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## Senate

The Senate met at 9 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we thank You for this moment of quiet in which we can reaffirm who we are, whose we are, and why we are here. Once again we commit ourselves to You as Sovereign Lord of our lives and our Nation. Our ultimate goal is to please and serve You. You have called us to be servant-leaders who glorify You in seeking to know and to do Your will for what is best for America.

So we spread out before you the specific decisions that must be made today. We claim Your presence all through the day. Guide our thinking and our speaking. May our convictions be based on undeniable truth which has been refined by You.

Bless the women and men of this Senate as they work together to find solutions to the problems before our Nation. Help them to draw on the super-national resources of Your spirit. Grant them divine wisdom, penetrating discernment, and courageous vision.

And when the day draws to a close may our deepest joy be that we received Your best for us and worked together for what is best for our Nation. In the name of our Lord. Amen.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator LOTT, is recognized.

### SCHEDULE

Mr. LOTT. Thank you, Mr. President. Today, there will be a period for morning business until the hour of 12:30 p.m.

Following morning business, the Senate will resume consideration of H.R. 2937, a bill regarding the White House Travel Office. The Senate will recess between the hours of 12:30 p.m. and 2:15 p.m. today in order to accommodate the respective party luncheons.

Under a previous order, the first vote today will occur at 2:15 p.m. and will be on the cloture motion to the White House Travel Office bill. As a reminder, in conjunction with the cloture vote today, Senators have until 12:30 p.m. to file second-degree amendments to the bill. Other votes are likely throughout the day on H.R. 2937 or any other items cleared for action.

### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CAMPBELL). Under the previous order, leadership time is reserved.

### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 10:30 a.m., with Senators to speak for not to exceed 5 minutes each, with the following Senators reserving time: The Senator from Texas [Mrs. HUTCHISON] is recognized for 60 minutes; the Senator from Alaska [Mr. MURKOWSKI] is recognized for 15 minutes; the Senator from Montana [Mr. BURNS] is recognized to speak up to 5 minutes.

The Senator from Montana [Mr. BURNS] is recognized for 5 minutes.

### AMERICA IS ON MY MIND

Mr. BURNS. Mr. President, I thank the Chair and thank my good friend, the distinguished Senator from Texas, for allowing me to speak for about 5 minutes leading off today. Again, when

we come to this time of the year, America does weigh strongly on everybody's mind, because I rise today to celebrate tax freedom day.

Actually in Montana, it comes around May 3, but I did not get around to getting my work done on time, and I would like to talk about that just a little bit. The average American will work 128 days this year to pay for the Federal, State, and local taxes and sets a new record high for this country at 38.2 percent of his or her yearly income.

Now, think about that a little bit. We wonder why our bank accounts do not grow and our savings accounts are almost nonexistent, and we think about stagnation. It is not really stagnation, it is trying to pay for this moderately huge Government that was talked about back in January by our President who said the era of big government was over, and now he says "it is kind of over."

In my State of Montana, for an average family of four making around \$39,000, \$40,000 a year, to average it out, Federal taxes come to \$7,400. Total State and local taxes are around \$5,700. Mr. President, \$13,216—and this has all been verified—is the tax burden of that family of four living in my State of Montana. One-third—one-third—of the money they earn is going to the support of government. And we wonder where our money goes.

So the President's words ring sort of empty. The words do not match the actions. Then we have to decide whether we want to go on with this kind of rhetoric, because he vetoed the balanced budget, he vetoed the tax cut, he vetoed welfare reform, he vetoed product liability—all those contribute to a mounting, mounting tax burden. Contrary to popular belief, government has not always been big or moderately huge, as this would indicate.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Back in 1925, freedom day was February 6. In 1945, it was April 1. And in 1965, it was April 14. On the average, since World War II, the date has moved up nearly a week every decade.

One has to ask oneself, when does it stop? I know we work on averages in this body, and it seems to me that if you had one foot in a bucket of ice and the other in the oven, on the average you should feel pretty good. But we know that does not always work, that there is somebody who falls through the cracks. Basically, that is what is happening to our society today.

We are all very familiar with the 1993 tax increase, and now is the time to give part of it back to America's working families. The Clinton crunch has to come to an end, despite the rhetoric we hear out of the White House. Taxes must come down, spending must be restrained, and government must be put on a budget, and I mean a balanced budget.

Now is the time to do it. With America on my mind, let us not let another day be added next year to the burden of this year. Let us work to move it back a day or two. Let us dedicate ourselves, because there are a lot who think this is the most important debate of this century, and we need the help of the American people because our country has to figure out a way to eliminate this devastating debt that we are passing on to our young.

Let us put our Government back on a balanced budget. Let us make Government work for the people instead of the other way around.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Texas [Mrs. HUTCHISON] is recognized for 60 minutes.

Mrs. HUTCHISON. Thank you, Mr. President.

#### AMERICAN TROOPS IN BOSNIA

Mrs. HUTCHISON. Mr. President, I want to talk today about a matter that concerns all Americans: the presence of 35,000 young American men and women supporting the peace implementation force in Bosnia. Those troops were sent as a part of a NATO force to monitor the Bosnian peace agreement reached in Dayton, OH, last year. The Senate voted last December to support those troops, to provide them whatever they needed to do what they have been asked to do. But in the resolution submitted by the distinguished Republican leader, Senator DOLE, and Senator MCCAIN of Arizona, the Senate also said by a margin of 69 to 30 that it does not endorse the President's decision or the agreement reached in Dayton.

The House of Representatives was even more harsh. The House voted 287 to 141 to condemn the Dayton agreement, while expressing support for the troops that have been sent on this mission.

There is never a doubt that we will support fully American troops any-

where when they are performing a mission for this country. We will always be there for them. But, Mr. President, that does not mean we cannot question the policy, and this Senate and the House of Representatives did just that.

Many wanted a vote to deny the President the ability to dispatch the troops by withholding the funds needed to pay for such a deployment. That was not the right thing to do, and it failed, as it should have. But, Mr. President, there are many good reasons why we disagreed with the decision to send American troops, even while we acknowledged the President's right to do it.

First, we did not feel that the administration had made a compelling case that there was a national security interest in Bosnia to justify the deployment of tens of thousands of Americans, with the potential loss of American life. Mr. President, that is an essential element of any mission upon which we would embark with troops from our country.

There must be a U.S. security interest for American lives to be at risk. But, more importantly, Mr. President, many of us voiced strong concern that the administration lacked a strategy for removing those troops once they had dug in and become part of the troubled landscape in the troubled country of Bosnia.

What made many of us particularly skeptical was the administration's insistence that not only was there an exit strategy, but that the troops would be able to perform their complex mission of creating two nations from one, patrolling rugged mountain terrain, separating hostile belligerents, and ending a 500-year-old civil war in just 1 year.

In fact, Mr. President, the Dole-McCain resolution that expressed support for the troops and acknowledged the President's authority to deploy them specifically noted that the Senate support was conditioned on the return of those troops to the United States within 1 year.

Mr. President, let me remind my colleagues what senior administration officials, including the President, assured us as we wrestled with the question of whether to support sending young Americans to Bosnia:

On October 13, 1995, Robert Hunter, the U.S. Ambassador to NATO, told the Washington Post:

This is going to be a limited-duration operation—12 months max. We're not going to take responsibility beyond that.

On October 18, 1995, Defense Secretary William Perry and Gen. John Shalikashvili, Chairman of the Joint Chiefs of Staff, told the House Committee on National Security and the House Committee on International Relations:

The implementation force will complete its mission in a period not to exceed 12 months. We believe this will be more than adequate to accomplish the needed tasks that will allow the peace to become self-sustaining. We anticipate the IFOR will go in

heavy and, if successful, would begin drawing down significantly far in advance of the final exit date.

On October 18, 1995, Secretary of State Warren Christopher told the House Committee on National Security:

The force would have a limited mission and remain for a limited period of time, approximately 1 year.

On November 28, 1995, President Clinton told the American people in a televised address:

Our Joint Chiefs of Staff have concluded that this mission should—and will—take about 1 year.

Mr. President, none of these knowledgeable officials left any room for doubt that the American mission in Bosnia would be limited in scope and duration. Specifically we were told, with no uncertainty, by everyone from the U.S. Ambassador to NATO, to the President of the United States, that our troops would be home within 1 year.

Mr. President, we now learn this is not so. December 20, 1996, was the date set as the 1-year mark. That is the date that we have been focusing on since the beginning of this mission. We now learn that this administration has said to our allies that it intends to keep American troops in Bosnia at least until early 1997 and, according to the United States Commander of NATO forces, Gen. George Joulwan, maybe longer.

Mr. President, the reason we got into the mission in Bosnia with NATO is because our President told our allies that we would be there with troops on the ground if there was a peace agreement. He told them that a long time ago. Once we make a commitment to our allies, of course, America must stand by the commitment.

But now, Mr. President, we have the dilemma of two commitments. We have the President making a commitment to the American people, to Senator DOLE, and to the troops that are there, that this would be a mission of 1 year. Everyone connected with this mission and with the leadership of this administration has repeatedly said 1 year. Now, Mr. President, we have the President making a different commitment to our allies, saying it is not going to be 1 year, but leaving it rather open-ended, into 1997.

Mr. President, I want to highlight the difference between last year's message from the administration and an April 26, 1996, article in the Washington Post:

"A substantial number of American troops will remain in Bosnia for at least one month after the NATO-led mission ends in December. In a departure from the original plan, NATO commanders have decided to keep a significant force in Bosnia up to the final day of the mission or one year after the peace enforcement began," according to spokesman Kenneth Bacon. Earlier officials had said the pullout would begin at least a few months before the December 20 closing date in order to have nearly everyone out by then. Kenneth Bacon said the change in

plans stemmed from a request by the Organization for Security and Cooperation in Europe, which is assisting preparations for Bosnia's elections, that NATO keep its full force there until after the elections.

And, on April 30, 1996, the London Times reported:

The Clinton administration has scrapped plans to withdraw its forces by the end of this year, and may maintain a substantial American presence in the Balkans for months after the deadline set by Congress. Only weeks ago the White House repeated its promise to Republicans that the troops would be back by December 20, the date agreed at Dayton for the end of the NATO mission in Bosnia. The Pentagon, however, under pressure from allies, international officials and its own Gen. George Joulwan, has admitted that it plans to keep a significant force in the region until the end of January, and maybe longer.

Those are excerpts from quotes from newspapers.

Mr. President, this stunning reversal of a critical policy that affects the lives of thousands of Americans has been made in such a casual way that we must ask if the administration's original commitment to withdraw in 1 year was a serious one. It was so casual, many people were not even aware that all of a sudden this commitment that was made to this Congress to a December 20 deadline by which our troops would be out of Bosnia has now been put off, really indefinitely, into 1997.

The President is breaking his promise to the American people to the United States Congress, and, most importantly, to the troops in Bosnia.

Moreover, Senator DOLE had earlier argued forcefully and persuasively about arming the Bosnian Government and allowing the Bosnians to defend themselves so American troops would not need to be sent in the first place. This would have required lifting the U.N. arms embargo on the former Yugoslavia, for which our leader argued forcefully and persuasively, many times for over a year on this Senate floor. We voted to lift the arms embargo on the former Yugoslavia so that the Bosnians could arm themselves and fight to save their country.

Senator DOLE led the fight to let the Moslems fight for their own freedom with help from legitimate sources so that it would be legal to help the Bosnian people defend themselves. No Member of the Senate has been more outspoken for years about the need for the United States to lead our allies in establishing a policy on Bosnia that would avoid the need for American troops than our leader, BOB DOLE. But each time the Congress voted to urge the lifting of the arms embargo, the administration refused to respond.

Now, Mr. President, in addition to the total abrogation of his word to the American people regarding when the troops would come home from Bosnia, we now learn that, in fact, while President Clinton was stopping us from lifting the arms embargo, he was allowing another country to provide arms in violation of the embargo. Was it a le-

gitimate ally of the United States? No, Mr. President, it was not a legitimate ally of the United States that was allowed to violate the arms embargo that we in this Congress were trying to lift. No, it was an enemy of the United States, a terrorist country: Iran.

Despite widespread rumors that Iranian arms were being shipped to Bosnia in violation of the arms embargo, an embargo this administration said we must support, and despite senior officials' strong denials, we learn we were deceived. Here we have the quotes, Mr. President. On April 15, 1995, a State Department spokesman, Nicholas Burns, told the Los Angeles Times, "We do not endorse violations of U.N. embargo resolutions whatever. We are not violating those resolutions. We don't endorse anyone else who is violating them."

On June 16, 1995, Secretary of State Warren Christopher said, "I think you get some instant gratification from lifting the arms embargo. It is kind of an emotional luxury, but you have to ask yourself, what are the consequences of that?" As late as March of this year, President Clinton himself told Congress that "Iran continued to engage in activities that represent a threat to the national security, foreign policy, and economy of the United States."

Mr. President, despite all of those statements by senior administration officials and the President himself, we have learned in recent weeks that this was not the case at all. Just 3 weeks after the President's report to Congress on Iran, it has been reported that the administration had given its tacit approval of the shipment by Iran, one of America's most hostile adversaries, of weapons to the Bosnian Muslim government.

We are justified in concluding, Mr. President, that the Clinton administration policy on Bosnia has been cynical. What many of us were advocating for so long—arming the Bosnians and allowing them to defend themselves with legitimate sales of arms by people who cared about the people—was, in fact, being opposed by the administration by day, but by night secret arms shipments from Iran were moving forward with the administration's blessing.

Now, Mr. President, we are faced with similar cynicism regarding the deployment of American troops. Those troops are there precisely because the administration refused the suggestions by Senator DOLE and others in the Senate that arming the Bosnians and letting them fight for themselves was the best way to go. Instead, the administration adopted a half-a-loaf policy of covert arms shipments from Iran, which was too little, too late, from the wrong source.

As with arm sales to Bosnia, the American people have been deceived by the Clinton administration on the question of withdrawing American troops from Bosnia. Very simply, the President made a commitment to the

American people, and he is now saying he will not honor that commitment.

Mr. President, many in the Senate personally have opposed the administration's policy on Bosnia but honored their belief that the President had the authority to deploy troops without permission from Congress. Many people on this floor were torn during that debate because they so violently disagreed with the policy, but they did believe that the President had the right to do it and that the troops needed the support from Congress.

Our Republican leader did so at great political risk. He supported the President's right to deploy troops, even though he thought it was wrong, but he did so only after getting a commitment from the President himself that those troops would have a mission of limited duration, limited scope, and they would be home within 1 year. That was the promise the President made to our leader.

We now learn this will not happen. The administration's disregard of its commitments to Senator DOLE, to the U.S. Congress, and to the American people amount to broken promises. Broken promises—there is no other way you can put it.

Today, Mr. President, I am going to ask the President to look at this policy, which is a policy of broken promises, broken commitments, and contradictory commitments to the American people and to our allies.

I am going to ask the President to do two things. First of all, to honor his commitment to the American people about troop withdrawals from Bosnia and to tell our allies this commitment was made. If, in fact, he decides that he cannot keep his commitment to the American people, I ask him to come back to Congress and talk to us about this, rather than just announcing very quietly that the troops are not going to be out by December 20 as promised. OK, President Clinton, if that is what you believe, come to Congress, talk to us about it, tell us why you think this is necessary, and let us have the option of working with you if you think you can make the case that we should be there beyond the date you promised in your commitment to the American people.

That is what I ask the President to do today. Either keep his commitment to the American people, or come to Congress and discuss it. Mr. President, this is too important. We have a policy now in which the President is going to expand the use of our American troops beyond his commitment to Senator DOLE and the American people and this U.S. Congress. We have the second revelation that arm shipments from Iran were being permitted by this administration at the same time that he was keeping us in Congress from lifting the arms embargo, which we voted repeatedly to do so that the Moslems in Bosnia could have arms from legitimate sources.

Mr. President, I just ask you, what kind of policy is that? What must the

people of the world think when our President would make commitments that he does not keep and when he would keep legitimate arms sources from the Bosnian people while allowing Iran, a hostile nation to our country, a country with a background and history of terrorism against innocent victims, to, in fact, violate the very arms embargo that he would not let us lift? Mr. President, this is not the way our country should be represented.

Mr. President, I yield up to 15 minutes to the Senator from Idaho, Senator CRAIG.

Mr. CRAIG. Mr. President, I will not take that much time this morning. I have a few moments before I have to be to another commitment. Let me thank my colleague from Texas for her statement and for taking out this special order.

Let me read two quotes that I think speak volumes about what our President has caught himself in—that is, doublespeak. Mr. President, today you are not telling the American people the truth. For the last several months, you have been caught in a very difficult and very deceptive game of doublespeak.

Your representative, Richard Holbrooke, who immediately repudiated the Dayton peace accord was quoted on May 3 in a Reuters article saying:

I will state flatly for the record that this policy was correct—

He is referring to allowing the Iranians to move arms into the former Yugoslavia.

and that if it hadn't taken place, the Bosnian Muslims would not have survived and we would not have gotten to Dayton.

That is an absolute opposite from what our President has been telling us. Mr. President, that is double speak.

The next quote from Richard Holbrooke:

We knew that the Iranians would try to use the aid to buy political influence. It was a calculated policy based on the feeling that you had to choose between a lot of bad choices, and the choice that was chosen kept the Sarajevo government alive. But it left a problem—were the Iranians excessively influential on the ground?

Mr. President, President Clinton once again was caught in double speak. This Congress gave our President an option, a viable, responsible, well-thought-out option, to allow the arms embargo to be lifted so that parity could be built on both sides. He chose not to do that. He chose to openly and publicly deceive the American people.

Mr. President, part of the debate on the crisis in the former Yugoslavia has been over the arms embargo, first imposed against the Yugoslavian Government in 1991.

I was part of the majority in Congress that supported lifting the arms embargo and felt it was a preferable alternative to the deployment of our troops to Bosnia. Along those same lines, I voted against the President's proposed deployment last year, and voted against funding for that deployment.

Mr. President, some very disconcerting information has been coming to light during the last few months. The importance of these developments has led to the establishment of a select committee in the House or Representatives. Therefore, I would like to take a moment this morning to express some of my concerns and frustrations about the situation in Bosnia.

As I mentioned, a main part of the debate on the crisis in the former Yugoslavia has involved the arms embargo, first imposed against the Yugoslavian Government in 1991.

Information continues to surface, showing that while the Congress was openly debating the lifting of the arms embargo, the administration was giving a green light to Iran, allowing them to circumvent the arms embargo.

Richard Holbrooke, the administration's representative who helped to mediate the Dayton Peace Accord, was quoted in a May 3, 1996, Reuters article saying:

I will state flatly for the record that this policy was correct and that if it hadn't taken place, the Bosnian Muslims would not have survived and we would not have gotten to Dayton.

Mr. President, I would agree with the comment made by Mr. Holbrooke. Allowing Iran to circumvent the arms embargo was not this administration's only choice—it was certainly not a correct choice. The Congress, just last year, provided President Clinton a viable alternative by the passage of S. 21, legislation that would have unilaterally lifted the U.N. arms embargo illegally enforced against Bosnia.

There was ample reason to question the enforcement of the 1991 embargo against Bosnia. The original embargo was not imposed on Bosnia, because it did not exist in 1991. Rather, it was imposed on Yugoslavia.

In addition, enforcement of this embargo could arguably violate Bosnia's right to self-defense under article 51 of the U.N. charter.

The legal, unilateral lifting of the arms embargo that was called for in S. 21, would have allowed rough parity to exist in this conflict.

The President chose to veto S. 21, citing concerns that it would be breaking from an agreement with our allies, and diminish our credibility with Europe.

Mr. President, the only credibility that has been diminished here has been through the administration's efforts to allow one of the strongest supporters of terrorism around the world, Iran, to violate the arms embargo and gain a foothold in Europe.

