood as referring to the post-trial order under subsection (b) concerning representation in the unitary review proceedings, but if a transcript of the trial proceedings is unavailable at the time of the filing of such an order in the appropriate State court, then the start of the 180-day limitation period under section 2263 shall be deferred until a transcript is made available to the prisoner or counsel of the prisoner.

''§ 2266. Limitation periods for determining applications and motions

''(a) The adjudication of any application under section 2254 that is subject to this chapter, and the adjudication of any motion under section 2255 by a person under sentence of death, shall be given priority by the district court and by the court of appeals over all noncapital matters.

''(b)(1)(A) A district court shall render a final determination and enter a final judgment on any application for a writ of habeas corpus brought under this chapter in a capital case not later than 180 days after the date on which the application is filed.

''(B) A district court shall afford the parties at least 120 days in which to complete all actions, including the preparation of all pleadings and briefs, and if necessary, a hearing, prior to the submission of the case for decision.

''(C)(i) A district court may delay for not more than one additional 30-day period beyond the period specified in subparagraph (A), the rendering of a determination of an application for a writ of habeas corpus if the court issues a written order making a finding, and stating the reasons for the finding, that the ends of justice that would be served by allowing the delay outweigh the best interests of the public and the applicant in a speedy disposition of the application.

''(ii) The factors, among others, that a court shall consider in determining whether a delay in the disposition of an application is warranted are as follows:

''(I) Whether the failure to allow the delay would be likely to result in a miscarriage of justice.

''(II) Whether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate briefing within the time limitations established by subparagraph (A).

''(III) Whether the failure to allow a delay in a case, that, taken as a whole, is not so unusual or so complex as described in subclause (II), but would otherwise deny the applicant reasonable time to obtain counsel, would unreasonably deny the applicant or the government continuity of counsel, or would deny counsel for the applicant or the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

''(iii) No delay in disposition shall be permissible because of general congestion of the court's calendar.

''(iv) The court shall transmit a copy of any order issued under clause (i) to the Director of the Administrative Office of the United States Courts for inclusion in the report under paragraph (5).

''(2) The time limitations under paragraph (1) shall apply to—

''(A) an initial application for a writ of habeas corpus;

''(B) any second or successive application for a writ of habeas corpus; and

''(C) any redetermination of an application for a writ of habeas corpus following a remand by the court of appeals or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

''(3)(A) The time limitations under this section shall not be construed to entitle an applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

''(B) No amendment to an application for a writ of habeas corpus under this chapter shall be permitted after the filing of the answer to the application, except on the grounds specified in section 2244(b).

''(4)(A) The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

''(B) The State may enforce a time limitation under this section by petitioning for a writ of mandamus to the court of appeals. The court of appeals shall act on the petition for a writ or mandamus not later than 30 days after the filing of the petition.

''(5)(A) The Administrative Office of United States Courts shall submit to Congress an annual report on the compliance by the district courts with the time limitations under this section.

''(B) The report described in subparagraph (A) shall include copies of the orders submitted by the district courts under paragraph (1)(B)(iv).

''(c)(1)(A) A court of appeals shall hear and render a final determination of any appeal of an order granting or denying, in whole or in part, an application brought under this chapter in a capital case not later than 120 days after the date on which the reply brief is filed, or if no reply brief is filed, not later than 120 days after the date on which the answering brief is filed.

''(B)(i) A court of appeals shall decide whether to grant a petition for rehearing or other request for rehearing en banc not later than 30 days after the date on which the petition for rehearing is filed unless a responsive pleading is required, in which case the court shall decide whether to grant the petition not later than 30 days after the date on which the responsive pleading is filed.

''(ii) If a petition for rehearing or rehearing en banc is granted, the court of appeals shall hear and render a final determination of the appeal not later than 120 days after the date on which the order granting rehearing or rehearing en banc is entered.

''(2) The time limitations under paragraph (1) shall apply to—

''(A) an initial application for a writ of habeas corpus;

''(B) any second or successive application for a writ of habeas corpus; and

''(C) any redetermination of an application for a writ of habeas corpus or related appeal following a remand by the court of appeals en banc or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

''(3) The time limitations under this section shall not be construed to entitle an applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

''(4)(A) The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

''(B) The State may enforce a time limitation under this section by applying for a writ of mandamus to the Supreme Court.

''(5) The Administrative Office of United States Courts shall submit to Congress an annual report on the compliance by the courts of appeals with the time limitations under this section.''.

(b) TECHNICAL AMENDMENT.—The part analysis for part IV of title 28, United States Code, is amended by adding after the item relating to chapter 153 the following new item:

''154. Special habeas corpus procedures in capital cases ..... 2261.''.

SEC. 9. TECHNICAL AMENDMENT.

Section 408(q) of the Controlled Substances Act (21 U.S.C. 848(q)) is amended—

(1) in paragraph (4)(A), by striking ''shall'' and inserting ''may'';

(2) in paragraph (4)(B), by striking ''shall'' and inserting ''may''; and

(3) by amending paragraph (9) to read as follows:

''(9) Upon a finding that investigative, expert, or other services are reasonably necessary for the representation of the defendant, whether in connection with issues relating to guilt or the sentence, the court may authorize the defendant's attorneys to obtain such services on behalf of the defendant and, if so authorized, shall order the payment of fees and expenses therefor under paragraph (10). No ex parte proceeding, communication, or request may be considered pursuant to this section unless a proper showing is made concerning the need for confidentiality. Any such proceeding, communication, or request shall be transcribed and made a part of the record available for appellate review.''.

SEC. 10. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

Mr. HATCH. Mr. President, I thank my friend from Pennsylvania, my distinguished colleague on the Judiciary Committee, for his kind words. Senator SPECTER, a former prosecutor, is one of the most knowledgeable persons on the Judiciary Committee with respect to habeas corpus litigation. He has long been an advocate for habeas reform. Together, we have worked hard to craft a consensus bill that will enact meaningful reform of the Federal habeas corpus process. Today, we are introducing as legislation the product of those labors.

I am pleased to join with Senator SPECTER in introducing legislation to reform Federal habeas corpus procedures. This marks an important step in the process of ensuring that convicted criminals receive the punishment they justly deserve. A criminal justice system incapable of enforcing legally imposed sentences cannot be called just and must be reformed.

The statutory writ of habeas corpus is an important means of guaranteeing that innocent persons will not be illegally imprisoned. Indeed, the Constitution guarantees the writ against suspension. Unfortunately, this bulwark of liberty has been perverted by those who would seek to frustrate the demands of justice.

As of January 1, 1995, there were some 2,976 inmates on death row. Yet, only 38 prisoners were executed last year, and the States have executed only 263 criminals since 1973. In 1989, a committee chaired by then-retired Supreme Court Justice Lewis Powell found, among other things, extraordinary delays in the discharge of sentences and an abuse of the litigation process. The committee reported that Federal habeas corpus made up approximately 40 percent of the total delay from sentence to execution in a random sampling of cases. At that time, the shortest of these proceedings lasted for 2.5 years and the longest nearly 15 years.

The Powell committee concluded that the Federal collateral review process, with the long separation between sentence and effectuation of that sentence, ''hamper[ed] justice without improving the quality of adjudication.'' [Powell Committee Report at 4.] This abuse of habeas corpus litigation, particularly in those cases involving lawfully imposed death sentences, has taken a dreadful toll on victims' families, seriously eroded the public's confidence in our criminal justice system, and drained State criminal justice resources. This was not the system envisioned by the Framers of our Constitution.

In my home State of Utah, for example, convicted murderer William Andrews delayed the imposition of a constitutionally imposed death sentence for over 18 years. The State had to put up millions of dollars in precious criminal justice resources to litigate his meritless claims. His guilt was never in question. He was not an innocent person seeking freedom from an illegal punishment. Rather, he simply wanted to frustrate the imposition of punishment his heinous crimes warranted.

Senator SPECTER and I have worked to draft a consensus habeas corpus reform measure that will respect the traditional roles of State and Federal courts, secure the legitimate constitutional rights of the defendant, and restore balance to the criminal justice system.

Habeas corpus reform must not discourage legitimate petitions that are clearly meritorious and deserve close scrutiny. Meaningful reform must, however, stop repeated assaults upon fair and valid State convictions through spurious petitions filed in Federal court.

As a consequence, the reform proposal Senator SPECTER and I have introduced sets time limits to eliminate unnecessary delay and to discourage those who would use the system to prevent the imposition of a just sentence. Manufactured delays breed contempt for the law and have a profound effect on the victims of violent crime.

Our proposed legislation limits second or successive Federal petitions to claims of factual innocence or in those instances in which the Supreme Court has created a new rule of constitutional law and applied that rule retroactively. Our bill also ensures that proper deference is given to the judgments of State courts, who have the primary obligation of trying criminal cases. After all, finality is a hallmark of a just system, and must be maintained in order to preserve the legitimacy of the criminal process.

Critics of meaningful habeas reform complain that the reformers are seeking to destroy the Constitution's guarantees of individual liberty. This specious argument is simply incorrect. It misstates the original understanding of the habeas process. The legislation Senator SPECTER and I have introduced will uphold the constitutional guarantees of freedom from illegal punishment, while at the same time ensuring that lawfully convicted criminals will not be able to twist the criminal justice system to their own advantage.

I believe that the bill we have introduced today will give the American people the crime control legislation they demand and deserve. I urge the support of my colleagues for this important legislation.

By Mr. HATFIELD:

S. 624. A bill to establish a Science and Mathematics Early Start Grant Program, and for other purposes; to the Committee on Labor and Human Resources.

SCIENCE AND MATH EARLY START GRANT PROGRAM ACT

Mr. HATFIELD. Mr. President, I regard the eight National Education Goals we codified in the Goals 2000 legislation as very important challenges; challenges we must make every effort to meet in order to ensure the future of the Nation. All of these goals are interconnected. We cannot afford to lag behind in any and expect to attain the rest. At this time, it appears that U.S. students continue to lag dangerously behind in mathematics and science achievement.

With the passage of Goals 2000 and the ESEA reauthorization, we hope to reduce that gap. Yet, there are still glaring holes in our math and science educational programs. The bill I am introducing today is designed to fill one of those holes. It is that, unfortunately, many currently funded Federal programs for children, especially preschool youngsters, such as Head Start do not usually include any special emphasis on math or science education. Even when math and science are included as part of the curriculum, they are often the weakest areas of emphasis.

Ask any parent to list the character traits of preschoolers and high on the list will be curiosity and a desire to learn ''why.'' These children are naturally curious and eager to understand the world around them. I believe that we, as a nation of educators, are missing a tremendous opportunity when we

fail to build on this natural curiosity by failing to provide these rich experiences.

Federal programs intended to provide additional support for low income children such as Head Start and chapter I should include activities rich in early math and science investigations. It is the very nature of science to answer the question ''why.'' Early exposure to age-appropriate, inquiry-based science and mathematics experiences will provide the foundation on which later understanding rests.

Why, with rare exception, are educational programs rich in math and science missing from preschool curriculum? I believe that the major reason is that most preschool teachers have little experience with simple science and mathematics activities, feel uncomfortable with teaching science and mathematics, and are not prepared to teach age-appropriate and inquiry-based science and mathematics. This is an area of greatest need. While I do not underestimate the importance of language development and social experiences that are a large part of preschool programs, I feel that we can no longer minimize the importance of early science and math investigations. This is particularly true of the target group of Head Start as preschoolers from low-income families often have very limited opportunities to be exposed to science activities.

It is possible to provide these experiences to preschoolers? The answer is provided by a program conducted at Marylhurst College in Portland, OR. This wonderful program, now in its third year, is training Head Start teachers to use exciting, age-appropriate math and science activities in their classes. Picture the effect these activities have on disadvantaged and minority youth. In all likelihood, this is the first chance these children have to relate math and science to their lives. The teacher training program has been conducted for the past three years, and the results have been phenomenal.

Consider what two teachers, Sherry Wright and Debi Coffey, from the Albina Head Start program in Oregon had to say. ''After two years of using the knowledge we gained from the Marylhurst College instructors, we truly feel confident in using science everyday. Our children have learned how to predict and discover the possible results to a problem. Our children will take the science experience that they learned in Head Start with them throughout the rest of their lives.''

Andrey Sylvia, who had no science classes at all prior to the Marylhurst College Head Start Summer Institute, expressed the result excitedly and succinctly. ''Now I am a science whiz!''

My legislation provides for a competitive grant program to establish demonstration sites to acquaint preschool teachers with the stimulating processes involved in the inquiry approach. The teachers themselves must experience the excitement of hands-on activities in order to communicate that excitement to children. No more than 25 percent of the funds can be used for the purchase of supplies necessary to carry out the activities.

A second part of the legislation provides funds to enable Head Start teachers to participate in professional development programs in science and mathematics teaching methods.

We simply cannot afford to miss the opportunity to replicate this concept throughout the preschool and Head Start programs nationwide. These programs are a positive investment in the lives of these disadvantaged children and will create a lifelong interest in math and science. That interest is critical to the future of the children and equally critical to the future of the Nation.

Mr. President, I ask unanimous consent that these letters from the president of Marylhurst College and Sarah Greene, chief executive officer of National Head Start Association, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARYLHURST COLLEGE,
Marylhurst, OR, March 20, 1995.

Hon. MARK O. HATFIELD,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HATFIELD: As President of Marylhurst College, an accredited, private, liberal arts college dedicated to making innovative post-secondary education accessible to self-directed students of all ages, I am delighted to offer this letter of support for the Science and Math Early Start Grant Program Act.

Despite national concern and reform efforts, science and mathematics education for preschool children remains limited, and ample studies demonstrate an even greater lack of science and math skills among low income students. A longitudinal study of disadvantaged children at the Perry Preschool in Ypsilanti, Michigan, found that for every dollar invested, seven dollars were returned to society in terms of higher income and fewer costs related to welfare and crime. Widely recognized as a successful intervention, Head Start provides low income children with basic education, but it has been criticized for not providing discipline-based instruction—especially in science—due to the teachers' lack of educational preparation. In fact, the final Report of the Advisory Committee on Head Start Quality and Expansion (12/93) recommends strengthening staff training and building partnerships with the private sector.

Marylhurst designed its Summer Science Institute to address this problem by training Head Start teachers to teach science and encourage their students to develop an interest in science. The pilot Institute—an intensive, experiential, four-week, college credit course covering basic scientific principles—has been offered to 53 Albina Head Start and Portland Public School teachers since 1992. Seventy-five percent reported that the experience completely changed their attitudes about science and their abilities to learn and teach science.

According to an independent evaluation by Northwest Regional Educational Laboratory, the Institute made a major contribution to science teaching in the Albina program. NWREL concluded that it also had ''a positive systemic influence on the level of teacher and student self-esteem, which in turn has increased the effectiveness of student learning across their curriculum.'' The Portland Public School evaluation is currently in process. Marylhurst plans to replicate the successful model through Head Start college partnerships.

Through the Science and Math Early Start Program Act of 1995, Congress can provide seed money to encourage efficient replication of similar programs, which can be maintained without ongoing government support with funding provided by foundations and corporations. This legislation not only ensures that low income children are included in national science and math education reform efforts, but also improves Head Start teacher preparation so that they can better prepare their students for a more technologically and scientifically complex future.

Sincerely,

NANCY WILGENBUSCH,
President.

NATIONAL HEAD START ASSOCIATION,
Alexandria, VA, January 9, 1995.

Hon. MARK O. HATFIELD,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HATFIELD: The National Head Start Association supports efforts to expand the Summer Science Institute and make it an integral part of the education program for preschoolers. Dr. Nancy Wilgenbush, President, Marylhurst College, presented an overview of the Summer Science Institute to over 5,000 Head Start teachers, administrators, and parents during our annual conference in April 1993. She also conducted a workshop during the conference, it was packed. The presentation resulted in an overwhelming request for more information on project implementation. Our office, as well as Dr. Wilgenbush's, continue receiving such inquiries.

After receiving the absolutely positive results of the project conducted in Portland with Albina Head Start teachers, I am convinced of the need to implement the Summer Science Institute nationwide.

This early infusion of science for young low income children is essential if we are preparing them for the 21st Century.

Thank you for introducing a bill providing funds to implement this project.

Sincerely,

SARAH M. GREENE,
Chief Executive Officer.

ADDITIONAL COSPONSORS

S. 16

At the request of Mr. DOLE, the names of the Senator from Montana [Mr. BAUCUS], the Senator from Utah [Mr. BENNETT], the Senator from Colorado [Mr. BROWN], the Senator from Maine [Mr. COHEN], the Senator from Idaho [Mr. CRAIG], the Senator from New York [Mr. D'AMATO], the Senator from New Mexico [Mr. DOMENICI], the Senator from Iowa [Mr. GRASSLEY], the Senator from Mississippi [Mr. LOTT], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Oklahoma [Mr. NICKLES], the Senator from South Dakota [Mr. PRESSLER], the Senator from Pennsylvania [Mr. SANTORUM], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 16, a bill to establish a commission to review the dispute settlement reports of the World

Trade Organization, and for other purposes.

S. 240

At the request of Mr. DOMENICI, the names of the Senator from Idaho [Mr. KEMPTHORNE], the Senator from New Hampshire [Mr. SMITH], and the Senator from Tennessee [Mr. FRIST] were added as cosponsors of S. 240, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the act.

S. 388

At the request of Ms. SNOWE, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 388, a bill to amend title 23, United States Code, to eliminate the penalties for noncompliance by States with a program requiring the use of motorcycle helmets, and for other purposes.

S. 391

At the request of Mr. CRAIG, the names of the Senator from Wyoming [Mr. SIMPSON] and the Senator from Arizona [Mr. KYL] were added as cosponsors of S. 391, a bill to authorize and direct the Secretaries of the Interior and Agriculture to undertake activities to halt and reverse the decline in forest health on Federal lands, and for other purposes.

SENATE RESOLUTION 92—AMENDING RULE XXV OF THE STANDING RULES OF THE SENATE

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 92

Resolved, That Rule XXV, paragraph 2, of the Standing Rules of the Senate is amended as follows:

Strike the figure after ''Agriculture, Nutrition, and Forestry'' and insert in lieu thereof ''18''.

Strike the figure after ''Energy and Natural Resources'' and insert in lieu thereof ''20''.

SEC. 2. That Rule XXV. paragraph 3(c) of the Standing Rules of the Senate is amended as follows:

Strike the figure after ''Indian Affairs'' and insert in lieu thereof ''16''.

SENATE RESOLUTION 93—MAKING MAJORITY PARTY APPOINTMENTS TO SENATE COMMITTEES

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 93

Resolved, That the following shall constitute the majority party's membership on the following Senate committees for the 104th Congress, or until their successors are appointed:

Energy and Natural Resources: Mr. Murkowski (Chairman), Mr. Hatfield, Mr. Domenici, Mr. Nickles, Mr. Craig, Mr. Campbell, Mr. Thomas, Mr. Kyl, Mr. Grams, Mr. Jeffords, and Mr. Burns.

Veterans' Affairs: Mr. Simpson (Chairman), Mr. Murkowski, Mr. Specter, Mr. Thurmond, Mr. Jeffords, Mr. Campbell, and Mr. Craig.

Indian Affairs: Mr. McCain (Chairman), Mr. Murkowski, Mr. Gorton, Mr. Domenici, Mrs. Kassebaum, Mr. Nickles, Mr. Campbell, Mr. Thomas, and Mr. Hatch.

SENATE RESOLUTION 94—MAKING A MAJORITY PARTY APPOINTMENT

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 94

Resolved, That the Senator from Colorado (Mr. Campbell) is hereby appointed to the Committee on Agriculture, Nutrition and Forestry, and that the following be the majority membership on that committee for the 104th Congress, or until their successors are appointed:

Agriculture, Nutrition and Forestry: Mr. Lugar (Chairman), Mr. Dole, Mr. Helms, Mr. Cochran, Mr. McConnell, Mr. Craig, Mr. Coverdell, Mr. Santorum, Mr. Warner, and Mr. Campbell.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON THE CONSTITUTION

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution, Federalism, and Property Rights of the Senate Committee on the Judiciary, be authorized to meet during a session of the Senate on Friday, March 24, 1995, at 9 a.m., in Senate Dirksen Room 226, on ''The 10th Amendment and the Conference of the States.''

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE LINE-ITEM VETO

• Mr. SIMPSON. Mr. President, it was with the greatest of enthusiasm that I chose to support the line-item veto legislation.

In just a few weeks, all of us will be asked to cast our votes to raise the debt ceiling for this country to more than $5 trillion. It is difficult to comprehend the enormity of this figure. If you took those 5 trillion individual dollars and laid them end to end, they would span the vast icy distance between the Earth and Moon almost 2,000 times.

The line-item veto represents a small but most significant first step toward processes to ensure greater fiscal responsibility. I believe the measure that we recently passed is the best workable compromise between various approaches and will make this legislation very effective. I am particularly pleased by the inclusion of a ''lockbox'' provision to ensure that any spending that is ''zeroed out'' is earmarked for deficit reduction.

Our past experience with spending patterns here in Congress demonstrates why it was crucial to include this provision. I have seen a number of programs terminated on the Senate floor, after hours of spirited debate centered around the question—''can we afford it''? After concluding that we could not afford the program in question, we terminated the program, then failed to adjust the spending caps downward, meaning that we simply spent the money on something else. Such a ''loophole'' in this legislation would be a costly and destructive provision that would make a mockery of this measure. Without the lockbox provision the President could terminate a program with an eye toward seeing those funds reprogrammed in another direction. Or, Congress could simply retitle or reallocate the funding items which failed to pass muster. That would subvert the clear intention of this sharpened tool, which is to enable the President to assist in slowing down and reducing Government spending.

What pleases me the most about this legislation is that its modified form will permit the President to confront the problem of rising entitlement spending. This is, as we well know, the fastest growing category of Federal spending, and the single greatest cause of runaway debt. In the past, one overused tactic used to evade the discipline of discretionary spending caps has been to promote new programs in the form of mandatory entitlements. This designation has shielded them from annual scrutiny through the appropriations process and creates an ever expanding ''black hole'' into which our Federal dollars disappear. Giving the President a chance to ward off future trespasses in area will make this legislation much more effective in controlling spending.

Opponents of this measure have criticized the line-item veto on the basis of or experience with it at the State level. Sometimes they say that such authority is not easily applied at the Federal level, or worse yet, that it does not even work in the States. The latter contention is simply flat-out wrong. The line-item veto does work effectively at the State level. We heard testimony to that effect in the Judiciary Committee, where we learned of countless instances in which governors have used the power to eliminate wasteful spending from appropriations bills. It is one reason why no State has a fiscal crisis on the order of compare to our Federal deficit.

I fully understand the sincerity of opponents of this measure when they voice fears that the line-item veto would give to much power to the President. The allegation has been made that the President could use this power to punish individual legislators, indeed to carry out a personal vendetta against a particular Congressman or Senator. I simply believe that due reflection on this matter will show that there is little to fear from such a situation occurring. First of all, these vetoes will not be made in secret. The press will eagerly report on the items

rescinded, and they will be evaluated in their own right, quite apart from any personal issues surrounding them. Regardless of the President's personal feelings about any legislator, the final test of the issue will be whether or not the spending is appropriate. Both the President and the Congress will have to make the appropriate case as to whether or not the spending should occur.

I was extremely pleased when Bill Clinton, as a candidate for the Presidency, indicated his support for a line-item veto. We on our side of the aisle, have delivered such an option to him. It is a good time to do it—with a Republican Congress and Democratic President. It is a clear indication that this should not be a partisan issue. It should be an issue around which fiscally responsible legislators on both sides can rally.

Many of my colleagues are already very familiar with a process that I have seen too often in my 16 years of Senate service. We send a popular bill down to the other end of Pennsylvania Avenue only after we have loaded it up with a pile of pet pork projects, knowing full well that the President has to swallow everything in order to get the provisions that are so desired by him. There might be clearly wasteful spending in that package, but the President must nonetheless feel compelled to sign the bill simply because it is the only way to preserve ''essential'' spending or other legislative language.

This problem is compounded when the President is sent the appropriations bills at the 11th hour of the congressional session. The President must sign those, or else risk a temporary shutdown of vial Government functions.

The veto in its current form is a terribly crude blunt instrument, and it does not enable the President to deal effectively with these situations. Passage of the line-item veto will finely make it a more precise and agile tool, one which can be surgically wielded effectively on behalf of the U.S. taxpayer.●

CUBA: TIME TO CHANGE DIRECTION

● Mr. SIMON. Mr. President, my colleagues in the Senate know that I think that the policy of the United States toward Cuba does not make any sense at all.

I have introduced a bill which would permit Americans to travel to Cuba. To deny travel to any place, other than for security reasons, is an infringement of basic free speech.

We have to be able to learn as much as we can everywhere. To restrict travel is to restrict the thought and learning process.

The New York Times recently had an editorial titled ''Cuba: Time to Change Direction.''

It points out the ridiculousness of our present Cuban policy.

I ask that the New York Times editorial be printed in the RECORD.

The editorial follows:

[From the New York Times, Mar. 19, 1995]

CUBA: TIME TO CHANGE DIRECTION

The sight of Fidel Castro in a business suit being escorted about Paris this week as an honored guest deserves some consideration in Washington. With the Soviet Union gone and the cold war over, the only threat that the Cuban Communist poses to the United States lies in the imagination of ideological warriors like Senator Jesse Helms. While the time has not yet come to welcome Mr. Castro to Washington, a re-examination of Cuba policy is long overdue. The embargo of Cuba, begun when John Kennedy occupied the White House and Nikita Khrushchev was Soviet leader, has outlived its usefulness.

Conservatives still cling to the notion that isolating Cuba and creating misery for its people will eventually cause an uprising and sweep Mr. Castro from power. Now that he is without Soviet support and his economy is in tatters, they reason, sanctions should be tightened.

This scenario is unwise and inhumane. Cuba will survive because other nations are investing there and are not participating in the embargo. Last year when a resolution against the embargo came up at the U.N., it passed by 101 votes to 2. The kind of outright rebellion envisioned by Senator Helms and some Cuban-Americans, if it did occur, would bring bloodshed and more misery for many Cubans. At a time when Washington is trying hard to encourage peaceful transitions elsewhere in the region and world, it makes little sense to encourage bloodshed in Cuba.

An increasing number of younger, more moderate Cuban-Americans are fed up with the revenge fantasies of their elders, and would like to see more dialogue and commerce with Mr. Castro's regime. They feel that his repressive policies could not continue for long if the barriers were lifted and ordinary Cubans could have a taste of material success and a whiff of personal freedom from the north. Washington's anachronistic policy may even help Mr. Castro, by giving him a convenient scapegoat for all his failure at home.

Without the embargo, the excuses would be gone. Open communication with the United States, freedom for Cuban-Americans to invest in businesses back home, and access to North American goods could be first steps. More favorable trade conditions could be held out as incentives to further reforms. Mr. Castro's Paris visit illustrated the power of the friendly gesture. After his warm reception by President Mitterrand, Mr. Castro agreed to allow a French human rights group to visit.

There should be gradations in American policy toward repressive governments. When American national security is potentially threatened, as with Iran and its efforts to develop nuclear weapons, Washington is justified in banning commerce. In cases like China and Cuba, where internal policies are anathema to Americans but American security is not at risk, commerce can be encouraged but trade privileges should be withheld.

Scuttling the embargo would take some political courage. All the White House had to do last week to inspire Mr. Helms's wrath was to hint that it might consider lifting some additional sanctions imposed last year during the immigration crisis. But the political clout of the Cuban exile community has diminished in recent years as more Cuban-Americans have abandoned the traditional confrontational stance.

Long gone are the days when Soviet troops and bases in Cuba represented a real threat to the United States and Mr. Castro was exporting arms and revolution in the hemisphere. Cuba, absent the ghosts of the cold war, is an impoverished neighbor of the United States led by a dictator overtaken by history. American policy should reflect that reality rather than a world that no longer exists.●

NICKLES-REID SUBSTITUTE TO S. 219

● Mr. NICKLES. Mr. President, upon the consideration of S. 219, the Regulatory Transition Act, I will offer along with my colleagues Senator HARRY REID, Senator KIT BOND, and Senator KAY BAILEY HUTCHISON an amendment which provides for a 45-day congressional review of Federal regulations. During that time, Congress will be authorized to review and, potentially, reject regulations before they become final. This alternative provide an opportunity to move forward on the critical issue of regulatory reform in a bipartisan manner.

I ask that following my statement the text of the amendment be printed in the RECORD.

The proposed amendment follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Regulatory Transition Act of 1995''.

SEC. 2. FINDING.

The Congress finds that effective steps for improving the efficiency and proper management of Government operations will be promoted if a moratorium on the effectiveness of certain significant final rules is imposed in order to provide Congress an opportunity for review.

SEC. 3. MORATORIUM ON REGULATIONS; CONGRESSIONAL REVIEW.

(a) REPORTING AND REVIEW OF REGULATIONS.—

(1) REPORTING TO CONGRESS.—

(A) Before a rule can take effect as a final rule, the Federal agency promulgating such rule shall submit to each House of the Congress a report containing—

(i) a copy of the rule;

(ii) a concise general statement relating to the rule;

(iii) the proposed effective date of the rule; and

(iv) a complete copy of the cost-benefit analysis of the rule, if any.

(B) Upon receipt, each House shall provide copies to the Chairman and Ranking Member of each committee with jurisdiction.

(2) EFFECTIVE DATE OF SIGNIFICANT RULES.—A significant rule relating to a report submitted under paragraph (1) shall take effect as a final rule, the latest of—

(A) the later of the date occurring 45 days after the date on which—

(i) the Congress receives the report submitted under paragraph (1); or

(ii) the rule is published in the Federal Register;

(B) if the Congress passes a joint resolution of disapproval described under section 4 relating to the rule, and the President signs a veto of such resolution, the earlier date—

(i) on which either House of Congress votes and fails to override the veto of the President; or

(ii) occurring 30 session days after the date on which the Congress received the veto and objections of the President; or

(C) the date the rule would have otherwise taken effect, if not for this section (unless a joint resolution of disapproval under section 4 is enacted).

(3) EFFECTIVE DATE FOR OTHER RULES.—Except for a significant rule, a rule shall take effect as otherwise provided by law after submission to Congress under paragraph (1).

(b) TERMINATION OF DISAPPROVED RULEMAKING.—A rule shall not take effect (or continue) as a final rule, if the Congress passes a joint resolution of disapproval described under section 4.

(c) PRESIDENTIAL WAIVER AUTHORITY.—

(1) PRESIDENTIAL DETERMINATIONS.—Notwithstanding any other provision of this section (except subject to paragraph (3)), a rule that would not take effect by reason of this Act may take effect, if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

(2) GROUNDS FOR DETERMINATIONS.—Paragraph (1) applies to a determination made by the President by Executive order that the rule should take effect because such rule is—

(A) necessary because of an imminent threat to health or safety or other emergency;

(B) necessary for the enforcement of criminal laws; or

(C) necessary for national security.

(3) WAIVER NOT TO AFFECT CONGRESSIONAL DISAPPROVALS.—An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 4 or the effect of a joint resolution of disapproval under this section. —

(d) TREATMENT OF RULES ISSUED AT END OF CONGRESS.—

(1) ADDITIONAL OPPORTUNITY FOR REVIEW.—In addition to the opportunity for review otherwise provided under this Act, in the case of any rule that is published in the Federal Register (as a rule that shall take effect as a final rule) during the period beginning on the date occurring 60 days before the date the Congress adjourns sine die through the date on which the succeeding Congress first convenes, section 4 shall apply to such rule in the succeeding Congress.

(2) TREATMENT UNDER SECTION 4.—

(A) In applying section 4 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

(i) such rule were published in the Federal Register (as a rule that shall take effect as a final rule) on the 15th session day after the succeeding Congress first convenes; and

(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report must be submitted to Congress before a final rule can take effect.

(3) ACTUAL EFFECTIVE DATE NOT AFFECTED.—A rule described under paragraph (1) shall take effect as a final rule as otherwise provided by law (including other subsections of this section).

(e) TREATMENT OF RULES ISSUED BEFORE THIS ACT.—

(1) OPPORTUNITY FOR CONGRESSIONAL REVIEW.—The provisions of section 4 shall apply to any significant rule that is published in the Federal Register (as a rule that shall take effect as a final rule) during the period beginning on November 20, 1994, through the date on which this Act takes effect.

(2) TREATMENT UNDER SECTION 4.—In applying section 4 for purposes of Congressional review, a rule described under paragraph (1) shall be treated as though—

(A) such rule were published in the Federal Register (as a rule that shall take effect as a final rule) on the date of the enactment of this Act; and

(B) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

(3) ACTUAL EFFECTIVE DATE NOT AFFECTED.—The effectiveness of a rule described under paragraph (1) shall be as otherwise provided by law, unless the rule is made of no force or effect under section 4.

(f) NULLIFICATION OF RULES DISAPPROVED BY CONGRESS.—Any rule that takes effect and later is made of no force or effect by the enactment of a joint resolution under section 4 shall be treated as though such rule had never taken effect.

(g) NO INFERENCE TO BE DRAWN WHERE RULES NOT DISAPPROVED.—If the Congress does not enact a joint resolution of disapproval under section 4, no court or agency may infer any intent of the Congress from any action or inaction of the Congress with regard to such rule, related statute, or joint resolution of disapproval.

SEC. 4. CONGRESSIONAL DISAPPROVAL PROCEDURE.

(a) JOINT RESOLUTION DEFINED.—For purposes of this section, the term ″joint resolution″ means only a joint resolution introduced after the date on which the report referred to in section 3(a) is received by Congress the matter after the resolving clause of which is as follows: ''That Congress disapproves the rule submitted by the ____ relating to ____, and such rule shall have no force or effect.'' (The blank spaces being appropriately filled in.)

(b) REFERRAL.—

(1) IN GENERAL.—A resolution described in paragraph (1) shall be referred to the committees in each House of Congress with jurisdiction. Such a resolution may not be reported before the eighth day after its submission or publication date.

(2) SUBMISSION DATE.—For purposes of this subsection the term ''submission or publication date'' means the later of the date on which—

(A) the Congress receives the report submitted under section 3(a)(1); or

(B) the rule is published in the Federal Register.

(c) DISCHARGE.—If the committee to which is referred a resolution described in subsection (a) has not reported such resolution (or an identical resolution) at the end of 20 calendar days after the submission or publication date defined under subsection (b)(2), such committee may be discharged by the Majority Leader of the Senate or the Majority Leader of the House of Representatives, as the case may be, from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(d) FLOOR CONSIDERATION.—

(1) IN GENERAL.—When the committee to which a resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of, a resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. 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 until disposed of.

(2) DEBATE.—Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order.

(3) FINAL PASSAGE.—Immediately following the conclusion of the debate on a resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) APPEALS.—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 described in subsection (a) shall be decided without debate.

(e) TREATMENT IF OTHER HOUSE HAS ACTED.—If, before the passage by one House of a resolution of that House described in subsection (a), that House receives from the other House a resolution described in subsection (a), then the following procedures shall apply:

(1) NONREFERRAL.—The resolution of the other House shall not be referred to a committee.

(2) FINAL PASSAGE.—With respect to a resolution described in subsection (a) of the House receiving the resolution—

(A) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(B) the vote on final passage shall be on the resolution of the other House.

(f) CONSTITUTIONAL AUTHORITY.—This section is enacted by 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 described in subsection (a), 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 the 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. 5. SPECIAL RULE ON STATUTORY, REGULATORY AND JUDICIAL DEADLINES.

(a) IN GENERAL.—In the case of any deadline for, relating to, or involving any significant rule which does not take effect (or the effectiveness of which is terminated) because of the enactment of a joint resolution under section 4, that deadline is extended until the date 12 months after the date of the joint resolution. Nothing in this subsection shall be construed to affect a deadline merely by reason of the postponement of a rule's effective date under section 3(a).

(b) DEADLINE DEFINED.—The term ''deadline'' means any date certain for fulfilling any obligation or exercising any authority established by or under any Federal statute or regulation, or by or under any court order implementing any Federal statute or regulation.

SEC. 6. DEFINITIONS.

For purposes of this Act—

(1) FEDERAL AGENCY.—The term ''Federal agency'' means any ''agency'' as that term is defined in section 551(1) of title 5, United States Code (relating to administrative procedure).

(2) SIGNIFICANT RULE.—The term ''significant rule'' means any final rule, issued after November 9, 1994, that the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget finds—

(A) has an annual effect on the economy of $100,000,000 or more or adversely affects in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(B) creates a serious inconsistency or otherwise interferes with an action taken or planned by another agency;

(C) materially alters the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(D) raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

(4) FINAL RULE.—The term ''final rule'' means any final rule or interim final rule. As used in this paragraph, ''rule'' has the meaning given such term by section 551 of title 5, United States Code.

SEC. 7. CIVIL ACTION.

An Executive order issued by the President under section 3(c), and any determination under section 3(a)(2), shall not be subject to judicial review by a court of the United States.

SEC. 8. APPLICABILITY; SEVERABILITY.

(a) APPLICABILITY.—This Act shall apply notwithstanding any other provision of law.

(b) SEVERABILITY.—If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SEC. 9. EFFECTIVE DATE.

This Act shall take effect on the date of the enactment of this Act and shall apply to any significant rule that takes effect as a final rule on or after such effective date.●

LINE-ITEM VETO

● Mr. ROBB. Mr. President, I take this opportunity to speak briefly about yesterday's approval by the Senate of line-item veto legislation, which I supported. By giving the President and the Congress separate enrollment of appropriated items, new tax expenditures and new entitlements, we are better able to maximize our limited resources, make the wisest investments in our people and our Nation, and move more responsibly toward a balanced Federal budget.

Will a line-item veto solve all our fiscal problems? No, of course not. But I reject the notion that we should not use all available means to force the President and the Congress to prioritize Federal spending. Our inability, or unwillingness, to make these difficult choices has led to a nearly $5 trillion national debt.

Was the measure perfect? No, and I understand the legitimate concerns many Members of this body had about a line-item veto. I think most would agree, however, that changes need to be made in our budget process. Our $5 trillion debt is a testament to that fact. The differences lie in identifying the most desirable means to achieve responsible reform.

As I see it, the current problem lies in the fact that the Congress can ignore the rescissions proposed by the President. While the President can veto an entire appropriations bill, doing so forces the President to disapprove items which he supports as well. Thus, unless appropriations bills contain a particularly egregious item or items, Presidents now generally sign them, thereby permitting spending he considers unnecessary to continue in order to avoid striking down other items which he does approve.

The separate enrollment of each item will allow the President to reach only those items he disapproves, and Congress will have to accept those rescissions unless they are reinstated by a two-thirds vote in both the House of Representatives and the Senate.

Does this cede power to the President? Certainly. But, I am willing to give the Chief Executive a strong check on spending.

I am willing to give our President the tools to make some tough fiscal decisions because a chief executive has, in my judgment, a singular ability to envision national priorities and reconcile intense competition between disparate interests. It is infinitely easier for one individual to prioritize spending than it is for 535 individuals with varied and specific interests.

Not only will the measure passed last night allow the President to strike items in appropriations bills, but it will also allow the President to strike authorizations of new tax expenditures and new direct spending. These other types of spending contribute to our deficit even more than appropriated items, and should be included. To responsibly control spending, we have to put all options on the table.

I would, however, have preferred that the language covering tax expenditures been made more clear in the legislation. While I believe that the language included meets the same objectives as the Bradley amendment, of which I was a cosponsor, I believe we should have made it clear and free of all ambiguity that tax breaks are on the table. Nonetheless, I believe the language of similarly situated taxpayers will be interpreted broadly which will subject a wide range of tax breaks to a Presidential veto.

Mr. President, this body acted responsibly yesterday in approving line-item veto legislation. As a former Governor who had line-item veto authority, I understand its importance in imposing a measure of fiscal discipline on the budget process. We urgently need this discipline at the Federal level.●

THE DOLLAR'S DECLINE AS DOUBLE-EDGED SWORD

● Mr. SIMON. Mr. President, we are receiving regular reminders obliquely of the need for a balanced budget amendment.

In Sunday's Washington Post Jane Bryant Quinn's column ends with the words: ''Big cuts in the Federal deficit would improve confidence abroad. But Congress and the voters aren't there yet.''

And in a column by Stan Hinden there is reference to Donald P. Gould, a California money manager of a mutual fund.

In the Hinden column, among other things, he says: ''Gould noted that the global strength of the dollar has been slipping for 25 years—except for an upward blip in the early 1980s.''

It is not sheer coincidence that for 26 years in a row we have been operating with a budget deficit.

Hinden also notes in his column: ''Since 1970, the dollar has lost more than 60 percent of its value in relation to the German mark and has dropped almost 75 percent in relation to the Japanese yen. In 1970, it took 3.65 German marks to buy one U.S. dollar. As of last week, you could buy a dollar with only 1.40 marks.''

I served in Germany in the Army after World War II, and I remember it took a little more than 4 marks to buy a dollar.

The Washington Post writer also notes: ''Gould, who is president and founder of the Franklin Templeton Global Trust—which used to be called the Huntington Funds—is not optimistic about the dollar's future. He sees little chance that the United States will be able to solve the fiscal and economic problems that have helped the dollar depreciate.''

We are getting that message from people all over the world.

I cannot understand why we do not listen

Finally, Donald Gould is quoted as saying: ''For the first time I am aware of, during a global flight to quality, that quality has been defined as marks and yen and not dollars.''

I hope we start paying attention to this kind of information.●

ORDERS FOR MONDAY, MARCH 27, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10:30 a.m., on Monday, March 27, 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, and that there then be a period for routine morning business until 11:30 a.m., with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Mr. DOMENICI for 10 minutes, Mr. THOMAS for 10 minutes, and Mr. GRASSLEY for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Mr. President, at 11:30 a.m. Monday, under a previous order, there will be 6 hours of debate on S. 219, the moratorium bill.

For the information of all Senators, no votes will occur during Monday's session of the Senate.

JIM EXON

Mr. DOLE. Mr. President, the States of Kansas and Nebraska share a common border. And the citizens of those two States also share common characteristics of hard work, honesty, and personal responsibility.

For the past 16 years, those characteristics could be seen here in the Senate, in the work of our colleague, JIM EXON.

As my colleagues know, Senator EXON announced on Friday that he will retire from the Senate in 1996, and I rise today to pay tribute to his distinguished public service career.

His service to Nebraska and to America began in 1942, when he enlisted in the U.S. Army, and served for 2 years in the Pacific theater.

After returning to Nebraska, Senator Exon would eventually serve for nearly 18 years as president of his own office equipment company.

In 1970, he brought his business experience to the Governor's office, where he served for 8 years, and earned a reputation as a guardian of tax dollars.

Since first coming to the Senate in 1979, Senator EXON has made a difference on a wide number of issues, including agriculture, trade, transportation, the budget, and national security.

I know I speak for all Members of the Senate and saying that we look forward to working with Senator EXON for the remainder of this Congress, and in wishing he and Pat many more years of health and happiness.

ADJOURNMENT UNTIL 10:30 A.M., MONDAY, MARCH 27, 1995

Mr. DOLE. Mr. President, if there be no further business to come before the Senate I move we stand in adjournment under the previous order.

The motion was agreed to, and the Senate, at 3:30 p.m., adjourned until Monday, March 27, 1995, at 10:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 24, 1995:

DEPARTMENT OF STATE

RAY L. CALDWELL, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS DEPUTY ASSISTANT SECRETARY OF STATE FOR BURDENSHARING.

PHILIP C. WILCOX, JR., OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS COORDINATOR FOR COUNTER TERRORISM.

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

JOHN CHRYSTAL, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1997.

GEORGE J. KOURPIAS, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1997.

GLORIA ROSE OTT, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1996.

HARVEY SIGELBAUM, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1996.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

KAREN NELSON MOORE, OF OHIO, TO BE U.S. DISTRICT JUDGE FOR THE SIXTH CIRCUIT.

JANET BOND ARTERTON, OF CONNECTICUT, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT.

WILLIS B. HUNT, JR., OF GEORGIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA.

CHARLES B. KORNMANN, OF SOUTH DAKOTA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF SOUTH DAKOTA.

DEPARTMENT OF JUSTICE

J. DON FOSTER, OF ALABAMA, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF ALABAMA FOR THE TERM OF 4 YEARS.

MARTIN JAMES BURKE, OF NEW YORK, TO BE U.S. MARSHAL FOR THE SOUTHERN DISTRICT OF NEW YORK FOR THE TERM OF 4 YEARS.

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING DANIEL V. RILEY, JR., AND ENDING HEATHER L. MORRISON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 1995.

COAST GUARD NOMINATIONS BEGINNING RALPH R. HOGAN, AND ENDING JOHN W. KOLSTAD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 1995.

COAST GUARD NOMINATIONS BEGINNING GENELLE T. VACHON, AND ENDING GREGORY A. HOWARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1995.

COAST GUARD NOMINATIONS BEGINNING JAMES M. BEGIS, AND ENDING JON W. MINOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 16, 1995.

COAST GUARD NOMINATION OF LOUISE A. STEWART, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 16, 1995.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING CHRISTOPHER E. GOLDTHWAIT, AND ENDING WILLIAM L. BRANT II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 1995.

FOREIGN SERVICE NOMINATIONS BEGINNING JOHN THOMAS BURNS, AND ENDING VAN S. WUNDER III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 1995.

FOREIGN SERVICE NOMINATIONS BEGINNING LUIS E. ARREAGA RODAS, AND ENDING JEFFREY A. WUCHENICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 1995.

EXTENSIONS OF REMARKS

TRIBUTE TO THE MURRAY HOUSE

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Mr. MARTINI. Mr. Speaker, I would like to take a moment to recognize a truly outstanding organization in the Eighth Congressional District of New Jersey, and the very special family who have done so much to support it over the years.

On February 19, 1995, I was honored to attend the annual dinner-dance on behalf of the Murray House, a facility in Passaic County, NJ, which provides for the needs of the developmentally disabled.

Murray House was the first group home in the State of New Jersey. It was created through the love and dedication of the family of Jimmy Murray of Passaic County. Jimmy, the first of five children of Kit and Jim Murray, was born a healthy baby. But during his first year, he suffered a fever that left him with brain damage.

As is so often the case, it was an unfortunate circumstance that has resulted in so much good for the people of northern New Jersey. Through Jimmy's situation, the Murray family came to know Monsignor John B. Wehrlen, who to this day is still fondly called Father Jack. Inspired by the need to create a new ministry to address the needs of families with disabled children, Father Jack founded the Department of Persons with Disabilities within the Diocese of Paterson.

It was through this relationship that Murray House came to be. Father Jack wanted to find a home, instead of an institution, for disabled adults whose parents had passed away or had no family to care for them. In 1970, he found his home—a 150-year-old diocese building on Main Street in Paterson.

It was with the help and efforts of special people like the Murray family that Father Jack was able to transform a once-vacant building into a home that could nurture and serve the needs of those with disabilities. With the help of others in the community, including churches, civic organizations and students, New Jersey's first group home was opened. It was named ''Murray House,'' after Jimmy Murray.

Since then, Jimmy's brother, Dennis M. Murray, and other members of the Murray family, have dedicated their lives to helping others by raising much-needed funds for the Department for Persons with Disabilities, which operates Murray House and more than a half-dozen other group homes, supervised apartments, and vocational programs for the disabled of north Jersey.

I recently had the pleasure of meeting the Murray family and several hundred of their supporters. This family is a shining example of how a few committed and caring people can change the lives of hundreds or thousands. Their selfless dedication and concern for persons with disabilities is remarkable, and reminds us all that there are lessons about love and compassion we can each learn from the tireless efforts of our friends and neighbors.

ZINGERMAN'S DELI'S PAUL AND ARI

HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Ms. RIVERS. Mr. Speaker, today, I am pleased to recognize Paul Saginaw and Ari Weinzweig, owners of Zingerman's Delicatessen in Ann Arbor, MI. Since opening Zingerman's in 1982, Paul and Ari have worked tirelessly to enrich the lives of the less fortunate people in their community.

To help alleviate the problem of hunger in the Ann Arbor area, Paul and Ari established Food Gatherers, which collects surplus food from restaurants, dorms, and stores and distributes the food to homeless shelters and halfway houses. Since the program was established almost 6 years ago, more than a half million pounds of food has been delivered.

Paul and Ari's generosity extends to their own delicatessen business as well. They hire, train, and promote recently arrived immigrants as well as employees with special needs and they offer job training for members of Trailblazers, an organization that helps those recovering from mental illness. Furthermore, Paul and Ari give financial backing to these employees who wish to become partners in new business ventures.

As a result of their kind endeavors, Paul and Ari are the recipients of the Jewish Federation of Washtenaw County's first annual Humanitarian Award. I can think of none more deserving of this honor than Paul and Ari. I would like to congratulate both of them as well as express my deep pride and admiration in having such fine citizens in my community.

LAWRENCE KORB: THERE IS NO READINESS GAP

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Mr. FRANK of Massachusetts. Mr. Speaker, it has occurred to me that people who are thinking of launching military action against the United States are probably likeliest to do it in November of every year, because it is in November, just before the budget is prepared and sent to us, that our friends in the Pentagon and their supporters often argue that America is militarily vulnerable and must spend billions of dollars more than we were planning to spend to defend ourselves.

Most recently, this came in the form of an argument that our readiness was below where it should have been. Lawrence Korb, who was in part responsible for maintaining readiness during the Reagan administration as an assistant secretary of defense, very effectively refutes this argument in the article he published in the Sunday New York Times of February 26. Lawrence Korb has done his country enormous service, both when he was in government, and even more so afterward by his willingness to speak out forcefully and honestly, even when this has unfortunately been at some cost to his own professional career. His refutation of the most recent arguments that have been advanced to send an already excessively high Pentagon budget even higher make an extremely contribution to our national debate and I ask that they be printed here.

[From the New York Times, Feb. 26, 1995]

THE READINESS GAP

(By Lawrence J. Korb)

To listen to Republicans and the military brass, you would think America's armed forces have fallen into the same 1970's morass that spawned the term ''hollow military'' and gave Ronald Reagan a potent issue for the 1980 campaign. Is it possible that just four years after one of the most stunning military triumphs in modern times the services could be suffering from inadequate training, shortages of spare parts and poisonous morale? Just to pose the question in those terms points strongly to the commonsense answer—of course not. This is not the 1970's and the Clinton Administration is not repeating the mistakes of the Carter Administration.

Today, the United States spends more than six times as much on defense as its closest rival, and almost as much on national security as the rest of the world combined. In 1995, Bill Clinton will actually spend $30 billion more on defense, in constant dollars, than Richard Nixon did 20 years ago and substantially more than his own Secretary of Defense argued was necessary in 1992.

Since the collapse of the Berlin wall, the Pentagon's forces have declined by 25 percent and financing for new weapons has fallen by 50 percent while readiness spending has dropped by only 10 percent. In the last year, readiness accounts increased by $5 billion while the overall military budget dropped by 3 percent. The Pentagon now spends more on readiness (about $60,000 per person) than it did in the Reagan and Bush Administrations (when readiness hit all-time highs) and 50 percent more than during the Carter years.

And the quality of entering recruits is still very high (96 percent) and retention rates are so good that the Pentagon is still dismissing people.

If readiness spending is higher than in the Reagan and Bush years, and if the manpower situation is still so solid, why do so many politicians and generals warn darkly about a readiness gap? That—not the theological question of whether our forces are combat ready—is the crucial question. The answer is more nuanced than most people would imagine, and sheds a great deal of light on Pentagon politicking in the post-cold-war era.

I first encountered the politics of military readiness 30 years ago when I was a Naval flight officer in the Far East. One Sunday afternoon, in response to a call from the Seventh Fleet, I reported that only 3 of our 12 planes were ready for combat. For my honesty, I received a severe tongue-lashing from

my commanding officer, who informed me that whenever headquarters called we were always ready. The military, he explained correctly, prized a ''can do outfit,'' and the services promoted those who performed regardless of circumstances.

My next encounter was in 1980, when I was preparing a monograph on the subject for the American Enterprise Institute. When word of my project reached the Pentagon I was drowned in data (some of which was highly classified) and anecdotes from normally tight-lipped bureaucrats. When I went to the Pentagon to conduct some interviews, I was treated like a foreign dignitary.

One of my conclusions was that readiness is a slippery and poorly understood concept. To most people it is a synonym for military capability or preparedness. To the military, however, readiness is only one of four components of preparedness, and not necessarily the most important one. To obtain a true picture, one had to look at the other three pillars—force structure (the number of ships, planes, tanks), modernization (the age of the forces) and sustainability (staying power). Thus, a very ready force could be considered militarily impotent if it was too small, too old and lacked staying power. By the same token, a force that was bigger, more sophisticated and better armed than its adversaries could be deemed unready if it was considered improperly trained and outfitted.