In addition, Iran only provided light weaponry to the Bosnians, which was fine for providing a little protection. However, it was not enough to provide the needed shift in the strategic military balance, altering Serbia's enormous advantage in the conflict. Therefore, even after this evasion of the arms embargo had begun, thousands of Bosnians were still being killed, and the Serbian forces continued to capture more territory.

Mr. President, as we continue to see this situation unravel, we now face an extended deployment of our troops. After repeated assertions by administration officials that our troops' deployment in the IFOR mission would be for only 1 year, we now are informed that time will be extended. On May 1, the Clinton administration endorsed a recent NATO recommendation that IFOR remain at full strength to maintain peace until after the Bosnian elections.

Mr. President, these elections will not occur until September at the earliest. It is, therefore, likely that our troops will not be withdrawn until January 1997.

Mr. President, Richard Holbrooke made another assertion about the administration's decision in the May 3 Reuters article, with respect to the risks of dealing with Iran.

We knew that the Iranians would try to use the aid to buy political influence. It was a calculated policy based on the feeling that you had to choose between a lot of bad choices, and the choice that was chosen kept the Sarajevo Government alive. But, it left a problem—were the Iranians excessively influential on the ground?

The article continues with Mr. Holbrooke claiming that this problem was adequately dealt with through the negotiations of the Dayton accord, by including in the agreement that all foreign forces would have to leave the country. This is precisely one of the problems that our troops have had to face: the removal of foreign forces including Iranian forces.

In addition, it is my understanding that this arms transfer operation was allowed to continue until January of this year—after our troops were beginning to be deployed as peacekeepers in Bosnia.

In closing, the Iranian presence that the Clinton administration helped to promote is now actively threatening the Dayton accord, the American and NATO peacekeepers seeking to enforce it, and the military viability and democratic character of Bosnia itself.

Mr. President, this situation needs to be addressed, and our troops need to be brought home.

I thank my colleague from Texas for taking out this special order. I hope the select committee in the House will thoroughly investigate what this President is failing to do in foreign policy.

I yield the remainder of my time.

Mr. President, I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Mike

Montelongo, of my staff, during this period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I want to talk for a minute about the importance of arming and training the Bosnians.

One of the commitments that the President made to Senator DOLE and Senator MCCAIN was to arm and train the Moslems. I want to read from the Dole floor speech of November 30, 1995. He said:

What is needed is a concrete effort, led by the United States, to arm and train the Bosnians. This effort should not be contingent on so-called "build-down provisions" in the Dayton agreement. I understand administration officials said this morning that the U.S. or NATO would not be involved in enabling Bosnia to defend itself.

In my view, it is an abdication of responsibility to rely on unspecified third countries to create the conditions that will allow withdrawal of American forces. The sooner we start to enable Bosnia to defend itself, the sooner U.S. forces can come home. In my view, the definition of a success of this deployment must include a real end to the war. That is only possible with the creation of stable military balance which enables Bosnia to defend itself. Anything less simply exposes American forces to great risk in order to monitor a temporary interlude in the fighting.

That is what Senator DOLE said on the floor on November 30, 1995. Both he and Senator MCCAIN repeatedly talked about the importance of that element. It is absolutely true. I have been to Bosnia twice in the last 8 or 9 months, and I have seen what the three warring factions are doing and what their relative strengths are. There is a strong Croatia; there is a strong Serb force in Bosnia; there is a good, strong force of Moslems, but they are underarmed and undertrained.

To be very practical, Mr. President, any reader of military history or, indeed, history of the world, knows that a lasting peace is best kept with strength. The parity of strength among the three parties will give Bosnia the very best chance for peace that it could possibly have. The reverse is also true. If we do not strengthen the Bosnian Moslems, they could be overrun by either of the other two stronger parties. That could happen because we have not kept our commitment.

Mr. President, if we want to have a lasting impact on this country, with the vast amount of resources, human and monetary, which our country has put forward already, we must take the last step. This administration is not doing it. There is no large-scale effort to arm and train the Moslems, which was a promise that President Clinton made to Senator DOLE and to this Congress. It was a promise made.

Mr. President, that is the key for a lasting cease-fire and the possibility for lasting peace in Bosnia. There must be rough parity among the three parties. Right now, we are almost halfway into the IFOR mission, the NATO mission, of which this country is a part,

and we have yet to see a real effort in arming and training the Moslems.

Now, one of the reasons given, Mr. President, is that the Iranian contingency has not left Bosnia, has not left Sarajevo. Well, Mr. President, why have the Iranians not left Sarajevo?

Could it be because Iran was the one country that violated the arms embargo to help the Bosnian Moslems with arms in their time of need?

This should come as no surprise. This Congress spoke forcefully time and time again: lift the arms embargo. Let arms from legitimate sources go into that country and help those people fight for themselves. But this administration continued to refuse to allow that to happen, and so there was one country that provided the arms. And we now learn that this administration knew and did not object to the Iranians providing those arms, in violation of the U.N. embargo, which the administration refused to let Congress lift.

Mr. President, it is a botched policy, and I would call today on the President of the United States to say just what his policy is. Where is the integrity of the policy of this country when two promises that were very important have been broken: That we would not violate the arms embargo despite repeated attempts by Congress to lift it legitimately, and that our troops would go in with a purpose of separating the warring factions and leave December 20—two commitments that we now see are being broken?

Mr. President, I see my colleague from Georgia has come to the floor, and I am happy to yield up to 10 minutes to my colleague from Georgia.

The PRESIDING OFFICER. The Senator from Georgia [Mr. COVERDELL] is recognized for 10 minutes.

Mr. COVERDELL. Mr. President, I rise to support the admirable efforts by the Senator from Texas who has come to the floor this morning to raise and bring attention to a subject that needs considerable attention.

Last year, when we were debating the entire question about whether to send United States troops on the ground in Bosnia there was much debate—hearings before the Armed Services Committee, hearings before the Foreign Relations Committee, of which I am a member. General Shalikashvili, Secretary Perry, and others tried to sort out what should and should not happen.

For one, I never believed that the United States should bear the amount of responsibility it did in Bosnia. I felt that it was a European theater, that the Europeans should have been the predominant force, and that the U.S. support, which should have been there, should have been just that, in support of a European initiative. I have always been worried about this—why around the world when we have a real problem; it is in the European theater; the Europeans cannot work it out, so we will send in Uncle Sam.

I think it is a bad precedent to set. But the President made that decision,

and from that point forward, of course, all of us have been unanimous in trying to do everything we can to make certain that our soldiers, our men and women, have every support they need.

But again, the idea that the European theater cannot work it out so that the United States has to be the one that leads the way I think sets a bad precedent, not only in terms of who bears the responsibility but it would be a little bit like the United Kingdom working out Haiti. I do not think in anybody's mind the leading force in Haiti would have been the United Kingdom or France. It was in our hemisphere. It was our back door, and we have borne the brunt of that situation. Here we are in the underbelly of Europe, and we are bearing the brunt of it again.

In addition to, I think, setting a political precedent that could lead to problems in the future, let us just look at the financial ramifications of it. The United States, which is now the single world power, in a period of enormous domestic financial pressure cannot be the ultimate financial resource in resolving these world conflicts. And the cost of the operation in Bosnia has been and continues to be enormous. The effect of that is to squeeze training, squeeze logistical support, and squeeze research and development in our own standing military. These vast sums of money going into the peace-keeping operations put enormous pressure on the ultimate mission of our own military, which is to defend the integrity and the shores of the United States.

At the time we were discussing all these questions, Secretary Perry came before our Foreign Relations Committee, and in testimony before the Foreign Relations Committee Secretary Perry indicated that the maximum duration of the U.S. commitment would be 1 year. And I can remember on the lips of virtually every member of the committee was the assertion or the worry, the anxiety that there would be mission creep; that we would get into nation building; that we would begin to assume the responsibility of rebuilding this poor and war-torn country and circumstance. And there was worry because of the ethnic divisions that in 1 year how would all that be quelled. But the assurances from the administration, the assurances from Secretary Perry were that we would not be in a mission of nation building; it was a military mission, as suggested by the Senator from Texas, and that it would be 1 year and that would have to suffice. That was the U.S. commitment.

As the Senator from Texas has suggested this morning and has read some of the quotes of the London Times of April 30:

The Clinton administration has scrapped plans to withdraw its forces by the end of the year.

And we are beginning to hear pleas from the European theater and suggestions that, well, we maybe cannot conclude this at the end of the year, and,

yes, maybe we will be involved in other activities other than the initial military mission of separating the warring parties.

That suggestion leaves the American people once again unclear as to how to respond to a Presidential commitment. You go to the American people and say we are going to send your sons and daughters over there but they are only going to be there a year. You come to the Congress. You say we are only going to go for 1 year. We are going to have a very narrow, very defined mission.

When we began to discuss an exit strategy, it was quelled in a minute because the administration said the exit strategy was we are out of there in a year. And now with the slippage of time, we begin to undermine those commitments. Not only does that leave the American people, not only does it leave their Representatives, the Congress of the United States, unclear as to just where we are and where this all leads, but it is almost a certainty to mean more resources, more dollars.

What that means is more pressure on the principal mission of the military, more pressure on the budget, more pressure on the funds necessary to train American soldiers, more pressure on the budget to enter into research and development to keep us the technological military we displayed in the Persian Gulf—keep it at the edge.

We have spent the last 2 years talking about the financial dilemma in America. We fought for balanced budgets. We have eliminated programs. We have fought through the 1996 budget, and now we will be into the 1997 budget, trying to save billions of dollars in order to keep the country financially healthy, because at the end of the day, without a healthy Nation, we cannot fulfill our obligations at home or abroad.

So those financial questions must be at the core of decisions we make about where we put those resources and how long we can suffer those resources being spent. That was the worry when this debate began, that the peacekeeping missions were putting too much pressure on the fundamental mission of the military. Here we are, already beginning to take those initial promises to the American people, the initial promises to the Congress, and you get this fudging, this fuzzy look here.

I think the Senator from Texas has been absolutely correct in calling on the administration to clarify to the people and to the Congress that it is going to adhere to the promises made when this mission began, that it is going to withdraw at the time it said, that it is not going to engage in mission creep, and we are not going to use the U.S. military components to be engaged in social rebuilding of the war-torn country. I reiterate, it is a good time to reassess the fundamental responsibility of the United States as an ally and in support of NATO, but at the same time acknowledging that the

final responsibility for the European theater rests with the Europeans.

Mr. President, I see my 10 minutes has expired, and I yield back to the Senator from Texas.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Texas is recognized for the remainder of her 60 minutes.

Mrs. HUTCHISON. Mr. President, we have been talking for the last 45 minutes about this administration's Bosnia policy. I would just sum it up with "promises made, promises broken."

This administration promised: On December 20, 1996, American troops would be gone from Bosnia. The second promise was that the arms embargo would not be lifted by the President, despite repeated attempts by Congress to do so. He refused to lift the arms embargo so that legitimate sources could provide arms for Bosnians to fight for themselves and their country and their freedom, despite the fact they begged us in this Congress to do so. I will never forget the poignant testimony of then-Vice President Ganic, who said, "Let us die fighting for our freedom. We are dying anyway. Help us die for a cause."

But at the same time the administration was saying we are not going to allow legitimate sources of arms for the Moslems. Instead, according to news reports, this administration did not object to arms sales from another source which was not legitimate, Iran.

What is the result of that? The result is the Iranian mujaheddin is still in Sarajevo. Significant arming and training of the Moslems has yet to begin, and the excuse used is the Iranians are still in Sarajevo, despite the fact that in the Dayton accords they were to have been expelled from Bosnia. And the result is that the December 20 deadline is not going to be met.

So we have an administration that would not come to the American people and state a policy that the American people could count on and that our allies and our enemies would know would stay in place. That is the result. The issue of arming and training the Moslems was a key part of the negotiations between Senator DOLE and the President when we were trying to support the President's right to deploy even as we were disagreeing with the policy of deployment.

I want to quote from Senator DOLE's statement on the floor, again, November 30, 1995:

In my view, the definition of success of this deployment must include a real end to the war that is only possible with the creation of a stable military balance which enables Bosnia to defend itself. Anything less simply exposes American forces to great risks in order to monitor a temporary interlude in the fighting. In other words, I guess if they all came home next year there might be a temporary interlude to get us through the November activities of 1996, and I am not certain it would last very long.

Senator MCCAIN, November 30, 1995, in his statement on the floor:

Further, we must ensure that the goals of their mission are clear and achievable and will justify to some extent the risks we will incur. A clear exit strategy is not time-based but goal-based. We must ensure that the peace we enforce for 12 months has a realistic prospect to endure in the 13th, 14th, 15th month, and hopefully for years beyond that. Essential to that goal is a stable military balance. To achieve that balance, we will have to see to it that the Bosnian Federation has the means and the training to provide for its own defense from aggression after we have withdrawn. Therefore, I believe our authorization of this deployment must be conditioned on the concrete assurances that the United States will do whatever is necessary, although without using our soldiers who are part of the implementation force, to ensure that the Bosnians can defend themselves at the end of our mission.

It was clear from Senator DOLE and Senator MCCAIN that it was a condition of this Senate that the Moslems be armed and trained, to create a stable military balance. The President wrote a letter confirming that. The President said:

In the view of my military advisers, this requires minimizing the involvement of U.S. military personnel. But we expect that some individual military officers, for example, working in OSD, DSAA, or other agencies, will be involved in planning this effort. I agree that maintaining flexibility is important to the success of the effort to achieve a stable military balance within Bosnia. But I will do nothing that I believe will endanger the safety of American troops on the ground in Bosnia. I am sure you will agree this is my primary responsibility.

That is giving the President his due. We agree with that. The President went on to say in his letter to Senator DOLE and Senator MCCAIN:

I have given you my word that we will make certain that the Bosnian Federation will receive the assistance necessary to achieve an adequate military balance when IFOR leaves. I intend to keep it.

That is what the President said in writing, December 12, 1995. He said the Americans would not be leading that effort, but that we would make sure that it would happen. "I intend to keep my word." That is what he said. It was a condition. It was a condition for the approval of the President's right to deploy.

We have a policy. We have a promise that is being broken. Either the President must keep his commitment to the American people that he will withdraw the troops by December 20, as he promised, or the President should come back to Congress and tell us why he is breaking his word.

Why does he feel it is necessary to do this? I think he owes us that much. I think he owes the American people that much, and I think he owes our troops on the ground that much.

Mr. President, I think it is time for this administration to understand the importance of keeping a promise, whether it is to the American people or to our allies or in general to the world, so that everyone knows that if we say we are going to do something, we will do it. But telling the American people we will withdraw troops by December

20 and telling our allies that we will leave troops on the ground into 1997 is not keeping the integrity of the American word, and I think we have the right to expect that from our President who is representing our country.

This is a serious issue, and I hope the President will address it with integrity.

Thank you, Mr. President. I yield back the remainder of my time, and 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. 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, are we in morning business?

The PRESIDING OFFICER. Yes, until 10:30.

#### GAS TAX REDUCTION LEGISLATION

Mr. DORGAN. Mr. President, I have noted the last several days a number of people coming to the floor to talk about tax freedom day. I noted this morning on the television programs that the majority leader, Senator DOLE, was talking about bringing a vote to the floor of the Senate, perhaps today, he said, to repeal the 4.3-cent gas tax or reduce the gas tax by 4.3 cents.

I will make a couple of observations about those issues.

First, tax freedom day. The suggestion, I guess, by those who talk about tax freedom day and the date beyond which they now can spend money on themselves, the suggestion is, I guess, that the money that is spent by them to build their children's schools, to pay for the police force, to pay for the Defense Department to defend our country, to provide for the resources for Social Security and Medicare, which incidentally are the four largest areas of public spending—schools, health care, defense, and local policing functions—the implication is somehow that those are not investments or those are not expenditures that count.

I think a lot of people would say that the payment of money to fund a school system to be able to send your children to good schools does count and does matter. That is an investment in your family. I just observe that some taxes are levied in order to do things we must do together as a country—educate our kids, build roads, defend our country, provide for the general welfare such as Social Security, Medicare, Medicaid, and so on. Some of them, I think, deserve a more thoughtful response than the implication somehow that it is just money that goes into some dark hole. Much of that is an investment in our children, an investment in security, an investment in health care.

Having said all that, would we like to see lower taxes in our country? Yes. Would we like to find a way to reduce the tax burden? Sure. We have a circumstance in this country now where we spend more money than we take in; 2 years ago, 2½ years ago, in 1993, we passed a bill on the floor of the Senate by one vote to reduce the Federal deficit. It was not easy to do. We only passed it by one vote on a strictly partisan vote. We did not get even one vote from the other side of the aisle by accident. Normally you think somebody makes a mistake, but we did not get one vote by accident. A group of us passed this piece of legislation, and 2½ years later the deficit is reduced by half. The deficit is half of what it was nearly 3 years ago.

Now I am glad we did that. It was not popular. The popular thing was to vote "no." Certainly it was not popular to vote "yes" to cut spending and increase some taxes, but we did it. I am glad we did it. The deficit is down as a result of it.

Now, what has happened in the last number of weeks is gasoline prices have spiked up by 20 to 25 cents a gallon. Gasoline prices spike up, and then we have people come to the floor of the Senate and say, well, our solution to that is to reduce the gas tax by 4.3 cents. There is really no connection, of course, but that is the solution. It is kind of like a person driving down the road in a vehicle and it overheats and steam starts flooding from under the hood and the driver pulls off the road, gets out, opens the trunk, and changes the tire. There is no relationship between the 20- or 25-cent-per-gallon spike in gas taxes and the 4.3-cent gas tax reduction that is being proposed. It is purely political. In fact, it is trotted out here on tax day, I guess it is called tax freedom day. It is trotted out as a purely political hood ornament. That is fine. You have the right to do it.

My point is this: When we consider the issue of the 4.3-cent-per-gallon reduction in the gas tax, I intend to offer an amendment here in the Senate that asks the question, whose pocket is this money going to go in? If you are going to relieve the oil industry of collecting 4.3 cents a gallon in gasoline taxes, who ends up getting the cash? I said the other day in this country there are a lot of pockets. There are big pockets, there are small pockets, there are high pockets, there are low pockets. The question is, who will pocket the reduction in the gasoline tax? I will offer an amendment that says, if you reduce the gasoline tax, we should make sure it goes into the right pocket, the pocket of the consumer, the driver, the taxpayer. If we do not pass an amendment like that that provides the guarantee, guess who pockets the reduction in the gas tax? The oil industry.

Does anybody here honestly think that if we reduce the gas tax by 4.3 cents a gallon and do not provide an ironclad guarantee that it goes back to the consumer, does anybody believe

that the oil industry will not grab that money? It is cash in their pockets. They are the ones who set the price of gasoline. We can have people boast on the floor of the Senate about reducing the gas tax. It will not mean a thing to drivers and consumers unless they end up paying 4.3 cents less a gallon than they now pay.

I say to the majority leader and others, if you intend to bring a bill to the floor of the Senate to reduce the gas tax and increase the deficit, make sure you provide for the allowance for amendments, because some of us will insist on our right to offer amendments. If you develop procedures that prohibit us from offering amendments to make sure that the reduction in the gas tax goes in the right pockets, then we intend to slow this Senate down until we have an opportunity to offer amendments of that type.

I understand it is a Presidential election. It is an even-numbered year. When the Framers wrote the Constitution of America, they created a miracle. At least old Claude Pepper, the former member of this body and the House of Representatives, used to call it a miracle—a miracle that every even-numbered year the American people are able to grab the American steering wheel and make adjustments to where the country is headed. They have the right to grab the steering wheel and make the adjustments. It is an election year, an even-numbered year in America. There are lots of politics floating back and forth here and there; the only time in our country's history, I believe, where the majority leader of the Senate is running against an incumbent President. I have great respect for both people. But the floor of the Senate is not, of course, a political party convention auditorium. It is the U.S. Senate. Is there an inclination to engage in a great deal of politics here on the floor of the Senate on behalf of both sides? Yes. That has always been the case. Will there be more of an inclination now in the coming weeks to do that? I am sure. Is the gas tax reduction that is being proposed political? Obviously.

Someone wanting to know what caused a 20- or 25-cent-per-gallon runup in gas prices at the pumps might have said, well, try to investigate what happened. Ask the Justice Department to investigate the oil industry to ask what happened to the price of gas. Who did it? Why? The President asked the Justice Department to do that. Some saw it as an opportunity to say, "Well, come to the floor of the Senate and talk about the 4.3-cent gas tax that was added in 1993 as part of the deficit reduction act." That is politics. That is fine. They could have said, how about the other 10-cent-per-gallon gas tax that was added, supported by the majority leader and others here in this body? There has been 10 cents supported previously, so, make it 14.3 cents, as long as it is a political issue. Do the whole thing.

My point is this: Do not do anything to it unless you guarantee American taxpayers and drivers that they will get the benefit. There is not any way that we guarantee drivers in this country they will get the benefit of lower gasoline taxes at the pump if we are not allowed to offer and if the Senate does not pass the amendment I have described. The amendment is very simple: It would require certification by the oil companies that they have passed along this reduction in the gas tax and a lower pump price, subject to criminal penalties and subject to enforcement by the appropriate people in the Federal Government. We can talk about gas taxes until we are blue in the face and you can repeal gas taxes from now until next month. But if you do not guarantee that drivers in this country get the benefit, guess who will walk off into the sunset with bulging pockets? The oil company.

When I heard this morning the majority leader say we will have a vote on that today, first of all, I do not think we will because it would require unanimous consent to have a vote on the reduction in the gas tax. But, second, I say to Members on the other side who are in charge of planning the activities of the Senate on the floor, when you decide to have a vote, we will insist that you give us the opportunity to offer an amendment that guarantees the drivers and the taxpayers in this country, not the oil industry, get the benefit of the reduction in the gas tax.

One additional point, and it is probably the most important point. We have also talked on the floor of the Senate about the minimum wage. The gas tax is about \$25 or \$27 a year in benefits if the consumers get the benefit, and they will not unless my amendment is passed. The minimum wage means about \$1,800 a year to those folks who are out there, 40 percent of whom are working as a sole breadwinner on minimum wage, trying to make ends meet, having had their wage frozen for 5 years. We are simply saying we want an opportunity, as well, to address the minimum wage issue. We think the minimum wage should be adjusted for those folks.

We have been told that, well, there will be some point at which we will vote on that. We also ask that when the gas tax reduction is brought to the floor of the Senate, we have an opportunity to consider, as well, in those circumstances, a reasonable adjustment of the minimum wage.

So those are the issues that we are going to ask be addressed by the majority leader and other Members of the Senate in the coming couple of days as we discuss these issues.

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. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO THE LATE WALTER S. MONTGOMERY, SR.

Mr. THURMOND. Mr. President, if the Palmetto State is famous for textiles, then Mr. Walter S. Montgomery, Sr., is one of a handful of South Carolinians whose name is synonymous with that industry. Without question, he is a man who has left his mark on our State and Nation, and it is with great sadness that I rise today to note his recent passing.

"Mr. Walter," as he was affectionately known by his friends and employees, died late last month, ending what was a lifelong commitment to service and industry. From the time he took over his family's textile mill to the day he died, Walter Montgomery worked hard to advance textile manufacturing, to strengthen the South Carolina economy, and to improve the quality of life for the South Carolina Upstate, especially his beloved hometown of Spartanburg.

Known as a benevolent boss, Mr. Walter would stroll the floors of his factories in his shirtsleeves, supervising operations and talking with his employees. His interest in those who worked for him extended beyond the plant walls, and he was known to spend afternoons on the front porches of the homes of Spartan Mills workers, passing the time and getting to know those in his employ. Additionally, Walter Montgomery worked hard to create a job place that was modern, clean, and safe, a far cry from the old style mills of the 19th and early 20th centuries.

Walter Montgomery joined the family run Spartan Mills shortly after his graduation from the Virginia Military Institute and eventually became its president and chairman of the board. Through his hard work, determination, and business acumen, Spartan Mills grew from 1 plant to 10, and became the largest employer in Spartanburg County. A young and dynamic executive, Mr. Montgomery became a force in the national textile industry and held leadership positions with the South Carolina Textile Manufacturers Association, the J.E. Serrine Foundation, the Institute of Textile Technology, and the American Textile Manufacturers Association. His professional accomplishments earned him recognitions from the South Carolina Chamber of Commerce, which named him Businessman of the Year; and from the ATMI, their organization's prestigious and coveted Samuel Slater Award.

Equally important to the contributions Mr. Montgomery made to business was the role he filled as a civic leader. Spartanburg and the Upstate Region benefited handsomely from the efforts of Mr. Montgomery who helped to establish the University of South Carolina at Spartanburg; served as a trustee of the Spartanburg Music Foundation and the Spartanburg His-

torical Society; and, organized the Spartanburg County Foundation. He also served for 55 years on the board of trustees at Converse College, was a booster for educational causes, and was an active leader in the United Way. For these undertakings, and many others, Mr. Montgomery was awarded the Order of the Palmetto; inducted into the South Carolina Business Hall of Fame; was awarded three honorary degrees; and, was recognized with almost countless citations from various business and community groups.

Mr. President, Walter Montgomery was the type of person that any community or State would be fortunate to have as one of its citizens. I can think of no more fitting tribute to Walter than the fact that he was so well thought of, that hundreds of people came to pay their last respects to this man. As a matter of fact, on the day of his funeral, the Episcopal Church of the Advent was packed to capacity and loudspeakers had to be placed outside the church in order for mourners to be able to hear the service. While we will all miss Walter, I hope that others will honor his legacy by trying to match the example he set for service to business and community. I join a long list of people who express their sympathy and condolences to the family of Mr. Walter Montgomery, including his sisters, Kate Montgomery Ward and Lucile Montgomery Cart; his son, Mr. Walter Montgomery, Jr.; his daughter, Rose M. Johnston; and his many grandchildren, and great-grandchildren. These people are kin to a man who was one of a kind.

#### OMNIBUS PARKS BILL

Mr. HATCH. Mr. President, last Wednesday, the Senate passed H.R. 1296, the omnibus parks bill, by unanimous consent. I recognize that this legislation had indeed gone through the mill. However, I am pleased that we reached this agreement and passed this important bill with strong bipartisan support.

In particular, I want to express my strong support for one title of this bill, the Snowbasin Land Exchange Act, which was included within the bill.

This measure contains provisions that will enable the U.S. Forest Service and the Sun Valley Co. to prepare the Snowbasin Ski Resort, which is located 40 miles north of Salt Lake City, for the major alpine skiing events of the 2002 Winter Olympic Games to be held in Utah. It also concludes a land exchange process that began more than 11 years ago.

I want to acknowledge the efforts of Senators DOLE and MURKOWSKI, who have worked diligently to forge this package so that this particular measure could pass the Senate and move forward in the legislative process.

As my colleagues know, the International Olympic Committee selected Salt Lake City to host the 2002 Winter

Olympic Games last June. I was honored to be present in Budapest when this announcement was made.

Snowbasin, which is owned by the Sun Valley Co., was identified as the site of six major Olympic downhill and slalom ski events. It was selected due to its magnificent mountain with ideal terrain, elevation, and technical difficulty for Olympic competition.

It is estimated that Olympic racers will reach speeds exceeding 80 miles per hour in the first 5 seconds of competition on the Snowbasin downhill course, a course that has been designed by Bernard Russi of Switzerland, an Olympic medalist and internationally recognized Alpine course designer.

In order to accommodate the planned events at Snowbasin, which are estimated to have a television audience of nearly 3 billion people worldwide, major new skiing, visitor, and support facilities will have to be constructed at Snowbasin. Some of these facilities will be constructed on the ski mountain, while other facilities are needed at the base of the mountain.

Failure to pass the provisions that are included in this bill for Snowbasin would have greatly jeopardized the success of the 2002 Olympic Games and, in general, sullied the reputation of U.S. Olympic hosts before an international audience. So I appreciate the support of my colleagues for these provisions.

My colleagues should understand that this legislation is a land exchange—not a giveaway. The legislation exchanges 1,320 acres of national forest land at the base of Snowbasin to the Sun Valley Co. This transfer will allow development of base facilities that are needed for the Olympics.

These facilities include a new access road, the Olympic stadium and gateway, parking, day lodges, restaurants, and other support buildings. These facilities will greatly increase services and amenities to the public during the Olympics. They will also become the nucleus of a world-class competitive venue at Snowbasin in future years.

It is altogether consistent with Forest Service policy that base lands at ski areas be privatized for development. As my colleagues are well aware, land exchanges have been routinely utilized for this purpose.

In return for the 1,320 acres, the Forest Service will receive more than 4,100 acres of private lands with outstanding environmental, recreational, and other values. Each of these lands has been identified by Forest Service officials as highly desirable for acquisition to benefit the public and the long-term management purposes of the Forest Service in northern Utah.

Some of this acreage is immediately adjacent to Snowbasin; another parcel is on the outskirts of the city of Ogden. In fact, one of the parcels—Lightning Ridge—will open access to thousands of acres of Forest Service land that is currently inaccessible to the public.

These are precisely the types of public benefits that should be realized in

land exchanges. The new Olympic quality recreational opportunities added at Snowbasin, coupled with major additions to the national forest, clearly make the exchange a win-win for the public.

When completed, the land exchange will add over 4 square miles of land to the National Forest System in Utah.

Mr. President, there has been considerable discussion on this bill regarding the so-called sufficiency language in the bill that exempts the initial portions of development at Snowbasin from certain Federal environmental laws. Let me discuss this for my colleagues.

Once the land exchange is completed, the ski mountain will remain as National Forest System land. In order to prepare the ski mountain for the Olympic events, numerous modifications are needed. These modifications are referred to in the overall development plan for Snowbasin as phase I and relate to the race courses for the competitors as well as needed amenities for the public.

These items include new chair lifts, new and expanded courses, helicopter pads for medivac purposes, snowmaking, safety netting, and a mountain restaurant for food and warming purposes. It is estimated that at least three summer construction seasons will be needed to construct these facilities.

Moreover, to enable ski competitors to race the mountain prior to the Olympics, and to test the new facilities for safety and other purposes, international skiing events have been scheduled at Snowbasin beginning in 1999.

I hope my colleagues can see that we must immediately begin the process of preparing Snowbasin for important Olympic and pre-Olympic events.

To accomplish this goal, Congress needs to provide general approval to facilities that need to be constructed on national forest lands at Snowbasin for the Olympics, to put the construction of these facilities on a timetable, and to protect the decisions of the Forest Service during this process from appeals and lawsuits. Without such action, construction of these facilities could be delayed for years. Regrettably, this type of delay is precisely what is currently being experienced at Snowbasin.

A 1994 Forest Service decision to allow construction of a small chair lift and new ski run on the mountain has been appealed and litigated and is now before a Federal district court in Salt Lake City. Construction of the lift has already been delayed for 2 years and the matter could remain in the courts well into the future. Therefore, this legislation allows the construction of traditional mountain facilities at Snowbasin that are needed for important Olympic and pre-Olympic events.

However, my colleagues should realize that over the years, Snowbasin has been subject to numerous environmental studies and reviews. In fact, in

testimony before the Senate Subcommittee on Forests and Public Land Management, I displayed a huge stack of these studies.

Since 1990, the Forest Service has prepared, among many items, an environmental impact statement and an environmental analysis on base mountain lands at Snowbasin. The public was fully involved in the development of these documents.

The Snowbasin master plan, referenced in the legislation, has been developed taking into full account the environmental considerations noted in these studies. Also, the Sun Valley Company has frequently consulted with the Forest Service to ensure that environmental aspects of the land exchange are properly considered.

Our legislation directs the Secretary of Agriculture to impose construction and operation conditions on the Sun Valley Co. that are consistent with Forest Service policies to protect forest resources. Further, the Forest Service is empowered to make any changes to the facilities to protect public health and safety, including water quality.

I think it is also safe to say that no one would want to visit this area if it were an environmental wreck. There is clearly an economic incentive to doing this the right way. Responsible development of this land is necessary any way you look at it.

Also, we learned from testimony provided by the members of the Salt Lake organizing committee that one of the reasons Snowbasin was selected as the site for the Olympic downhill races was to keep Olympic downhill events from being conducted in the environmentally sensitive canyon areas immediately adjacent to Salt Lake City.

I am pleased to note that the significant addition of land to the National Forest System resulting from this legislation will be accomplished without having to spend scarce land and water conservation fund dollars.

Moreover, our legislation ensures that an equal value exchange in every respect will be conducted, and there will not be a giveaway of any kind to the Sun Valley Company. Instead, the Sun Valley Company will assume the economic risks and costs of preparing Snowbasin to the highest of Olympic standards for the 2002 Winter Games.

Mr. President, I again want to extend my sincere thanks to each member of the Senate Energy and Natural Resources Committee—all of whom endorsed this legislation. The efforts of Senators MURKOWSKI, CRAIG, and BUMPERS, and my Utah colleague, Senator BENNETT, have helped to perfect this bill and move it forward.

Again, I want to thank the majority leader for his leadership in solving the impasse that had developed over the earlier version of the omnibus parks bill.

Having said that, I must admit my disappointment that one title of the original package, the Utah wilderness

bill, has been deleted from the bill. I would have preferred that the Senate adopt this measure as well, but I know a roadblock when I see one. I will continue to work on those provisions that could not be included in this package.

However, everyone in this chamber should know that this is a temporary setback for our Utah wilderness bill. Our bill is not dead, as many have said or wished. I am just as committed today as I was during the recent filibuster to see this body pass legislation that resolves this 17-year-old problem that has plagued our State.

As I mentioned, Senator DOLE has demonstrated tremendous leadership to forge the compromise that allowed the omnibus bill to pass, and his suggestion for a temporary detour around the matter of Utah Wilderness and Sterling Forest enables the other important provisions of the omnibus parks bill to move forward, including the Snowbasin exchange. I commend him for that.

Mr. President, Snowbasin will be an electrifying site for the prestigious skiing events of the 2002 Winter Olympic Games. The huge challenge that Snowbasin will present to the international competitors will be a true test of their Olympic ability. America is fortunate to be selected as the host nation for these games, and Salt Lake City is honored to be the host city. I thank my colleagues for supporting this urgently needed legislation to make these games a reality at Snowbasin.

I ask unanimous consent that a letter from Utah Governor Mike Leavitt, a resolution from the Ogden City Council, an editorial from the Salt Lake Tribune, and a resolution from the Utah State Legislature—all expressing support for this legislation—be inserted in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF UTAH,  
OFFICE OF THE GOVERNOR,  
Salt Lake City, December 12, 1995.

Representative JAMES V. HANSEN,  
Chairman, Subcommittee on National Parks,  
Forests and Lands, Rayburn House Office  
Building, Washington, DC.

DEAR JIM: I am writing in strong support of H.R. 2402, the Snowbasin Land Exchange legislation, and its companion bill in the Senate, S. 1371. I applaud your efforts, as Chairman of the subcommittee of jurisdiction, in holding hearings and gaining co-sponsors.

Utah has been given an extraordinary opportunity in hosting the 2002 Winter Olympics. Snowbasin is the venue for some of the most visible and popular downhill events. Over 3 billion people around the world will have their eyes set on Snowbasin during the Olympics. We must be ready for them.

In order to successfully host this venue, certain facilities must be built and improvements added to accommodate all of the activities which are demanded of an Olympic site. For over seven years, those plans have been under review and scrutiny by the public and the Forest Service. Environmental impacts have been carefully reviewed. The required land exchange between Snowbasin and the Forest Service has now bogged down in

the administrative appeals process. Further delays would seriously threaten the timetable needed to be met for the 2002 games. That is why your legislation is so vital.

I am also supportive of the land exchange authorized by the legislation because it will enhance economic development for Northern Utah by making Snowbasin a true world-class tourist destination. Further, the public stands to benefit greatly by receiving access to large tracts of pristine recreational lands, such as Taylor Canyon, Lighting Ridge Wheeler Creek, and the North Fork Ogden River-Devil's Gate Valley, which are now in private ownership.

This legislation represents a win-win for the state of Utah and the people of Weber County. I urge you to continue to work for passage of this legislation and stand ready to assist you in any way possible.

Sincerely,

MICHAEL O. LEAVITT,  
Governor.

RESOLUTION OF THE OGDEN CITY COUNCIL NO.  
96-6

Whereas the property development of a year-round ski and recreational destination resort in the Snowbasin area would be beneficial to the people of the City of Ogden; and

Whereas the recent awarding of the 2002 Winter Olympic Games to Salt Lake City increases ski and recreational opportunities of the Snowbasin area; and

Whereas Snowbasin has been designated as the site of several 2002 Winter Olympic events, with pre-Olympic events scheduled in 1998, 1999, 2000, and 2001; and

Whereas these Olympic and pre-Olympic events add to the urgency to develop the Snowbasin area; and

Whereas Snowbasin Resort and its owner Sun Valley Company have requested 1,320 acres of public land be transferred to Snowbasin Resort for the purpose of developing a year-round recreational destination resort; and

Whereas Snowbasin Resort has agreed to transfer into the public domain at least 4,100 acres of land which possesses outstanding recreational, environmental and other values, and which opens access to other Forest Service lands for public enjoyment; and

Whereas much of the land presently under Forest Service supervision in the Snow Basin area was originally transferred without monetary consideration into the public domain by Ogden City for the purpose of promoting and fostering the future development thereof, and where previous Ogden City Councils have adopted resolutions supporting this land transfer of 1,320 acres of property to Snowbasin in order to effectuate such desired development; and

Whereas the proper development of the Snowbasin area would increase tourism in the State of Utah and would be beneficial to the residents of northern Utah; and

Whereas a delay in facilitating the desired exchange could hamper the State's hosting of several Olympic and international alpine skiing events; and

Whereas the United States Congress is currently considering legislation which would complete the Snowbasin land exchange and enable the timely construction of facilities at Snowbasin needed for Olympic and pre-Olympic events. Now, Therefore, be it

Resolved, That the Ogden City Council urges the United States Forest Service, the United States Congress and President William Clinton to enact Snowbasin Land Exchange legislation for the purpose of preparing Snowbasin for Olympic and pre-Olympic events, and for developing Snowbasin as a multi-use, four season recreational resort area.

Passed and adopted this 9th day of April 1996.

RALPH W. MITCHELL,  
Chair.

[From the Salt Lake Tribune, Apr. 1, 1996]

APPROVE SNOWBASIN SWAP

When the Utah wilderness legislation submerged an omnibus parks bill in the U.S. Senate last week, one of the dozens of items that sank with it was another proposal of keen interest to Utah—the Snowbasin/Forest Service land exchange. The Snowbasin proposal deserves resuscitation and passage, either as part of a revived omnibus bill sans Utah wilderness or as stand-alone legislation.

This plan would provide long-term benefits to Utah, the most conspicuous being the development of a four-season resort at Snowbasin by an operator, the Sun Valley Company, that has a proven record of good stewardship. And, as part of that development, the site of the downhill and Super-G ski races for the 2002 Winter Olympics would be completed on a faster track.

Under the legislation, Snowbasin would acquire 1,320 acres from the U.S. Forest Service in exchange for some 4,100 acres, spread across four different parcels in the same general area, that are currently owned by Sun Valley. Assuming a fair appraisal process—and the legislation calls for an exchange of equal value—this proposal amounts to an even land swap, not the land grab that opponents claim it is.

Granted, this legislation does carry some baggage. For instance, its supporters have couched this bill as a necessity in order for the Olympic ski races to be held at Snowbasin, but that's not quite right. Sun Valley may need the 1,320 acres for condos and residential units, but it doesn't need nearly that many for an Olympic ski venue.

In addition, granting an exemption from environmental laws—as this bill does for Phase I, or the mountain development aspect, of the plan—is not a step that should be taken cavalierly, particularly in the name of an Olympic movement that holds the environment as a top priority. Adherence to local and state laws will mitigate this concern, but it won't completely erase it.