I also concluded that readiness is a hot-button political issue, subject to unlimited manipulation. Even the informed public can't judge such matters as the appropriate force structure, the proper time to replace a plane or tank and the level of effort necessary to win a war. But everybody wants and expects a ready force.

Military leaders were quick to grasp the political potential of readiness scares. In the late 70's, word went out that reports of readiness problems would be welcomed by headquarters. The only exception was the Marine Corps. I was told by a general that the Marines had been C–2 (ready) for 200 years!

I also came to understand that measuring readiness is hardly an exact science. Each service defined readiness differently, and I found similar units with similar problems reporting different levels of readiness. The Air Force claimed that a fighter pilot needed to fly 20 hours a month to stay battle fit. The Navy and Marine Corps said their pilots needed a minimum of 24 hours a month; Air National Guard units needed only 10 hours per month. No one could ever explain why readiness demanded that Army tanker trucks drive 800 miles a year, why ships needed to steam 55 days per quarter or why helicopter pilots needed only 14 hours a month flying time.

Finally, I discovered that a unit's readiness was determined by the lowest grade it received in any of the four categories (personnel, equipment and supplies on hand, equipment readiness and training). Thus, a fully manned unit with modern equipment in perfect working order would be classified as not ready if it trained for only a brief period of time.

Nonetheless, my report for the American Enterprise Institute concluded that the armed forces were indeed experiencing severe readiness problems, for three reasons. Given the threat posed by our principal adversary, the Soviet Union, military expenditures in the 1970's were too low. Moreover, the civilian and military leaders of the Department of Defense decided to spend the few extra dollars they received on stealth war planes, cruise missiles and other new technologies at the expense of flying hours and spare parts. Finally, the Carter Administration allowed military pay and benefits to fall 25 percent behind comparable rates in the private sector. Consequently, the quality of recruits fell below acceptable standards and retention rates dropped precipitously.

My conclusions were attacked by the Secretary of Defense but embraced by the military and candidate Reagan. My reward, following the Reagan triumph, was to be appointed ''readiness czar'' in the Pentagon.

Once in office, I was introduced to another side of the politics of readiness. The military chiefs, having skillfully used the issue to help secure a large spending increase, were much less interested infixing readiness than in modernizing and enlarging their forces. The same Army chief who had coined the term ''hollow military'' told the Secretary of Defense that the best way to improve a soldier's readiness was to buy him a new rifle.

Spending for readiness did increase by about 20 percent, or nearly $10,000 per person (in total, less than one-fifth the increase in procurement). Nonetheless, according to the Joint Chiefs, by 1984 the readiness of all major units, except Navy ships, had gone down and I was being pilloried by the Democrats.

How did this happen? Without telling their civilian ''superiors,'' the service chiefs had raised the standards for readiness right along with the Reagan buildup. After these standards were made more realistic, readiness began to grow significantly during the last half of the 1980's, reaching all-time highs. The performance of the American forces in the gulf in 1990 and 1991 showed just how capable and ready they were.

With the ascension of Bill Clinton to the Presidency, readiness once again emerged as the hot-button issue. Senator John McCain, the Arizona Republican, issued a report called ''Going Hollow,'' in which he drew heavily on the views of the Joint Chiefs of Staff. Last December, a weakened President Clinton pledged an additional $25 billion for readiness. Nevertheless, it is obvious that the current readiness gap, like others since the 1970's, was designed and manufactured by the Pentagon to serve its political agenda—to maintain the cold war status quo.

Despite several reviews of force structure in recent years, the services remain configured to contain a non-existent Soviet empire. The Navy still keeps three active carrier battle groups, with thousands of battle-ready marines, while the Army and Air Force have nearly 200,000 troops stationed in Europe and Asia. Thus, when a crisis erupts in a Haiti or a Rwanda, these forces must take on these assignments as ''extra tasks,'' for which they often lack training and equipment. The question here is not readiness but why we continue to train and deploy forces for cold war tasks.

Additionally, the services have inflated the threat against which readiness is measured. According to President Clinton, the armed forces should be prepared to fight two major regional wars simultaneously: one against Iraq and one against North Korea. According to the Pentagon and many Republicans, the services have neither the money nor the forces to accomplish this. Since defense spending is at about 85 percent of its average cold war level, this leads to the absurd conclusion that Iraq and North Korea (which together spend less than $20 billion a year on the military) equal 85 percent of the might of the Soviet empire.

Finally, the joint chiefs are simply manipulating the system. Two of the three Army divisions that they identified as unready were in the process of being demobilized. Other units were not able to do routine training because they were involved in a real war, that is, the October deployment to the Persian Gulf to deal with Saddam's thrust toward Kuwait. The Marines, who have finally caught on, now say that their readiness is lower than in 1980!

The U.S. has the finest and best financed military in the world. It is also the most ready, prepared to go thousands of miles on short notice. But it is inadequately controlled by its civilian superiors. Because of Bill Clinton's perceived political vulnerability on defense issues, the civilian leaders do not wish to risk a confrontation with the Republicans or the military chiefs. As a result, the ''nonpolitical'' admirals and generals running the military are taking all of us to the cleaners, using the readiness gap to snatch up precious dollars to defend against a threat that no longer exists.

DELAURO HONORS LOCAL HERO

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Ms. DELAURO. Mr. Speaker, today, I would like to ask my colleagues to join me in mourning the passing of a true hero. Mr. John Willsher of Woodbridge, CT, died of a heart attack last month after helping to rescue two young boys, whom he had never met, from the freezing waters of Lily Pond in New Haven.

Having stopped to buy gas, he heard the boys screaming from across the street and ran to help. As part of a brave and selfless rescue effort, he helped remove the boys from the frigid waters of the pond. After making the rescue, John Willsher suffered a fatal heart attack.

Mr. Willsher died the same way he lived for 57 years—helping others. He was known among relatives and neighbors as helpful and generous. His countless acts of selflessness cannot be listed, but will long be remembered by those who knew him.

Mr. Willsher is remembered by his friends and family for his good sense of humor, his interest in politics, and his love of cooking. He and his wife, Elizabeth (Buddy), to whom he had been married for 30 years, and his three children, Michael, Peter, and Jennifer, were very close.

Mr. Willsher moved to the United States from Colchester, England in 1963. He worked as a plumber for 18 years at the AlliedSignal Corp. in Stratford and was 2 years away from retirement.

John Willsher reminds us of the best in people. His generosity and selflessness renew our faith in ourselves.

I am confident that my colleagues in the House join me as I send my deepest condolences to the Willsher family and my gratitude for the selflessness and bravery demonstrated by John throughout his life.

PERSONAL EXPLANATION

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Mr. TORRES. Mr. Speaker, I was unavoidably absent on official business on Wednesday, March 22, 1995, for rollcall vote No. 255. Had I been present on the House floor I would have cast my vote as follows: ''nay'' on agreeing to the resolution, House Resolution 119,

for further consideration of H.R. 4, the Personal Responsibility Act.

STATE ROUTE 905—NAFTA's MISSING LINK

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Mr. FILNER. Mr. Speaker, I hope my colleagues will be interested in testimony I gave today before the Transportation Subcommittee of the Committee on Appropriations:

Mr. Chairman, thank you for this opportunity to provide testimony on a project that is critical to the economic success of the North American Free Trade Agreement [NAFTA] and the economic development of not only southern California, but the whole Nation.

When the 103d Congress approved and the President signed NAFTA, we all knew that ensuring the success of the agreement would require that all parties provide the necessary infrastructure to facilitate the flow of trade. I am asking this committee and this Congress to honor this commitment to San Diego.

State Route 905 is the critical missing link in our United States-Mexico border trade and transportation system on the West Coast. The current road serves as the only connection between the Otay Mesa point of entry [POE] in San Diego and the Nation's interstate highway system. State Route 905 is a part of that infrastructure which is needed to accommodate international trade and deserves to be funded and completed.

I am here today to urge you to consider funding this vital link during your upcoming deliberations of transportation projects to be funded during fiscal year 1996.

DEMONSTRATION PROJECTS

There is a critical need for continued Federal funding of ''special highway demonstration projects.'' States undergo a constant struggle to build and maintain their own intrastate roads and bridges. They do not have sufficient funds to single-handedly complete highway projects which supplement the national highway system and which support Federal trade policy—as in our case.

This project will produce benefits far beyond the local region as only 16 percent of trade using this border crossing has a San Diego origin or destination. Every State in the continental United States, Hawaii, Canada, Asia, and the Canal Zone all profit from trade through this point of entry.

The Federal Highway Administration has proposed that this road be a part of the National Highway System—and I am confident that the Committee on Transportation and Infrastructure will include this in its list of authorized projects.

LOCAL COMMITMENT

The city of San Diego and the State of California already have demonstrated their good faith commitment to their share of this project. They have invested $14 million and have begun work to widen the existing road from four to six lanes of traffic. However, due to the increasingly heavy flow of transborder commercial traffic, this road will be at—or above—capacity when completed. This is only a short-term solution, however, and a permanent answer to America's growing trade with Mexico is needed.

We have worked closely with the city and county of San Diego, the State Department of Transportation [CALTRANS], and the local regional council of governments in identifying this as our county's top transportation need.

In addition, CALTRANS, the General Services Administration and the California Highway Patrol Department all concur on the vital need for completion of this highway to meet the pressing needs created by the substantial increase in trade transportation.

TRADE FACILITATION

This is a necessary and vital road because the Otay Mesa crossing is the only commercial vehicle border crossing facility between the two largest cities on the United States-Mexico border. With the recent opening of a new border crossing facility at Otay Mesa, this point of entry handles the third highest value of commerce along the entire United States-Mexico border.

The recent Federal Highway Administration report to Congress estimated that, because of the adoption of NAFTA, the value of commercial goods crossing the border would increase by 208 percent by the year 2000—but only if additional infrastructure improvements are made. If we achieve this 208 percent growth—the estimated value of goods crossing this border would be $18.8 billion annually.

The Otay Mesa border crossing facility can handle this increase in business. We simply need an additional incremental investment on the part of the Federal Government to put us in a position to take full advantage of future increases in trade.

The one road that leads from the interstate highway, to this border crossing cannot accommodate the increase in traffic. This link is a four-lane city street—Otay Mesa Road—which is already over capacity and which has been the location of a number of fatal vehicular accidents due to its congestion. This road was never intended to handle heavily loaded cargo trucks travelling at high speeds to and from the international border. We need a highway to take this commercial traffic inland.

Mr. Chairman, the Federal Government made the decision to process all international commercial traffic at the Otay Mesa border crossing. The Federal Government also made the decision to approve NAFTA—which will soon double the volume of our cross-border traffic. These two new federal trade policies have created the urgent need for this highway. Not funding this project would be the worst kind of unfunded mandate. The Federal Government must meet this responsbility—our local communities simply cannot.

TRAFFIC AND SAFETY

As I have mentioned, an overcrowded four lane city street—Otay Mesa Road—provides the only connection between the Otay Mesa point of entry and the interstate highway system. This road, which has the appearance of a country road, was not intended to carry a high volume of automobile traffic and certainly never a high volume of heavy commercial vehicles.

With the closing of the nearby San Ysidro border crossing to commercial traffic, an additional 1,200 trucks per day carrying commercial goods to and from Mexico now travel on this city street. While the average mix of commercial trucks on any city street is 5 percent, this road experiences a 20 to 25 percent truck mix during regular business hours. Wear and tear on this road is occurring at an alarming rate due to these heavy loads.

When major traffic accidents occur on this road—as they do with increasing frequency now—all border traffic slows to a stop. It is typically 4 hours and occasionally more before accidents are cleared away and traffic returns to normal. This constitutes a major impediment to the implementation of NAFTA.

This road also does not meet requirements for the transportation of hazardous materials through communities. With the closing of the San Ysidro crossing to commercial traffic, trucks carrying hazardous materials must travel to the Calexico-Mexicali point of entry to cross the border—a 90-mile detour!

COST

We are asking that the Federal Government help San Diego accommodate this increasing international trade by approving a three-year project to build State Route 905, which would link the Otay Mesa border crossing with the interstate highway system, and to make the necessary street improvements to manage this commercial traffic that is so vital to our economic growth.

While the total cost for the 3-year project is $96.7 million, our request for fiscal year 1996 is $500,000. These funds would allow for the completion of necessary environmental and cultural reports on the proposed route of the new highway. These studies are important and invaluable as they will influence the highway's alignment and potentially reduce expensive mitigation costs in the future. Funding for these studies is critical for this project to move forward.

CONCLUSION

It is a Federal responsibility to connect ports of entry with the interstate highway system. The Federal Government has not met its obligations. The State of California and the city of San Diego have invested more than $14 million in interim remedies. The private sector has invested far more than that to finance the necessary local street network. Existing State and Federal funds are being used to improve two existing highways, Interstates 5 and 15. These two highways would carry NAFTA-related traffic from the new highway to destinations throughout the county and beyond.

San Diego County's transportation and infrastructure needs are many. I hope that this committee will agree that the relatively small Federal investment required for this critical portion of border infrastructure, State Route 905, is in the national interest and that you will include funding for this road in our fiscal year 96 budget.

AMERICAN HOLOCAUST SURVIVOR HUGO PRINCZ

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Mr. SCHUMER. Mr. Speaker, I rise today to bring your attention and that of my colleagues to the case of Hugo Princz. Mr. Princz is the only known America survivor of the Nazi death camps. He has been denied Holocaust reparations by Germany for 40 years because of his U.S. citizenship while in the camps, despite numerous diplomatic entreaties on his behalf by successive administrations and Congress.

During the 103d Congress, the House and Senate unanimous resolutions supporting Mr. Princz and took numerous other steps on his behalf, including unanimous passage last October in the House, and near passage in the Senate, of legislation I authored which would have permitted the lawsuit he filed against Germany in 1992 to proceed; the courts had found Germany immune from the suit. My colleagues and I are prepared to reintroduce that

bill in this Congress should the latest diplomatic efforts to resolve the case founder.

Much has been written about the Princz case, but a superb column by Eric Beindel, editorial page editor of the New York Post, describes the Princz story in especially eloquent and dramatic detail. Entitled ''Germans stick to 'principle'—and the price is decency,'' it was published in the Post on January 19, 1995. Mr. Speaker, I ask its inclusion in the RECORD and urge my colleagues to read it.

I want to underscore one point made by Mr. Briendel. He rightly praises the key role in the Princz matter played by William R. Marks, a D.C. attorney, and his firm, Atlanta-based Powell, Goldstein, Frazer & Murphy. Mr. Marks and Powell, Goldstein—led in this effort by partner Simon Lazarus—have been tireless champions of Mr. Princz since they took the case on 20 months ago. They have so successfully raised its profile on the political, diplomatic and media fronts that a breakthrough may finally be possible. And that they accepted the case *pro bono* is a true testament to their commitment to resolving this unique humanitarian issue. I commend Mr. Marks, Mr. Lazarus, and Powell, Goldstein, and look forward to continued work with them and with Steven Perles, Mr. Princz' top-notch litigation attorney, as we try and bring this case to a successful conclusion.

[From the New York Post, Jan. 19, 1995]

GERMANS STICK TO ''PRINCIPLE''—AND THE PRICE IS DECENCY

(By Eric Breindel)

Tuesday's refusal by the U.S. Supreme Court to hear the case of Hugo Princz—a 72-year-old Holocaust survivor who wants to sue the German government in an American court—will be hailed by well-meaning lawyers as a victory for the ancient principle of ''sovereign immunity.''

In fact, Hugo Princz's story represents a case study in the abandonment of ordinary decency for abstract principle.

The Princz affair is almost a Manichean morality play. Princz himself, who endured the ultimate in barbarism as a Jewish inmate at Maidanek, Auschwitz and Dachau, is driven by a quest to realize some semblance of justice—to make his tormentors pay, if only in a meager, monetary way, for abusing him and murdering his family.

The Germans are animated in part by parsimony and in great measure by a determination to close the book on a past they've never fully been willing to face. Meanwhile, handicapped by an addiction to absolute order and an aversion to creative problem-solving, Berlin refuses to recognize that dealing with Hugo Princz as a special case would have spared Germany a good deal of unhappy publicity.

Notwithstanding the Supreme Court's ruling, the Princz story isn't over—largely because the aging survivor has managed to find vocal champions. Two of them stand out Rep. Charles Schumer (D-N.Y.) and William R. Marks, a young, Washington-based lawyer who's taken on Princz as a pro bono client.

Marks, a graduate of Harvard and Georgetown, persuaded his law firm colleagues that Princz's struggle against the German government deserved attention for humanitarian reasons. Schumer, a powerful House Democrat and skillful parliamentarian, means to introduce legislation that would strip Germany of its sovereign immunity for ''acts of genocide'' committed against American citizens. The bill, in short, would apply only to Princz. There is not other living American who survived the Nazi Holocaust as a U.S. citizen.

Princz and his family were American nationals living in Slovakia in 1942 when the German SS—assisted by Slovak Collaborators—sent them to the Maidanek death camp in Poland because they were Jewish. Twenty years old at the time, Princz had been born an American citizen. The Princz family—blessed with valid U.S. citizenship papers—should have been able to join a Red Cross prisoner-exchange transport. But in the night and go of war, Princz, his parents and five siblings were hustled onto Maidanek-bound cattle cars.

It's well to note that Princz and his father tried many times to secure appropriate papers for passage to America during the course of 1938 and 1939; despite their desperate circumstances—as Jews under impending Nazi rule—they were rebuffed by the U.S. embassy in Prague.

Apart from the curious fact of their nationality, the Princz family's fate was akin to that experienced by most East European Jews. Both his parents and his three sisters were shipped to Treblinka from Maidanek and gassed on arrival. Hugo and his brothers spent most of the war as slaves at Auschwitz. Both brothers perished. Princz himself was tasked with stacking the bodies of his fellow Jews after they were murdered. Near the war's end, he was marched into the German interior and wound up as a slave laborer at Dachau—where he was liberated in 1945 by U.S. troops.

As an American, Princz was spared interment in a Displaced Persons camp: After recuperating in a U.S. military hospital, he came to the U.S.—finally—in 1946.

This circumstance caused the German government to reject his original 1955 application for reparations: Insofar as he hadn't been either a German national or a DP, Princz was declared ineligible, notwithstanding Germany's professed willingness to recognize its moral obligation to make restitution to Holocaust survivors.

After 37 years of humiliating application and reapplication, Princz filed suit in federal court in 1992. The German government had broadened its eligibility criteria in 1965, but failed to notify Princz. When he finally submitted new forms, the long-suffering survivor was told that the statute had lapsed. Princz's lawsuit required him to advance a serious damages claim—thus, he's seeking $17 million for ''false imprisonment, assault and battery and infliction of emotional distress.'' (It's wrenching to see the Holocaust reduced to the language of tort law.) He also seeks payment from private German firms for the slave labor he performed.

The real debt may not be $17 million, if it's calculated in accordance with what other survivors were awarded. (Princz insists that his goal is retroactive parity.) Still, the debt is a good deal larger that the $3,400 lump-sum payment, plus a $340-per-month stipend, that Germany's lawyers offered Princz Tuesday after the high court ruled against him.

The Germans claim they can't strike an entirely separate deal with Princz, lest doing so invite additional litigation. (''The concern is groundless. Princz's circumstances are entirely unique.'') On a less than compelling note, the Germans contend that the settlement they're now offering is ''all the German government can afford.''

This sordid business has gone far enough. If Berlin can find funds to pay military pensions to ex-members of the murderous Latvian SS, it should be possible to locate money to ''compensate'' Hugo Princz.

Schumer's bill—which has lots of cosponsors and supporters on both sides of the aisle and in both houses of Congress—may help concentrate Berlin's mind and promote a focus on settling the case. After all, it's hard to imagine that Germany wants to see a genuine Holocaust trial take place in an American courtroom.

COMMENDING NATIONAL SERVICE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Mr. MILLER of California. Mr. Speaker, in light of the continuing debate about increasing Federal fiscal responsibility, it is extremely important that we recognize those programs that offer a substantial national return on the Federal investment. One such initiative, the National and Community Service Program, is a successful Federal program which provides volunteer placements for young people who choose to perform thousands of hours of work serving their country in return for educational assistance. Unfortunately, this program is also one of the many victims of misplaced Republican budgetary cuts.

As my colleagues are aware, the National and Community Service Program took a large hit in the recent House-passed rescissions bill. In response to this action, I would like to draw your attention to Mary McGrory's article in today's Washington Post which complements the program as a ''model enterprise.'' The article describes ''rampaging Republicans'' in the House who would like to eliminate National Service even though the program is overwhelmingly supported by both Democratic and Republican Governors across the Nation and by the communities that are recipients of the valuable work performed.

In 1994, approximately 20,000 AmeriCorps volunteers worked to confront unmet human, educational, environmental and public health needs. Roughly 350 of these volunteers worked in eight units of the National Forest System to combat the severe backlog of maintenance, improvement, and rehabilitation needs—work which is important but far from glamorous. The task undertaken on our public lands are those which are too undesirable or too costly for Forest Service personnel or contract employees to perform. Yet, this work directly benefits all Americans. Some of the AmeriCorps' accomplishments in the national forests include:

In San Bernardino National Forest, in California, AmeriCorps volunteers have taken important steps to prevent erosion by rehabilitating 12,000 acres of land burned by fires;

In Six Rivers National Forest, also in California, National Service volunteers have rehabilitated 3.5 miles of hiking and horse trails and reforested and restored wildlife habit on 10 acres of land which was once a gold mine waste area;

Volunteers planted 2,390 trees in several campgrounds, enhanced fish habitat, built a nature trail, and improved timber stands in the Rouge River National Forest in Oregon. AmeriCorps volunteers have also improved overall forest health on 55 acres by pruning second growth trees;

In Washington's Olympic National Forest, AmeriCorps volunteers have maintained 4 miles of trails, rehabilitated campground sites, completed handicapped access in six recreation sites, completed restoration of two historic sites, surveyed species habitat, and pruned 120 acres of timber stands;

In the Arizona National Forests, volunteers maintained 15 miles of trails, rehabilitated 10 campground sites, improved wildlife habitat on 300 acres, and obliterated 2 miles of road, returning the land to its natural state; and

AmeriCorps volunteers improved paths and maintained roads in Bienville National Forest in Mississippi.

These accomplishments represent only some of the projects AmeriCorps participants have completed. Elsewhere across the Nation, AmeriCorps volunteers have performed emergency response work to mitigate the effects of floods, fires and earthquakes, cleaned-up our urban areas, increased disaster prevention efforts and worked with citizens to improve their quality of life.

Mr. Speaker, I would ask that my colleagues remember that the entire Nation reaps the benefits of the National Service Program.

[From the Washington Post, Mar. 23, 1995]

CRIB DEATH FOR NATIONAL SERVICE

(By Mary McGrory)

The House Republicans' strangling of national service in its crib has to be seen not as a criticism of the agency's performance but simply as another expression of the party leadership's notion that no government program is worth a damn.

If they were going by performance, the Republicans might have to applaud AmeriCorps as a model enterprise. It is modestly funded, locally directed and dramatic evidence that American youth is not cynical or self-serving. AmeriCorps has had rave reviews from coast to coast for its 20,000 volunteers, who are doing things nobody else tackles, everything from helping to build housing for the poor and tutoring inner-city school pupils to cleaning polluted streams in Baltimore's watershed.

A case in point is Howard Hogin, a 1994 graduate of Georgetown University. He is living in a cramped barracks at the Aberdeen Proving Grounds. He spent September fighting forest fires in Idaho and much of the fall in helping build a riding ring for disabled children. Now he's trying to clean up Maryland's polluted steams. He hopes to pay off his college loans, AmeriCorps pays its workers a minimum wage and an annual $4,725 toward college expenses.

Service is in Hogin's genes, and by his family's standards, he is a big success. His parents are both social workers and his ancestors experienced big trouble, like the Irish famine and the Holocaust. He says lots of his Georgetown classmates have the same impulse to leave the country a better place but ''just can't afford to do it.''

Hogin is tactful about the mugging AmeriCorps suffered when the House cut $416 million, or 72 percent, from its $575 million budget. He was voted outstanding teenage Republican in his high school class. ''I understand that we have tremendous deficits and the taxpayers are heavily burdened, but if we give up what is best about America, what kind of a legacy do we leave?''

No such considerations figured in the thinking of House Republicans. The rap on AmeriCorps was not just that it was a government program, it is Bill Clinton's favorite program. Said Rules Committee Chairman Gerald B.H. Solomon, ''It's get-even time.''

It is also get-nervous time for the rampaging Republicans. They are winning victory after victory on the floor, but they are losing in public opinion. They have long since maintained that they know exactly what Nov. 8 was about, that the country wanted government to be shrunk and ordinary people, especially the poor, to pull up their socks. But a recent Washington Post-ABC poll shows that the public thinks Republicans have gone too far. And in his effort to save programs for the poor, Clinton has picked up some unexpected allies; the Roman Catholic bishops. They were reserved about him during the campaign because of his abortion rights stand. But they think now that pitiless Republicans pose a worse threat of increased abortions.

The Republicans' greatest tactical mistake was to meddle with the school lunch program, a popular and scandal-free operation that has helped many a hungry child get through the school day. In vain, the Republicans protested that they had not cut the funds but merely slowed the increase in the growth rate. Nonetheless, the ranks have begun to wince in the iron corset of the contract, and this week, 102 members rebelled against tax breaks for the rich.

The Democrats, who have been having their best week since the calamity of Nov. 8, were sporting ''Save the Children'' neckties on the House floor.

Eli Segal, the chief executive officer of the National Service Corps, has been summoned before the House Appropriations Subcommittee on Housing and Urban Development and Veterans Affairs for a discussion of the 1996 budget, which since the House action stands at $159 million, a sum that prohibits serious action.

He has been traveling the country inspecting the workers, deriving solace from moderate Republican governors who are keen about the corps' activities in conflict resolution, environmental cleanup, tutoring and other contributions to urban peace. They agree with him that pulling the plug after less than a year is bad practice. Segal's hope is that they will transmit their enthusiasm to their brother moderates in the Senate, which has become the haven for storm-tossed programs.

Republican Christopher Shays of Connecticut was the only member of his party to vote against the amendment that mortally wounded national service. He is a Peace Corps alumnus and believes passionately in the importance of youthful involvement.

''A colossal mistake,'' he calls his party's action. ''I hope the president has the fortitude to veto the bill. I would support his veto.''

REAL FOUNDER OF SPECIAL OLYMPICS HAPPY WITH SELECTION OF SHRIVER

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Mr. JACOBS. Mr. Speaker, if one were to say that President John F. Kennedy launched the Peace Corps, one would be right. But if one were to say that President John F. Kennedy thought up the Peace Corps, one would be mistaken. The author was Hubert Humphrey.