And it hasn't helped the bill's cause that its chief proponent, Utah Rep. Jim Hansen, has made some ill-chosen comments recently, to the effect that the downhill could be run at Snowbird if the Snowbasin bill fails. This needlessly resurrected a dead-and-buried concern that the Cottonwood canyons might be used for the Olympics; it only aroused the opposition to his own bill.

Still, Rep. Hansen's rhetoric aside, the voice that counts most on this proposal should be that of the U.S. Forest Service, the current steward of the 1,320 acres in question. And the Forest Service, which had already approved an exchange of 695 of those acres in 1990, has signed off on this one after finding boundary problems with the parcel it had earmarked five years ago.

While legitimate complaints can be raised over the manner in which the Snowbasin proposal has been maneuvered around normal USFS channels and over the use of the Olympics as a wedge to gain congressional support, there still is nothing fundamentally objectionable about the land exchange itself. As long as the USFS can be assured that it will obtain equal value for those 1,320 acres, this is a development plan that Utahns—and Congress—can and should support.

STATE OF UTAH CONCURRENT RESOLUTION NO.

4

Be it resolved by the Legislature of the state of Utah, the Governor concurring therein

Whereas the proper development of a year-round ski and recreational resort in the

Snowbasin area would be beneficial to the people of the state of Utah;

Whereas the recent awarding of the 2002 Olympics to Salt Lake City increases the ski and recreational opportunities of the Snowbasin area;

Whereas Snowbasin has been designated as the site of several 2002 Winter Olympic event, with pre-olympic events scheduled for 1998, 1999, 2000, and 2001;

Whereas these olympic and pre-olympic events add to the urgency to develop the Snowbasin area;

Whereas approximately 55 years ago, 4,300 acres of land in the Snowbasin area was transferred with little monetary consideration from private ownership to the United States Forest Service under the leadership of the Ogden Chamber of Commerce to stop overgrazing and to develop a year-round recreation area;

Whereas the Ogden-Weber Chamber of Commerce and many civic leaders now favor the transfer of 1,320 acres of this same land at Snowbasin to the Sun Valley Company for the purpose of developing a year-round recreational resort;

Whereas the Sun Valley Company has agreed to acquire and transfer into the public domain property of comparable value as selected by the United States Forest Service in exchange for the 1,320 acres received in the Snowbasin area;

Whereas Earl Holding, developer of world famous Sun Valley Resort, has established a proven track record as a developer of high-quality recreational resort facilities;

Whereas the proper development of the Snowbasin area would increase tourism in the state of Utah and would be extremely beneficial to the residents of northern Utah by creating numerous jobs and business opportunities;

Whereas the state of Utah has expended an excess of \$14,000,000 to construct the Trappers Loop Highway for the purpose of servicing the Snowbasin/Upper Ogden Valley area;

Whereas the delay in facilitating the exchange of the number of areas requested by the Sun Valley Company could hamper the state's hosting of several olympic and international alpine skiing events and may make the development of a year-round resort economically infeasible;

Whereas the exchange of property to the Sun Valley Company would allow the United States Forest Service to acquire additional property as an exchange that, if property selected, would open up large areas of the public domain and better suit the Forest Service's objective of preserving the public land for public use than the retention of the proposed transfer property;

Whereas the intended use of the property in question when it was transferred into Forest Service supervision was to develop a ski and recreational area; and

Whereas The United States Congress is currently considering legislation that would complete the Snowbasin land exchange and enable the timely construction of facilities at Snowbasin needed for olympic and pre-olympic events: Now, therefore, be it

*Resolved*, that the Legislature of the state of Utah, the Governor concurring therein, the United States Forest Service, the United States Congress and President William J. Clinton to enact Snowbasin Land Exchange legislation for the purpose of preparing Snowbasin for olympic and pre-olympic events, and for developing Snowbasin as a multi-use, four season recreational resort area. Be it further

*Resolved*, that copies of this resolution be sent to the Sun Valley Company, the United States Forest Service, the President of the United States Senate, the Speaker of the United States House of Representatives, the

members of Utah's congressional delegation, and President Clinton.

#### GAYLE FITZGERALD CORY, A TRIBUTE

Mr. HOLLINGS. Mr. President, on behalf of my fellow Senators, I would like to take a moment to pay tribute to a dedicated Senate worker, a courageous woman and a wonderful person. Gayle Fitzgerald Cory worked in the Senate for 35 years, serving in many capacities. She was indispensable to the late Senator Muskie for 22 years, holding positions from receptionist to executive assistant and making the transition to the State Department with him in 1980. She was also a valued member of Senator George Mitchell's staff as his personal assistant.

A person who has filled these roles can't help but accumulate a tremendous amount of knowledge on the workings of the Senate. Gayle Fitzgerald Cory was exceptionally qualified to take on the position of postmaster in 1989.

Up until her retirement in 1995, Mrs. Cory worked hard for the U.S. Senate, she was experienced, organized and capable of handling any task or crisis that came her way. Most of all, she was a great person. The post office employees—indeed, everyone with whom she came in contact—appreciated her warmth and her sense of fairness. An extremely professional woman, she had an almost uncanny understanding of the special needs of the Senate, and she was instrumental in making it work.

My condolences go out to her husband, Don, her three daughters, Laurie, Melissa, and Carol, and all the members of her large and loving family. She was a courageous, strong person and we will all miss her.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### WHITE HOUSE TRAVEL OFFICE LEGISLATION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2937, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2937) for the reimbursement of attorney fees and costs incurred by former employees of the White House Travel Office with respect to the termination of their employment in that office on May 19, 1993.

The Senate resumed consideration of the bill.

Pending:

Dole amendment No. 3952, in the nature of a substitute.

Dole amendment No. 3953 (to amendment No. 3952), to provide for an effective date for the settlement of certain claims against the United States.

Dole amendment No. 3954 (to amendment No. 3953), to provide for an effective date for

the settlement of certain claims against the United States.

Dole motion to refer the bill to the Committee on the Judiciary with instructions to report back forthwith.

Dole amendment No. 3955 (to the instructions to the motion to refer), to provide for an effective date for the settlement of certain claims against the United States.

Dole amendment No. 3956 (to amendment No. 3955), to provide for an effective date for the settlement of certain claims against the United States.

Mr. GRASSLEY. Mr. President, I wish to speak on the bill that is before us—the bill to reimburse the people that were harmed in the unfair firing at the White House in January 1993, the bill that is for reimbursement to the people that are called the Travelgate 17.

Mr. President, I think it is very obvious that when politics stands in the way of resolving a right or wrong issue, politics always gets trampled. Right means that politics has to be put to the side. Some examples come to mind: The civil rights laws of the 1960's; the end of the defense buildup in the 1980's; the Congressional Accountability Act of 1995, which I sponsored.

This bill before us falls into that category. It is to reimburse the Travelgate 7. Now, obviously, it is much less in scope than all of these other major pieces of legislation I mentioned over the last 30 years. However, let me make it very clear that it is a microcosm of the same reality. It is a right and wrong issue. And politics is standing in its way. But I predict that politics will stand in its way only temporarily. Travelgate is the story of an arrogant White House trampling all over the rights of seven dedicated public servants.

The purpose behind the abuse was so that cronies of the President could win the spoils of political gain for themselves.

One of these people was a rich Hollywood producer, friend of Bill, high-dollar campaign contributor, buddy and crony by the name of Harry Thomason. The other was a distant cousin of the President's, Catherine Cornelius.

The White House, apparently including the President and First Lady, unleashed the Federal Bureau of Investigation, the Internal Revenue Service, and the Department of Justice to harass these seven citizens. As if that were not enough, the White House also used its authority and its access to the media to conduct a public smear campaign against the seven innocent people. Following something that is too customary in this town, they used leaks, innuendoes, and falsities to continue their public harassment even after their primary target, Billy Dale, was acquitted by a jury, and it only took the jury less than 2 hours of deliberation to declare his innocence.

The net effect of all of this harassment took a real toll—these are real people—not only on the seven employees but maybe even more so on their families as well. These innocent people

had their reputations, their dignity, and their psychological well-being suffer at the hands of an irresponsible White House. This is a White House that to this very day refuses to accept its wrongdoing. No one takes responsibility for their firings of these seven people.

What do we get out of the White House? All you get is finger pointing. All you get is passing the buck. By the way, the harassment continues. But now it is not harassment from the White House; it is legislative harassment as we have legislation here trying to right this wrong. So the legislation that has just been laid down for today's discussion, the bill we have before us is to make these seven innocent people economically whole.

Well, maybe you cannot do that, but at least pay for their legal expenses. I do not know how you can right the wrongs that have been committed, but at least there is precedent for legislation to pay for legal expenses, legal expenses for people who were innocent, declared innocent by a jury of their peers.

So activity moves from the finger pointing at the White House to activity up here on the Hill in the legislative process, but the White House is still involved, fanning out its lieutenants to sabotage this bill in the dark of night. The objective of the White House and the opponents of this legislation, the people who are not willing to admit a wrong in the firing of seven innocent people, is to bring this bill down so that the President is spared the embarrassment of signing a bill, the only reason for the existence of which in the first place is that the White House fired seven innocent people. In other words, I might add, the same President who passed the buck in the first place in not taking responsibility for the firings at the White House is behind this effort to sabotage this legislation on the Hill to right this wrong.

The legislative harassment strategy began with Democrat Senators putting a hold on the bill. For those watching who maybe do not understand how Congress works, a hold is a way that any Senator can prevent a bill from being considered, and the instigator of any hold does not have to identify himself. He can do it in the secrecy of the Cloakroom out of the public's eye. But last week the people with the hold were smoked out. The rock was lifted. And the instigators of the hold went scurrying for cover of darkness once again. Having retreated from the back room, they are now positioned at the next line of defense, out on the floor of the Senate to use a legislative roadblock. It is called muddying the waters, or in this case you might say the "whitewaters."

This strategy goes like this: how can we as opponents bog down the bill on a technicality or some counter argument that sounds reasonable but gives us sufficient cover so that we can filibuster the underlying legislation, the

Travelgate bill, that pays the legal expenses of seven innocent people who were fired within the first month that the Clintons came to office.

So the White House, getting their lieutenants on the Hill to take all this activity against this simple little bill, comes up with a counterargument: If the Travelgate seven are going to get reimbursed, why not reimburse everyone associated with the Whitewater investigation? And they also came up with a technicality. They say we just want to use this bill as a vehicle for other items that are on our agenda. They would argue it is our right as minority Members of this body.

So here we are, Mr. President, with politics getting in the way of a right and wrong issue, where right ought to win out, but politics, if it is played correctly and sophisticated enough, can win. If we cannot deal with apples, let us just throw in some oranges. Put it into the mix. Confuse the situation. So now in this Chamber to fool the public we are dealing with apples and oranges legislation generated by the other side of the aisle because they want to protect the President not having to veto this legislation.

However, political barriers to correcting a wrong will not stand. Ultimately, public opinion will weigh in against the Democrats and the White House on this issue. All the harassment strategies to save the President from embarrassment will only make the final embarrassment bigger and worse. It is inevitable. It is predictable. It will happen. You cannot forever cover up wrong in our open society.

There is a moral to this story: Nothing is politically right which is morally wrong. I wish to repeat the moral of the story: Nothing is politically right that is morally wrong.

That is why all this political maneuvering is destined to fail. The public will not tolerate political interference with righting a wrong. Frankly, it is time that the President of the United States, the occupant of the White House, take responsibility for his actions in firing these seven dedicated public servants. What do we get instead? He continues the campaign to prevent his own embarrassment over the firings. The truth is if the firings and the circumstances were not wrong, there would be no embarrassment. But the obvious fact is the firings were wrong.

Why should we expect the President of the United States to accept responsibility for his actions? First of all, because he is the President of the United States. In that position, he is the moral leader of our Nation. A leader is expected to take responsibility for his actions or for those who act in his stead. That includes both good actions and bad actions.

Furthermore, I think the President himself has spoken out very loudly and clearly about responsibility and, in his saying this, implied that he saw the Office of the Presidency as one for moral

leadership and he was going to assume that moral leadership because of things that he said when he was a candidate. While running for office in 1992, he said the following: "Responsibility starts at the top. That's what the New Covenant is all about."

In a further quote, and this was criticizing, in 1992, then-President Bush, candidate Clinton had this to say: "The buck doesn't stop with George Bush; it doesn't even slow down there."

I think it is fair to say that on this issue, the buck does not even slow down with the President. In fact, I have rarely seen a buck change hands so many times. From the perspective of the Office of the President and its occupant being moral leader for our Nation, what kind of example does that set for the American people? What kind of moral leadership is that? Each time that a leader fails to take responsibility for his actions, he undercuts his moral authority to lead. Over time, a leader like that loses the confidence of those he is leading, the people of our country.

So, more so than anything else that deals with this issue, dollars and cents aside, righting wrongs aside, that is the issue here, that is the reality of whether moral leadership is going to be the example at the White House. The bill is all about Congress taking the initiative to right a wrong, and those trying to block it are conspiring against the President taking responsibility for his mistakes. But the issue is moral leadership of the White House, a President saying when he is wrong that he is wrong.

So I urge my colleagues on the other side to save the President any more embarrassment. Stop legislative shenanigans. Work with us to do what little we can to repair what was unjustly done to seven dedicated public servants, innocent by a determination of the jury, unfairly fired within just a matter of days of a new President being sworn in.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, again, speaking about the bill that is before us, the bill to reimburse Mr. Dale for his legal expenses that were attributed to him in his defense when the jury found him innocent of the wrongdoing he was charged with supposedly at the running of the White House Travel Office and his firing by the White House, I want to continue my discussion of this legislation by referring to one of the evening news shows. I believe it is NBC that has a segment called "In Their Own Words,"

that lets real people tell a story in their own words without the filter of a journalist's slant on that story. I would like to do my own version of "In Their Words."

On January 24 of this year, a hearing was held in the other body by the Committee on Government Reform and Oversight. The witnesses included the seven fired from the White House Travel Office. I want my colleagues to know firsthand of the indignity suffered by these seven at the hands of our leaders in the White House. So, for the RECORD, I will quote these seven employees in their own words from their own testimony, their own prepared statements before the House committee.

The first statement—and I am not going to quote the whole statement, just portions of it—the first statement is by Billy Dale, the person that the legislation before us involves. He was former director of the White House Travel Office. These are a couple paragraphs from his statement:

It was not easy for me or my family. We were subjected to the most intense intrusions and harassment you can imagine. We were sustained during those very difficult times by our faith and the many friends and professional colleagues who stood by our side.

I had hoped that after the jury found me not guilty so quickly, we could return to the very quiet and simple life we used to live. However, since the release of David Watkins' memorandum describing how he was supposedly pressured to fire the entire staff at the White House Travel Office, I have been subjected to false attacks at least as vicious as the ones I was tried and acquitted. This time, however, there is no trial pending.

To further quote at another point in Mr. Dale's testimony:

What matters to me is that fancy lawyers and others who speak for the White House not be allowed to get away with the lie that my colleagues and I were involved in other kinds of wrongdoing. It also matters to me that people not be allowed to spread the equally vicious lie that I was willing to plead guilty to embezzlement before trial. And, finally, it matters to me that these same people not be allowed to tell the public that the Travel Office was cleaned up and is now managed better.

A further quote from Mr. Dale at another point in his testimony:

All these facts lead us to conclude that the financial mismanagement that the White House says is the reason we were fired is just a convenient excuse. If the President or the First Lady or anyone else wanted us out in order to give the business to their friends and supporters, that was their privilege. But why can't they just admit that that is what they wanted to do, rather than continue to make up accusations to hide that fact?

Another person who testified before the House Government Operations Committee is Barney Brasseux, and I quote from his testimony:

For me, the 19th of May, 1993 was the beginning of a difficult time and the first of several eventful days that turned my life upside down. I was fired, told to vacate the premises within 2 hours, driven out of the White House in the back of a cargo van with no seats, implicated by the White House in criminal wrongdoing and placed under investigation by the United States Justice De-

partment, even though I had no financial responsibility whatsoever in the office.

Many questions and concerns have been raised in these reports regarding the handling of our termination. The manner of our dismissal, the damage to our reputations, the impact of this action on our families, the possible involvement of the First Lady of the United States, and the role of the Federal Bureau of Investigation are just a few. All of these issues are very important to me and I trust to you as well.

A further quote from John P. McSweeney. The title of his position at the White House was assistant to the director, White House Travel Office:

Although I have been a registered Democrat for 44 years, it was not a political but a civil service appointment. This came to an abrupt halt while I was on leave in Ireland when my son Jim called to inform me that the evening news shows had just announced that the entire staff of our office had been fired and that the FBI was starting an investigation for possible criminal activity.

Continuing to quote Mr. McSweeney:

Although the White House recognized that not all of us had any financial authority, for the next 30 months we all became part of a full-blown Department of Justice investigation with Billy Dale as their target. For myself, it involved FBI agents interviewing my neighbors, two grand jury appearances, two Justice Department and FBI interviews, and one meeting with the IRS, along with legal fees of over \$65,000 of my retirement funds.

Over time, where before I had been intimidated, it now turned to complete frustration as the White House had free reign with the media in putting out its story while we were muzzled by the Justice Department. They presented me with a letter that stated that I was not a subject or target of their investigation at the present time, which meant that anything I said could be used against me.

Again, from Mr. McSweeney, he had this to say:

We were already described as no more than glorified bellmen for the press. I would only quote the President at his press conference of last week when he said, "an allegation is not the same thing as a fact" and also that [quoting the President] "the American people are fundamentally fair-minded." [End of quote of the President.]

Mr. McSweeney goes on to say.

I would hope that he [meaning the President] would repeat his statement to some of his spokesmen.

Along these same lines, during your hearings of last week, a new so-what, who-cares attitude seemed to be the new theme for some in this room. During a recent First Lady interview, Mrs. Clinton expressed, as would any parent, how concerned she was and the effort she had made to help her daughter cope with hearing the many negative comments being made about her mother.

Blanche Dale, unfortunately, was not able to do so for her daughters over the past 30 months. She had to sit and watch as her daughter Kim who, 2 days after returning from her honeymoon, had to report to the Department of Justice and show how she had paid for her wedding, her reception, her honeymoon, and, since we were present at her reception, answer questions about any discussions we may have had.

Her daughter Vickie, when interviewed by the Justice Department, in explaining that she was giving her cash car payments to her father so that he could deposit them in the White House Credit Union for her, was asked

if she was not uncomfortable with giving her cash to someone who was stealing money from the Travel Office.

To those who say so what, you should remember that the American people may have a gray area on legalese, but they know right from wrong.

That is the end of quoting from the House document.

The American people do know right from wrong. That is why a jury of peers of Mr. Dale acquitted him. That is why this legislation is before us, because the American people do know right from wrong. But the White House has not admitted right from wrong yet.

So, Madam President, I want to conclude by saying something that Shakespeare had to say in the play "Othello," because the character of Iago in that play seemed to sum up nicely what each of these seven employees and their families went through. I will quote from Shakespeare.

Who steals my purse steals trash. But he that filches from me my good name, robs me of that which not enriches him, and makes me poor indeed.

That is what we are talking about here, Madam President. And this bill before us does not even begin to address what really makes these citizens poor. Money alone cannot do it, but this bill is a start. So I urge my colleagues to help make a start for them on their road to recovery.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRASSLEY). Without objection, it is so ordered.

Mr. HATCH. Mr. President, I want to make a few comments about this Billy Dale bill.

As everybody knows, Billy Dale was unjustly persecuted. His colleagues were mistreated. The costs to them are unfair. You would think everybody in the Senate would want to immediately rectify all of those wrongs. I hope that our colleagues on the other side will not filibuster this because of their concerns about other legislation that they will have an opportunity to bring up.