If one were to say that the nobly civil minded Eunice Kennedy Shriver brought her considerable talents to bear in order to launch the Special Olympics nationally, one would be right. But if one were to say that Ms. Shriver thought up the idea of a Special Olympics, one would be mistaken. Judge Ann McGlone Burke is the author of the idea.

As Judge Burke has generously said, she is happy that Ms. Shriver is being honored by the 1995 Special Olympics Silver Dollar Commemorative. But it is worthwhile too for all Americans to know that Judge Burke should also be honored as the author.

REAL FOUNDER OF SPECIAL OLYMPICS HAPPY WITH SELECTION OF SHRIVER

(By Michel E. Orzano)

The woman who founded the Special Olympics in 1968 is pleased that the games for mentally and physically handicapped children and adults will be recognized with a commemorative coin.

But her portrait won't be the one on the 1995 Special Olympics silver dollar commemorative. That's because Anne Burke of Chicago—former Chicago physical education teacher, retired lawyer and judge—not Eunice Shriver Kennedy, is the real founder of the games.

The law authorizing the coin permits the striking of 800,000 silver dollars and each will bear a $10 per coin surcharge going to the Special Olympics. The Citizens Commemorative Coin Advisory Committee rejected the idea of a portrait of a living American but Secretary of the Treasury Robert Rubin approved the design choice. Shriver will become the first living American woman to have her portrait on a coin and only the fifth living American to bear that distinction.

Chicagoan Burke, who now serves as special counsel on child welfare to Illinois Gov. Jim Edgar, told *Coin World* that she's pleased the program she started will benefit from the coin. But as far as the claim of founder goes, that resides with Burke.

In 1965, Burke, then Anne McGlone, was a young physical education teacher who taught mentally retarded youngsters in a special summer program sponsored by the Chicago Park District. By 1967. she said, there were 10 locations throughout the Chicagoland area with 150 children participating in the free program.

Burke said she knew at the time there were probably more people out there who could benefit from involvement in sports and other activities because there wasn't mandatory education for mentally retarded people. But, she said, she also knew families of mentally retarded children and adults were often very protective of them and shunned involvement in public programs.

But by the end of the summer of 1967, after Burke and participants put on the play ''The Sound of Music,'' Chicago Park officials were so pleased with the response they sanctioned her idea of a sponsoring a citywide track meet for mentally retarded youngsters the following summer.

Once she was given the official green light, Burke turned her attention to planning the event that fall and winter. Burke said while refining the idea, a professor she was working with at Southern Illinois University suggested she contact the Joseph P. Kennedy Jr. Foundation to request funding for the proposed program.

Shortly thereafter, Burke wrote to Shriver, she said, who was living in Paris with her husband, Sargent Shriver, then ambassador to France. Burke said Shriver was intrigued with the idea and suggested a meeting in Washington, D.C.

After meeting with Shriver, Burke said she re-wrote the proposal including Shriver's suggestion to involve children from other states and re-submitted her funding request. The foundation responded with $25,000 for the program. Burke invited Shriver to attend the 1st National Chicago Special Olympics, which were held July 20, 1968. Children from 23 different states participated that year and, as Burke notes, ''The rest is history.''

She said she is still actively involved with the Special Olympics program in the Chicago area. Her concern for children has always seemed to touch her professional life as a

teacher, mother and a lawyer. But she also acknowledges the contributions Shriver has made to Burke's original idea.

''Without the Kennedy Foundation the Games wouldn't be the Games. There is no other family with the charisma or the wherewithal to do this,'' Burke said. ''[Shriver] deserves the recognition. What has happened has been incredible and it [who's portrait appears] really makes no difference now.''

But Burke admits she is disappointed that Chicago, its park employees and the late Mayor Richard J. Daly, never have been recognized by the Kennedy Foundation nor Shriver for the innovation shown in planning and hosting those first Games.

''We took the chances,'' Burke said, describing the view of many at the time that such games might exploit the mentally retarded. ''I think the other side [of the Special Olympics coin] should recognize Chicago, not anyone's name, just Chicago.''

When asked if she planned to buy any of the commemoratives, Burke said she thought Shriver should give coins to each of the first participants and employees of the Chicago Park District who planned and hosted the first event.

THE BURKE CONNECTION

Dateline: The Chicago line . . . but it was Chicagoan Anne (McGlone) Burke, during her tenure at the Chicago Park District, who gave Shriver the idea for the Special Olympics in a written proposal, and who organized the first Special Olympics event, which was held in Chicago and attended by Mrs. Shriver. Shriver bit, and the rest is history.

Conclusion: Shriver should be honored for giving the Olympics a happy life, but it was Burke who gave it birth.

THE JOSEPH P. KENNEDY, JR., FOUNDATION,
Washington, DC, July 23, 1968.

Mrs. ANN BURKE,
Chicago Park District, 425 East 14th Boulevard, Chicago, IL.

DEAR ANN: When the history of the Chicago Special Olympics is written, there will have to be a special chapter to recount the contributions of Ann Burke. You should feel very proud that your dedicated work with retarded children in Chicago has culminated in an event of such far reaching importance.

We all owe you a debt of gratitude, but I know that what means most to you is that the Olympics will continue and that children all over the country will benefit from your idea.

My warmest personal thanks.

Sincerely,

EUNICE KENNEDY SHRIVER.

THE JOSEPH P. KENNEDY, JR., FOUNDATION,
Washington, DC, January 29, 1968.

Miss ANNE MCGLONE BRUKE,
Chicago Park District, 425 East 14th Boulevard, Chicago, IL.

DEAR MISS MCGLONE: Thank you so much for your letter of January 23d informing me about your plans to initiate a National Olympics for retarded children through the Chicago Park District. Both Mr. Shriver and Dr. Hayden have spoken to me about your project and I think it is a most exciting one. I sincerely hope that you are successful in launching it.

This is certainly a large undertaking and we know that you will need a great deal of assistance of many kinds. When you have been able to formalize your plans and put them into a written proposal the Kennedy Foundation will be very happy to send it out to the members of our physical education and recreation advisory boards for their review and comment. All requests to the Foundation for funds in these areas are handled in this manner and I am sure that the suggestions from these people would be very helpful to you.

Once again, let me say how delighted I am to know of your plans. I will look forward to hearing from you again as they progress.

Yours sincerely,

EUNICE KENNEDY SHRIVER.

DIRECT LOANS WORK

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Mr. ANDREWS. Mr. Speaker, the March 13, 1995, issue of U.S. News & World Report includes an excellent article entitled, ''The College Aid Face-Off.'' The article reports on the current debate in Congress on the future of the direct loan program as well as on major cuts in the student financial aid programs. With respect to direct loans the conclusions of the article are striking—direct loans work. Direct loans are simpler, faster and more efficient for student borrowers, student financial aid administrators and schools. In addition, direct loans save the taxpayers money. Opposition to direct loans comes from banks and other student loan middlemen who fear the loss of billions of dollars of profits and whose lobbying efforts are fueled by at least $11.3 million in campaign contributions. The full text of the article follows, and I commend it to my colleagues.

[From the U.S. News & World Report, Mar. 13, 1995]

THE COLLEGE AID FACE-OFF

(Clinton fights the GOP and bankers over what students get and who runs the loan business)

(By James Popkin and Viva Hardigg with Susan Headden)

Believe it or not, there is a group of Americans who truly delight in one of the things Bill Clinton has accomplished as president, who think that a government-run program that handles gobs of money is preferable to one run by the private sector and think that the paperwork created by public bureaucrats is easier to navigate than the forms devised by well-run corporations. They are the thousands of college students who got their loans last fall directly from the government instead of from banks. The verdict from Anthony Gallegos, a 22-year-old journalism major at Colorado State University: ''It's the best thing since microwavable brownies.''

But all is not entirely happy in loan land. Even though many students at 104 schools say they got their money with fewer hassles in a fraction of the time it usually takes and taxpayers might benefit because banks and middlemen didn't collect subsidies to make the loans, the direct-lending program is now the object of a bitter new battle in Washington. In fact, every major federal college aid program is considered a target in one form or another by the new Republican majority in Congress. The disputes have all the hallmarks of postmodern politics: None really centers on principle; almost everyone in Washington believes the government has a useful and morally defensible role to play in helping more kids get into college and pay for it. The fight so far centers on the spoils system—whether the public or private sector administers the program—and arcane federal budget accounting questions.

MILLIONS AFFECTED

Those are not inconsequential issues, because billions of dollars of profits (for banks) or potential savings (for taxpayers) are at issue. But the bigger fight will come as Congress deals with the budget. It will feature the first serious talk of major cuts in college loans and grants since the early days of the Reagan administration. ''What is at stake is nothing less than access to higher education for millions of middle- and lower-income students at a time when public-college tuition is rising sharply,'' says Terry Hartle, a vice president of the American Council on Education. The biggest dispute could center on a plan circulating among Republicans to cut loan subsidies to needy students during their time in school—a move that might save $9 billion over five years and could hit 6 million students with higher debt and payments.

This sets up a political showdown that Clinton is unusually pleased to face. He has called for increasing federal funds for college aid by 10 percent to $35.8 billion as part of his middle-class ''Bill of Rights,'' including expansion of many of the programs Republicans are eyeing for cutbacks. Clinton won major reforms in federal college aid initiatives in 1993 as part of his national service program, which he heralds as a cornerstone of his ''New Covenant'' to provide government help to those who help themselves. Asked if Clinton is willing to renegotiate any feature of the national service or college aid programs, one senior White House aide responded: ''My guess is his answer is between 'No' and 'Hell, no.'" ''A probable Clinton veto of any cuts in college aid means that these programs will survive intact for now, but there is still a good chance that his plans to expand them could be held up.

In coming weeks, the direct-lending program will grab the most attention. One of the reforms enacted in national service was the gradual phase-in of a system that would have the federal Government lend money to students directly rather than provide financial incentives and guarantees to coax banks into making the loans. Even though new workers will have to be hired by the Department of Education to run the program, it still saves considerable sums. That's why Clinton wants to accelerate its availability to all the nation's 7,000 eligible schools. But bankers and other firms that trade student loans for investors have aggressively battled the loss of this lucrative line of business and heatedly dispute Clinton's claim that the program saves money.

Their lobbying fueled by at least $11.3 million in campaign contributions, has helped encourage Republican congressional leaders Rep. William Goodling of Pennsylvania and Sen. Nancy Kassebaum of Kansas to push legislation that would limit the expansion of the program to 10 percent of all student loans. Some moderate Democrats like Rep. Bart Gordon of Tennessee also support the move on the theory that the new lending program should be tested before it becomes the norm for all colleges. House Speaker Newt Gingrich wants to kill the program. He argues that Clinton's reforms vest too much power in the Government, especially because the lending program is run by the Department of Education, which has allowed fraud to flourish in aid programs for decades.

However, the first reports about direct lending are very positive. Students and college-based loan officers say funds are available to students in weeks rather than months. The paperwork is simpler, and college officials have to deal with only one federal office rather than many banks. ''Being in direct loans has been almost a spiritual experience,'' says Kay Jacks, director of financial aid at Colorado State University. ''It

helps us provide better service to students, period,'' Karen Fooks, the financial aid director at the University of Florida, says her whole office threatened to quit if it was ordered to return to the bank system from direct lending.

PAY AS YOU CAN

But bankers argue that doling out money is the easy part. Collecting it is something the government hasn't done very well. Many new loans will be on a ''pay as you can'' basis letting borrowers pay back a portion of their earnings over many years, rather than a fixed monthly payment. Administrating that will tax even the most efficient agency.

That is why one thoughtful critic, author Steven Waldman, has argued that this upcoming struggle misses the main point. Waldman, who wrote the recently released book, The Bill, about the legislative battle over national service, believes Clinton has achieved an enormously beneficial reform in the ''pay as you can'' scheme. It relieves some of the financial pressure on borrowers and potentially encourages them to choose socially useful—but less-high-paying—careers like teaching because their loans are pegged to their ability to pay. But Waldman argues that Clinton's achievement is jeopardized because neither banks nor the federal education bureaucracy can prevent the program from becoming another boondoggle. His solution: Call in the IRS, the only agency that ''could accurately and efficiently assess a person's income and be sure to collect.''

An idea like that puts tough-minded Republicans in a bind. If they want to fix a potentially flawed Clinton idea and do right by taxpayers, their best bet is to vest more power in a much-feared federal agency. Who knows, maybe the students who have newfound appreciation for the easier-to-fathom lending system run by the government might not balk too much at paying when the bills come due.

AMERICAN SAMOA ECONOMIC DEVELOPMENT ACT OF 1995

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to introduce the American Samoa Economic Development Act of 1995.

For too many years American Samoa has been receiving assistance from the Federal Government on an annual basis. When 20 percent of a government's funding is dependent on annual appropriations of discretionary funds, it is difficult to make long-term plans.

The bill I have worked on with Congressman ELTON GALLEGLY, chairman of the Subcommittee on Native American and Insular Affairs, provides a secure source of funding for the territory of American Samoa. Coupled with other efforts, I believe we can develop American Samoa's infrastructure and reduce our Nation's annual deficit at the same time.

I want to thank Chairman GALLEGLY for his support and assistance in preparing this legislation. Our bipartisan effort on this bill continues a long history of bipartisan legislation in the subcommittees which have had jurisdiction over the insular areas. As the new ranking Democratic member of the subcommittee, I intend to make every effort to continue this tradition.

Mr. Speaker, I am submitting a copy of the bill for printing in the CONGRESSIONAL RECORD.

H.R. —

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Samoa Economic Development Act of 1995''.

SEC. 2 FINDINGS.

The Congress finds that—

(1) funding for the United States territory of American Samoa has been based on the joint resolution entitled ''Joint Resolution to provide for accepting, ratifying, and confirming cessions of certain islands of the Samoan group in the United States, and for other purposes'', as amended (48 U.S.C. 1661), with commitments being made on a yearly basis;

(2) American Samoa is locally self-governing with a constitution of its own adoption and the direct election of the Governor since 1977;

(3) the territory of American Samoa has had difficulty in planning and implementing comprehensive and sustainable infrastructure based solely on annual ad hoc grants; and

(4) the territory of American Samoa and the United States would benefit from a multiyear funding commitment which promotes economic development and self-sufficiency and requires compliance with financial management accounting standards, the establishment of semiautonomous public utility authorities utilizing cost-recovery principles, and the phase-out of Federal subsidies for government operations.

SEC. 3. AUTHORIZATION OF FUNDING.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of the Interior for the Government of American Samoa $34,500,000, backed by the full faith and credit of the United States, for each of fiscal years 1996 through 2005. Such amounts shall, subject to the limits specified in the table in subsection (b), be used for—

(1) construction of capital assets of American Samoa;

(2) maintenance and repair of such capital assets;

(3) the operations of the Government of American Samoa; and

(4) reduction of unbudgeted debt incurred by the Government of American Samoa in fiscal years prior to 1996.

(b) TABLE OF MULTIYEAR FUNDING.—The table referred to in this subsection is as follows:

[In millions of dollars]

Fiscal year	Year No.	Operations	Construction	Deficit reduction (100% match)	Maintenance and repair (100% match)	Total
1996	1	23.0	5.5	3.0	3.0	34.5
1997	2	23.0	5.5	3.0	3.0	34.5
1998	3	23.0	5.5	3.0	3.0	34.5
1999	4	21.0	7.5	3.0	3.0	34.5
2000	5	18.0	10.5	3.0	3.0	34.5
2001	6	15.0	16.5	.....	3.0	34.5
2002	7	12.0	19.5	.....	3.0	34.5
2003	8	9.0	22.5	.....	3.0	34.5
2004	9	6.0	25.5	.....	3.0	34.5
2005	10	3.0	28.5	.....	3.0	34.5

(c) MULTIYEAR AVAILABILITY OF APPROPRIATIONS.—Amounts not expended in the year appropriated shall remain available until expended.

SEC. 4. ESTABLISHMENT OF TRUST.

(a) IN GENERAL.—The Government of American Samoa shall establish a trust into which the amounts appropriated pursuant to section 3 are placed.

(b) TRUSTEE.—

(1) IN GENERAL.—A trustee to administer the trust established by this section shall be nominated by the Governor of American Samoa and passed by both Houses of the Legislature of American Samoa pursuant to local law and shall be a nongovernmental entity, bonded in an amount no less than 110 percent of the maximum amount of funds which will be held in trust during any given fiscal year (hereafter in this Act referred to as the ''trustee''). The trustee shall not be the independent auditor required by section 7.

(2) REPLACEMENT.—The trustee may be terminated only by mutual agreement, or at the end of its contract for services as trustee, or for good cause. Termination of a trustee for good cause must be recommended by the Governor of American Samoa and approved by both Houses of Legislature of American Samoa.

(3) OTHER TERMS AND CONDITIONS.—The trustee shall be subject to such other conditions as the Government of American Samoa may provide under local law.

(c) TRUST FUNDS.—

(1) DEPOSIT; INVESTMENT.—The trust funds shall be deposited in an account or accounts of a financial institution insured by the Federal Deposit Insurance Corporation, and may be invested by the Government of American Samoa, or the trustee if so designated, in only federally insured accounts or issues of bonds, notes or other redeemable instruments of the Government of the United States.

(2) USE OF INTEREST AND DIVIDENDS.—Interest or dividends earned from investment of trust funds under paragraph (1) may be used for projects contained on the approved master plan of capital needs developed under section 5, or for the costs of managing the trust.

(3) AVAILABILITY AND USE OF FEDERAL FUNDS.—Federal funds made available for the purposes described in section 3(a)(1) may be used only on projects from the approved master plan of capital needs.

(d) REPORTS.—Within 90 days after the end of each fiscal year, the trustee shall submit an annual report to the chairmen and ranking minority members of the Committee on Energy and Natural Resources and the Committee on Appropriations of the United

States Senate, the Committee on Resources and the Committee on Appropriations of the United States House of Representatives, and the Government of American Samoa. The report shall include at a minimum the financial statements of the account or accounts in which it holds trust funds pursuant to this Act.

SEC. 5. USES OF TRUST FUNDS.

(a) CAPITAL NEEDS.—

(1) MASTER PLAN OF CAPITAL NEEDS.—For fiscal year 1997 and all following years, no funds appropriated pursuant to this Act shall be released by the trustee for construction of capital assets without the submission by the Government of American Samoa to the trustee of a master plan of capital needs that ranks projects in order of priority for at least five years. The master plan shall be approved by the Governor and passed by both Houses of the Legislature of American Samoa pursuant to such laws as the Government of American Samoa may enact. The master plan of capital needs may be amended at any time, but all amendments must be approved by the Governor and passed by both Houses of the Legislature of American Samoa. The plan shall include the capital needs of all the islands of American Samoa.

(2) FUNDS FOR CONSTRUCTION OF CAPITAL ASSETS.—Funds for the construction of capital assets shall be paid to the Government of American Samoa only after approval by the trustee. The trustee shall approve the release of funds only for construction projects for a public purpose in the areas of communications, electrical power, water, waste water, roads, schools, school transportation system, air, water and surface transportation, ports, harbors, storage and transportation facilities of fuels or other forms of energy, health, and construction of government-owned buildings. Funding made available pursuant to section 3(a)(1) for construction of capital assets may only be used for projects listed on the master plan of capital needs as set forth in this section. To the extent an appropriation is available, the projects contained on the master list with the highest priority are to be funded.

(3) REQUIREMENT OF SEMIAUTONOMOUS AGENCIES.—Beginning with fiscal year 1997, no funds for the construction of capital assets shall be released by the trustee in the areas of communications, electrical power, public health, transportation, water, and waste water until there is established by local law semiautonomous government agencies of the Government of American Samoa.

(4) MAINTENANCE PLAN AND FUNDING.—For fiscal year 1997 and all following years, no funds appropriated pursuant to this Act shall be released by the trustee for the construction of capital assets until the Government of American Samoa, or the appropriate semiautonomous government agency if required, submits to the trustee a maintenance plan covering the anticipated life of the project and the project is initially funded. The maintanence plan shall include the estimated cost of maintaining and repairing the project and identify a source to fund the estimated maintenance and repairs for the anticipated life of the project. The initial funding for this maintenance plan shall be in the amount of 10 percent of the cost of the project. Federal funds made available for the purposes described in section 3(a)(2) may be used for one-half of the initial funding. Other Federal funds made available pursuant to this Act may not be used for this purpose. Funds set aside pursuant to this paragraph may be used for the maintenance and repair of any capital asset within the purview of the government or the appropriate semiautonomous agency.

(b) DEBT REDUCTION.—Any funding made available pursuant to section 3(a)(4) used to reduce the unbudgeted debt of the Government of American Samoa must be matched, on a dollar for dollar basis, by funds provided by the Government of American Samoa from revenue raised from non-Federal sources.

(c) MAINTENANCE AND REPAIR.—Any funding made available pursuant to section 3(a)(2) used for the maintenance or repair of the capital assets of the Government of American Samoa must be matched, on a dollar for dollar basis, for funds provided by the Government of American Samoa from revenue raised from non-Federal sources.

(d) PROHIBITED USES OF FUNDS.—Neither the funds appropriated pursuant to this Act, nor any interest or dividends earned on those funds may be transferred to other accounts, or loaned to other accounts or agencies, nor may these funds, interest or dividends be used as collateral for loans made by the local governments.

SEC. 6. DISBURSEMENT OF TRUST FUNDS.

(a) OPERATIONS.—Trust funds to be used for the operations of the Government of American Samoa shall be disbursed in equal amounts on a monthly basis, on the first business day of each month of the fiscal year. An extra drawdown may be made once each fiscal year in an amount not to exceed ten percent of the amounts appropriated for the fiscal year for the purposes of section 3(a)(3), and only for purposes caused by extreme or national emergencies deemed unforseeable by the trustee.

(b) CONSTRUCTION.—Trust funds to be used for the construction of capital assets shall be released by the trustee—

(1) to the Government of American Samoa, only upon completion of identifiable portions of the construction work if the work is performed by employees of the Government of American Samoa, or

(2) a bona fide contractor of the Government of American Samoa pursuant to the terms of a construction contract, on an invoice presented to the Government of American Samoa and approved by an appropriate official of the Government of American Samoa.

(c) DEBT REDUCTION; MAINTENANCE REPAIR.—Trust funds to be used for unbudgeted debt reduction or maintenance and repair made available under sections 3(a)(2) and 3(a)(4) shall be released by the trustee on submission by the Government of American Samoa of proof of payment from non-Federal sources for either debt reduction, maintenance, or repair, and proof acceptable to the trustee of an obligation due and owing for the appropriate category.

SEC. 7. AUDITS.

(a) IN GENERAL.—Beginning with fiscal year 1996, the Government of American Samoa must obtain, at its own expense, a comprehensive financial audit meeting the requirements of chapter 75 of title 31, United States Code, and subtitle A of title 43, Code of Federal Regulations, and upon which an independent auditor expresses an opinion that the financial statements of the Government of American Samoa present fairly, in all material respects, the financial position of the Government of American Samoa, and were prepared in conformity with generally accepted accounting principles. The audit shall include the funds held in trust pursuant to the Act.

(b) SUBMISSION OF AUDIT REPORT TO UNITED STATES.—Reports of audits required in this section shall be transmitted by the Governor of American Samoa to the chairmen and ranking members of the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate, and the Committee on Resources and the Committee on Appropriations of the United States House of Representatives within 180 days of the end of each fiscal year for which the United States provides funding under this Act.

(c) FAILURE TO OBTAIN AUDIT.—In the event the Government of American Samoa does not obtain the audit within the time required by this section, the trustee shall not disburse additional funds pursuant to a section 3(a)(3) for the operations of the Government of American Samoa until such time as a qualifying audit is received and the report of that audit is forwarded as required by this section. Notwithstanding the preceding sentence, one emergency disbursement may be made per year under the provisions of section 6 of this Act, even if a qualifying audit report is not obtained.

SEC. 8. AUTHORITY OF UNITED STATES TO AUDIT.

The Comptroller General of the United States and the Inspector General of the Department of the Interior shall have the authority to conduct audits of all funds of all branches and semiautonomous authorities of the Government of American Samoa. Nothing in this Act shall be construed to restrict the authority of these or other Federal agencies to audit government funds as authorized by Federal law.

SEC. 9. SETTLEMENT OF DISPUTES.

The High Court of American Samoa is authorized to resolve disputes which arise under this Act pursuant to its rules of procedure.

TRIBUTE TO ANTHONY P. MANGINELLI

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Mr. MARTINI. Mr. Speaker, I would like to take this opportunity as a member of Moose International to congratulate a man of great accomplishment and the fine charitable organization that he represents.

Anthony P. Manginelli, supreme governor of Moose International will be coming to my hometown of Clifton tomorrow night to welcome a new class of members into the fraternity. A resident of Syracuse, NY, Mr. Manginelli has been a member of the fraternity since 1946, and just last year attained our organization's highest rank, that of supreme governor. In this role, he has led our 1.2 million-member organization with pride and dignity, advancing the high goals of the Moose on an international level.

As a relative newcomer to the Moose myself, I can say that I am nothing but proud to be associated with my fellow members both in my local chapter, and in the much larger international organization. But Moose International is so much more than a medium through which outstanding men and women can socialize. It is a perfect way to get involved in challenges faced by our local towns and cities, and through its Mooseheart and Moosehaven communities, to make an impact on a much larger scale. Every day, Mooseheart and Moosehaven provide support for the neediest associated with our organization in a loving and nurturing way.

Congratulations to my newly inducted brothers in the Moose, and to Supreme Governor Anthony Manginelli. Please continue your fine work in spreading the compassionate message of Moose International around the country, and around the world.

IN MEMORY OF BILL BAILEY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to a legendary figure of San Francisco's waterfront, William ''Bill'' Bailey, who passed away on Monday, February 27, 1995.

Bill Bailey was born in Jersey City, NJ, and brought up in Hoboken and the tough Hell's Kitchen section of Manhattan. Shipping out to sea at the age of 14, he joined the Industrial Workers of the World—the Wobblies—and began his career as a labor activist from the day forward.

Active in the maritime unions, Bill was a member of the generation of young radicals who transformed the labor movement of our country. He participated in the walkout on the waterfront which became San Francisco's famed general strike of 1934. In 1935, Bill and a group of seamen boarded a German liner tied up in New York Harbor, the *Bremen,* and tore its Nazi flag from the bow mast. Accounts from that incident recollect that a security force of nearly 300 were unable to stop Bill and his group.