This is very, very important legislation. It is fair. It will establish a decent resolution to what really has been awful. Let me just give the time line of some of the Travel Office events so that everybody understands, at least to a certain degree, what happened here.

On May 19, 1993, the White House fired all seven Travel Office employees. At least two of those individuals first learned about their dismissals on the evening news. Talk about a crass way of doing it. The White House first stated that the firings came as a result of an internal audit revealing financial irregularities in the office.

Several months of independent review and oversight hearings uncovered

the actual motivation for the firings. Certain people, hoping to advance their own financial interests, attempted to destroy the reputations of the Travel Office employees and take over the Travel Office business of the White House, and, I might add, some indication of the whole Government. These same persons used White House staff members to initiate a baseless criminal investigation by the FBI. It was one of the low ebbs in criminal law enforcement in this country.

According to the congressional investigation, certain individuals were responsible for the firings—Catherine Cornelius, a cousin of the President employed at the White House; Harry Thomason, a close personal friend of the President and First Lady; Darnell Martins, Mr. Thomason's business partner; and David Watkins, assistant to the President for management and administration. These were the people primarily responsible for the firings.

In December 1992, discussions took place between Ms. Cornelius and World Wide Travel, the agency that served the Clinton-Gore campaign, about the eventual takeover of the White House Travel Office business.

In January 1993, Watkins hired Ms. Cornelius. Soon thereafter, the Travel Office began taking calls from Ms. Cornelius as the new head of the Travel Office.

In February 1993, Ms. Cornelius provided Watkins with a proposal that would make her a co-director of the White House Travel Office and would hire World Wide Travel as the outside travel specialist.

In April and May 1993, Ms. Cornelius began to focus on the Travel Office and with Harry Thomason claimed that there were allegations of corruption within the office. During this time, Ms. Cornelius and Mr. Thomason pushed to have World Wide take over the Travel Office business.

In May 1993, employees of the White House counsel's office, Ms. Cornelius, and others met with the FBI regarding the Travel Office. Although the FBI was unsure that enough evidence existed to warrant a criminal investigation, William Kennedy of the White House counsel's office, former partner of the First Lady, informed Bureau agents that a request for an FBI evaluation came from the highest levels. At this time, it was determined that the accounting firm of Peat Marwick would be asked to perform an audit of the Travel Office.

On May 14, Peat Marwick's management consultants made their first trip to the White House.

On May 17, Mr. Watkins and Mr. McLarty decided to fire the Travel Office staff. Although Mr. Dale offered to retire, Mr. Watkins told him to wait until the review was complete.

On May 19, Patsy Thomason informed Mr. Kennedy that a decision had been made to fire the travel office workers. Kennedy informed the FBI, who warned him that the firings could

interfere with their criminal investigation. Kennedy informed the Bureau that the firings would go ahead anyway.

That same day, before the bodies were even cold, Mr. Martens called a friend from Air Advantage to have her arrange the Presidential press charters. Meanwhile, Mr. Kennedy instructed Mr. Watkins to delete any reference to the FBI investigation from talking points on the firings.

At 10 a.m. that same morning, Watkins informed the travel office employees that they were being fired because a review revealed gross mismanagement in the office. They were initially told that they had 2 hours to pack up, clean out their desks, and leave. Watkins learned that press secretary Dee Dee Myers had publicly disclosed existence of the FBI investigation as well as the Peat Marwick review. Later that same day, Myers gave another press briefing in which she denied that an FBI investigation had taken place. She claimed that the firings were based on the Peat Marwick review.

Interestingly, the Peat Marwick review was not finalized until May 21, 1993, 2 days after the firings. The report was dated on May 17, however. The report gave no assurances as to either its completeness or its accuracy. In any event, while the report found certain accounting irregularities, it found no evidence of fraud.

In May 1994, the General Accounting Office reported to Congress that while the White House claimed the terminations were based on "findings of serious financial mismanagement weaknesses, we noted that individuals who had personal and business interests in the travel office created the momentum that ultimately led to the examination of the travel office operations." GAO, the General Accounting Office, further noted that "the public acknowledgment of the criminal investigation had the effect of tarnishing the employees' reputations, and the existence of the criminal investigation caused the employees to retain legal counsel, reportedly at considerable expense."

Of course, as everyone in this body knows, Mr. Dale was the only travel office employee to be indicted. And it took a jury only 2 days to acquit Mr. Dale after a 13-day trial.

There was no reason to indict Mr. Dale. There was no reason to tarnish the reputation of these White House Travel Office employees. There was no reason to brutalize these people the way they were brutalized. And there is no reason for us in this body not to pass this legislation unanimously and to resolve this manner in an honorable, compassionate, reasonable, honest, and decent way. That is what this is all about. This is to right a wrong, or a series of wrongs.

It may never fully resolve the tarnishing of the reputations of these people. It may never do that. But at least we can do what we can do at this late

date, because of the injustices that were committed at the White House by certain White House employees and whoever those were who were referred to as those at the top of the heap, at "the highest levels of the White House."

Frankly, whoever they were, they ought to be ashamed of themselves because in all honesty, these poor people, whose situation we are trying to resolve today, have been very badly damaged.

I do not know what it means, by "the highest levels of the White House," but I have carefully stayed away from some of the characterizations that others have given, where there are some facts that would indicate who are at the highest levels of the White House and who were at that particular time.

Just so everybody knows about what is going on here, this legislation provides for payment of the legal expenses incurred by Billy Dale, Barney Brasseur, John Dreylinger, Ralph Maughan, John McSweeney, and Gary Wright. The legal expenses are in connection with the wrongful criminal investigation launched against these seven people subsequent to their firings.

Though Mr. Dale suffered the greatest financial loss, half a million dollars, the remaining six employees collectively incurred about \$200,000 in their own defense. The appropriations bill for the Department of Transportation for fiscal 1994 provided approximately \$150,000 in reimbursement of legal fees. This bill would provide the balance.

This bill would not provide for compensation of all expenses associated with the investigation into the Travel Office matter, such as legal costs incurred in preparation for appearing before Congress. But it would provide for attorney's fees and costs that resulted from these seven defending themselves against criminal charges.

The Travel Office employees will have 120 days after this legislation is enacted make a claim for legal expenses. All legal bills submitted will be reviewed for their appropriateness and any reimbursement will be reduced according to prior Department of Transportation reimbursements.

According to independent counsel statutes, attorneys' fees may be reimbursed to individuals confronted with the unique circumstance of being subject to the scrutiny of a Federal investigation. This is not something that the ordinary U.S. citizen is subject to. In the case of the White House Travel Office firings, the staff of the Travel office was investigated by the Department of Justice, Federal Bureau of Investigation, and the Internal Revenue Service. But for the fact that they were Federal employees, who were fired by the White House, these individuals would not have been investigated by these agencies. The White House was able to bring the power of Federal law enforcement to bear on otherwise

blameless individuals. And people know that they are blameless.

Reimbursement of legal fees under independent counsel statutes was designed, at least partially, because of the potential for political abuse of the investigative power of the independent counsel. The White House has the authority to wield tremendous power with respect to Federal investigations. None of the Travel Office employees held prominent posts in the White House, but they became a target of a Federal criminal investigation. These public servants never should have been scrutinized in this way and forced to defend themselves in this manner.

Hamilton Jordan, who worked for the Carter administration, is an example of a case in which attorney's fees were reimbursed. Mr. Hamilton Jordan was investigated for charges of cocaine use. After an independent counsel was appointed and the evidence was examined, all charges were dropped. I felt that was a low point in our country's history. In defending himself through this ordeal, Mr. Jordan spent thousands of dollars in legal fees. Since the charges were baseless, Congress provided reimbursement of his legal expenses and related costs. His legal fees were reimbursed, in part, because he was a Federal employee and would not, under ordinary circumstances, be subject to an independent counsel investigation. The circumstances of the Travel Office employees are similar in this respect.

Mr. President, I hope my colleagues on the other side are not going to delay this bill. I hope that, as serious and as deeply as they feel about other matters, that they will recognize the injustices that have occurred here and we will all vote 100 to zip to rectify these wrongs that have occurred to these White House people, former White House people.

Like I say, we may never be able to make it up to them because of the tarnishing of their reputations that occurred through this process. But we ought to do the best we can, and that is what this bill is all about. It is the right thing to do. It is the appropriate thing to do. It is the compassionate thing to do. And I think it is a long overdue thing to do.

I do not know anybody on the other side who would vote against this. I do not know anybody on the other side who would differ with what we are trying to do here.

This has been a bipartisan effort. Like I say, 350 Members of the House voted for it, only 43 against it. I think it is time for us to do what is right here, and I hope my colleagues on both sides of the floor will help us get this done today.

I see my colleague would like to speak. I have some other things I want to say on another matter. Is it on this matter?

Mr. PRYOR. Mr. President, if the distinguished Senator from Utah will allow me, I would like to make a few

comments and maybe engage the Senator in a couple of questions, if that is permissible.

Mr. HATCH. That is fine. I will be happy to.

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. HATCH. I yield.

The PRESIDING OFFICER (Mr. COATS). The Chair recognizes the Senator from Arkansas.

Mr. PRYOR. I thank the Chair for recognizing me, and I also thank the distinguished Senator from Utah, the chairman of the Judiciary Committee, for allowing me to make a few comments and observations, plus ask a couple of questions.

First, the distinguished Senator from Utah, Mr. President, just said that the proposal to appropriate or to allocate some \$487,000 to pay the legal fees for Mr. Billy Dale is to right a wrong. I think this body wants to right a wrong, and I think this body, if there has been a wrong committed in the Billy Dale matter, will support the distinguished chairman of the Judiciary Committee.

However, before we do that, I think we need to really ask ourselves what we are doing here.

First, to right this wrong, as the distinguished chairman has mentioned, we are going to be overlooking a very, very large number of individuals who have been wronged. Now, are we going to apply this same test and this same standard, are we then going to try to right this wrong for many, many people who have come to testify before the Special Watergate Committee, who have testified before Kenneth Starr's grand jury and before the trial in Little Rock, AR? What sort of a standard are we going to adopt for these individuals?

For example, Maggie Williams is the secretary to Mrs. Clinton at the White House. Today, she is not a target. Today, she does not expect, I assume, to be indicted. Today, there is no one who stands at the gate with shackles or leg irons to take Maggie Williams off to jail, but today she owes over \$200,000 in legal bills. This is not someone who makes a great sum of money, relatively speaking, Mr. President. This is someone who, basically, was doing her job as she saw fit, along with many other people who are involved in the White House and who have been called before the special committee and before Mr. Starr.

We have had 45 hearings and 5 public meetings. This committee has met 250 hours. The committee has heard testimony from 123 individuals. They have taken depositions from 213 individuals. Some of these witnesses have testified and have been deposed two and three times. These numbers do not include the hundreds of other citizens who have been deposed and appeared as witnesses before committees in the House of Representatives, the independent counsel, the RTC, and the FDIC.

Mr. President, I ask my friend from Utah, is there not some degree of senti-

ment or concern for these individuals? Perhaps I can pose that question to my friend.

Mr. HATCH. This is considerably different from Whitewater. I have to say the Whitewater investigation is not completed. As a member of the Whitewater Committee, I have to say that there is an awful lot of undercurrent, an awful lot that is wrong with what went on in that area. There are a lot of unanswered questions. There are documents still to be delivered. There are questions concerning each of the witnesses who have appeared. I think until that is resolved, as was Billy Dale's, I do not think we can make a determination as to whether we should get involved with attorney's fees.

Let us assume there is a tremendous injustice at the end of the Whitewater matter. I think you are going to have a rough time making that case with all of what some would call the sleaze factor throughout the Whitewater hearings and proceedings. But let us assume that it turns out to be the same as Billy Dale's and the White House Travel Office employees' acquittal or even a clear-cut set of facts that there really was nothing wrong and nobody did anything wrong. I personally believe that is going to be a hard conclusion to reach after having listened and watched the Whitewater proceedings now for a long time. But let us assume that happens. Yes, I would be interested in righting that wrong as well.

In this case, we have come to a conclusion. I think the effective conclusion was when Billy Dale had to go through the litigation and the courtroom proceedings, having been accused of criminal activity, having been indicted and having gone through a jury trial and having a jury of his peers conclude that Billy Dale was an honest man. I think the facts showed he was an honest man throughout this process.

I think that is completely distinguishable, at least at this time. Now, if at the end of Whitewater there are those who have been unjustly treated in the same manner who had the same clear vindication that Mr. Dale and his colleagues have, yes, this Senator would want to do what is right there as well.

Until it is concluded, I do not see how you can argue that is the same situation. Although I have to tell you, I really believe there is far too much of this stuff going on, these counteraccusations back and forth, and far too many things that are done on a political basis.

Frankly, one last thing, since Whitewater—let me just make that point a little bit better, too. I think there is far too much politics played on both sides from time to time. But just to make the point on the Whitewater, I have to say, the subject of Whitewater is the subject of an independent counsel investigation, which Billy Dale's was not, and subjects of an independent counsel investigation will have a right to be compensated for attorney's fees, assuming there is no

wrong, if there is no indictment handed down, and that is the way the law is. So there is a protection built in on the Whitewater matter that is not built in on the Billy Dale matter.

Be that as it may, my colleague has been a friend of mine for a long time. He knows me, and I know him, and he is my friend. He knows if I think there is an injustice, I do not care about the politics, I am going to try to right that wrong. In this case, I do not think anybody denies there was an injustice. I do not think anybody denies there was a series of wrongs. I do not think anybody denies his reputation and those of his colleagues were besmirched and tarnished by inappropriate action by certain people at the White House and others. I do not think he would deny at all there is no other way to get them reimbursed for this travesty which happened to them other than our doing the right thing and compassionately standing up and saying we are going to reimburse them.

Mr. PRYOR. Mr. President, I think it is time to set the record straight. The distinguished Senator from Utah has stated if Billy Dale, who has been indicted and now we are about to pay his attorney's fees—if there is an indictment by the special counsel, by Kenneth Starr, or any other special counsel, if that indictment ever comes forth, then the attorney's fees are not automatically paid, they are not reimbursed if there is an indictment by the special counsel.

We are carving out a very special, new area here, Mr. President, and I think we ought to all know what we are doing.

Mr. HATCH. Let us make it clear. If Maggie Williams, to use the distinguished Senator's illustration, is not indicted, she is entitled to attorney's fees reimbursement. If she is indicted, she is not.

If she is indicted and she is tried in a court of law—and I do not mean to pick on Maggie. The Senator used the illustration. Let us use just a hypothetical. Let us say "A" is indicted. They go to the criminal trial, and "A" is convicted. We are not going to pay the attorney fees in that situation. But let us say "A" is acquitted, then I think it is an appropriate thing for us to come at that time and see what we can do to right the wrongs that were there.

Mr. PRYOR. I think once again, Mr. President, we are setting out Mr. Dale as a very special individual. This is special legislation to benefit him. Others do not have the benefit of this special legislation. I am simply saying that if we are going to do this for one, I do not understand why we do not do it for others.

Mr. HATCH. If the Senator would yield. I do not think we should do it prospectively. I think if we see wrongs, we can right them on the floor. I do not see any reason to have any problem righting this wrong. If there are wrongs that need to be righted in the future, as chairman of the Judiciary

Committee I am going to do my best to right them. My colleague knows that is so. I do not care about the politics and who is on whose side. If I think it is wrong, we ought to do it. But I do not think we should do it prospectively for a blanket righting of wrongs without knowing what case it is.

This is special legislation, there is no question about it. But, Mr. Dale, Billy Dale, is a special case. He was singled out by the White House for an unjust prosecution, frankly, very unjustly so, wrongly so. I think, since my friend is from Arkansas and is the strongest supporter of the President here, that he would give credibility to even the President's comments that he thinks this ought to be righted, these wrongs ought to be resolved.

Mr. PRYOR. Once again, I think, Mr. President, we need to set the record straight. The White House did not prosecute Mr. Dale. The White House did not prosecute Mr. Dale. The Justice Department prosecuted Mr. Dale. He was indicted by a grand jury. He was acquitted. Maybe that is good. I am not here to argue that. I may very well support this, but what I would say—

Mr. HATCH. Will the Senator yield? The Justice Department leaked his plea arrangements. The Attorney General is appointed by the White House. I am not blaming her. The White House has a certain element of control there. White House officials brought in FBI people. They directed the FBI to investigate this.

Frankly, without the White House, this travesty would never have occurred. It was people in the White House who absolutely were wrong. Everybody knows today who brought this about. I have to say, Billy Dale went down the drain financially and reputationwise because of people down at the White House, some of whom have greed on their minds with outside people, who did not care about Billy Dale, did not care who they tramped on. They did not care about this poor little guy who served eight Presidents, and his colleagues, and put them through an untold amount of misery, that he still is suffering from, and has broken them without any justification whatsoever, not any. Even Peat Marwick agrees with that.

Mr. PRYOR. Mr. President, the distinguished Senator from Utah made an impassioned plea for justice, an impassioned plea to, so-called, right a wrong. I hope the Senator from Utah will apply that same passionate plea for justice to my sense-of-the-Senate resolution. I hope that the Senator from Utah will allow me, this Senator from Arkansas, to call up amendment No. 3959 to this Travelgate proposal and allow a sense-of-the-Senate resolution to go forth.

If I might ask the distinguished Senator, has the Senator filled up the tree or is an amendment possible?

Mr. HATCH. The tree is filled up.

Mr. PRYOR. Is there any reason why we cannot amend this bill? I want to know that.

Mr. HATCH. What is the sense-of-the-Senate resolution?

Mr. PRYOR. I am glad the Senator asks.

Sense of the Senate for the reimbursement to certain individuals for legal expenses relating to the Whitewater Development Corporation investigation.

FINDINGS. The Senate finds that—

(1) The Senate Special Committee to Investigate Whitewater Development Corporation and Related Matters . . . has required depositions from 213 individuals and testimony before the committee from 123 individuals;

(2) many public servants and other citizens have incurred considerable legal expenses responding to requests of the Committee;

(3) many of these public servants and other citizens were not involved with the Whitewater Development Corporation or related matters under investigation;

And here, I say to my friend:

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) a legal expense fund should be established to compensate individuals for legal expenses incurred responding to requests by the Committee; and [finally]

(2) only those individuals who have not been named, targeted, or convicted in the investigation of the Independent Counsel relating to the Whitewater Development Corporation should be eligible for reimbursement from the fund.

If they are indicted, they do not get any compensation for their attorneys. If they are not, if they are not named, if they are not a target—how in the world can we keep bringing these people up here, arraigning them before the committee, making them pay their own expenses, making them absorb all these legal fees? How can we do it? I hope you will allow me to introduce and present this sense-of-the-Senate resolution.

Mr. HATCH. Of course, we cannot do that. First of all, there would be somebody in here on every congressional hearing. So we cannot allow that. That is way too broad. Second, you know, our bill does not cover congressional hearings. This Billy Dale hearing does not cover congressional hearings. I am talking about the bipartisan bill of both sides. It does not cover congressional hearings. They are not going to be reimbursed for their attorney fees for that. They are reimbursed for their attorney fees to protect themselves from criminal charges.

Frankly, this is not going to reimburse Mr. Dale for everything he has incurred. It certainly is never going to get his reputation back, although I think everybody who knows him and knows what happened probably respects him even more today for having gone through what he did.

Let me just make a point here. Even some of the most partisan people in the House were in favor of this bill. A person I have a lot of respect for as one of the more intelligent Democrats in the House is BARNEY FRANK of Massachusetts. This is right out of the CONGRESSIONAL RECORD during the House debate. He said this:

Mr. Speaker, the Congress retains always not the right but the responsibility to make

judgments case by case. I think the gentleman from New Mexico has fairly pointed out, should some other individuals come before the Congress and be able to make claims that Congress finds similarly meritorious, they may benefit. I do have to differ a little bit with the argument that says, "Well, we should not do it for anybody if we cannot do it for everybody."

Then he goes on to say:

Mr. Speaker, we unfortunately rarely can do justice for everyone. I have myself, because I served on the Administrative Law Subcommittee, which dealt with claims on the Immigration Subcommittee, been part of bringing to this floor legislation that made some people whole when other people similarly situated were not made whole. We can never do it all. And I think it would be a mistake to say either we do all of it or we do none of it.

Then he goes on to say:

Mr. Speaker, I thank the gentleman from New Mexico, who I think stated it the best way we can. This neither sets a precedent nor precludes someone. Any new case will be judged on the same merits.

There is one of the leading Democrats on the Judiciary Committee in the House, one of the brightest people in the House of Representatives, a person I have worked with ever since he has been here, I have to say, someone who is known as a very intelligent, aggressive, and effective partisan in the Democratic Party, and someone whose liberal credentials I think would match anybody's over here. He made it clear that you just cannot solve every case with one bill.

I will just say this to my dear friend from Arkansas. I feel for people who are called before congressional hearings. I do. I wish we never had to call anybody, except to enlighten us and help us pass better legislation. I do think independent counsel are used far too often. I also think that far too often people do have to hire attorneys around here just to make sure they are protected and they have some protection for themselves.

I understand that personally. There were very unjust accusations against me where I had to hire attorneys that cost me over \$300,000 just to make sure that nobody pulls any dirty tricks on you. Frankly, nobody understands that. Nobody reimbursed me, I have to say. I think there are many, many other Members who have had similar situations where they have been very unjustly treated and where they get stuck with attorney fees. I personally do not like it. I personally think it is wrong.

In Whitewater, I think we do have to wait until it is over, at least until we conclude the hearings, and then determine if people are indicted—if they are indicted; if they are not, they are not—and then determine which cases are those where there has been injustice. It has to be on a case-by-case basis. That is my experience in the Judiciary Committee. Otherwise, we would be the fountain of all money here.

Now, with respect to your amendment, I note that, No. 1, the Whitewater investigation is not com-

plete. When it is, we can consider whether or not we will compensate people for testifying regarding Whitewater. Your sense-of-the-Senate resolution would set a bad precedent to provide compensation even before the investigation is complete.

No. 2, our bill, unlike your sense-of-the-Senate resolution, does not provide compensation, any compensation, for those who might testify before the Congress. It provides compensation in this case for what are legitimate reasons, what are compassionate reasons, what are honest and just reasons, that I think virtually everybody, except 43 Members of the House, would agree with.

I think if my colleague would take my word for it, I certainly will try to rectify any injustices that come in the future, whether from Whitewater or others, and I think maybe by remedying some of these things, maybe we can get Members of Congress and other people who are so quick to smear people to not do so much because it will cost the taxpayer occasionally to rectify these wrongs.

Frankly, I would like to get rid of the smear tactics in the White House, and sometimes in the Congress, and get down to doing our jobs and doing them modestly, without trying to make political advantage, as some have done—I am not accusing the Senator from Arkansas of doing this—as some have done in times past.

I think this is a completely distinguishable thing from Whitewater, even though I understand the distinguished Senator has many friends who have been involved in the investigation and is concerned about them, as I would be if I was their Senator. I think, justly, he is raising these issues so we will be more sensitive about them in the future. I assure my colleagues I will be sensitive about them.

Mr. PRYOR. Mr. President, I think there is another injustice here, and that injustice is that we are bringing this measure to the floor of the Senate and we are being precluded from offering any amendments to it whatever. We cannot offer any amendments to it.

Now, I wonder how defensible that position is by the Senator from Utah, when all that I have here is a simple sense-of-the-Senate resolution. It does not require anything. It does not appropriate one dime. It merely says that a legal defense fund should be established to compensate individuals for legal expenses incurred, responding to requests by the committee, and only those individuals who have not been named, targeted, or convicted in the investigation of the independent counsel related to the Whitewater Development Corp. should be eligible for reimbursement from the fund.

Does the Senator from Utah say that he is going to preclude me from offering this amendment, this simple sense-of-the-Senate resolution?

Mr. HATCH. I am saying that the Senator is already precluded because the trees are filled up.

Second, we should just understand here, the reason why the trees were filled is because this is a noncontroversial, bipartisan-supported, I think, 100 to zip vote in the Senate, and some of our colleagues on the other side want to load it up with controversial partisan amendments.

Frankly, I would just like to pass the bill and find the right vehicle to bring up the partisan amendments. With regard to the Senator's sense-of-the-Senate resolution, which I think he would have to admit would not be binding on anybody, frankly, I think the Senator should take my word that if there are injustices with these people, we will work them out in the future. As chairman of the Judiciary Committee, I do not want any injustices there any more than I do in the case of Billy Dale. Until the investigation is complete, I think it is untoward for us to try to set up or even mention in a sense-of-the-Senate resolution that we should set up a general fund to take care of these things. We can take care of these things.

In the past when we have had injustices, we have come in with special bills like this to resolve them. That is the way they ought to be done. We have not resolved all injustices in the past. I know some that should have been but were not. In this case, this is one everyone admits ought to be adjusted, except for 43 Members of the House of Representatives. I think everybody in the Senate thinks it ought to be adjusted and resolved. I personally want to get this resolved. I hope my colleagues will let us do it. I think, of all the things to filibuster, this should not be it.

I can see other heavyweight bills where there is widespread political disagreement when a filibuster is legitimate. I would be the first to say you have every right to do it. On this bill, I think it is unseemly. It smacks of looking like you are trying to protect a White House when we just want to get it over with, or I want to get it over with and right this wrong. By dragging it out, you are saying you are not willing to right a wrong.

Mr. PRYOR. Mr. President, there is not one Member on this side of the aisle of the U.S. Senate trying to slow this bill down. We are not trying to slow this bill down. We are trying to offer a simple sense-of-the-Senate resolution. We have been locked out. We are not going to be able to offer any amendments to this.

Now, another amendment that could slow this bill down—and I assume the Senator from Utah is not going to let this Senator offer that amendment, talking about "to right a wrong"—and that is to deal with the GATT loophole, the GATT loophole as it relates to Glaxo and Zantac, forcing the seniors of America, forcing the consumers of America and the veterans of America to pay an unreasonable fee for Zantac and other drugs, \$5 million a day—\$5 million a day. I do not see the Senator

up here saying we have to right that wrong.

Mr. HATCH. Will the Senator yield?

Mr. PRYOR. Would you permit me to offer an amendment relative to righting that wrong, to protect the consumers from these unfair drug prices?

Mr. HATCH. If the Senator will yield, first of all, it is not a wrong. The Senate Judiciary Committee just passed a bill out to resolve that—

Mr. PRYOR. I want to talk about it.

Mr. HATCH. To resolve that matter, 10-7. That is the appropriate way to debate this. If the Senator disagrees with that bill, the Senator can do so.

I think it is telling here that we have a bill which passed the House 350 to 43 that the President said he would sign to right this wrong, that my friends on the other side of the aisle are attempting to derail.

Mr. PRYOR. We are not trying to derail anything.

Mr. HATCH. Sure you are, if you vote against cloture. Keep in mind, if we have cloture, any relevant amendment—this is amendable by any relevant amendment—if we get cloture, you can bring up any relevant amendment you want. Of course, the GATT amendment is not relevant. Any germane amendment, I should say.

I am really concerned that my colleagues on the other side are more concerned about partisanship than righting wrongs. Everybody knows that the GATT amendment which the distinguished Senator has tried to pass now for months and which is heartfelt on both sides, is certainly not germane to this bill. It is not relevant to this bill. It certainly would cloud this bill, as would any other amendment.

We want to pass a bill that rights this terrific wrong to Billy Dale and to his colleagues.

Mr. PRYOR. Mr. President, I hope my colleague will allow me to say something. No one knows more than the distinguished Senator from Utah that, under some conditions, relevancy does not matter as to an amendment in the Senate. It does in the House but not in Senate. So set that record straight.

Second, the Senator has mentioned that the Judiciary Committee on Thursday, 10 to 7, passed out the solution to the Glaxo amendment.

Mr. President, what this did, this particular measure, I say in all respect to the distinguished chairman of the Judiciary Committee, the Judiciary Committee's proposal to correct the Glaxo issue made matters worse for the generic drug companies by adding 20 more months of patent protection for Glaxo and for a handful of drug companies that are reaping a \$5-million-a-day windfall from our error. That is what the bill did. This bill that came from the Judiciary Committee on Thursday added additional obstacles. It added months and perhaps years of court litigation.

Mr. HATCH. Will the Senator yield?

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 has arrived.

Mr. HATCH. Mr. President, I ask unanimous consent for another 30 seconds for each of us.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. What in the world does the Glaxo thing or the Zantac thing have to do with Billy Dale and getting compensation to Billy Dale? Tell me, what in the world does it have to do with this bill that everybody agrees ought to be passed, including the President?

Mr. PRYOR. Because it is based upon the same principle the Senator from Utah enunciated when he got up to speak. This is to right a wrong. The GATT issue is to right a wrong. I subscribe to that same issue.

Mr. HATCH. Well, there are two sides to that issue. Thus far, the Judiciary Committee has taken a side that the distinguished Senator from Arkansas does not agree with. The fact is, there is a time to debate that bill. Let us bring the bill up and have a full-fledged debate, and I think everybody will realize there is much merit as to what the Judiciary Committee did.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. I ask unanimous consent that the time before the recesses be extended for 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REAL WELFARE REFORM

Mr. BREAUX. Mr. President, while the discussion has been interesting, I want to bring to the attention of my colleagues an article on Sunday with reference to the President's statement on welfare reform, which I think is very significant. While the Congress tries to come together on a welfare reform plan, it is very clear that the administration is trying to move forward on its own to get things done which are real reform. He said—and I totally agree—"We have to make it clear that a baby doesn't give you a right, and won't give you the money, to leave home and drop out of school." The President said that in his weekly radio address.

The Executive order that followed up on that statement, I think, is real welfare reform. What it does is simply require, through Executive order, without waiting on the Congress, that States require that teen mothers, who are having children, stay at home or live at home in adult supervision, or go to school, and that if they do neither, their welfare benefits would no longer be allowed to continue.

With this executive action, all 50 States will now be required to keep teen mothers, who are on welfare and who have children, in school; and that for the first time, the administration will now be able to—and intends to—audit all of those States to make sure that, in fact, they are doing that.

In addition, all 50 States will now be able to provide what are, in essence, rewards to encourage those who do stay in school, but also sanctions for those who do not. Teen mothers in all 50 States, who have dropped out of school, will now have to sign personal responsibility plans requiring them to get a job or go to school.

The whole idea behind this is self-sufficiency. It is clear that the whole system has not worked. In addition, all 50 States will be encouraged to require minor mothers to live at home, or with a responsible adult, in order to receive assistance.

Mr. President, it is clear, and we all know that about half of all welfare recipients in our country have their first child as a teenager. If we are really talking about true welfare reform, we have to encourage good behavior, staying in school, or living with an adult family, a mother and father, or a mother, or adult supervisor, to help provide the training for that person.

This action by the President is part of an ongoing effort to try and reform welfare. The administration has given welfare waivers to allow States to be creative to 37 of our 50 States, allowing them to impose tough time limits and tough, new work requirements. The whole idea is to be tough on work but good for children. It is high time that the Congress enact real welfare reform so that we do not have to continue to do it from an administrative standpoint.

But this was a very significant decision. I applaud the administration and President for taking it. Last, I think we are making some real progress in putting the welfare system back on the right track so that people will no longer have to be dependent on it.

It is clear, the President said once again, that having a child does not give you a right; it really gives you additional responsibility. This step on the part of the President will ensure that that responsibility on the part of teen mothers, working with adult supervision and going to school, is going to bring about real welfare reform.

I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:14 p.m.

Thereupon, the Senate, at 12:35 p.m., recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SANTORUM).

#### WHITE HOUSE TRAVEL OFFICE LEGISLATION

The Senate continued with the consideration of the bill.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule

XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 2937, an act for the reimbursement of attorney fees and costs incurred by former employees of the White House Travel Office with respect to the termination of their employment in that office on May 19, 1993:

Bob Dole, Orrin Hatch, Spencer Abraham, Chuck Grassley, Larry Pressler, Ted Stevens, Rod Grams, Strom Thurmond, Thad Cochran, Judd Gregg, Paul D. Coverdell, Connie Mack, Conrad Burns, Larry E. Craig, Richard G. Lugar, Frank H. Murkowski.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on H.R. 2937 shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. PELL. Mr. President, on this vote, I have a live pair with the Senator from Vermont. If he were here, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

Mr. LOTT. I announce that the Senator from Rhode Island [Mr. CHAFEE] is necessarily absent.

Mr. FORD. I announce that the Senator from New Jersey [Mr. LAUTENBERG] and the Senator from Vermont [Mr. LEAHY] are necessarily absent.

The yeas and nays resulted—yeas 52, nays 44, as follows:

[Rollcall Vote No. 109 Leg.]

YEAS—52

|           |            |           |
|-----------|------------|-----------|
| Abraham   | Gorton     | McConnell |
| Ashcroft  | Gramm      | Murkowski |
| Bennett   | Grams      | Nickles   |
| Bond      | Grassley   | Pressler  |
| Brown     | Gregg      | Roth      |
| Burns     | Hatch      | Santorum  |
| Campbell  | Hatfield   | Shelby    |
| Coats     | Helms      | Simpson   |
| Cochran   | Hutchison  | Smith     |
| Cohen     | Inhofe     | Snowe     |
| Coverdell | Jeffords   | Specter   |
| Craig     | Kassebaum  | Stevens   |
| D'Amato   | Kempthorne | Thomas    |
| DeWine    | Kyl        | Thompson  |
| Dole      | Lott       | Thurmond  |
| Domenici  | Lugar      | Warner    |
| Faircloth | Mack       |           |
| Frist     | McCain     |           |

NAYS—44

|          |           |               |
|----------|-----------|---------------|
| Akaka    | Feingold  | Lieberman     |
| Baucus   | Feinstein | Mikulski      |
| Biden    | Ford      | Moseley-Braun |
| Bingaman | Glenn     | Moynihan      |
| Boxer    | Graham    | Murray        |
| Bradley  | Harkin    | Nunn          |
| Breaux   | Heflin    | Pryor         |
| Bryan    | Hollings  | Reid          |
| Bumpers  | Inouye    | Robb          |
| Byrd     | Johnston  | Rockefeller   |
| Conrad   | Kennedy   | Sarbanes      |
| Daschle  | Kerrey    | Simon         |
| Dodd     | Kerry     | Wellstone     |
| Dorgan   | Kohl      | Wyden         |
| Exon     | Levin     |               |

PRESENT AND GIVING A LIVE PAIR

Pell, for

NOT VOTING—3

Chafee

Lautenberg

Leahy

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. GRASSLEY. 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. BOND. 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. BOND. Mr. President, I and many others are very disappointed we cannot move forward on this legislation. I believe this legislation is very important to provide relief for Mr. Dale and six other members of the White House Travel Office. I think it is the right thing to do. To me, the bill is a decent gesture that Congress can make to seven individuals who have been forced to endure a tremendous injustice. These people were publicly, knowingly, and wrongly accused of severe improprieties. They had their careers put in jeopardy, their finances devastated and their reputations forever stained for what appears to be an effort for personal gain of insiders.

Three years ago when Billy Dale and the other members of the Travel Office were fired, the statement released by the White House on the firings was a source of immediate concern. It said:

Within the Travel Office, we found sort of gross mismanagement, if you will. There is basically very shoddy accounting practices, mismanagement and a number of other things. In order to correct those, we thought it advisable to take immediate action.

My concern over those firings was certainly not eased when it was disclosed that the Travel Office staff was fired based on an audit that was neither complete nor available to anyone for review. The Travel Office staff was fired and accused of mismanagement without being given the opportunity for a hearing or a chance to clear their names. Finally, travel business that was handled by salaried employees of the Federal Government previously and done on a noncommissioned basis was turned over to a Little Rock travel group.

At that time, I was ranking member on the Treasury, Postal Appropriations Subcommittee, which has jurisdiction over the funding for the White House. I sent a personal letter to the President requesting answers to the questions and the reasoning for selecting the Little Rock travel agency.

Unfortunately, like so many things from the administration, we did not get straight answers. There were half-truths and misleading statements. What the White House should have

done is have the courage to tell the public the individuals were fired so that business could be given to friends of the First Family.

But instead, the White House made the decision to question publicly the integrity of seven career civil servants. Unfortunately for Mr. Dale and his colleagues, they also launched an investigation and a prosecution and hid behind the accusations.

As one commentator stated:

The administration tried to transform a prosaic personnel change into an act of moral heroism.

The President immediately absolved himself saying:

I had nothing to do with any decision except to save the taxpayers and the press money. The only thing I know is we made a decision to save taxpayers and the press money. That's all I know.

The First Lady also denied any involvement. Then an embarrassing memo was released from David Watkins in the White House laying the responsibility for the firing squarely at the feet of the First Lady. Despite this memo, denials continued from the White House. She maintains that she just "expressed concern" regarding mismanagement.

The White House remained unflinching in their refusal to admit that the firings had anything to do with anything other than financial mismanagement on behalf of the Travel Office staff. It was undoubtedly to continue that perception that the White House pushed the Department of Justice on to Mr. Dale. They had a very weak case, and they went forward nevertheless at a tremendous personal and financial cost to Mr. Dale.

Despite the White House spin and the efforts to lay the blame at the feet of Mr. Dale and his colleagues, the facts have come out. These are not pretty.

No. 1, a cousin of the President who had worked on travel during the campaign wanted to head the White House Travel Office.

No. 2, a Hollywood friend of the President had an interest in an airline charter company that wanted to profit from the White House business, and he was not happy the Travel Office was not giving him any opportunities.

No. 3, the relative of the President and the Hollywood friend concocted stories of corruption and people on the take. The President's cousin even took documents and files out of the Office to try to make a case against the Travel Office staff.

No. 4, according to the memo from David Watkins, the First Lady said we would have hell to pay if we cannot comply with the First Lady's wishes to fire the staff.

Finally, the White House made a public statement accusing the staff of gross misconduct. The White House, despite longstanding policy to the contrary, without checking with the Department of Justice, contacted and politicized the FBI to try to back up their efforts.

Unfortunately, after much personal harassment and great disruption and embarrassment to all of the members of the White House travel staff, the punishment did not end there. Mr. Dale was indicted for allegedly embezzling funds. But, as all of us now know the jury found him not guilty in less than 2 hours. As the distinguished chairman of our Judiciary Committee has noted yesterday, that is usually the amount of time it takes most juries to get organized. Talk about an open-and-shut case. That one was clearly it.

Mr. Dale said after his acquittal he was relieved and prepared to go on with his life. Unfortunately, that is not what happened. Within weeks the Watkins memo surfaced—and it squarely contradicted the sworn testimony of the First Lady before GAO investigators—and the Clinton damage control team went into a full-court press. The White House spin doctors, Anne Lewis, the Clinton campaign, and high-priced Washington lawyers, including Mr. Bennett, and even the First Lady herself in interviews, continued to make allegations that had been thrown out in the criminal proceedings against Mr. Dale and the White House staff.

I think enough is enough. The dedicated public servants who worked in the Travel Office have suffered enough. I think that this bill is a small gesture which would not only offer some consolation to these people, but help them get out of the financial hole this whole matter has caused them. It was with great disappointment that we learned that the other side has chosen to filibuster this. My only guess is that this is an effort to save the President the embarrassment of having to sign this bill.

I urged last week that the majority leader bring this bill to the floor so we could hear arguments against it on the Senate floor. I am still waiting to hear any compelling argument. I appreciate the majority leader having called it up. I hope that one of these days very shortly we can get on with doing a very simple act of justice by providing compensation for some of the expenses and costs incurred. I yield the floor.

Mr. GRASSLEY addressed the Chair. The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I believe, considering the results of the last vote, where it is very clear that there is a filibuster by the opposition to hold this bill up, it is important that the public have a chance to weigh in because this is such a political issue here trying to avoid this bill coming to the White House to save the President the embarrassment of signing it. When there are this much politics in the issue, and the public at the grassroots weigh in, they can make a considerable impact on the legislative process here in the Congress of the United States.