In 1937, Bill went to Spain as a member of the Abraham Lincoln and George Washington battalions. Wounded several times, he participated in almost all the major engagements of the war.

In 1939, after returning to the United States, he resumed his leadership role in the maritime industry, and was elected vice president of the West Coast Maritime Firemen's Union. In the early 1950's, during the height of the McCarthy era, Bill was kicked out of the union under a screening program imposed by the U.S. Coast Guard. He then joined the International Longshoremen's and Warehousemen's Union, rising to the vice presidency of San Francisco Local 10.

After retiring from the waterfront in 1975, Bill began a second career as an writer and actor, working in a major TV series on the Spanish civil war and appearing in several feature films and documentaries. He published his memoir, ''The Kid from Hoboken,'' in 1993. But he never retired from his lifelong commitment to social and economic justice, continuing his activism until his dying day.

Mr. Speaker, Bill Bailey was part of the proud waterfront history and tradition of San Francisco. On Sunday, March 20, Bill was remembered at a memorial service convened by the waterfront unions which he loved. On behalf of the Congress, allow me to express our condolences to his son, Michael, and pay tribute to his work as a labor and civic leader for San Francisco.

REMEMBER OUR ''COLD WARRIORS''

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. DORNAN. Mr. Speaker, 10 years ago today, in Ludwigslust, East Germany, United States Army Maj. Arthur D. Nicholson, Jr., 38, became a casualty of the cold war. Major Nicholson was shot, by a Soviet soldier, without warning while on a routine patrol in a clearly marked United States Army vehicle.

Since his death, the world has witnessed many changes: The Soviet Union collapsed; the Berlin Wall crumbled; and the United States, and its commitment to freedom and democracy, emerged victorious in the cold war. Today, thanks in large part to the dedication and commitment of the brave men and women of our armed services, America is less threatened and our children less fearful of the once ominous nuclear threat.

As we look back on our Nation's cold war years, we must never forget the cost of our Nation's current-day freedom and security, and the men and women like Major Nicholson who made the ultimate sacrifice on behalf of their Nation.

On this 10th anniversary of Mayor Nicholson's tragic death, let us remember that he was more than just a soldier—he was a husband, a father, a brother, and a son. So on behalf of my colleagues in the U.S. House of Representatives, I extend our continuing sympathy and gratitude to Nick's family, especially his wife, Karen, and his daughter, Jenny. Today, we pledge to them, in the words of Abraham Lincoln, ''that from [our Nation's] honored dead we take increased devotion to that cause for which they gave the last full measure of devotion.''

We will never forget. And we will continue to fight for freedom in tribute to Nick and our Nation's other fallen heroes.

FALSE PRAISE FOR ANOTHER AUTHORITARIAN

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. SOLOMON. Mr. Speaker, I would like to bring to your attention an article that recently appeared in the Albany Times Union regarding France's warm welcome for Fidel Castro. The Mitterrands, who decry our cruel and barbarous treatment of Fidel the liberator, would do well to read up on their history before embracing another petty dictator. How quickly we forget that the socialist's dream of equality for all is nothing more than the tyranny of few in the name of many.

FIDEL CASTRO, FRENCH HERO

The Issue: He is hailed by the Mitterrands, who denounce the U.S. embargo of the island.

Our Opinion: They show an appalling ignorance of history.

Among many politicians and intellectuals in France there has been a tradition of viewing communist systems in an exceedingly favorable manner—no matter how brutally those regimes were in fact behaving, Mainstream French intellectual enthusiasms might shift from Moscow to Beijing or Havana, depending on the fashion, but they always had a red tint.

Against this history the Mitterrands warm embrace of Fidel Castro this week begins to make a little sense. For the Socialist French president and his wife, Fidel and the Cuban revolution never represented a threat to civilization as much as its promise.

Mrs. Mitterrand especially was effusive in her praise of Fidel and his work, singling out as his greatest achievement the ''equality'' he had ''brought to the people.'' It did not seem to bother the president's wife that he had realized that goal at the considerable cost of liberty and fraternity.

We concede that equality has to a considerable degree been achieved in Cuba. Save for a small ruling class, the people are nearly equal in their poverty, equal in their ignorance (notwithstanding near universal ''literacy''), equal in their servitude, and equal in their fear.

Furthermore, we cannot but agree with Mrs. Mitterrand when she says that the Cuban government has accomplished ''the summit of what socialism could do.'' That, of course, is the problem. Communism promises paradise but is only able to deliver the gulag.

The French thinker, the late Raymond Aron, hit the mark when he called Marxism the opiate of the intellectuals. It is clearly a heady drug for many of them, an hallucinogen that induces cerebral giddiness and grossly distorts the senses. A lifelong imbiber like Mrs. Mitterrand can look across the Atlantic and see the American embargo as ''cruel'' and Fidel Castro as ''nothing like a dictator.''

Thankfully, the communist menace is almost wholly a thing of the past. Once, apologists of Marxist dictators posed a real security threat. Today they might give start to a good belly laugh.

YOUTH ART MONTH

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. KENNEDY of Rhode Island. Mr. Speaker, we will soon celebrate Youth Art Month, an opportunity for our Nation to recognize the special role art can play in enriching the lives of children.

Artistic expression is one of the things which distinguishes us as human beings. By offering children the opportunity to express feelings and thoughts through creative expression, we offer them the opportunity to reach their full potential. While all of us may not have the talent of a DaVinci or a VanGogh, we have potential to express and enrich ourselves through art. Children in particular can learn much from education in the arts. They can learn about themselves and about the world around them.

What President Kennedy said of poetry is true of the value of all forms of artistic expression, ''poetry [is] the means of saving power from itself. When power leads man toward arrogance, poetry reminds him of his limitations. When power narrows the areas of a man's concern, poetry reminds him of the richness and diversity of his existence. When power corrupts, poetry cleanses. For art establishes the basic human truth which must serve as the touchstone of our judgment.''

For these reasons, I commend Youth Art Month for the way it is enriching the lives of children today across America. I hope all Americans will take a little extra time next month to appreciate the contribution art makes to our national life.

A TRIPLE-A DIAMOND IN THE ROUGH

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. RICHARDSON. Mr. Speaker, as the chaos of major league baseball's labor dispute continues to unfold, the spirit of baseball is alive and well in minor league baseball and the 1994 Pacific Coast league champion Albuquerque Dukes are ready for the new season.

Regardless of the outcome of the major league strike, the Albuquerque Dukes will continue to set the pace for well-managed professional baseball businesses in the country. The Dukes boast 8 straight years of 300,000-plus in attendance, a record average gate for 1994, a waiting list for advertisers, and competitive teams every season.

The Dukes' general manager and president Pat McKernan personifies the enthusiasm and devotion that prevails in the hearts of all baseball fans. By combining old-fashioned business sense and community support, Pat McKernan provides one of the most affordable family entertainment offerings in New Mexico.

I recommend to all my colleagues the following article about Mr. McKernan and the Dukes which appeared in the Albuquerque Business Times on March 6, 1995. I believe all Members will be encouraged to see that baseball and business can coexist for the good of the community and the sport.

ALB.'S BOOMING BASEBALL BIZ

(By Michael G. Murphy)

ALBUQUERQUE.—Considered a gem—if not the gem—of Triple-A diamonds in the rough, the Albuquerque Dukes are buffing the bleachers, lifting new light towers, and making ready for '95.

Sometimes hidden by its on-field sports success, the local slice of America's pastime ranks year after year as one of the most prolific and well-managed professional baseball businesses in the United States.

This year—strike or settlement in the majors—stands to be yet another winning season in terms of gate, advertising, and general bang for entertainment buck.

The Dukes' boast eight straight years of 300,000 plus in attendance, a record average gate for '94, a waiting list for advertisers, not to mention competitive teams every season.

Business and the support of the community has been wonderful, said President and General Manager Pat McKernan.

Economic impact is not a useful phrase for him (''They make those numbers up, don't they?'') but reluctantly, has led the charge. He has been flanked by Ron Nelson, president of the Uptown Association, and Cathy Leyendecker, board member of the Mark Twain Neighborhood Association.

Leyendecker has a different view for future projects, but sided with Salazar and Nelson in a uniform front he will point to the parent organization of the minors—the National Association of Professional Baseball Leagues (NAPBL)—which does dabble in financial figures.

According to a recent NAPBL model, an average Triple-A club generates about $13 million a year in everything from hotels, meals, travel, local goods and services, scouts, umpires, and salaries.

Now, that is a SWAG or Scientific Wild Ass Guess in NASA parlance, said Neil Thueson, an associate planner with the city of Albuquerque who also teaches a UNM market research class in sports administration.

''It had some validity because it is based on kind of a model, but it does not apply to any single city.''

And that is one reason the city is embarking this year on its own SWAG that will measure the impact of the Dukes all by themselves, Theuson said.

There is one given: the Dukes provide one of the most affordable family entertainment offerings anywhere, and it doesn't happen accidentally.

''McKernan deliberately does keep the prices down so that it can appeal to the family. He really does understand what he is doing. He understands the difference between the types of pricing policies.''

Thueson said he has tried over the years to explain McKernan's expertise and success to UNM athletics, and how it could benefit the university.

''We talked to them about overall profitability and tried to get them to understand . . . but they never would.''

McKernan, the barrel-chested and bearded business and baseball guru prefers interesting conversation, which doesn't include talk of pricing policies, corporate management, or even how the Dukes will do this year (''I don't know,'' he says).

McKernan likes to ask your age, get an answer, then add, ''Oh, you just look old.'' He also enjoys inquiring, ''Your second marriage?'' and how you managed to screw up such a promising job elsewhere to end up here.

But the Dukes' resident optimist, wearing a ''what, me worry?'' expression, did talk about how just about anything that could happen with the strike should benefit the organization, and all minor league ball for that matter.

If the strike continues without replacements, it's the only game in town.

If the strike continues with replacements, it's arguably going to be a better brand of the only game in town.

And if the strike is settled, any residual fan resentment at the major league level—live, on TV or radio—can only boost Dukes' attendance, and the listening and occasional viewing audience.

It is a win-win-win situation, McKernan said.

There is an ''understanding'' among baseball owners, major league players, and the minor league players to make sure minor leaguers don't endanger their future careers by getting in the middle of the strike, McKernan said.

Management has no intention of ''twisting any arms'' to try to get Triple A players to become replacements, he said.

''They understand the dilemma. And we understand the dilemma far more than the players' association.''

If the strike continues, they will report to the Dukes, probably right before the first game, April 6.

There is one possible negative, and that has to do with the chance that Congress, in screwing around with baseball's federal antitrust exemption, will accidentally repeal a portion that allows major league financial support for the minors.

Still, McKernan, whose photo should be right next to laid-back in your Webster's, has not been losing any sleep. As he said, it is not something he can do much about, so he is not going to worry about it.

His cluttered office includes the Optimists Creed on his door, a Far Side calendar on his desk, a fish tank, and a photocopied motto that the ''floggings will continue until morale improves.''

The Dukes enjoy phenomenal community support. Last year, when they announced a ticket price increase of $1, local media published the story with variations on the theme of ''it's about time'' and still one of the best entertainment values in town, a bemused McKernan said.

It was the first price hike in eight years.

In about four weeks, the minor league boys of summer will strut their stuff in what promises to be an excellent and perhaps record-setting year.

Oh yeah, and the bottom line looks good again for the successful business that is the Dukes.

''We do all right . . . we survive in spite of ourselves,'' McKernan said.

COMMENDING THE HEROIC ACTIONS OF SECRET SERVICE AGENTS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. HOYER . Mr. Speaker, as ranking member of the House Treasury, Postal Service and General Government Appropriations Subcommittee, I rise today to commend nine members of the U.S. Secret Service for their heroic efforts in helping rescue almost 2 dozen individuals from a burning building in Washington, DC.

Many Americans view the role of agents of the U.S. Secret Service as that of protecting the President of the United States and the members of his Cabinet—which it is. However, on March 14, officers Thomas F. Owens, Jr., Gregory S. Cleckner, Paolo Palumbo, Phillip M. Bernal, George L. Sax, Kenneth J. Bouley, Kenneth B. Parsons, and Sergeants William S. Rick and Charles F. Kuzmovich of the Uniformed Division of the Secret Service, went beyond their assigned duties and helped to evacuate 21 residents from an engulfed building on 14th Street NW in Washington, DC.

The Secret Service officers on the scene, even prior to the arrival of the fire department, not only went door to door and helped residents leave the structure, but they also assisted a number of individuals who were trapped in windows and were afraid to leave the structure.

Mr. Speaker, the quick-thinking efforts by these nine Secret Service agents undoubtedly helped to save the lives of a number of individuals and I hope my colleagues join me in saluting their heroic efforts.

CONGRATULATIONS TO JUDGE NICHOLAS TSOUCALAS

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. MANTON. Mr. Speaker, I rise today to join the Queens Borough Lodge No. 878 in honoring Judge Nicholas Tsoucalas, Judge of the United States Court of International Trade, for his service to his community, his County, and the Second Department.

A native of New York City, Judge Tsoucalas, began his education in the public elementary and secondary schools of New York City. He continued his higher education of Kent State University where he received a

B.S. degree in business administration in 1949. In 1951, he received an LL.B. from New York Law School where he also took graduate courses in immigrant law and federal practice and procedure.

Mr. Speaker, Judge Tsoucalas also has a distinguished military career. In 1944, Judge Tsoucalas entered the Navy where he served our country until 1946 as a radio operator on board APD and transport vessels in the European Theater of War as well as the Caribbean and North Atlantic. When the Korean conflict erupted 1951, he reentered the Navy and served on aircraft carrier, U.S.S. *Wasp,* until December 1952.

Mr. Speaker, following his service in the military, Judge Tsoucalas was admitted to the New York bar in April 1953. He specialized in immigration and admiralty law. Judge Tsoucalas has had a varied and distinguished legal career. Some of these positions include assistant U.S. attorney for Southern District of New York from 1955–59, appointed supervisor of the 1960 census for the 17th and 18th congressional districts in 1959, and finally, his appointment as Judge of the U.S. Court of International Trade by President Ronald Reagan on September 9, 1985.

In additional to his prestigious political and legal work, Judge Tsoucalas has been very active in his church and community. He is the former president of the board of directors of the Greek Orthodox Church of Evangelismos, and a member of the St. John's Theologos Society. Further, he was a member of the executive committee of the Republican Party of New York County. Judge Tsoucalas is married to Catherine Tsoucalas and has two lovely daughters, Stephanie (Mrs. Daniel Turriago) and Georgia (Mrs. Christopher Argyrople).

Mr. Speaker, I know my colleagues join me in commending Judge Nicholas Tsoucalas, for his outstanding legal career and his commitment and dedication to his community, church and family.

TRIBUTE TO DIALECTIC AND PHILANTHROPIC SOCIETIES OF THE UNIVERSITY OF NORTH CAROLINA

HON. W.G. (BILL) HEFNER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. HEFNER. Mr. Speaker, I rise to note the 200th anniversary of the Dialectic and Philanthropic Societies of the University of North Carolina. These organizations, founded by the university's earliest students, were established to promote useful knowledge and the cultivation of lasting friendships. From their ranks have come such great Americans as President James K. Polk, Senator Samuel J. Ervin, Jr., novelist Thomas Wolfe and the distinguished former Representative from North Carolina, David Price.

It has been said that the history of the Dialectic and Philanthropic Societies is the history of the university. They are the oldest student organizations of the Nation's oldest public university. The societies claim the creation of the UNC's newspaper, yearbook and magazine, and giving the university its famous colors, blue and white.

The vision of these organizations can be seen most clearly in their first transaction; the purchase of books. These individual collections eventually resulted in the endowment of the university's library. The societies also began collecting portraits of their distinguished alumni and those representing their ideals. That collection is now the largest privately owned portrait collection in North Carolina.

It is entirely appropriate, Mr. Speaker, to pay tribute to these two societies whose innumerable contributions to the development of the University of North Carolina, cultivation of state and national leaders and steadfast commitment to noble objectives have guaranteed their honored place in North Carolina history.

THE 100TH ANNIVERSARY OF THE PEACE LUTHERAN CHURCH

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. COSTELLO. Mr. Speaker, I rise today to recognize the Peace Lutheran Church in Steeleville, IL. On August 9, 1996, the church will celebrate its 100th anniversary.

I would like to congratulate the Peace Lutheran Church and its pastor, Rev. Dr. James R. Little, on this momentous occasion. The community of Steeleville has greatly benefited from their inspirational efforts.

The church has been diligent in its commitment to the work of the Lord, and the good news gospel. Peace Lutheran Church works for the good of the community by servicing its congregation as a member of the southern conference affiliated with the central Illinois senate of the Evangelical Lutheran Church in America.

I ask my colleagues to join me as I acknowledge Peace Lutheran Church on their 100th anniversary and for their selfless dedication to their community.

SALUTE TO RON MEEK

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. GALLEGLY. Mr. Speaker, I rise today to honor a selfless public servant who—in addition to a long list of other accomplishments and commitments—has served for the past year as president of the Simi Valley Chamber of Commerce.

Ron Meek moved to Simi Valley 15 years ago and in that relatively brief period has established a record of community service to which lifelong residents should aspire.

The father of two young sons, Ron has always placed a major emphasis on children and has been a strong local advocate of the Boy Scouts of America, the Simi Valley Boys and Girls Club and has also served as a little league coach. His wife Jan is president of the Simi Valley Unified School District PTA and, together, they cook meals for the homeless each month.

As managing general partner of the Oakridge Athletic Club, Ron is also a local businessman who has successfully merged his professional life and his desire to make his city a better place to live.

He has donated health club equipment to the local schools, has supported the Simi Valley Education Foundation and, in his own right, has been a loyal chamber member.

As chamber president, Ron has compiled a long list of accomplishments that will endure far beyond his 1-year term.

He formulated a business retention and development division to ensure that the chamber was doing all it could to attract new businesses to Simi Valley and to retain existing ones. He introduced several new initiatives aimed at encouraging individual members to be more creative and to allow the chamber to capitalize on that creativity. He initiated a program to honor long-term members and—through his leadership—made the chamber more likely to attract new members.

Mr. Speaker, Ron Meek has established himself as someone who does more than pay lip service to his desire to help his friends and neighbors. In both his personal and professional life, Ron has proven that he is willing to do the hard, often thankless, work necessary to get results and to improve the quality of life for those around him.

I would like to thank him for his efforts on behalf of his community, congratulate him on a successful term as chamber president and wish him all the best in the future.

SSI REFORM

HON. WAYNE ALLARD

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. ALLARD. Mr. Speaker, early this year, I introduced H.R. 791, legislation to eliminate supplemental security income [SSI] disability payments for drug addicts and alcoholics. This legislation currently has 48 cosponsors. I am pleased to note that this proposal has been incorporated into the Personal Responsibility Act—the Republican welfare reform plan.

Over the years many of my constituents have complained about the fact that drug addiction and alcoholism are considered disabilities under Federal law. This classification entitles these individuals to hundreds of dollars of disability payments each month. Until last year, they were even entitled to large lump sum payments. In essence, hard working taxpayers are required to subsidize addicts. We all have compassion for people with a substance abuse problem, but giving cash benefits to addicts is not the way to deal with the problem. This approach does far more harm than good, often providing the very resources for addicts to continue their abuse and avoid treatment.

A General Accounting Office study found that between 1988 and 1994 the number of drug addicts and alcoholics receiving SSI disability payments rose almost 700 percent from 12,694 to 100,771. GAO expects a continued increase to over 200,000 by 1997 if nothing is done. This would be grossly unfair for the hard working Americans who pay the bills.

Under the Personal Responsibility Act, drug addicts and alcoholics lose SSI payments and Medicaid. The total savings to taxpayers is $1.7 billion over 5 years—$400 million of this is used to fund additional drug treatment and

research. I am proud to support this reform. It is fair to taxpayers, and requires substance abusers to face up to their problems and get real help.

HONORING ANDREW BLACKBURN

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. ROTH. Mr. Speaker, today I rise to honor a soldier, patriot, philanthropist, and loving family man.

Andrew Blackburn was a good friend of mine, and a good friend to many in the community of Appleton, WI. His courageous spirit and generosity was known throughout the Fox Valley where he had a reputation as someone who could be counted on to get things done, whether it was as a designer at a paper company or as a volunteer for the Salvation Army.

With his passing, we mourn the loss of a man who made a difference wherever he went. He dedicated so much time and energy to his fellow man and was fully committed as a husband and father to his wonderful family.

Accomplishment came easy to Andrew Blackburn. He was blessed with boundless energy and possessed a limitless ability for helping others. Andy was known for his singular wit and his capacity for joy and laughter, which stemmed from a satisfying life of hard work and fulfilling activities.

Andy was born in 1913, far from the northwoods of Wisconsin, in Brooklyn, NY. He graduated from Polytech High School and received a degree from Brooklyn and Pratt Institute where he majored in chemistry.

While Andy will always be remembered as an active volunteer in his community, he also built an impressive career. Upon graduation, he worked for Nyanza Color and Chemical Co. as a colorist and managed the dye house for the Allen A. Co. in Bennington, VT. He worked for Western Felt Works in Chicago before moving to Appleton in 1955. In Appleton, Andy set up the quality control lab at Appleton Mills where he received a patent before his retirement as chief designer of papermaker felts.

Andy understood the value of sacrifice and commitment to others long before moving to Appleton. During World War II, Andy was in the Chemical Warfare Service stationed in England. He also served during the Battle of the Bulge and was commander of a prisoner of war camp in Liege, Belgium. After 24 years of service, Andy retired as a lieutenant colonel.

Some of Andy's greatest contributions, however, occurred during peacetime. He served as head usher at the First United Methodist Church for 17 years and was a member of the men's bowling league and Methodist Men. His Masonic affiliations also included 50 years as a member of Mount Anthony Lodge in Bennington, VT. Andy's Wisconsin affiliations included membership in Lodge 349 of Appleton; the Tripoli Shrine of Milwaukee and the Scottish Rite as a 32d degree Mason in Green Bay.

Andy's service to his community was as varied as it was enthusiastic. Among his civic duties were service on the youth board of the YMCA and as an executive for the United Way. He was also president of the Morgan School PTA and served on the citywide PTA council. The Kiwanis Club of Appleton also claimed his service for 35 years. He was lieutenant governor of his Kiwanis division from which he earned a Meritorious Service award in February 1995. Andy's service to the Salvation Army included 11 years on the board of directors. After bypass surgery in 1983, he became an ardent supporter of the Appleton Heart Club. He was also a member of the Bell Friends of Wisconsin and the American Bell Association. Andy's work in the Republican Party earned him the 1994 Outagamie County Republican of the Year Award, an honor shared with his wife, Lois.

Our prayers today are with Lois; his son and daughter-in-law Richard and Jill Blackburn; granddaughter Jennifer and daughter Christine Blackburn.

We will remember Andrew Blackburn for his generous and industrious spirit. America needs more people like Andy, who found it so easy to put the needs of others before his own.

In his passing, Andrew Blackburn leaves a legacy of accomplishment through giving, working and striving to help other people.

I would ask the members of this body and the American people to look at the life of Andrew Blackburn and realize the extent to which one person can make a difference in their surroundings. If we can work today with the same energy and commitment that Andrew Blackburn did, we can truly build a brighter future for our communities, the American people and those who will come after us.

GOP WELFARE REFORM PLAN SPENDS MORE ON SCHOOL LUNCHES

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. BEREUTER. Mr. Speaker, this Member highly commends to his colleagues this editorial which appeared in the Omaha World-Herald on March 12, 1995.

Rush Limbaugh urged his listeners to complain to news organizations that have carried misstatements about a House GOP plan to convert the school lunch program into block grants. Many listeners, it is reported, followed his advice.

Their concerns are grounded in fact. As recent World-Herald editorials have noted, a good many people, including some writers and commentators, accept the falsehood that food would be taken away from poor kids if the Republicans had their way. In reality, the GOP plan would spend more, not less, on school lunches although spending would grow at a slower rate in the next few years.

The charge that poor kids would go hungry is only one of the ridiculous misrepresentations that have circulated about the proposal. Another misrepresentation has been addressed by Robert W. Goldberg, a researcher at Brandeis University.

School lunches aren't just for poor kids, he noted. School lunches have become a middle-class entitlement with most of the growth in recent years coming in wealthier school districts. The stupidy of subsidizing meals for non-needy kids was noted by President Jimmy Carter in 1980. But his attempt to preserve the benefits for low-income children while making others pay more of their own way failed to attract congressional support.

Little by little, the truth comes out. It should help the public evaluate the plan fairly to know that a previous liberal Democrat in the White House had concerns about school lunches that are similar to those now being voiced by House Republicans.

Jimmy Carter was right. Providing nutrition for needy children is one thing. But a government that is spending itself into bankruptcy can't afford to feed the rich and near-rich.

TRIBUTE TO JUDGE WILLIAM E. STECKLER

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. JACOBS. Mr. Speaker, at the time of his death, Federal District Judge William E. Steckler was one of only six living Federal jurists appointed by President Harry Truman. As the following editorial from the Indianapolis News says, he served and endured a very long period on the Federal bench.

He will be missed.

[From the Indianapolis News, Mar. 10, 1995]

WILLIAM E. STECKLER

Many years ago a woman brought her young child along when she had some business in the courtroom of Federal Judge William E. Steckler.

After walking up the marble spiral staircase in the Federal Courthouse Building, they passed through an elaborate iron gate and then entered the towering courtroom with its beautiful stained glass windows, sculpted gold-leaf ceiling, velvet curtains, walnut pews and fresco wall murals. Upon entering this architectural splendor, the youngster tugged at his mother's hand, pulled her down to him and whispered nervously in her ear, ''Are we here to see God?''

Steckler, who presided in that elaborate courtroom since being named a federal judge for the Southern District of Indiana in 1950, would chuckle when he told that story.

He appreciated the inherent humor of the tale and also was aware that he was very much a fallible human being striving to serve the ends of justice.

This week Steckler passed away.

At the time of his appointment nearly 45 years ago, Steckler was only the second person to serve as a federal judge in Indiana's Southern District.

Initially, he traveled throughout the southern two-thirds of Indiana by himself, trying cases in the far reaches of the district—New Albany, Evansville and Terre Haute.

During his nearly half century on the bench, Steckler tried cases involving the constitutionality of Unigov, legislative reapportionment, convicted Speedway bomber Brett Kimberlin, the legislative influence peddling case of former Senate President Pro Tem Martin K. Edwards, a patent case involving procaine penicillin, a case involving the Indianapolis Public Schools that set a legal precedent involving student newspapers and an antitrust case involving motion picture producers.

Steckler has been credited with instituting the pretrial conference as required practice in federal court, originating the practice of submitting written instructions to juries and developing a checklist of procedures for the trial of protracted cases, which became a national model.

He also taught courses to federal judges throughout the nation on judicial etiquette and decorum.

In 1982, Steckler stepped down as chief judge of this district, at the time having served the longest tenure of any active chief judge in the nation.

He remained on the bench initially as a federal judge and then as a judge of senior status.

Over the years, many lawyers and litigants undoubtedly took issue with Steckler's rulings. But most felt that he had granted them their day in court, had taken great pains to ensure that the judicial process worked and had agonized long and hard over the decision he had rendered.

Steckler had a full realization of the role of courts in society.

It is a legacy that he nourished and passed on to others in this district.

He will be greatly missed and long remembered.

CLINTON'S FOREIGN POLICY: SENDING THE WRONG MESSAGES

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. SOLOMON. Mr. Speaker, I urge you to take note of an article which appeared in the Albany Times Union on March 23. It is not hard to understand why Russia is not taking our concerns seriously about Chechnya and nuclear proliferation when the Clinton administration publicly threatens and criticizes Russia for its actions, yet continues to act as if it is business as usual by celebrating the 50th anniversary of V–E Day in Moscow. Based on these empty threats it is no surprise that the Russians intensified their military operations in Chechnya following the President's decision to travel to Russia.

The article follows:

AN UNTIMELY TRIP TO MOSCOW

The issue: President Clinton intends to visit Boris Yeltsin despite criticism.

Our opinion: He cannot escape the need to face up to Chechnya.

The Clinton administration continues to bet its chips on President Boris Yeltsin's regime in Russia, despite cautions from many sides that doing so is backing a horse fading in mid-race.

In agreeing to attend the Moscow celebrations on the 50th anniversary of the end of World War II in Europe, President Clinton overrode earlier objections, raised within the administration as well as by political opponents, to such a trip. The savage campaign by President Yeltsin to crush secessionists Chechnya was reason enough for the American president to abstain from a summit meeting.

Furthermore, the incompetent performance of the Russian army forced Mr. Yeltsin to further distance himself from the modernizing forces in Russia, which oppose the Chechnya war, and become more beholden to nationalist and Communist elements, who are for it.

The loser is the momentum to democratic refor. The United States' principal reason for strongly backing Mr. Yeltsin through several major crises was that he was the best instrument for developing democracy in Russia.

To entice Mr. Clinton to come to Moscow, Mr. Yeltsin made a couple of gestures. He permitted international rights monitors into Chechnya, and he agreed to downplay the military aspects of the May 9 observance in Moscow.

Furthermore, the Clinton administration did not wish to be indifferent to Moscow's argument that the Soviet people paid a fearful price—some 20 million dead—to help bring about the defeat of Nazi Germany.

Those actions and arguments notwithstanding, Senate Republicans Jesse Helms and Mitch McConnell outspokenly oppose Mr. Clinton's journey to Moscow. They have a point.

Specifically on Chechnya, the U.S. should have extracted more concessions from President Yeltsin, providing for ways to bring the civil war to an end. That would serve Boris Yeltsin most of all, and buttress those in Russia laboring for a more democratic society.

Having decided to go, Mr. Clinton is obliged to try to accomplish face to face what lower level diplomacy could not.

IMPACT OF RESCISSIONS ON ELDERLY

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. KENNEDY of Rhode Island. Mr. Speaker, we have heard time and time again that the opposition is determined to provide less Government and lower taxes, but for who?

Well, now we have the answer. The cuts before us clearly show that the intention is to provide less help to those who most need it, and lower taxes for those who have the most.

For those who fear the onset of winter, and the long and cold nights that it brings, these cuts will force a choice between heating and eating. My State of Rhode Island was supposed to receive $8.8 million in energy assistance next winter. No more.

This bill turns its back on the 26,000 households, more than 59,000 individuals in Rhode Island, who rely on the little bit of help they get for energy assistance.

When the average heating bill in Providence is $1,200 a winter, a grant of $414 can make a world of difference.

To quote a couple from my State, writing about the assistance they received:

Thank you so very much from our hearts to yours. By your compassion we're touched. May God bless you * * * Not one day did we live cold * * *

Sixty percent of the households in Rhode Island who receive energy assistance are either elderly, on fixed incomes, or working poor. Most have household incomes between $6,000 and $8,000. A capital gains tax cut will provide little comfort to these people in the dead of winter next year.

This cut is indefensible, and I suspect that is why the majority would not even allow an amendment restoring this money to make it to the floor.

They will be able to avoid the pain of a vote today, but our seniors will be forced to feel the pain of their cuts tomorrow.

The cuts to housing again hit at those most in need. Forty percent of the housing cuts will strike senior citizens, threatening the very viability and quality of their housing by slashing operating subsidies and modernization funds—maintenance, necessary improvements, and security will be cut back.

In Pawtucket, RI, the cut in modernization funds could mean that a planned central security station will have to be eliminated. What protection will the seniors living in Burns Manor derive from the big business loopholes in the tax package?

Is this the right way to begin cutting the budget? I do not think so.

When it comes to cutting the budget, let us start with the programs that are the weakest and not the programs for the weakest.

CELEBRATING TUFTONIA'S WEEK

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. RICHARDSON. Mr. Speaker, this spring marks the 11th consecutive year in which alumni from Tufts University will celebrate their special relationship with their alma mater by participating in Tuftonia's Week and Tuftonia's Day activities.

This holiday for the 85,000-plus alumni of Tufts derives its name from the title of a venerable Tufts football fight song written by E.W. Hayes who graduated from the university in 1916.

The theme of this year's celebration is Tuftserve which focuses on Tufts alumni who volunteer in their community. These alumni enhance the quality of life in their communities. They help make our shared community a better place for all to thrive in.

Tuftonia's Week is recognized wherever Tufts has a campus. In addition to a formal proclamation ceremony on campus hosted by the president of Tufts, local observances through the years have ranged from small gatherings in restaurants or clubs to champagne receptions in museums, art galleries, and private homes.

Tufts graduates are a proud people who enjoy gathering to think Tufts, thank Tufts, and toast Tufts. This year, alumni will be honoring fellow graduates who also serve in the name of Tufts.

As Tufts University alumni celebrate Tuftonia's Week this year, I urge my colleagues to join me in wishing the university and the alumni a successful celebration.

MARYLAND'S MED-EVAC PROGRAM CELEBRATES FIRST 25 YEARS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. HOYER. Mr. Speaker, 25 years ago this week, the Maryland State Police made its first medical evacuation flight, transporting a patient to the University of Maryland's hospital in Baltimore. I ask that my colleagues join me in congratulating the Maryland State Police and the Maryland Institute for Emergency Medical Services System for their outstanding achievements since 1970. That year, a total of 197 medical transport flights were made with an 88 percent survival rate. Today, I want to recognize this maiden flight by Cpl. Gary Moore and Trooper First Class Paul Benson which started one of the Nation's first airborne medical evacuation programs. Maryland's Med-Evac program, operated by the Maryland State Police,

has since established itself as a leader worldwide in performing this mission.

I want to share with my colleagues why Maryland's Med-Evac program has become the envy of other units throughout the world with the same mission. Since that maiden flight in March 1970, this unit has transported over 62,000 patients, delivering them to a hospital system that includes the University of Maryland Hospital at Baltimore, where Dr. R. Adams Cowley pioneered his principle of the Golden Hour, the critical time following trauma when a patient's life is most vulnerable. Maryland's Med-Evac program is unique because it uses a multimission approach carried out by the Maryland State Police Aviation Division. This unit provides law enforcement, search and rescue, and medical evacuation, providing a high quality service for the least cost.

Working with other local officials, I was pleased that former Gov. William D. Schaefer agreed to upgrade the State's helicopter fleet to provide state of the art helicopters at each of the 8 bases throughout Maryland. In October 1994, a new American Eurocopter Dauphine began operating from its base in St. Mary's County for the southern Maryland area, making Maryland the only State that provides 24 hour per day Med-Evac coverage for its citizens, with the ability to fly in most weather conditions. This service has become an intricate, high-technology link in the statewide emergency medical services system, utilizing a sophisticated communications system to incorporate a systematic approach to interface with all licensed medical care institutions in an effort to match the needs of the patient with the most appropriate treatment center.

The significant achievements of the aviation division have not come without sacrifice. Six pilots have been killed while performing three separate missions. Following each tragedy, actions have been taken to upgrade the equipment and training needed to conduct this important mission.

Today, Major Johnny Hughes is the commander of the 144-person unit which operates 11 helicopters from the 8 sites throughout Maryland. All Maryland State Police flight paramedics are nationally registered EMT-paramedics, possessing emergency and critical care skills with the ability to function as complete pre-hospital practitioners.

Mr. Speaker, I am proud of the accomplishments of the Maryland State Police Aviation Division and the excellent continuous service they provide, along with the emergency medical services community in our great State. I ask that my colleagues join with me to commend them for this extraordinary record of service to the people of Maryland for the past 25 years.

TRIBUTE TO THE IHM SISTERS: SERVANTS OF THE IMMACULATE HEART OF MARY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. BONIOR. Mr. Speaker, this coming Sunday, March 26, 1995, the IHM Sisters in my home State of Michigan, are celebrating their 150th anniversary.

The Sisters, servants of the Immaculate Heart of Mary were founded in 1845. One of the founders was Theresa Maxis, a member of the Oblate Sisters of Providence. She was an educated and deeply spiritual woman. Another founder was a young Redemptorist priest named Louis Florence Gillet. He was a missionary experiencing difficulty in recruiting religious women to educate young girls. Along with Oblate Charlotte Schaaf and Theresa Renauld, a young women from Fr. Gillet's Mission, they formed the new religious institute.

Maxis was the daughter of a Haitian woman and a British Army officer. As a women of color, she was subject to the racism that pervaded civic and ecclesial society. Discrimination against people of color and women was the norm. In many ways, the founders of the IHM's were visionaries who were ahead of their time. Together, they began an on-going mission of educating and advocating for spiritual and psychological development—and, social justice.

As a former seminarian, I feel a close affinity with the Sisters and their commitment to develop an understanding of the structural causes of injustice. This is not merely an academic exercise, but an attempt to alleviate oppression and provide the tools to critique and transform its causes.

The IHM's pursuit of this endeavor lead to the founding of Marygrove College in 1910. Moved from Monroe to Detroit in 1927, the Sisters of IHM continue to respond to the religious, intellectual, moral, and social well-being of men and women in our rapidly changing society.

The devotion the IHM Sisters have displayed to their faith and the community is an inspiration. Although they are a congregation of women in the Roman Catholic tradition, people of all faiths and denominations around the world have benefited from their work. Their social and spiritual contributions are many and they deserve our gratitude for their compassion and leadership.

As the Catholic community prepares for an afternoon of celebration and song, I ask my colleagues to join me in thanking the Sisters for their many contributions. May the next 150 years be a continued fruitful ministry.

A SALUTE TO AMERICAN LEGION MICHIGAN COMMANDER WILLIAM F. MILLER

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. BARCIA. Mr. Speaker, we all owe a great debt to the many veterans of America's Armed Forces. Many of them have sacrificed greatly to protect our freedoms and to help make our Nation the greatest in the world. I know that our veterans who respect and revere true leadership also feel that a debt is owed to those individuals who lead our veterans' organizations, helping to gain public recognition of the contribution of veterans and the needs of many of their legion.

This weekend American Legion Post 18 is honoring William F. Miller, the Commander of the Department of Michigan of the American Legion for his years of service to his Legion, and to our Nation. Commander Miller will be completing his term as State Commander this July and is being recognized for his devotion to his beliefs. A Korean war veteran from Bay City Post 18, State Commander Miller has served the American Legion in many capacities, including both Commander of Post 18 and 10th District Commander. He also set new records for membership as the Department Membership Director, and then served as Department 4th Zone Vice Commander and as Chairman of the Vice Commanders.

Commander Miller's presence is well known throughout the Bay area and the State of Michigan. Having served as President of the local Chamber of Commerce, the Chairman of the Board for the Bay County Convention and Visitors Bureau, and as Director of the Bay County Growth Alliance, he has done all that he can to help promote his own community. He has done all of this while being a self-employed electrical contractor for more than 21 years.

Perhaps one of the greatest achievements is having been able to do all of these things with the strong support of his wife, Darlene, because we all appreciate that the demands for time often force us to make choices that ask others to make a sacrifice. Darlene has been a source of essential support having served herself as Past President of Unit 18 and the Auxiliary's 10th District.

It has been my great pleasure and honor as a Member of Congress to work closely with a number of veterans who have served their Nation well. In some cases the attention and assistance of Members of Congress is needed, but in more cases the representation of effective veterans' organizations like the American Legion and leaders like Commander William Miller is essential. I invite all of our colleagues in thanking Commander Miller for his services to our Nation and to the Legion, and wishing him the very best with the many new activities in which he is sure to excel.

TRIBUTE TO COL. NORME FROST

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. FRANKS of New Jersey. Mr. Speaker, I rise to pay tribute to a remarkable individual, Col. Norme Frost, of Tryon, NC. Earlier this year, Colonel Frost turned 99 years of age, and his local newspaper, the Tryon Daily Bulletin, briefly recounted a few of Norme's many contributions to our Nation. Norme is especially renowned in the field of aviation, where he was an early pioneer, and flier in both world wars.

Mr. Speaker, Norme has an equally outstanding wife, the former Betty Doubleday. Betty is related to Abner Doubleday, who is credited with inventing our national pastime, baseball. Betty met Norme overseas as a Red Cross executive during World War II. Today, Betty continues her charitable efforts by assisting many of the local charities in Tryon. Betty is also Tryon's unofficial town historian. I am sure that Norme owes much of his success to his lovely wife.

Mr. Speaker, Norme was not only a witness to history, he was also an active participant in making the history that has preserved and enriched our Nation. I congratulate Norme for his

many accomplishments, and commend the following article to my colleagues' attention:

[From the Tryon Daily Bulletin, Jan. 25, 1995]

COL. NORME FROST: STILL FLYING HIGH AT 99

(By Bob Witty)

Today is the 99th birthday of Norme Frost, a legend in his time.

Born in another century, Jan. 25, 1896, to be exact, he has left a fascinating trail behind as he made his way from Central Lake, Michigan, to his beloved bower on Wilderness Drive.

He came out of an era when everyone started to work and contribute at an early age, out of a family where hard work was the watchword. To make ends meet in their cash-poor, small village environment, his mother ''took in'' washing, taught school, hung wallpaper and worked the family farm. His father was a musician, carpenter, master craftsman and inventor. It wasn't until one of his inventions, a different and progressive design for a motor boat, succeeded that things looked up for the Frosts.

Norme was the quintessential ''American boy.'' Handy with his father's tools, always obsessed with gadgets, engines and woodworking, he tried his hand at everything that Michigan in the early 1900s afforded.

His jobs included hardware store clerk, farm hand and fishing guide, running a machine in the local factory, an attendant at the Insane Asylum at Traverse City, bellhop at a hotel, and as a conductor on the Saginaw Interurban Railway.

World War I interrupted his career as a jack-of-all-trades and he buckled down as a buck private, toting a rifle and preparing to make the world safe for Democracy. That adventure was short circuited when the war ended in 1918, whereupon he returned to Michigan.

His life took a new turn when he paid an itinerant barn-stormer to take him for his first flight in a patched up ''Jenny'' left over from the war. That was it!

As soon as possible, he enlisted as a Flying Cadet, pawned his saxophone and arrived at Brooks Field, San Antonio, with three dollars in his pocket, prepared for flight training. A 50-year odyssey in the AirCorps/Air Force had begun.

The rickety wood and fabric flying machines of the day were mostly leftover warplanes. But it was a wondrous time for a fledgling flyer. Norme remembers with fondness his favorite: ''The SE–5 was a Sopwith pursuit plane that the RAF made famous in combat. It was light as a feather on the controls and could turn on a dime. My alltime favorite.''

After graduation from famed Kelly Field, he was assigned to a tactical unit, and was the 733rd officer to be rated ''pilot'' by the Army. His serial ''733'' was one number behind Hoyt Vandenberg, who was later to be Chief of Staff, USAF.

Those were the wild and woolly days of flying. Generations of pilots still thrill and marvel at Norme and his cohorts performing at air races; tiny pursuit planes dancing their mad pas de deux around the pylons on a tight course, sometimes as little as 25 feet off the ground in a vertical bank! Daring young men indeed.

In World War II, as a Colonel, he served in General Doolittle's 15th Air Force as a Deputy Wing Commander. He took part in the first B–17 strike on the sub-pens and shipping at Naples, using the smoldering Mount Vesuvius as an initial point for the run-in to target.

But all the fun came to an end, and after his 1951 retirement parade at Hickam Airfield in Hawaii, he brought ''whats 'er name'' back here to their Wilderness Drive woodland and built her a house—with his own hands. There today, with bird-song at dawning and the cacophony of trilling tree-frogs at dusk, he lends his talents and energies to local activities, much as she devoted them to his flying career. He has performed so many feats of magic in lighting, photography, audio and construction for the Tryon Little Theater, The Fine Arts Center and other groups, that there is no room here to list them.

Let the words of the late Lou Perrottet as published in the Tryon Litter Theater Bulletin in 1978, speak for ''Frostian'' skills. ''Colonel Norme Frost continues to leave his footprints on the cultural creations of this community. Not the least of accomplishments is his ability to merge technical disciplines with moments of sheer emotion and feeling.''

Norme justified this accolade with his renowned production of ''The Drama of Nature,'' and ''A Place on Earth,'' his slide shows with music and narration.

And now, this man who saw both the automobile and airplane bow onto the world stage, has landed with both feet into the Computer Age. It would not surprise any of us if he were to become a full-fledged member of the ''Fiber-Optic'' journey into the future.

The 28 World War II military pilots now living in this area (the Helmet and Goggles and Scarf crowd) salute their compatriot, Colonel Norme Frost, pioneer aviator, naturalist, and gentle man. The poem which follows has become the most famous anthem to airmen ever written. It has, of course been quoted again and again, most notably by President Reagan when he addressed America at the time of the Challenger disaster. It was written by 19 year old RCAF pilot John Magee in England in 1941; he died in his Spitfire only a few weeks later:

HIGH FLIGHT

Oh! I have slipped the surly bonds of Earth
And danced the skies on laughter-silvered wings;
Sunward I've climbed and joined the tumbling mirth
Of sun-split clouds—and done a hundred things
You have not dreamed of—wheeled and soared and swung
High in the sunlit silence Hov'ring there.
I've chased the shouting wind along, and flung
My eager craft through footless halls of air.
Up, up the long, delirious burning blue
I've topped the windswept heights with easy grace.
Where never lark or even eagle flew—
And, while with silent, lifting mind I've trod
The high untrespassed sanctity of space.
Put out my hand and touched the face of God.

Happy Birthday Norme. Dominus Vobiscum.

HONORING THE NORTH MIAMI FOUNDATION FOR SENIOR CITIZENS' SERVICES, INC.

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mrs. MEEK of Florida. Mr. Speaker, on Wednesday, April 26, 1995, the North Miami Foundation for Senior Citizens' Services, Inc. will be recognizing the volunteers who have provided assistance to the area's elderly for 21 years.

In 1994, these volunteers donated 25,499 hours of chore services; 43,370 hours of companionship visits; and 60,789 telephone reassurance calls. In addition, 9,931 hours of special projects were completed in conjunction with local organizations and schools. Truly demonstrative of community partnership, these volunteer hours are equivalent to 42 full-time paid positions.

As the entire Nation recognizes National Volunteer Week from April 23–29, I am sure that my colleagues will join me in thanking the North Miami Foundation and its volunteers. Theirs is an exemplary crusade that is of tremendous value to our community.

RULE REGARDING THE PERSONAL RESPONSIBILITY ACT

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. WILLIAMS. Mr. Speaker, A couple of days ago I voted against the rule on welfare reform. The rule before us will preclude any debate on the effect of drastically altering our current welfare system on some of this country's neediest and most underserved individuals, its 1.2 million native Americans.

So much for bipartisanship. Recognizing the special government to government relationship that the U.S. Government has with the country's 533 federally recognized tribes, individuals from both sides of the aisle attempted to craft an amendment that would respect this special relationship and the tribes' treaty rights by providing native Americans direct access to the block-granting process. This rule precludes debate on the merits of this amendment.

This action signals a sad departure from the national trend toward native American self-determination and independence which was initially recognized by a Republican President, Richard Nixon. In his special message to Congress on July 8, 1970, then President Nixon articulated the right of Indian tribes to take over control or operation of federally funded and administered programs. Adoption of this rule throws self-determination out the door and signals a return to the failed paternalistic policies which have ill-served America's Indian peoples.

This rule silences the voice of the first Americans, native peoples.

THE INSURANCE STATE'S AND CONSUMERS' RIGHTS CLARIFICATION AND FAIR COMPETITION ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. DINGELL. Mr. Speaker, today I am pleased to join with the distinguished chairman of the Commerce Committee as an original cosponsor of the Insurance State's and Consumers' Rights Clarification and Fair Competition Act. This is important consumer protection and competitiveness legislation that deserves strong bipartisan support.

This legislation requires that anyone who sells, underwrites, or solicits the purchase of

insurance will have to comply with all applicable State insurance regulatory requirements. This will ensure a level competitive playing field and consistent consumer protection.

On September 22, 1994, Congresswoman COLLINS of Michigan, joined me in introducing a substantially similar bill, H.R. 5075, the Insurance Sales and Underwriting Consumer Protection Act of 1994. I commend the gentleman from Virginia for expanding upon those efforts.

While some of you may wonder at the necessity of having a Federal law saying that people in the insurance business must comply with State insurance laws, I assure my colleagues that it is very necessary indeed. The hearing record in past Congresses in the Energy and Commerce Committee's Oversight and Investigations Subcommittee and its Commerce, Consumer Protection, and Competitiveness Subcommittee, as well as recent actions by the Comptroller of the Currency and the courts, demonstrate the urgent need for this bill.

First, during our oversight hearings on the problems faced by financial services providers as a result of savings and loan failures, we discovered that a number of failed savings and loans had sold insurance products to their customers, and that they had done so without disclosing to these customers that the insurance products were not insured by the Federal Government. When the savings and loans failed—and the insurance company that had underwritten many of these policies also failed—customers were stunned to discover that the FDIC did not cover their insurance. As a result, they suffered both significant emotional and financial losses.

A second example can be found in the aftermath of the Los Angeles riots following the Rodney King trial. Many of the small business people devastated by the riots filed claims with their insurance companies, only to find out that these companies had violated California law by selling insurance in California without authorization. Many of these companies would not, or could not, pay these valid claims. Many of these businesses were forced to close and others suffered extreme financial difficulties because the insurance they purchased was no insurance at all.

Finally, there is the so-called retirement CD. This is a product, originally offered by the Blackfeet National Bank, that is designed to obtain FDIC insurance protection for an annuity, that is, insurance, product. The promoters of this product have described it as free from taxes on inside buildup, as is true of life insurance; as insured by the FDIC; and as free from all State insurance regulation, whether these regulations apply to underwriting financial requirements to protect the safety and soundness of the bank or to consumer protection requirements. In May 1994, the Comptroller of the Currency approved this product for bank sales subject to certain conditions, in apparent agreement with the proposition that Federal banking laws preempt State insurance laws, and that banks may provide insurance. Not only is it absolutely clear that Congress has never preempted State insurance laws as to banks providing insurance, it is also a clear misreading of the laws Congress has passed. The National Bank Act has been interpreted to prohibit national banks from engaging in the business of insurance. In addition, the Glass-Steagall Act prohibits banks from engaging in commerce.

In 1990, the Comptroller ruled that national banks could sell annuities. The Comptroller further concluded that annuities should be classified as investments, rather than as insurance. The Comptroller's ruling was challenged in Federal court by Variable Annuity Life Insurance Co., a unit of Houston-based American General. In January of this year, the Supreme Court ruled that national banks may sell annuities. Last month, a Federal judge in New Mexico ruled that the State insurance commissioner could not prevent First National Bank of Sante Fe from selling the retirement CD.

The impact of these decisions on consumers is troublesome and significant as pointed out by Jane Bryant Quinn this past Sunday, "Think Twice About New Retirement CDs." Washington Post, Sunday, March 12, 1995, at H2:

> The rates are lower than you would get on the open market. That's the price you pay for the tax deferral and the deposit insurance. But the banks can't pay you less than 3 percent. You face serious penalties for early withdrawal except in the case of death, disability or, at the Santa Fe bank, lengthy hospitalization.
>
> At maturity, you must turn at least one-third of your savings into a lifetime income from the same bank—so you shouldn't buy this CD unless you intend to keep it. You can't even switch banks without creating tax obligations on the money.
>
> Bottom line: There's no escape from a retirement CD except at considerable cost. With an insurance company annuity, you can switch to a new insurer, tax free, if the new one pays a better rate. But with a bank, you're stuck. The banks know you're trapped, which may tempt them to pay low yields every time you renew your CD.
>
> Even now, the bank's return is poor. Given a $51,000 accumulation, for a 65-year-old woman, the retirement CD would pay $229 to $279 a month for life at the banks now offering the product. By contrast, the top 10 insurance company annuities are paying an average of $386, according to Annuity Shopper magazine in Englishtown, N.J. That's a lot of money to give up for deposit insurance. I think the banks should try again.

It is no secret that the Oversight and Investigations Subcommittee has had many hearings on the inadequacy of the current State insurance regulatory system, and that I believe that there should be Federal regulation of this interstate and international industry. I still hold that belief. However, the State insurance regulatory system is all that currently exists to protect insurance consumers and to ensure the financial stability and safe operation of insurance providers. It is imperative, for the protection of consumers, and to ensure the financial soundness of insurance products, that, at the very least, existing State insurance standards and protections are met by everyone selling or underwriting insurance, whether they are a bank, foreign company, or insurance company.

The bill I am cosponsoring today, does not impose any new substantive requirements on anyone who provides insurance. It simply says that if you provide insurance in interstate commerce, regardless of who you are, you must comply with the insurance sales, licensing, and financial requirements of the State in which you are providing the insurance.

I urge my colleagues to support this sensible and fair legislation when it comes to the House floor.

PERSONAL RESPONSIBILITY ACT OF 1995

SPEECH OF

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4) to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence:

Mr. REED. Mr. Chairman, throughout the debate on welfare reform, I have stated that real welfare reform must meet three important tests: Does the proposed plan promote work? Does it provide States with adequate resources? Does it protect children? Although the bill offered by Representative DEAL as a Democratic substitute is not perfect, I believe that it meets these three tests.