This may be one of those times when the public can make a difference, because this is clearly such a political move by the other side of the aisle. If

politics wins out over right, then in the end wrong wins. It seems to me that the public will not want that to happen and they cannot allow that to stand.

This is such a clear-cut issue. First of all, there are seven employees involved that were fired. We have already taken legislative action for the others, but for Mr. Dale, no, because at the time we took action for the others, his trial was pending. Mr. Dale was subsequently then found not guilty by the jury.

So now we are taking action to do for Mr. Dale the same as we did for everybody else. There was not any debate in this body whatsoever over the action that we took on the others. It went through noncontroversial. The situation with Mr. Dale should be handled the same way. It should have gone through here in what we call wrapup at the end of the day and do it where we do all the noncontroversial measures.

But what we have seen today is politics at its best—politics at its best in the sense that the stonewalling is at its best, to see something that is right not to go on, not to go through, because there might be some embarrassment for the President. The Democrats want to protect the President from that embarrassment. Today what we have seen is kind of a drive-by sabotage of this effort to right the wrong that has been conducted against Mr. Dale, because he was unfairly, wrongfully fired.

Maybe there is no question he could have been fired, but the point is how the White House has tried to explain it and supposedly explain it away as a legitimate way of doing business. All the harm that has come to the family, not only of the employee who was fired, but the family because they have been wrongly treated, wrongly treated by a person who ought to know because he preaches the communitarian spirit that we ought to have one toward the other. That is what the President of the United States preaches.

We ought to have charity. This does not show the charity that the President preaches that we all ought to have one toward the other when somebody is wrongfully fired, when you bring the FBI and the Justice Department to bring a guy to trial. Then he has gotten off, and then we are trying to right that wrong by covering the legal expenses of Mr. Dale. It is wrong for the other side, acting at the behest of the White House, to avoid embarrassment for the White House for this all to go on and then at the other time preach a spirit of charity and communitarianism towards one another in this country.

The whole effort is being sabotaged. Worse yet, it is being sabotaged without even the other side engaging in much debate on the issue. They have really succeeded in legislative harassment of Mr. Dale, the same sort of harassment, just in another environment, that has been done against Mr. Dale by the White House, by the Justice De-

partment, by the IRS. Thus continues, as I see it, the White House campaign to avoid embarrassment on this issue.

It is very clearly a clear-cut, right-versus-wrong issue. Politics has won out this day. The President continues to avoid responsibility for his actions. The victims continue to be wronged. That is why when it is so clear-cut, when our judicial system has cleared somebody, then I think it is a time for the American people to weigh in.

I ask the American people to make their voices heard on this issue, to hold the President's feet to the fire. Even if you are a Democrat out there in Main Street America, it seems to me that you want your President to do what is right. What is right is to sign this legislation, to call off the hordes on Capitol Hill that are preventing this measure from coming to a vote, and have the President demonstrate his charitable attitude that he preaches. Tell the President of the United States to show moral leadership, to do the right thing, to sign this bill.

Lastly, if politics wins in this instance, then it wins over right. When that happens, politics wins over right, then wrong wins. The public cannot allow this to stand.

I yield the floor. 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. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REPEAL THE GASOLINE TAX

Mr. GRAMM. Mr. President, there is a growing concern in our country about the rise of fuel prices, the rise of gasoline prices. Obviously, the President shares this concern. We have committee hearings underway. We have studies. We have investigations.

We all know that there is only one thing we can do that is going to bring down gasoline prices immediately. In fact, we have the capacity, by acting now, to bring down the cost of filling up the gas tank on your car, on your van, on your truck. We can save you about \$1 a fill-up by repealing the 4.3-cent-a-gallon tax on gasoline that was adopted in 1993.

That gasoline tax increase did not go to build new highways; it went to general revenue. What we would like to do today is repeal that gasoline tax. We would like to repeal that tax on highway gasoline, on highway diesel fuel, on railroad diesel fuel, on inland waterway diesel fuel, on aviation gasoline, on noncommercial jet fuel, and on commercial jet fuel. We would like to repeal that 4.3-cent-a-gallon tax on each of those fuels, do it today and have that repeal in effect until the end of the year, giving us an opportunity to write a budget and to institute a permanent repeal as part of that new budget.

It would be our goal today to pay for this loss of revenue by cutting the overhead and travel budget of the Energy Department and by selling a very small part of the spectrum, something that the President has supported at a level of \$38 billion of sales, something that the Congress is on record in favor of. On a \$19 billion sale, we would have roughly a \$2 billion sale as part of this package.

If you want to bring down the price of gasoline at the pump, if you want, by Friday morning, to have every filling station in America going out, opening for business, bringing down their posted price by 4.3 cents a gallon, saving every motorist in America about \$1 when they fill up their tank, there is only one thing we can do, and that is repeal this tax on gasoline.

I hope we can do it today. I hope the House can act quickly, that the President will sign it, that we can grant relief. What a great thing it would be to do it on tax freedom day, when the average American family has worked from January 1 until today just to pay taxes.

For the first time this year, they are working for themselves. Today would be an excellent day to repeal this tax, to give relief to motorists and, in the process, let working families keep more of what they earn.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The majority leader is recognized.

Mr. DOLE. Mr. President, I particularly thank the Senator from Texas, who first raised this issue several weeks ago, and I thank him for his leadership. I think it would be an excellent day, since today is tax freedom day. Hopefully, we can reach an agreement here.

I think repeal of the gas tax will pass. The Senator from Texas has outlined how we pay for it—the spectrum sales, which is about \$2.5 billion in savings, and the Energy Department, about \$800 million over the next 7 years. This would repeal it through the end of this year, and the Budget Committee would then come forth with repeal thereafter.

I also add that, of course, it is tax freedom day, and a lot of people have noted that. I am not certain how many taxpayers have thought about it, but, as the Senator from Texas pointed out, tomorrow they are sort of on their own. For the first 128 days, they have been working for the local, State, and Federal Government, just to pay their taxes. That is on the average.

Since President Clinton came on board, we have added 1 week to that because of the big, big tax increase in 1993 of \$265 billion to \$268 billion. So it has already been extended. You have to work an extra week, after 3 years of President Clinton, to get to tax freedom day.

Some would say, well, 4.3 cents is not really worth it. I think that, from the standpoint of sending a signal to the

American people, we are serious about tax reduction, serious about tax freedom day. It is not just a day to make an appearance somewhere or make a statement on the Senate floor. We are serious about it.

As the Senator from Texas pointed out, this 4.3 cents is not going for highways, or bridges, or mass transit, or construction of any kind. It is going for deficit reduction. I have voted for tax increases in the past, as has been pointed out by my colleagues on the other side, to build highways and bridges. That is what we thought the fuel taxes were all about.

In 1990, for a very short period of time, we had to divide a 5-cent tax increase between the deficit and the trust fund so that we could get our colleagues on the other side to go along with the budget agreement of 1990. That would have expired at the end of 5 years. But before that expiration date occurred, the big tax bill of 1993 took that 5 cents and put it all in the trust fund, but then added 4.3 cents to deficit reduction. Therein lies the problem of today. We have a permanent 4.3 cents gas tax for deficit reduction.

The people who build highways, who travel our highways, and use mass transit can understand if you are doing it to make the highway safer, for better transportation, better highways, and mass transit, but not deficit reduction. So we need to cut taxes for the average family. We also need to go back and look at some of the things that were vetoed last year, such as the \$500-per-child tax credit, the expanded IRA's, tax relief for education expenses, estate tax relief for family businesses, marriage penalty relief, and a whole host of things we think are good incentives and should be adopted and would create jobs and opportunities.

American families—at least the ones I visit with—think they are paying enough in taxes. As I said, they are paying a lot more because of the legislation that was passed in 1993, without a Republican vote in the House or the Senate.

So today I am introducing, along with Senator GRAMM, and others, legislation repealing the 1993 gas tax hike. I am going to ask in a moment unanimous consent to bring the gas tax repeal to a vote on the taxpayer bill of rights. The taxpayer bill of rights 2 is pending at the desk. We can bring that up, offer an amendment, have 30 minutes of debate, and vote on it. It would then go to the House, and we will have repealed the 4.3-cent gas tax.

I hope we can have an agreement on this. It seems to me that we know it is going to pass. It is going to happen one of these days. It may as well happen today, as the Senator from Texas pointed out, on tax freedom day. So this would be a good day to indicate that we are serious about it.

There is some question as to whether the repeal would result in lower gas prices for consumers. On Friday, I was

in Virginia at an Exxon station with Senator WARNER, Congressman TOM DAVIS, and others, and we were assured by the owner of the station—in fact, he is the owner of several Exxon stations—that, obviously, it was their intent to pass the 4.3 cents on to consumers. That is how they do business. They know their customers, and the customers are going to know whether or not it has been passed on to them.

Our amendment is drafted to ensure that this happens by providing an immediate tax cut against other applicable excise taxes. We also require that the Departments of Justice, Treasury, and Energy study fuel prices in June, July, and August 1996, to determine whether the gas tax repeal is passed through to consumers. Those Departments would be required to report back to Congress by September 30.

We also propose a sense of the Congress that the benefits of the gas tax repeal be made immediately available to consumers. So we have listened to the concerns expressed by our colleagues. We had the same concerns. We believe the benefits will go to the consumers. Just to make certain and erase any doubt or skepticism, we have added these provisions.

Repealing the 1993 gas tax will cut driving costs for families who drive to work, to school, to worship, or on vacation. There are many reasons for the skyrocketing gas prices. Maybe they will go up. We are not suggesting that the repeal of the gas tax is going to put the halt to rising gas prices, but they will be at least 4.3 cents less. It is one way of cut driving costs for American families and businesses. I think it is something we should do, something we will do. Also, we would like to scrap—and at the appropriate time we will talk about it, later this year—the current tax system and replace it with a flatter, fairer, and simpler system that no longer discourages savings and investment, economic growth, and job creation.

So I urge my colleagues not to object, so we can get on with the work of debating this. It should not take long. It is a fairly clear-cut issue at stake. I will now propound the unanimous-consent request, and I understand the distinguished Democratic leader may have some request of his own. I propound this request.

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UNANIMOUS-CONSENT REQUEST—  
H.R. 2337

Mr. DOLE. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 374, H.R. 2337, an act to provide for increased taxpayer protections; that one amendment be in order to the measure, which will be offered by the majority leader, regarding the gas tax repeal; that no other amendments or motions be in order, other than a motion to table; further, that immediately following the disposition of the Dole-Gramm amendment, the bill be read

the third time, and the Senate proceed to passage of the measure, as amended, if amended, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object, Mr. President, let me begin by saying that I believe this whole effort has a lot more to do with politics than the price of gasoline. We all know what is going on here. We all recognize what day it is.

We all ought to recognize, as well, that this is the first time in our recent history—perhaps in 100 years—that we have been able to reduce the deficit for 4 years in a row—4 years in a row.

So, Mr. President, we find ourselves in a situation here where, because we were able to show some courage and send the right message to the American people 4 years ago with regard to meaningful deficit reduction, now the American people are less in debt and have less difficulty visualizing ultimate success with regard to a real balanced budget than they have had in generations.

So, Mr. President, a lot of our colleagues are very concerned about what this really means. If we can find so convenient an offset, what is wrong with dedicating that offset to real deficit reduction, rather than a gesture which may or may not help the American consumer?

I reserve the right to object now because, I must tell you, I am not convinced that a sense-of-the-Senate resolution, which is all this is, with regard to ensuring that the consumer gets the benefit, is going to provide any confidence to anybody out there. We cannot accept a simple sense-of-the-Senate resolution as our only message to the American consumer that indeed they are going to benefit. With every 1-cent decrease in the tax, we are talking about a billion dollars in new profit to the oil companies.

And so, Mr. President, because we do not have that assurance, because we really think this merits some debate, I would ask that Senator DOLE's request be modified to permit other amendments to be offered from our side of the aisle. Otherwise, this will be the fifth or sixth bill to which Democrats are completely precluded from offering any amendments.

We cannot accept that. If we want to serve in the House, we ought to be in the House. If we want to serve in the Senate, we ought to have a good and open debate about this bill and all other bills that come before us. That is what the Senate process is all about.

So unless we can ensure that other amendments will be offered, then I would object, but I will offer that as a modification and ask unanimous consent.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator is asking unanimous consent to modify the unanimous-consent request—

Mr. DASCHLE. That is correct.

The PRESIDING OFFICER. Of the Senator from Kansas?

Mr. DOLE. Mr. President, I will reserve the right to object.

First of all, if the amendment is to make certain that the savings are passed on to the consumers, I am not certain how that is going to be implemented. I cannot imagine how the Federal Government can in every case determine that in every service station in America—I do not know how many thousands there are—savings are passed on to the consumer. That might take an army of additional Federal employees.

We do require in our bill that the Department of Justice, Treasury, and Energy study fuel prices and make certain it is passed through and report back to Congress by September 30.

I assume, if we found cases of price gouging, then we could take appropriate action. I do not know how we would do it in advance, how we would monitor, police such an effort all across America. So I do not know what else—we did it to indicate our concern, too. Obviously, consumers want to get a price decrease. They are not looking for repeal of the tax and then nothing changes for the consumer.

So I say if the amendment is with reference to the gas tax, we might be able to reach some accommodation, but I assume the Senator has in mind other amendments that reach far beyond the gas tax. Is that correct?

Mr. DASCHLE. If the majority leader will yield to allow me to respond, the answer is in the affirmative. Obviously, we have attempted in good faith to offer the minimum wage amendment to a number of other bills simply because, as the minority, we do not have the opportunity to have an up-or-down vote on the minimum wage. Studies have shown that an increase in the minimum wage provide over 100 times more benefit to the consumer and to the average working family than this meager amount of tax relief will provide.

So what is wrong with having a good debate on this and other amendments? That is really the essence of the Senate. It is to have a debate about amendments, offered by the minority or the majority, to improve legislation—make it more responsive to people. We are simply trying as best we can to protect our rights in this case as we have in so many other cases. That seems to me to be the price of working through legislation on this bill and on other bills.

So, yes, it is our intention to offer the minimum wage amendment and other amendments to this bill as the current majority did when they were in the minority.

Mr. DOLE. Mr. President, further reserving the right to object, I have thought about this a great deal. I would be prepared to go, I think, further than many of my colleagues would be prepared to go. We would call up another revenue bill—and there are some

on the calendar, I guess; H.R. 2684 comes to mind—and modify the text of that with the repeal of the gas tax and that would be considered, 1 hour of debate—I know the Senator from Massachusetts would only take 30 minutes on the minimum wage proposal; it is in the RECORD a couple of times—and then I would offer an amendment which would be the amendment discussed by the Senator from Massachusetts on minimum wage, 45 cents and then 45 cents, which would raise it from \$4.25 to \$5.15, and we would add to that the so-called TEAM Act.

So it would be repeal of the gas tax, the minimum wage proposal tendered by my colleagues on the other side, with the TEAM Act, and we would have 1 hour on that and then we would vote.

Now, that seems to me to address all the concerns raised by my colleagues on the other side. It would be the win-win that I read about over the weekend. You would have repeal of the gas tax, and you would also have the adoption of the minimum wage which would take you to \$5.15. I am not certain it could be done by July 1. It will take probably longer than that to implement the first increase, and then the second increase would take place a year from then.

So if that offer would be acceptable to the Democratic leader, it seems to me that would answer all of his concerns; it is the minimum wage proposal discussed on the other side of the aisle; it is the gas tax repeal that I think many of my colleagues on the other side of the aisle would vote for, and it would contain a measure reported out of the Labor Committee called the TEAM Act.

I think that might be one way to resolve this, and we would have that debate, have it this afternoon, repeal the gas tax, pass the minimum wage, and send it on to the House. We would be happy to do that at this point.

Mr. DASCHLE. Mr. President, let me just respond briefly, and I know the distinguished Senator from Massachusetts is prepared to respond as well. We have discussed as many scenarios as the imagination will allow. This is yet another iteration.

Basically, all we have said is that we want an up-or-down, clean vote. There are a lot of scenarios that could bring that about. This is another example. Senator LOTT and I have discussed many different ways in which to do this. But we still have not been given the assurance that we could have an up-or-down vote on freestanding legislation. So if the majority leader is now proposing that as an option, not marrying the two but have them freestanding, we will consider that. That is not my understanding, however. I will yield to the distinguished Senator from Massachusetts.

Mr. GRAMM. Will the distinguished majority leader yield?

The PRESIDING OFFICER. The majority leader has the floor.

Mr. DOLE. I yield to the Senator from Texas, and then I will be happy to

yield to the Senator from Massachusetts.

Mr. GRAMM. Mr. President, the tragedy of this thing is that 23 percent of this gasoline tax we are trying to repeal today is paid by families that make less than \$20,000 a year. So whatever we are going to do in the future about allowing management and employees to get together and talk about safety measures, something that I think makes perfectly good sense—I understand the National Labor Relations Board intervened and stopped companies from talking about safety clothing for pregnant women, and that is what the TEAM Act is trying to provide, to allow supervisors and workers to get together as teams—I am for that.

I know the distinguished minority leader is for raising the minimum wage. The point is we can today cut the gasoline tax by 4.3 cents a gallon, we can lower the cost of filling up your tank by the end of the week by a dollar a tank and 23 percent of those savings will go to families that make less than \$20,000 a year.

Can we not do this one thing to help the very people whom we say we are helping with these other provisions? Can we not move ahead with this one provision today and debate these other provisions tomorrow? I do not see why we want to hold this up. The American people are strongly for it. I have heard the distinguished minority leader say that he does not object. We could pass this today. The House could pass it tomorrow. The President could sign it on Thursday. And Friday morning when filling stations all over America open, the posted price could come down by 4.3 cents a gallon, saving a dollar a tank for working people.

Mr. BREAUX. Will the Senator from Texas yield?

Mr. GRAMM. I do not control the floor.

The PRESIDING OFFICER. The majority leader controls the floor.

Mr. GRAMM. My point is that this is something that helps everybody, and 23 percent of the benefits of repealing this gasoline tax accrue to people who make \$20,000 or less. Let us help them today and then we can debate whether something else helps or hurts tomorrow.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. I just say that we would like, of course, first of all, to just pass the repeal of the gas tax today. We have the taxpayer bill of rights at the desk. We can amend that and send it back to the House, as I said earlier. I think it would be an overwhelming vote. We have it paid for. We are not going to add to the deficit. Keep in mind, this 4.3 cents does not go to highways or mass transit; it goes to deficit reduction and that is the big difference.

But in response to the indication from the distinguished Democratic

leader that they would like to offer additional amendments, it occurred to me if we are prepared to repeal the gas tax, which I think a majority of both sides are for here, and are prepared to bring up the minimum wage that the other side has talked for, but with just little amendment called a TEAM Act, we ought to be able to come together on this. Everything they want is in the package, except we have one little piece. The TEAM Act amends Federal labor laws to make clear that employers and employees may meet together in committee or other employee involvement programs to address issues of mutual interest.

Who could be opposed to that, the employers and employees sitting down and talking about issues related to quality, productivity and efficiency, as long as they do not engage in collective bargaining? Who is opposed to this? Guess. The labor bosses. When the labor bosses say, "We are opposed," it reverberates on the Senate floor.

So we are ready to, I guess, accommodate our colleagues on the other side in nearly every instance except in this one area. We would hope we could have an agreement. We could go ahead and finish this afternoon; have a couple of hours debate and pass it. If we cannot pass it, just repeal the gas tax in itself, then let us double up and repeal the gas tax, pass the minimum wage with the TEAM Act added to it, and send it on to the House. It seems to me that would be one way to satisfy concerns of Members on both sides of the aisle.

Mr. KENNEDY addressed the Chair.