Individual responsibility is at the heart of this bill. On the first day an individual applies for welfare benefits, that individual will be required to sign a comprehensive individualized responsibility plan detailing what the individual is expected to do to find a job and what the State is expected to do to assist them in achieving this goal. If an individual refuses to sign such a plan, that individual will not be eligible for AFDC benefits. In contrast, the Republican bill does not require that an individual actively look for a job for 2 years. In fact, the Congressional Budget Office [CBO] has stated in its analysis of the Republican bill that all 50 States will fail to meet the job requirements of the bill.

In addition, whereas the Republican bill simply requires States to move a growing percentage of their welfare caseload off of the welfare rolls, the Democratic bill requires States to move a growing percentage of their welfare caseload off of the welfare rolls and into jobs.

The substitute also removes traditional barriers to employment by recognizing the reality of our changing work force. If welfare reform is successful and truly about work, the demand for child care will increase as individuals move from welfare to work. The substitute guarantees that child care assistance will be provided to any parent on AFDC who needs child care assistance to accept and keep a job or participate in a work program. In recognition of this accepted increase in demand, the substitute increases child care assistance for the working poor by $424 million over 5 years above current projections. Under our current system, States are often forced to choose between providing child care assistance to individuals on welfare and the working poor.

The Deal bill recognizes that real welfare reform is not cheap, and it provides States with the resources needed to move recipients from welfare to work. The bill provides $9 billion to assist States in establishing programs to move people into the work force.

The Democratic substitute also maintains the current structure of successful child nutrition programs. In contrast, the Contract With

America proposal would have consolidated dozens of programs into block grants and handed over responsibility, without the necessary resources, to the states. As one of my colleagues recently stated, ''their bill is about who gets the problem, not how to fix the problem''.

The Deal bill does not make children suffer for the shortcomings, real or imagined, of their parents. The bill does not require that States deny benefits to teen mothers or their children, but the bill does require, however, that teen mothers live with a responsible adult and that the teen mother stay in school.

The Deal bill also retains the guarantee that abused and neglected children will receive foster care and adoption assistance.

There has been a lot of talk about the abuses in the Supplemental Security Income Program [SSI]. The Deal bill attempts to get at the abuses in the program without harming the medically disabled children the program was established to assist. And perhaps most importantly, the bill retains the decisionmaking power on how to care for a disabled child with the family, not with a State bureaucrat. In contrast, the Republican bill would deny cash benefits to 700,000 disabled children in the SSI Program.

This is welfare reform that is tough, but fair. It promotes work, provides States with the resources to design effective programs, and provides protection for our children. At the heart of the Democratic welfare reform bill is work—at the heart of the Republican welfare reform bill is shifting responsibility, not resources to States. The Democratic bill represents real welfare reform that does not take from our children to pay for tax cuts for the rich.

TED W. MYATT RETIRES

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. MONTGOMERY. Mr. Speaker, on March 31, Ted W. Myatt will retire after almost 19 years as Director of the Department of Veterans Affairs Regional Office in Houston, TX. Since August 1, 1976, when Ted became director, he has served the veterans of southern Texas with resolute dedication and sound leadership.

Theodore ''Ted'' W. Myatt was born and reared in Johnson County in north central Texas. He graduated from Decatur Baptist College and received his Juris Doctor degree from Baylor University Law School in 1955. He served as an enlisted man in the 2d and 5th Armored Divisions of the U.S. Army in 1948 and 1949. Ted served two terms in the Texas House of Representatives, 1956–59, representing the 61st Legislative District—Johnson, Hood, and Somervell counties. He served as county judge of Johnson County from 1959 to 1964. Ted resigned in 1964 to accept an appointment as deputy chief counsel, Area Redevelopment Administration, Department of Commerce, here in Washington. He later joined the Department of Veterans Affairs in Washington as a staff attorney in the Office of the General Counsel.

Ted returned to Texas with the VA serving as chief attorney and district counsel at the Waco Regional Office from 1968 to 1976, at which time he was appointed Director of the Houston Regional Office. This is one of VA's largest regional operations covering the southern half of Texas and American veterans residing in Mexico.

One of Ted's many extraordinary accomplishments is the development of the state-of-the-art regional office now being constructed on the grounds of the VA medical center in Houston. For the major part of his directorship, Ted worked unceasingly to secure approval and funding for this collocation project. Ted was committed to ensuring that regional office employees would be housed in a modern, stimulating work environment before he left the VA. In spite of many challenges and difficulties, Ted, with the help of many in central office, the area field director's office, and his own employees, finally achieved success.

This facility is the first to be developed by a private developer under the ''enhanced use'' legislation signed into law a few years ago. Collocation of VA regional offices on the campus of VA medical centers is a goal I have personally supported for many years. Ted has kept me advised of his progress from the beginning and, when I last visited Houston, gave me a tour of the site. The facility will be dedicated later this year, and the veterans of southern Texas will be the beneficiaries of this facility for decades to come.

Mr. Speaker, to show their appreciation for the outstanding leadership of Ted Myatt, the current and former employees of the regional office will dedicate the conference room in the new building in Ted's honor. What better gesture could be made of one's worth and value. Ted has always been known for his strong support for those who work under his direction, and this wonderful gesture clearly demonstrates his staff's affection and respect for Ted.

Mr. Speaker, Ted Myatt has been one of VA's very best regional office directors. Respected for his integrity and professionalism, Ted has testified before our committee many times, and those of us serving on the Veterans' Affairs Committee have greatly benefited from his counsel. We shall miss him.

Ted has two children, Wade Barkley Myatt of Bryan, TX, and Jeanne Melissa Myatt of Houston. Ted's lovely wife is the former Ana Proa of Gonzales, TX. As he leaves the Department of Veterans Affairs on March 31, we wish for him, Ana and the family, much happiness and the very best always.

SOMERSET COUNTY CELEBRATES ITS BICENTENNIAL

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. MURTHA. Mr. Speaker, the history of the United States has been built on the western expansion of its population. The young days of the Republic saw ambitious men and women looking westward for opportunities which did not exist on the eastern seaboard. But the first obstacle they saw as they looked west was the Appalachian Mountain Range.

As settlers began the trek westward in the late 1700's, the difficulties they encountered were enormous. Many died; many turned back. But just as many persisted, and communities began to be established in the fertile lands west of the first range of the Appalachians. One area which attracted settlers was on a high plateau between two ranges of the Appalachians, and in 1795, Somerset County, PA was established.

In 1995, Somerset County is celebrating its bicentennial. The hard-working citizens of this area have seen many changes and challenges over the past 200 years, but the early pioneering spirit of the people who founded Somerset County can still be found there today. This spirit has led to vibrant communities throughout the county, proud of their heritage, but also looking forward to a bright future.

Travelers on the Pennsylvania Turnpike know Somerset as an exit high in the Pennsylvania mountains. Driving by, they see a magnificent county courthouse in the Borough of Somerset, and a spot to break up the trip to points east and west. But getting off the highway and traveling through the county would introduce them to many historic communities located in the beautiful Pennsylvania highlands which offer a great deal in terms of recreation and friendliness. As Somerset County, PA celebrates the 200th anniversary of its founding, I would like to offer my congratulations to its citizens as they move forward into a third century of work and growth, and invite my colleagues to come experience the celebrations planned to take place all summer long.

TRIBUTE TO MAYOR KATHRYN NACK

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. MOORHEAD. Mr. Speaker, I rise today to honor Mayor Kathryn Nack of Pasadena, CA, upon her retirement from a distinguished career in public service. Mayor Nack has been a member of the Pasadena City Council since 1987. She was elected by her colleagues as vice mayor in May 1992 and as mayor in May 1994. Prior to her service on the council, Mayor Nack was a member of the Pasadena Board of Education from 1979 to 1987, serving as the board's president for three terms. And from 1975 to 1979, she served as a member of the Pasadena Planning Commission.

During her 20 years of serving the citizens of Pasadena, Mayor Nack has been a leader on many issues, most notably in the area of children and families. In Pasadena, she was the driving force behind the development of the ground-breaking Pasadena Family Policy, and as a board member of both the League of California cities and National League of Cities, Mayor Nack's expertise was often highlighted in organizational panel discussions and workshops on the local government role in providing services to needy children and families. Her extensive knowledge of this subject has contributed heavily to Pasadena's reputation as a leader in the delivery of human services.

As a result of her dedicated public service, many people in my district may not realize that Mayor Nack is an architect by trade and became a pioneer among women in that profession. While in college in her native Texas, she was chosen as 1 of 100 female math and

science majors to be selected for an intensive aeronautical engineering education program to replace aeronautical engineers during World War Ii. Eventually, Mayor Nack joined her husband Don to start their own architectural firm, all while raising six children.

On behalf of the citizens of Pasadena and California's 27th Congressional District, I wish Mayor Nack well in her retirement. She will be missed, but I have a feeling that she will continue to be involved in other civic activities and remain a strong presence in the Pasadena community.

PERSONAL RESPONSIBILITY ACT OF 1995

SPEECH OF

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4) to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence:

Mrs. LOWEY. Mr. Chairman, we all agree that reform of the welfare system is long overdue. The current system is costing billions of dollars and is not solving the problem. It does not put people to work but instead has created an unhealthy cycle of dependency.

In reforming the welfare system, our focus must be on moving people into real jobs. I will vote against the Republican bill for many reasons—but primarily because it makes no guarantee that welfare recipients will move into work.

Under that bill, there is less accountability for the dollars spent than under the current system. They do nothing to improve access to and the quality of existing education and training, so that people have the skills they need to get a job. The majority's bill moves to the extreme—and will only create another system that fails families and taxpayers by creating a whole class of women and children with no hope of becoming self-sufficient.

The Deal substitute provides a balance in this debate. It is tough on work, requiring participants to establish contracts detailing what they will actually do to secure private sector employment. The substitute provides a serious deadline: Participants can participate in a workfare program for 2 years. After 2 years are up, States have some flexibility to work with these populations—but ultimately people must work, or they lose their cash benefits. The Deal substitute also provides States with resources to improve existing workfare systems, so that participants actually attain the skills they need to get and hold a job. Without those skills, any employer will tell you, they just won't find work.

The Deal amendment provides State resources for child care, so families can work while ensuring adequate care for their children. The Deal amendment preserves the nutrition programs that are essential underpinning for the health of our Nation's children. The Deal amendment includes tough provisions to strengthen the current child support enforcement system so that millions of young people will be supported by parents who have the means to do so—instead of being supported by taxpayers. Finally, the Deal amendment helps address the crisis of teenage pregnancy and provides communities with the resources they need to prevent teenage pregnancy.

In short, the Deal substitute provides sensible responses to the American public's demand for reform, but does not in the process hurt vulnerable children or simply shift costs to other programs.

I urge my colleagues to support the Deal substitute. We must reform the welfare system to move people from welfare to work. We cannot afford to fail.

I request unanimous consent to revise and extend my remarks.

HALL OF FAME

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. FORBES. Mr. Speaker, the Suffolk Y is the home of the New York Jewish Sports Hall of Fame, honoring Jewish sports figures who have distinguished themselves in the field of sport. This Sunday, March 26, 1995, induction ceremonies will be held at the Suffolk Y JCC to honor the 1995 inductees.

This year's inductees are Mel Allen, baseball; William Beroza, Lacross; Hank Greenberg, baseball; Nat Holman, basketball; Margaret Lambert, track and field; Fred Lebow, track; Sid Luckman, football; Dolph Schayes, basketball; and Allie Sherman, football.

The Hall of Fame's athlete of the year is Anita Kaplan, the women's basketball star at Stanford University.

The objective of the hall is to foster Jewish identity through athletics. The New York Jewish Sports Hall of Fame is housed at the Suffolk Y JCC, and a display of the inductees' plaques and memorabilia is permanently housed there as well.

Sports has always been the international language, the unifier among all peoples. Everyone who participates in sports is a winner, but when figures rise to the top of their class, as with the Hall of Fame inductees, the victory is even sweeter.

I urge my colleagues to join me in recognizing the superior career performances of these great athletes and fine individuals on the occasion of their induction into the Jewish Sports Hall of Fame.

FEDERAL ACTION IS NEEDED TO ENFORCE FEDERAL BUILDING HEIGHT LIMITATIONS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 1995

Mr. STARK. Mr. Speaker, Federal action is needed in order to preserve the letter and intent of Congress' Height of Buildings Act of 1910.

In introducing this legislation, I have no intention of interfering with the district's zoning decisions, only to enforce Federal law. I do not relish having to take this action, but it is out of a necessity generated by the desire of some to circumvent Federal law.

This legislation will simply enforce current law regulating the height of buildings constructed in the District of Columbia by prohibiting the District of Columbia from issuing any building or occupancy permit for a project located at 1328 G Street Northwest unless the project to be developed complies with the required building height limitation of 110 feet.

In order to get around the law, the developers of this project have argued against not only Federal law, but the laws of physics. No matter how much a developer might wish it to be so, a property cannot be in two places at the same time.

The plot of land in question is located in the middle of the 1300 block of G Street. Nonetheless, the developers claim that it actually "fronts" on 13th Street. As found by the National Trust for Historic Preservation, "that is not the case here—1328 G Street is clearly a mid-block building separated from 13th Street by 75 feet, two lots, and a public alley. Any suggestion that 1328 G Street 'fronts' on 13th Street is clearly an artifice, and would circumvent the requirements of the Building Height Act."

I am submitting for the RECORD a letter from the National Trust for Historic Preservation to the National Capital Planning Commission providing greater detail of the developer's shenanigans with this project.

Again, taking this action is not something that I relish, but it is necessary. It is necessary in order to enforce existing law, to protect the Federal interest, and to preserve the unique skyline of the Nation's Capital.

NATIONAL TRUST FOR
HISTORIC PRESERVATION,
Washington, DC, March 16, 1995.

Re closing of a public alley and establishment of an easement in square bounded by F, 13th, G, and 14th Streets, N.W. (D.C. Council Act 10–295).

Hon. THOMAS M. DAVIS III,
Chairman, District of Columbia Subcommittee, House Government Reform and Oversight Committee, Washington, DC.

DEAR MR. DAVIS: On behalf of the National Trust for Historic Preservation in the United States (the "National Trust"), I am writing to urge you to disapprove D.C. Council Act 10–295, which permits the closing of the alley referenced above. Allowing this alley closure to become effective would violate the Building and Height Limitation Act of 1910, ch. 263, 36 Stat. 452 (1910), by permitting a building at 1328 G Street to exceed the Act's height limitation. While we strongly support the District of Columbia's right to self-government on matters of purely local concern, it is appropriate for Congress to exercise its reserved oversight authority under the D.C. Home Rule Act when federal interests—such as upholding the integrity of the federal Height Limitation Act—are at stake as they are here.

The National Trust was chartered by Congress in 1949 as a private nonprofit organization to facilitate public participation in the preservation of our nation's historic resources. 16 U.S.C. §§461, 468. The National Trust has approximately 250,000 members nationwide, including 5,500 members in the District of Columbia. In addition to its headquarters building off Dupont Circle, two of the National Trust's eighteen historic house museums, Decatur House and Woodrow Wilson House, are located in Washington, D.C.

Furthermore, the National Trust's Mid-Atlantic Regional Office in Philadelphia is specifically responsive to D.C. preservation concerns.

The National Trust has a strong interest in protecting important features of the Nation's Capital, including the sense of scale and proportion necessary to preserve the inspirational vistas of our historic national monuments and landmark federal buildings. This interest is protected by federal law—the Building and Height Limitation Act of 1910—as well as by the Preservation and Historic Features Element of the Comprehensive Plan for the National Capital.

The building whose construction would be facilitated by the D.C. Council's Act is 1328 G Street, N.W., which is located mid-block. Under federal law, the height of 1328 G Street should be limited to 110 feet, which is the width of the widest street on which the building fronts (G Street) plus 20 feet. Under the D.C. Council's Act, however, the building would be constructed to a height of 130 feet, based on the width of 13th Street, exceeding by nearly 20 percent the height limit for G Street. This is because the Council has used an alley closure to pretend that the building would front on 13th Street via a two-part artificial connection. First, 1328 G Street would ''connect'' to an elevated walkway to 1310 G Street, that already exceeds the G Street height limit by 20 feet in violation of federal law. Compounding this error, 1328 G Street would then, according to the City, ''connect'' through 1310 to a 75 foot parking lot on the corner of 13th and G streets. Because this parking lot *could* contain a building 130 feet tall, the Council has justified exceeding the height limit mid-block on G Street. The Council's action, therefore, skirts the requirements of federal law based on a loophole that could lead to a wholesale erosion of the height limitation.

In the National Trust's view, the D.C. Council's action in attempting to circumvent the congressionally mandated building height limitation raises serious legal questions. Moreover, the hearing report of the House District of Columbia Committee acknowledged that because ''[t]he city accepts even fictitious buildings as the basis for exceeding the height limit,'' the developer of 1328 G Street asserts that it ''is entitled to the same height as the non-existent [corner building].''

The federally prescribed height limitation, which has existed in some form since the founding of the Nation's Capital itself, enhances the architectural character of the capital city, and its nationally significant public buildings and historic monuments. The height limitation for the Nation's Capital is one of the important aesthetic features that distinguishes the City of Washington from other major cities and should be vigorously enforced. For this reason, we urge the Government Reform and Oversight Subcommittee on the District of Columbia to act swiftly to disapprove D.C. Council Act 10–295. Please feel free to contact me at 673–4255, if you have any questions.

Sincerely,

EDWARD M. NORTON, Jr.,
Vice President for Public Policy.

Daily Digest

HIGHLIGHTS

Senate passed Self-Employed Health Insurance Tax Credit.

House passed Welfare Reform bill.

Senate

Chamber Action

Routine Proceedings, pages S4527–S4602

Measures Introduced: Fourteen bills and three resolutions were introduced, as follows: S. 611–624, and S. Res. 92–94. **Pages S4573–74**

Measures Reported: Reports were made as follows:

S. 617, making additional supplemental appropriations and rescissions for the fiscal year ending September 30, 1995, and other purposes. (S. Rept. No. 104–17)

Special Report entitled ''The Activities of the Committee on Armed Services, United States Senate, 103d Congress, First and Second Sessions''. (S. Rept. No. 104–18) **Page S4573**

Measures Passed:

Self-Employed Health Insurance Tax Credit: Senate passed H.R. 831, to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, and to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, after agreeing to the committee amendment in the nature of a substitute.

Pages S4532–44, S4546–59

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair appointed the following conferees: Senators Packwood, Dole, Roth, Chafee, Grassley, Moynihan, Baucus, Bradley, and Moseley-Braun. **Page S4559**

Amending Rule XXV of Standing Rules: Senate agreed to S. Res. 92, amending Rule XXV of the Standing Rules. **Page S4570**

Majority Party Appointments: Senate agreed to S. Res. 93, making majority party appointments to the Energy and Natural Resources Committee, the Veterans' Affairs Committee, and the Committee on Indian Affairs. **Page S4570**

Majority Party Appointment: Senate agreed to S. Res. 94, making a majority party appointment.

Page S4570

Regulatory Transition Act—Agreement: A unanimous-consent time agreement was reached providing for the consideration of S. 219, to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, on Monday, March 27. **Page S4570**

Treaty Approved: The following treaty having passed through the various parliamentary stages, up to and including the presentation of the resolution of ratification, upon division, two-thirds of the Senators present and having voted in the affirmative, the resolution of ratification was agreed to:

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons (Treaty Doc. 103–25), with certain conditions. **Pages S4568–69**

Measure Indefinitely Postponed:

Expenditures by Committee on Rules and Administration: Senate indefinitely postponed S. Res. 49, authorizing expenditures by the Committee on Rules and Administration. **Page S4570**

Nominations Confirmed: Senate confirmed the following nominations:

Martin James Burke, of New York, to be United States Marshal for the Southern District of New York for the term of four years.

J. Don Foster, of Alabama, to be United States Attorney for the Southern District of Alabama for the term of four years.

Ray L. Caldwell, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary of State for Burdensharing.

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Philip C. Wilcox, Jr., of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Coordinator for Counter Terrorism.

Janet Bond Arterton, of Connecticut, to be United States District Judge for the District of Connecticut.

Willis B. Hunt, Jr., of Georgia, to be United States District Judge for the Northern District of Georgia.

Charles B. Kornmann, of South Dakota, to be United States District Judge for the District of South Dakota.

Karen Nelson Moore, of Ohio, to be United States Circuit Judge for the Sixth Circuit.

John Chrystal, of Iowa, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1997.

George J. Kourpias, of Maryland, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1997.

Gloria Rose Ott, of California, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1996.

Harvey Sigelbaum, of New York, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1996.

Routine lists in the Coast Guard, Foreign Service. **Pages S4569-70, S4602**

Petitions: **Pages S4570-73**

Statements on Introduced Bills: **Pages S4574-97**

Additional Cosponsors: **Pages S4597–98**

Authority for Committees: **Page S4598**

Additional Statements: **Pages S4598–S4601**

Adjournment: Senate convened at 9:45 a.m., and adjourned at 3:30 p.m., until 10:30 a.m., on Monday, March 27, 1995. (For Senate's program, see the remarks of the Majority Leader in today's RECORD on page S4601–02.)

Committee Meetings

(Committees not listed did not meet)

NOMINATION

Committee on Agriculture, Nutrition, and Forestry: On Thursday, March 23, committee ordered favorably reported the nomination of Daniel Robert Glickman, of Kansas, to be Secretary of Agriculture.

SUPPLEMENTAL APPROPRIATIONS

Committee on Appropriations: Committee ordered favorably reported an original bill (S. 617) making additional supplemental appropriations and rescissions for the fiscal year ending September 30, 1995.

CONFERENCE OF THE STATES

Committee on the Judiciary: Subcommittee on the Constitution, Federalism, and Property Rights concluded hearings to examine the proposed Conference of the States process which will allow and encourage State leaders to discuss and address issues of balance within the Federal-State relationship, after receiving testimony from Nebraska Governor E. Benjamin Nelson, Lincoln; Arizona Governor Fife Symington, Phoenix; Colorado State Senator Jeffrey M. Wells, Colorado Springs; Alabama State Representative Michael Box, Montgomery, on behalf of the National Conference of State Legislatures; Stewart Baker, Steptoe & Johnson, and Charles Cooper, Shaw, Pittman, Potts & Trowbridge, both of Washington, DC; Erwin Chemerinsky, University of Southern California Law Center, Los Angeles; Robert F. Nagel, University of Colorado, Boulder; and Edward Rubin, University of California, Berkeley.

House of Representatives

Chamber Action

Bills Introduced: Ten public bills, H.R. 1316–1325; and three resolutions, H.J. Res. 80 and H. Con. Res. 48–49, were introduced. **Page H3807**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Cunningham to act as Speaker pro tempore for today. **Page H3735**

Personal Responsibility Act: By a recorded vote of 234 ayes to 199 noes, Roll No. 269, the House passed H.R. 4, to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence. **Pages H3742–90**

Rejected the Gibbons motion to recommit the bill to the Committee on Ways and Means with instructions to report it back forthwith containing an amendment providing that reductions in outlays resulting from the enactment of the Act shall be used to reduce the deficit and shall not be taken into account for purposes of sections 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (rejected by a recorded vote of 205 ayes to 228 noes, Roll No. 268). **Pages H3785–89**

Agreed to the committee amendment in the nature of a substitute (text of H.R. 1214). **Page H3789**

Rejected the Mink amendment in the nature of a substitute that sought to transform the Aid to Families with Dependent Children (AFDC) program into a program that moves recipients from welfare to work by providing a public sector or subsidized private sector job paying minimum wage for at least two years; increase funding in the JOBS Program participation requirements by five percent per year over seven years, rising from 15 percent in fiscal year 1997 to 50 percent in fiscal year 2003, resulting in a $14.9 billion authorization in additional JOBS funding over the five years; take steps to expand child care services for poor families; and finance the spending increases by raising the top corporate income tax rate by 1.25 percent to 36.25 percent (rejected by a recorded vote of 96 ayes to 336 noes, Roll No. 267). **Pages H3742–77**

Defense Department Supplemental Appropriations: Objection was heard to a unanimous-consent request to disagree to the Senate amendments and agree to a conference on H.R. 889, making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for fiscal year ending September 30, 1995. **Pages H3790–91**

Legislative Program: The Majority Leader announced the legislative program for the week of March 27. Agreed to adjourn from Friday to Tuesday. **Pages H3791–92**

Calendar Wednesday: Agreed to dispense with Calendar Wednesday business of March 29. **Page H3792**

Quorum Calls—Votes: Three recorded votes developed during the proceedings of the House and appear on pages H3776–77, H3789, and H3789–90. There were no quorum calls.

Adjournment: Met at 10:00 a.m. and adjourned at 4:01 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 held a hearing on Administration and on Chief Financial Officer. Testimony was heard from the following officials of the USDA: Wardell Townsend, Jr., Deputy Assistant Secretary, Administration; and Anthony A. Williams, Chief Financial Officer.

COMMERCE, JUSTICE, STATE, AND JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State, and the Judiciary (and Related Agencies) held a hearing on Antitrust Activities. Testimony was heard from Anne K. Bingaman, Assistant Attorney General, Antitrust, Department of Justice; and Janet D. Steiger, Chairman, FTC.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior (and Related Agencies) held a hearing on DOE and Other Programs. Testimony was heard from public witnesses.

LABOR–HHS–EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education (and Related Agencies) held a hearing on the Health Care Financing Administration. Testimony was heard from Bruce C. Vladeck, Administrator, Health Care Financing Administration, Department of Health and Human Services.

NATIONAL SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on National Security held a hearing on Army Aviation Programs. Testimony was heard from the following officials of the Department of the Army: Brig. Gen. Peter C. Franklin, USA, Assistant Deputy, Systems Management and International Cooperation, Office of the Assistant Secretary (RDA); and Brig. Gen. John M. Riggs, USA, Director, Requirements, Office of the Deputy Chief of Staff, Operations and Plans.

VA, HUD AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Veterans' Affairs, Housing and Urban Development, and Independent Agencies held a hearing on Corporation for National and Community Services. Testimony was heard from Eli J. Segal, President, Corporation for National and Community Services.

CONDITION OF DEPOSIT INSURANCE FUNDS—IMPACT OF PROPOSED DEPOSIT INSURANCE PREMIUM REDUCTION ON BANK AND THRIFT INDUSTRIES

Committee on Banking and Financial Services: Subcommittee on Financial Institutions and Consumer Credit continued hearings on the condition of deposit insurance funds and the impact of the proposed deposit insurance premium reduction on the bank and thrift industries. Testimony was heard from public witnesses.

CLEAN AIR ACT AMENDMENTS—IMPLEMENTATION AND ENFORCEMENT

Committee on Commerce: Subcommittee on Oversight and Investigations continued hearings on the implementation and enforcement of the Clean Air Act Amendments of 1990, with emphasis on the effectiveness of the Inspection and Maintenance Program. Testimony was heard from the following officials of the EPA: Mary Nichols, Assistant Administrator, Air and Radiation; and Richard D. Wilson, Deputy Assistant Administrator, Air and Radiation; Gerald J. LaVale, member, Senate, State of Pennsylvania; Jim Horn, Representative, State of Texas; Mike Evans, Representative, State of Georgia; Joe Belander, Director, Planning and Standards, Bureau of Air Management, Department of Environmental Protection, State of Connecticut; Peter Schmidt, Director, Department of Environmental Quality, State of Virginia; and public witnesses.

AFFIRMATIVE ACTION

Committee on Economic and Educational Opportunities: Subcommittee on Employer-Employee Relations held a hearing on Affirmative Action. Testimony was heard from Deval Patrick, Assistant Attorney General, Civil Rights, Department of Justice; and public witnesses.

NARCOTICS TRAFFICKING IN AFRICA

Committee on International Relations: Subcommittee on Africa held a hearing on Narcotics Trafficking in Africa. Testimony was heard from Cresencio Arcos, Principal Deputy Assistant Secretary, International Narcotics and Law Enforcement Affairs, Department of State; and Robert Nieves, Chief, International Operations, DEA, Department of Justice.

DEFENSE AUTHORIZATION

Committee on National Security: Subcommittee on Military Installations and Facilities and the Subcommittee on Military Readiness continued joint hearings on the fiscal year 1996 national defense authorization request, with emphasis on Department of Defense environmental programs. Testimony was heard from the following officials of the Department of Defense: Sherri W. Goodman, Deputy Under Secretary, Environmental Security; Lewis D. Walker, Assistant Secretary, Installations, Logistics and Environment, Department of the Army; Cheryl Kandaras, Principal Deputy Assistant Secretary, Installations and Environment, Department of the Navy; and Thomas W. L. McCall, Deputy Assistant Secretary, Environment, Safety and Occupational Health, Department of the Air Force; Cindy Williams, Assistant Director, National Security, CBO; and David Warren, Director, Defense and NASA Management Issues, National Security and International Affairs Division, GAO.

TAXPAYER BILL OF RIGHTS II LEGISLATION

Committee on Ways and Means: Subcommittee on Oversight held a hearing to Explore Development of the Taxpayer Bill of Rights II legislation. Testimony was heard from Senator Grassley; Representatives Jacobs and Traficant; the following officials of the IRS, Department of the Treasury: Cynthia Beerbower, Deputy Assistant Secretary, Tax Policy; Margaret Milner Richardson, Commissioner; and Lee Monks, Taxpayer Ombudsman, both with the IRS; the following former Commissioners of the IRS, Department of the Treasury: Donald C. Alexander; Lawrence B. Gibbs; Fred T. Goldberg, Jr., and Sheldon S. Cohen; and public witnesses.

NEW PUBLIC LAW

(For last listing of Public Laws, see DAILY DIGEST, *P. D407)*

S. 377, to amend a provision of part A of title IX of the Elementary and Secondary Education Act of 1965, relating to Indian education, and to provide a technical amendment. Signed March 23, 1995. (Public Law 104–5)

CONGRESSIONAL PROGRAM AHEAD

Week of March 27 through April 1, 1995

Senate Chamber

On *Monday,* Senate will begin consideration of S. 219, Regulatory Transition Act.

During the *balance of the week,* Senate will complete consideration of S. 219, Regulatory Transition

Act, and consider H.R. 1158, making additional supplemental appropriations and rescissions, and consider any cleared executive and legislative business.

(Senate will recess on Tuesday, March 28, 1995, from 12:30 p.m. until 2:15 p.m., for respective party conferences.)

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Agriculture, Nutrition, and Forestry: March 31, to resume hearings on proposed legislation to strengthen and improve United States agricultural programs, focusing on agricultural credit, 9:30 a.m., SR–332.

Committee on Appropriations: March 27, Subcommittee on Treasury, Postal Service, General Government, to hold hearings on proposed budget estimates for fiscal year 1996 for the Executive Office of the President, and the General Services Administration, 2:30 p.m., SD–138.

March 28, Subcommittee on Defense, to hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on Army programs, 9:30 a.m., SD–138.

March 28, Subcommittee on Interior, to hold hearings on proposed budget estimates for fiscal year 1996 for the Bureau of Land Management, Department of the Interior, 9:30 a.m., SD–116.

March 28, Subcommittee on Foreign Operations, to hold hearings on proposed budget estimates for fiscal year 1996 for foreign assistance programs, focusing on Africa humanitarian and refugee issues, 10 a.m., SD–192.

March 28, Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine issues relating to access to health care clinics, 2 p.m., SD–192.

March 29, Subcommittee on Agriculture, Rural Development, and Related Agencies, 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, 10 a.m., SD–138.

March 29, Subcommittee on Commerce, Justice, State, and Judiciary, to hold hearings on proposed budget estimates for fiscal year 1996 for the Judiciary, Administrative Office of the Courts, and the Judicial Conference, 10 a.m., S–146, Capitol.

March 30, Subcommittee on Transportation, to hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Aviation Administration, Department of Transportation, 10 a.m., SD–192.

March 31, Subcommittee on VA, HUD, and Independent Agencies, 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, 9:30 a.m., SD–138.

Committee on Armed Services: March 28, Subcommittee on Strategic Forces, to hold hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on U.S. ballistic missile defense requirements and programs, 9:30 a.m., SR–222.

March 28, Subcommittee on Acquisition and Technology, 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 defense technology and industrial base policy, 2:30 p.m., SR–232A.

March 29, Full Committee, closed business meeting, to consider certain pending military nominations, 10 a.m., SR–222.

March 29, Subcommittee on Airland Forces, to resume hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on tactical aviation issues, 2:30 p.m., SR–222.

March 30, Subcommittee on Personnel, to resume hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on Reserve component programs, 2 p.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: March 28, Subcommittee on International Finance, to hold hearings on proposed legislation authorizing funds for the Export-Import Bank tied aid warchest, 2:30 p.m., SD–538.

March 29, Full Committee, to hold a closed briefing with the Committee on Energy and Natural Resources on the political and economic situation in Mexico, and the key factors affecting it, including oil reserves and production, and other matters, 2 p.m., S–407, Capitol.

March 30, Full Committee, to hold hearings on issues related to the Mexican peso, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: March 30, Subcommittee on Science, Technology, and Space, 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), 10 a.m., SR–253.

Committee on Energy and Natural Resources: March 28, to hold oversight hearings on the nomination of Daniel R. Glickman, of Kansas, to be Secretary of Agriculture, 9:30 a.m., SD–366.

March 29, Full Committee, business meeting, to consider pending calendar business, 9:30 a.m., SD–366.

March 29, Full Committee, to hold a closed briefing with the Committee on Banking, Housing, and Urban Affairs on the political and economic situation in Mexico, and the key factors affecting it, including oil reserves and production, and other matters, 2 p.m., S–407, Capitol.

March 30, Subcommittee on Forests and Public Land Management, to hold hearings on S. 506, to reform Federal mining laws, and S. 504, to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, 9:30 a.m., SD–366.

Committee on Environment and Public Works: March 29, Subcommittee on Superfund, Waste Control, and Risk

Assessment, to hold oversight hearings on the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 9 a.m., SH–216.

March 30, Subcommittee on Transportation and Infrastructure, to resume hearings on S. 440, to provide for the designation of the National Highway System, focusing on transportation conformity requirements, 9:30 a.m., SD–406.

Committee on Finance: March 27, to hold hearings to examine the accelerating growth of the Supplemental Security Income (SSI) Program, 9:30 a.m., SD–215.

March 28, Full Committee, to hold hearings on child support enforcement issues, 9:30 a.m., SD–215.

March 29, Full Committee, to hold hearings on welfare reform proposals, 9:30 a.m., SD–215.

Committee on Foreign Relations: March 27, to hold hearings to review United States dependence on foreign oil, 2 p.m., SD–419.

March 28, Subcommittee on European Affairs, to hold hearings to examine United States assistance to Europe and the newly Independent States of the former Soviet Union, 10 a.m., SD–419.

March 29, Full Committee, to resume hearings on the ratification of the Treaty Between the United States and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (The START II Treaty) (Treaty Doc. 103–1), 10:30 a.m., SD–419.

Committee on Governmental Affairs: March 28, Subcommittee on Oversight of Government Management and the District of Columbia, to hold oversight hearings to examine initiatives to reduce the cost of Pentagon travel processing, 9:30 a.m., SD–342.

March 30, Full Committee, to hold oversight hearings on the General Accounting Office, focusing on a study by the National Academy of Public Administration, 10 a.m., SD–342.

Committee on the Judiciary: March 28, to hold hearings on pending nominations, 11 a.m., SD–226.

March 28, Full Committee, to hold hearings to examine proposals to reform habeas corpus procedures, focusing on eliminating prisoners' abuse of the judicial process, 2 p.m., SD–226.

March 30, Full Committee, business meeting, to consider pending calendar business, 10 a.m., SD–226.

March 31, Full Committee, to hold hearings to examine the right to own property, 10 a.m., SD–226.

Committee on Labor and Human Resources: March 28, to hold hearings on S. 454, to reform the health care liability system and improve health care quality through the establishment of quality assurance programs, 9:30 a.m., SD–430.

March 29, Full Committee, business meeting, to mark up S. 141, to repeal the Davis-Bacon Act; S. 555, Health Professions Education Consolidation and Reauthorization Act of 1995; S. 184, Office for Rare Disease Research Act of 1995; proposed legislation authorizing funds for programs of the Ryan White Care Act; and pending nominations, 9:30 a.m., SD–430.

March 30, Subcommittee on Education, Arts and Humanities, to hold oversight hearings to examine direct lending practices, 9:30 a.m., SD–430.

Committee on Rules and Administration: March 30, to hold hearings to examine the future of the Smithsonian Institution, 9:30 a.m., SR–301.

March 30, Full Committee, business meeting, to consider S. Res. 24, providing for the broadcasting of press briefings on the floor prior to the Senate's daily convening, 9:30 a.m., SR–301.

Committee on Veterans' Affairs: March 30, 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, 9:30 a.m., 345 Cannon Building.

Committee on Indian Affairs: March 29, business meeting, to mark up S. 349, to authorize funds through fiscal year 1997 for the Navajo-Hopi Relocation Housing Program; S. 441, authorizing funds through fiscal year 1997 for programs of the Indian Child Protection and Family Violence Prevention Act; S. 510, authorizing funds through fiscal year 1999 for the Native American Social and Economic Development Strategies Grant Program administered by the Administration for Native Americans; and S. 325, to make certain technical corrections in laws relating to Native Americans, and to consider other pending committee business, 10:30 a.m., SR–485.

House Chamber

Monday, House is not in session.

Tuesday, Consideration of the following five Suspensions:

1. H.R. 849, Age Discrimination Employment Act amendments of 1995;
2. H.R. 529, Targhee National Forest Land Exchange;
3. H.R. 606, Dayton Aviation Heritage Preservation Act Amendments;
4. H.R. 622, Northwest Atlantic Fisheries Convention Act of 1995; and
5. H.R. 256, Fort Carson and Pinyon Canyon Land Withdrawal.

Wednesday and Thursday, Complete consideration of H.J. Res. 73.

Friday, House is not in session.

NOTE: Conference reports may be brought up at any time. Any further program will be announced later.

House Committees

Committee on Agriculture, March 28, Subcommittee on Risk Management and Specialty Crops, hearing to review the Federal Crop Insurance Reform Act of 1995, 2 p.m., 1300 Longworth.

March 29, Subcommittee on General Farm Commodities, hearing to review Government acreage idling provisions and their impact on program commodity crops, 9:30 a.m., 1300 Longworth.

March 30, Subcommittee on Resource Conservation, Research, and Forestry and the Subcommittee on Fisheries, Wildlife and Oceans of the Committee on Resources, joint oversight hearing to review law enforcement activities on Federal lands, 9:30 a.m., 1300 Longworth.

Committee on Appropriations, March 28, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on FDA, 1 p.m., 2362A Rayburn.

March 28, Subcommittee on Commerce, Justice, State, and the Judiciary (and Related Agencies) on State and Local Law Enforcement, 10 a.m., and on Economic and Business Development, 2 p.m., H–309 Capitol.

March 28 and 29, Subcommittee on Energy and Water Development, on Congressional and Public Witnesses, 10 a.m. and 2 p.m. on March 28, and 9:30 a.m. and 2 p.m. on March 29, 2362B Rayburn.

March 28, Subcommittee on Foreign Operations, Export Financing, and Related Programs, on Export-Import Bank, OPIC and TDA, 10 a.m., H–144 Capitol.

March 28, Subcommittee on Interior (and Related Agencies), on Department of Energy Conservation, 10 a.m. and 1:30 p.m., and on Indian Health Service, 2 p.m., B–308 Rayburn.

March 28, Subcommittee on Labor, Health and Human Services, and Education (and Related Agencies), on SSA, 10 a.m., and on Administration for Children and Families, 2 p.m., 2358 Rayburn.

March 28, Subcommittee on Military Construction, on Base Closure Environmental Cleanup, 9:30 a.m., B–300 Rayburn.

March 28, Subcommittee on National Security, on Fiscal Year 1996/97 Air Force Budget Overview, 10 a.m., and on Air Force Acquisition Programs, 1:30 p.m., H–140 Capitol.

March 28, Subcommittee on Treasury, Postal Service, and General Government, on Office of National Drug Control Policy, 2:30 p.m., B–307 Rayburn.

March 28, 29 and 30, Subcommittee on Veterans' Affairs, Housing and Urban Development, and Independent Agencies, on NASA, 10 a.m., and 1:30 p.m., 2360 Rayburn.

March 29, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Congressional and Public Witnesses, 1 p.m. and 4 p.m., 2362A Rayburn.

March 29, Subcommittee on Commerce, Justice, State, and the Judiciary (and Related Agencies) on Immigration and Border Security, 10 a.m., and 1 p.m., 2322 Rayburn.

March 29 and 30, Subcommittee on Interior (and Related Agencies), on Members of Congress, 9:30 a.m. and 1 p.m., B–308 Rayburn.

March 29, Subcommittee on Labor, Health and Human Services, and Education (and Related Agencies), on Administration on Aging, Inspector General, and on HHS, 10 a.m., and on Vacations and Adult Education, and Special Education and Rehabilitation Services, 2 p.m., 2358 Rayburn.

March 29, Subcommittee on National Security, on Air Force Airlift Programs, 1:30 p.m., H–140 Capitol.

March 29, Subcommittee on Treasury, Postal Service, and General Government, on GSA/GAO Federal Construction, 10 a.m., and on GSA, 2 p.m., B–307 Rayburn.

March 30, Subcommittee on Commerce, Justice, State, and the Judiciary (and Related Agencies), on Federal Judiciary, 10 a.m., and on Department of Justice-General Legal Activities, 2 p.m., H–309 Capitol.

March 30 and 31, Subcommittee on District of Columbia, on D.C.'s Financial Condition, 10 a.m., 2360 Rayburn on March 30, and H–144 Capitol on March 31.

March 30, Subcommittee on Foreign Operations, Export Financing and Related Programs, on Congressional and Public Witnesses, 10 a.m., H–144 Capitol.

March 30, Subcommittee on Interior (and Related Agencies) on National Park Service, 10 a.m. and 1:30 p.m., B–308 Rayburn.

March 30, Subcommittee on Labor, Health and Human Services, and Education (and Related Agencies), on National Cancer Institute, and National Center for Research Resources, 10 a.m., and on National Institute of Child Health and Human Development, and on National Institute of Diabetes, Digestive and Kidney Diseases, 2 p.m., 2358 Rayburn.

March 30, Subcommittee on Military Construction, on Public Witnesses, 9:30 a.m., H–140 Capitol.

March 30, Subcommittee on National Security, executive, on Munitions Issues, 10 a.m., H–140 Capitol.

March 30, Subcommittee on Transportation (and Related Agencies), on FAA Training, 10 a.m., 2368 Rayburn.

March 30, Subcommittee on Treasury, Postal Service, and General Government, on OPM/OMB/GAO—Federal Personnel Issues, 10 a.m., and on OPM and Inspector General for OPM, 2 p.m., B–307 Rayburn.

March 31, Subcommittee on Commerce, Justice, State, and the Judiciary (and Related Agencies), on Legal Services Corporation and EEOC, 10 a.m., H–309 Capitol.

March 31, Subcommittee on Interior (and Related Agencies), on National Park Service, 10 a.m. and 1:30 p.m., B–308 Rayburn.

March 31, Subcommittee on National Security, executive, on Tactical Intelligence, 10 a.m., H–140 Capitol.

Committee on Banking and Financial Services, March 27, Subcommittee on Domestic and International Monetary Policy, hearing on the World Bank, 3 p.m., 2128 Rayburn.

March 28 and 29, full Committee, to continue hearings on the following: H.R. 1062, Financial Services Competitiveness Act of 1995; Glass-Steagall Reform; and related issues, 10 a.m. on March 28, and 10:30 a.m. on March 29, 2128 Rayburn.

March 30, Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises, hearing on H.R. 718, Markets and Trading Reorganization and Reform Act of 1995, 10 a.m., 2128 Rayburn.

March 30, Subcommittee on General Oversight, hearing on the Administration's compliance with H. Res. 80, requesting the President to submit information to the House of Representatives concerning actions taken through the exchange stabilization fund to strengthen the Mexican peso and stabilize the economy of Mexico, and

the Subcommittee's requests for documents, 10 a.m., 2222 Rayburn.

Committee on the Budget, March 29, to continue hearings on the Administration's Fiscal Year 1996 Budget, with emphasis on the Perspective of State and Local Governments, 10 a.m. and 11:30 a.m., 210 Cannon.

March 30, to continue hearings on the Administration's Fiscal Year 1996 Budget, with emphasis on views of Members of Congress, 10:30 a.m., 210 Cannon.

Committee on Commerce, March 28, Subcommittee on Health and Environment, oversight hearing on the Budgetary Effects of the Growth of Health Care Entitlements, 9:30 a.m., 2123 Rayburn.

March 30, Subcommittee on Oversight and Investigations, hearing on A Consumer's Perspective on Medical Devices, 10 a.m., 2123 Rayburn.

Committee on Economic and Educational Opportunities, March 27, Subcommittee on Oversight and Investigations, hearing on Obtaining Federal and State Assistance, 1:30 p.m., 2175 Rayburn.

March 28, Subcommittee on Employer-Employee Relations, hearing on the following bills: H.R. 995, ERISA Targeted Health Insurance Reform Act; and H.R. 996, Targeted Individual Health Insurance Reform Act of 1995, 9 a.m., 2175 Rayburn.

March 29, Subcommittee on Postsecondary Education, Training and Life-Long Learning to continue hearings on training issues, Vocational Rehabilitation, 9 a.m., 2175 Rayburn.

March 30, Subcommittee on Workforce Protection, hearing on the Fair Labor Standards Act, 9:30 a.m., 2175 Rayburn.

March 31, Subcommittee on Early Childhood, Youth and Families, hearing on Adult Education, 9:30 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, March 28, Subcommittee on Government Management, Information, and Technology, to continue hearings on Post Federal Telecommunications System Post-FTS 2000, 2 p.m., 2154 Rayburn.

March 28, Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, hearing on H.R. 994, Regulatory Sunset and Review Act of 1995, 10 a.m., 2247 Rayburn.

March 29, Subcommittee on Civil Service, hearing on Contracting Out: Part I, 9:30 a.m., 311 Cannon.

March 29, Subcommittee on District of Columbia, to mark up District of Columbia Financial Recovery Board, 10 a.m., 2154 Rayburn.

March 29, Subcommittee on Human Resources and Intergovernmental Relations, hearing on Waste in Human Service Programs: Other Perspectives, 10 a.m., 2247 Rayburn.

March 30, full Committee, to mark up the District of Columbia Financial Recovery Board, 10 a.m., 2154 Rayburn.

Committee on House Oversight, March 28, hearing and markup of FEC Authorization, 10 a.m., 1310 Longworth.

Committee on International Relations, March 29, Subcommittee on International Economic Policy and Trade and the Subcommittee on Asia and the Pacific, joint hearing on United States-East Asian Economic Relations: A Focus on South Korea, 1 p.m., 2172 Rayburn.

March 29, Subcommittee on Western Hemisphere Affairs, hearing to review the Administration's Certification Program for Narcotics Producing and Transit Countries in Latin America, 1 p.m., 2200 Rayburn.

March 30, full Committee, hearing on the Administration's International Affairs Budget Request for Fiscal Year 1996, 2:30 p.m., 2172 Rayburn.

Committee on the Judiciary, March 29, Subcommittee on Courts and Intellectual Property, hearing on the following: H.R. 587, to amend title 35, United States Code, with respect to patents on biotechnological processes; and H.R. 1269, to amend the act of June 22, 1974, to authorize the Secretary of Agriculture to prescribe by regulation the representation of ''Woodsy Owl,'' 10 a.m., 2237 Rayburn.

March 30, Subcommittee on Immigration and Claims, oversight hearing on verification of eligibility for employment and benefits, 9:15 a.m., 2237 Rayburn.

March 31, Subcommittee on Crime, hearing on gun laws and the need for self-defense, 9:30 a.m., 2141 Rayburn.

Committee on National Security, March 28, Subcommittee on Military Installations and Facilities, to continue hearings on the fiscal year 1996 national defense authorization request, 1 p.m., 2212 Rayburn.

March 28 and 30, Subcommittee on Military Personnel, to continue hearings on the fiscal year 1996 national defense authorization request, 2 p.m., 2118 Rayburn.

March 28 and 30, Subcommittee on Military Research and Development, to continue hearings on the fiscal year 1996 national defense authorization request, 10 a.m., 2118 Rayburn on March 28, and executive, H–405 Capitol on March 30.

March 28, Special Oversight Panel on Morale, Welfare, and Recreation, hearing on the Panama Canal Commission authorization request and the Maritime Administration authorization, 2 p.m., 2216 Rayburn.

March 29 and 30, Subcommittee on Military Procurement, to continue hearings on the fiscal year 1996 national defense authorization request, 9:30 a.m., 2118 Rayburn.

March 29, Special Oversight Panel on Morale, Welfare and Recreation, hearing on the fiscal year 1996 national defense authorization request, 2 p.m., 2212 Rayburn.

Committee on Resources, March 28, Subcommittee on National Parks, Forests and Lands, hearing on the following bills: H.R. 1280, to establish guidelines for the designation of National Heritage Areas; and H.R. 1301, to establish the American Heritage Areas Partnership Program, 10 a.m., 1324 Longworth.

March 29, Subcommittee on National Parks, Forests and Lands, to mark up the following bills: H.R. 260, National Park System Reform Act of 1995; H.R. 1077, to authorize the Bureau of Land Management; and H.R. 1091, to improve the National Park System in the Commonwealth of Virginia, 10 a.m., 1334 Longworth.

March 29, Subcommittee on Native American and Insular Affairs, hearing on the following: American Samoa Economic Development Act; and Rongelap Community

Resettlement and Self-Reliance Act, 2 p.m., 1324 Longworth.

March 30, full Committee, H.R. 1266, Greens Creek Land Exchange Act, 1 p.m., 1334 Longworth.

March 30, Subcommittee on Fisheries, Wildlife and Oceans, to mark up the following bills: H.R. 898, High Seas Fishing Compliance Act of 1995; H.R. 1139, Striped Bass Act of 1995; H.R. 1141, Sikes Act Improvement Amendments of 1995; and H.R. 1175, Marine Resources Revitalization Act of 1995, 11 a.m., 1334 Longworth.

March 30, Subcommittee on Water and Power Resources, oversight hearing on Department of Energy and Bureau of Reclamation Operational Issues, 10 a.m. and 1 p.m., 1324 Longworth.

Committee on Small Business, March 28, hearing to review the SBA's Small Business Investment Company Program, 10 a.m., 2359 Rayburn.

March 29, Subcommittee on Procurement, Exports, and Business Opportunities, hearing on the appropriate role and the effectiveness of various Federal Government programs in helping small businesses find export opportunities around the world, 10 a.m., 2359 Rayburn.

March 30, full Committee, hearing on the SBA of the Future, 10 a.m., 2359 Rayburn.

Committee on Standards of Official Conduct, March 28, executive, to consider pending business, 2:30 p.m., HT–2M Capitol.

Committee on Transportation and Infrastructure, March 28, Subcommittee on Surface Transportation, to mark up legislation to authorize the natural gas and hazardous liquid pipeline safety acts, 3 p.m., 2167 Rayburn.

March 29, 30 and 31, Subcommittee on Water Resources and Environment, to mark up legislation to reauthorize and amend the Federal Water Pollution Control Act, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, March 27, Subcommittee on Oversight, hearing to examine the Administrations Proposal Relating to the Tax Treatment of Americans Who Renounce Citizenship, 12 p.m., 1100 Longworth.

March 29, Subcommittee on Trade, to mark up the following: H.R. 553, Caribbean Basin Trade Security Act; Fiscal Year 1996 Budget Authorizations for the Customs Service; International Trade Commission; and the U.S. Trade Representative, 10 a.m., 1100 Rayburn.

March 30, Subcommittee on Health, hearing on the Physician Payment Review Commission Recommendations on Physician Payments, 10:30 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, March 28, executive, hearing on Information Systems Security, 10 a.m., H–405 Capitol.

March 30, executive, hearing on DCI Budget Wrap-Up, 10 a.m., H–405 Capitol.

Joint Meetings

Joint hearing: March 30, Senate Committee on 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, 9:30 a.m., 345 Cannon Building.

Next Meeting of the SENATE

10:30 a.m., Monday, March 27

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 11:30 a.m.), Senate will begin debate on S. 219, Regulatory Transition Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Tuesday, March 28

House Chamber

Program for Tuesday: Consideration of the following five Suspensions:

1. H.R. 849, Age Discrimination Employment Act amendments of 1995;
2. H.R. 529, Targhee National Forest Land Exchange;
3. H.R. 606, Dayton Aviation Heritage Preservation Act Amendments;
4. H.R. 622, Northwest Atlantic Fisheries Convention Act of 1995; and
5. H.R. 256, Fort Carson and Pinyon Canyon Land Withdrawal.

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