Mr. DOLE. I will be happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. I thank the Senator. I am sure the Senator is aware that the value for the average family with the 4.3-cent elimination of the gas tax, if it is passed on—and I think, as has been pointed out here, there is no guarantee it would be passed on—would be about \$28 a year. The increase in the minimum wage is \$1,800 a year, for those who are working on the bottom of the ladder. So the idea that was suggested by the Senator from Texas that "why do we not just do what we can this afternoon and leave that to future times?" is, I think, unpersuasive.

Let me ask the leader, as I understand, on the measure that is currently before the Senate, H.R. 2937, the reimbursement of the White House Travel Office employees, as I understand from the parliamentary situation, it is not in order for either the minority leader or myself to offer the minimum wage amendment on that. Am I correct on that? Am I correct?

Mr. DOLE. That is correct.

Mr. KENNEDY. I am correct on it. Now, as I understand it, the proposal that is being put forward by the majority leader in effect would foreclose any opportunity under his unanimous consent agreement earlier to have any up-or-down vote on independent legislation with regards to the increase in the minimum wage.

Mr. DOLE. It contains the increase you suggested in the minimum wage, 45 cents and 45 cents.

Mr. KENNEDY. Just finally, I am puzzled by the need for attention—for cooperation that the Senator points out, because, under Senator KASSEBAUM's bill, under the findings, she points out that employee involvement, which operates successfully in both unionized and nonunionized settings, has been established by over 80 percent of employers, the largest employers in the United States, and exists in 30,000 workplaces.

That is already in effect at the present time, according to Senator KASSEBAUM's findings. In her report it says the survey found that 75 percent of responding employers, large and small, incorporate some means of employee involvement in their operations. Among larger employers, where there are about 5,000 or more employees, the percentage was at 96 percent.

So I am just wondering, while many of us wonder about the wisdom of putting in the law another piece of legislation that is unnecessary, why we ought to confuse that with the proposal of an increase in the minimum wage which the overwhelming majority of the American people support, and, in fact, the leader himself has supported four out of four times—opposed it eight times in the past but has voted in favor of it in the past, and obviously thought it was meritorious then. Why should we wait for an early resolution of that issue, rather than to follow the suggestions of the leader? Is the leader telling us that is the only way we are going to have an opportunity to address this issue?

Mr. DOLE. If the Senator will yield, I guess it is the other way around. Your leader is telling us the only way we can move the Senate on anything is to vote on your version of the minimum wage.

We have a majority in this body. We have some responsibility to advance legislation, and there is a lot of it on the calendar we would like to advance, including reconsideration of the constitutional amendment for a balanced budget and other matters that have a great impact. We have tried to work it out in discussion. Maybe I understand why it cannot be worked out. But it seems to me we have now suggested—if we cannot do it today just with my first request, then I am prepared to make a second request that would deal both with the minimum wage and the TEAM Act and the gas tax repeal.

The TEAM Act, we are advised by the committee that it is necessary because of the 1992 National Labor Relations Board decision. I do not see what is wrong with employers talking to employees, but the unions do not like it. The labor bosses do not want their people talking to anybody in management. So they have sent the word down we cannot have this, and if we have to filibuster this, we will filibuster this.

The facts were pointed out by the Senator from Massachusetts—what difference does it make if we have it codified? So we are prepared to take it up right now and pass the bill. But if my colleagues on the other side want to filibuster their minimum wage proposal and repeal of the gas tax, then they certainly are going to have that opportunity starting tomorrow.

Mr. KENNEDY. Reserving right to object, Mr. President.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. DASCHLE addressed the floor.

Mr. DOLE. I will be happy to yield to my colleague, the Democratic leader.

Mr. DASCHLE. Mr. President, I admire the majority leader a great deal, as he knows. We all know what he is trying to do.

We all know that the President, for good reason, opposes the TEAM Act, especially in its current form. Why? Because it gives license to companies to set up rump organizations to negotiate with themselves. That is what this is all about. This is not talking to employees. As the Senator from Massachusetts has indicated, they can do that right now. What they cannot do is set up rump organizations to negotiate with themselves and claim some new victory here. That is what this is all about.

So that is what I said earlier, if you will recall. I said if the distinguished majority leader is prepared to separate the issues, the TEAM Act and minimum wage, so we are not amending a bill that is going nowhere, we will take a look at that. But that is not what I understood to be the suggestion here.

So, again, as I said, we want to be real here. If we can be real—if we can come up with a scenario that we know will really work—then we are prepared to negotiate in good faith and come to some resolution here. But to add this amendment to a bill that the distinguished leader knows is going nowhere is not a deal at all.

Mr. KENNEDY. Reserving the right to object, will the Senator yield for one moment?

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I am rather new at this, but it seems to me, when you get what you want plus you get a little icing on the cake, you get to vote to repeal the gas tax, you ought to take it. But now we are told—I did not know the President was opposed to this. I thought certainly he would be flexible on something like this. He probably is. But I know the labor unions have been in town and they dumped \$35 million into different races, and they have certain priorities. I thought their priority was passing a minimum wage increase, not killing the TEAM Act, which is really minor. It is minor legislation.

So here we are prepared—I will probably get a lot of criticism on this side for doing this, but I am prepared to

make this very generous offer to give my colleagues on the other side of the aisle a chance to vote to repeal the gas tax and to have their minimum wage proposal adopted. Who could be opposed to that? All we ask for is just one small, one little amendment. It probably would be hardly noticed by anybody. It simply says that employees can talk to management. They can talk about—in one case, they were talking about no smoking policies, and that was a violation of the NLRB. It seems to me we need to have a little common sense enter this debate.

I have listened. I have been persuaded by the Senator from Massachusetts we ought to take 30 minutes and pass a minimum wage, and we can add another 30 minutes for the repeal of the gas tax. Then we will put in 10 minutes for this little, tiny piece that nobody really cares about called the TEAM Act. Then we would have a package that we could all be proud of and we could accommodate the concerns of my colleagues on the other side of the aisle—I hope. I have discussed this with the majority whip. I think he is willing. I think my other colleagues may not be so willing, but they are prepared to accept this procedure if we can only convince our friends on the other side that we are now willing to give them what they want if they will just say yes.

The PRESIDING OFFICER. The Chair will simply state—

Mr. KENNEDY. Will the majority leader yield for a brief intervention for one question?

Mr. DOLE. I will be happy to.

Mr. KENNEDY. I would urge my leader to accept that proposal if the Senator would be willing to say that the workers will be selected by the employees rather than by the boss of the company. If you want to add that, I urge we move on ahead and get on with the business. That seems to me to be reasonable, that those who are going to represent workers will be selected by workers instead of the company. If the majority leader wants to make that as an amendment to give support to the TEAM Act, I urge we accept that this afternoon.

Mr. DOLE. The bill already ensures workers will retain the right to choose an independent union in the case of collective bargaining. I will be happy to consult my colleague, Senator KASSEBAUM, chairman of the Labor Committee, and run that by her and see what she thinks of it. I have not discussed that. I hope we will not scuttle this whole package over some little modification that may or may not be necessary.

So we are prepared now, or a half hour from now, to proceed, and I know my colleague from South Dakota—I guess maybe to clear up the present point, I object.

The PRESIDING OFFICER. There are two unanimous-consent requests pending.

Mr. DOLE. I object.

Mr. DASCHLE. And I object.

The PRESIDING OFFICER. Objection is heard to both, and the majority leader has the floor.

Mr. BREAU. Will the majority leader yield for a question?

Mr. DOLE. I will.

Mr. BREAU. I want to ask a question. It is a legitimate question. If we can all—almost all can—agree that the minimum wage increase is a good idea, the repeal of the gas tax is a good idea, and the passage of the TEAM legislation, as the majority leader described it, is a good idea, why should we not just take these up separately, debate them separately and vote on them separately? The ones that are good will pass, and the ones not good will not pass. What is wrong with doing them separately?

Mr. DOLE. Let me make it clear, some of my colleagues do not think minimum wage is a good idea. I read some of your colleagues feel the repeal of the gas tax is not a good idea and some of your colleagues feel the TEAM Act is not a good idea. So if you put them all together, it is not quite the good idea as taking them up separately, but when they are together, it becomes a fair idea that will get us enough votes to pass.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DOLE. I will be happy to yield to my colleague.

Mr. DASCHLE. I will wait until the majority leader is finished.

Mr. DOLE. Mr. President, as I understand, everything has been objected to?

The PRESIDING OFFICER. That is correct.

Mr. DOLE. So where are we?

#### WHITE HOUSE TRAVEL OFFICE LEGISLATION

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. H.R. 2937 is the business.

Mr. DOLE. That is the Billy Dale legislation?

The PRESIDING OFFICER. That is correct.

Mr. DOLE. Mr. President, I say to my friend from Massachusetts, we can arrange to modify, chop a limb off the tree here, if we can agree on an amendment process.

Mr. KENNEDY. Why do we not just accept the pending amendment, which will open up the slot, and let us offer the minimum wage?

Mr. DOLE. We could not do that, but I think we can work out something. If you would rather have it on the Billy Dale travel matter just by itself, we can probably accommodate. But based on what the Senator from Massachusetts indicated—and I think we are closer maybe than we have been—I am going to ask the majority whip if he would visit with the Senator from Massachusetts. Let me again indicate, I did not think we would be rejected when

we offered our colleagues what they wanted. But we have been rejected. So we will try maybe a different approach. I suggest the absence of a quorum, unless you want to go.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, we are obviously in a situation now where nothing is going to get done. I think the President's answer to the question is the right one. We are not going to get anything done. We are not going to get the Travel Office issue done, we are not going to get the gas issue done, we are not going to get the Amtrak authorization or anything else done until we can resolve this impasse.

I know the majority leader is acting in good faith to try to find a way with which to do that, but we will remain committed to ensuring our rights as the minority to offer these amendments until we can have that assurance.

I think the distinguished Senator from Louisiana said it as clearly as anyone can. If they are good bills, regardless of whether there is opposition, you could argue about the merits of the bill, but they are bills offered in good faith. They ought to be voted up or down, independently of one another. Mixing them, as is now being proposed, clearly obfuscates the question and ultimately defeats the purpose.

I hope we can recognize that instead of continuing to be mired in absolute paralysis. We do not want to continue that. We want to find a way out, but we are not going to give up our rights. We are certainly not going to give up the opportunities we need to raise the issues we care deeply about.

I yield the floor, and I thank the majority leader.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I think there is probably one more refinement we could make, and then if cloture was invoked on the amendment, the Dole amendment, then we could divide the issue: division I being minimum wage and division II being the TEAM Act, and then we could have a separate vote on each of those.

It seems to me that would be going one step further, and then if there were majority votes for the TEAM Act, that prevails, and if there are majority votes for minimum wage, then there are separate votes on each issue, if that will resolve the problem.

My view is, if my colleagues in the minority are entitled to vote on what they want, why are not my colleagues in the majority entitled to vote on what they want to vote on? We are told we cannot pass anything unless those in the minority vote on what they want to vote on. I had problems at the policy luncheon explaining that to my colleagues in the majority. The minority has that right. Do we have that right to vote on what we want to vote on? It should not be debatable.

So maybe there is another way we can attack it, and we will certainly look for that. We would like to resolve this issue today if we can. Tax freedom day does not end until midnight, so we have several hours here. I will ask the majority whip to get to work and see what we can come up with.

It was our mutual understanding that legislation on the gas tax repeal through December 31 of this year would be offered today. Due to ongoing negotiations on the spectrum language in the bill, I hope that language will be prepared for introduction tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to express my strong support for the minority leader in this exchange effectively. But as he has pointed out, we are foreclosed from offering any amendments to H.R. 2937, which is before the Senate. We were foreclosed from offering amendments on the illegal immigration bill. We had cloture imposed and the request that was made would have foreclosed us from any opportunity of voting on minimum wage or on the gas tax repeal legislation.

I want to say, quite frankly, I understand the position which has been taken by the majority leader where he says, "Well, if the majority wants to vote, why shouldn't the majority vote?" The problem is the minority happens to be the majority with regard to minimum wage. We have the majority of the U.S. Senate on the issue of the minimum wage. That is the reason that the majority ought to be able to vote and not be denied that opportunity to do so.

I, quite frankly, with all respect, find it exceedingly difficult to understand the rationale for denying us the opportunity to deal with this issue up or down. We have done it in the past. The majority leader has voted in favor of that legislation in the past four times since he has been in the House and the Senate. He has voted against it eight times. He has voted for it in the seventies and eighties. We had hoped he would vote for it in the 1990's. That legislation, it is my understanding, were separate pieces of legislation. That is all we are asking, do what we have done before and permit the Senate to address it.

So, Mr. President, it is important to know that we have every intention of offering that amendment on every piece of legislation that is going to come through here. We can go through these gymnastics in terms of denying Members the opportunity to raise issues and present them to the Senate, although that is inconsistent with the great traditions of the Senate over a long period of time. Maybe that is the way it is going to be run at the present time, but that is certainly inconsistent with the Senate that I have seen here, both under Republican and Democratic leaders, for over a period of some 30 years.

I hope that we will have the opportunity to work out this impasse because, basically, all we are talking about is trying to provide for working families who work 40 hours a week, 52 weeks of the year the opportunity to get a livable wage to provide for themselves and their families. There is a great deal of rhetoric on this floor about the importance of work, and yet we have a key opportunity to do something to reward work, working families, which we have done under Republicans and Democrats alike over the history of time, and for over 60 years, and yet we are being denied that opportunity to do so now. I think that is often a tenable, unfair position to assume.

Finally, Mr. President, I am more than glad to get into a discussion on the action of the TEAM Act. As I mentioned earlier, even from the existing findings by our committee, it indicated this kind of cooperation is taking place today with some 80 percent of the largest employers. From those surveyed, 75 percent of responding employers, large and small, have incorporated means of employee involvement in their operations. That is happening at the present time.

The question is whether those who are going to be representing the employees are going to be the representatives selected by the employees or whether they are going to be selected by the company store or the company union. That is the basic issue. No one is against cooperation. We are in complete support for cooperation. With all respect, the case in 1992, the Electromation case, does not deny the opportunity for that kind of cooperation.

We have supported that type of cooperation that we have seen in the State of Washington where employers and employees worked effectively together to reduce occupational health and safety risks and have seen about a 38- or 40-percent reduction in workers' compensation, and the associated industries in that State have said that it saved manufacturers about \$1 billion over the last 6, 7 years.

That is happening today. That is happening today. We are all for that. That can take place today. It is happening in the State of Washington and the State of Oregon. Basically, what this proposal is is an antiworker and an antiunion kind of a proposal. I do not question that that is the position of the majority. They have been opposed to the minimum wage. They are opposed to Davis-Bacon to try to provide a construction worker with an average of \$27,000 a year. They oppose that.

They put further restrictions on the earned-income tax credit which is for workers making below \$25,000, \$27,000 a year, a program that President Reagan warmly endorsed as the best anti-poverty program that can help have a positive impact on children. They are against that particular program as well. They have come out here with

opening up the pension programs for workers to permit corporations to take those pensions that did not belong to the corporations. We voted on that, and in spite of the fact we voted on it, the same provision came right back out after the conference.

The families of workers have taken it on the chin with the proposed reduction in education programs, the largest one that we have had in the history of the country, which we have defeated, and also the assaults on the increase in the Medicare Program and standards for nursing homes on Medicaid. These are the parents of working families.

So the idea that we have under the proposal of cooperation, the TEAM Act, and to say, "Look, all we want to be able to do is, in a competitive society, permit workers and employers to be able to work together to increase productivity," that is taking place all over this country. The report from our Committee on Human Resources indicates that, not only in the bill itself, in the findings, but also in the report.

There is something more behind it. And that is, instead of the workers being able to be chosen by their fellow workers to represent their interests, the boss gets a chance to do it. The boss gets a chance to set the agenda. The boss gets a chance to—the CEO of that company—to say when they will have those meetings. The CEO has a chance to decide whether these employees will continue to serve. That, my friends, is a dramatic change in the whole question of collective bargaining, and it deserves some debate.

This is not about cooperation in the workplace. It is far from it. We will have a chance to address that issue. It is a serious issue. We ought to have an opportunity to address it and to consider it. As I said, if the majority leader wanted to make sure that the employees that are going to be represented in that negotiation and in that cooperation are going to be employees that are selected by their fellow workers, by the unions in the companies and plants where they are unionized, and by the workers themselves in other plants, then we can move, I think, in an important way toward attempting to try and deal with this legislation in a very expeditious way. But that is not at the bottom of it. We know what is driving this legislation. It is antiworker legislation. It deserves to come under the debate and discussion here on the floor of the Senate.

Mr. President, I have just received a letter that has been sent by Secretary Reich on the TEAM Act. I will just take another moment of the Senate's time. I see others who want to address the Senate. This is a copy that was sent to the chairman of the committee and to the ranking minority member.

DEAR CHAIRMAN KASSEBAUM: We understand that your Committee may consider S. 295, the "Teamwork for Employees and Managers Act," on Wednesday, April 17. This bill would amend section 8(a)(2) of the National Labor Relations Act (NLRA) to broadly ex-

pand employers' abilities to establish employee involvement programs. I am writing to emphasize the Administration's opposition to S. 295, and to urge your Committee to not order the bill reported.

Section 8(a)(2) of the NLRA states that it is an unfair labor practice for an employer to dominate or interfere with the formation or administration of any labor organization. This provision protects employees from the practice of unscrupulous employers creating company, or sham, unions. Although S. 295 does not state an intent to repeal the protection provided by section 8(a)(2), S. 295 would undermine employee protections in at least two key ways. First, the bill would permit employers to establish company unions. Second, it would permit employers, in situations where the employees have spoken through a democratic election to be represented by a union, to establish an alternative, company dominated organization. Neither of these outcomes is permissible under current law nor should they be endorsed in legislation. Either one would be sufficient to cause me to recommend that the President veto S. 295 or other legislation that permits employers to unilaterally set up employee involvement programs.

The Administration supports workplace flexibility and high-performance workplace practices that promote cooperative labor-management relations, but has concerns about the impact of the TEAM bill. Current interpretations of the law permit the creation of employee involvement programs that explore issues of quality, productivity, and efficiency.

Just as I said.

Current interpretations of the law permit the creation of employee involvement programs that explore issues of quality, productivity, and efficiency.

It should be noted that the National Labor Relations Board has recently decided five cases involving employee involvement programs. In two of the five cases the Board found that the cooperative group at issue did not violate section 8(a)(2). The other three present classic cases supporting the concerns voiced above. Moreover, it appears that several more cases are pending before the Board which concern the relevant issue.

For the foregoing reasons, the Administration opposes the enactment of S. 295. If S. 295 were presented to the President, I would recommend that he veto the bill.

The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

ROBERT B. REICH.

The point is, Mr. President, as the letter indicates, this legislation, for the reasons outlined here, and that I stated very briefly, would provide a dramatic change in the current law. The idea that we could dispose of it in 10 or 15 minutes—that was going to be suggested for it—I think demonstrates a real disrespect for the legitimate rights of workers in this country to be able to pursue their interests, both those that are unions as well as those that are nonunion. It is too important a bill and too important a concept to be treated trivially. We will have more to say at an appropriate time. I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, at the request of the distinguished majority

leader, I will be happy to meet with the Senator from Massachusetts and talk about a procedure whereby these various bills could be brought up for consideration in the Senate later on today or certainly tomorrow.

I will repeat what the leader just said. This is a case where the majority has offered a deal to the Democrats that they ought to just say yes to. It is a fair proposal. As a matter of fact, the leader offered not one, not two, but three proposals as to how we can get these issues up for consideration.

First, he urged that we not hold up this White House travel matter, that we go ahead and proceed with the legislation that will allow for Billy Dale to be reimbursed for his expense that he had to very unfairly endure.

As a part of that, the leader asked that we be able to go ahead and bring up this afternoon the gas tax repeal amendment. That was objected to.

He then said, we could come up with a procedure that could be offered tomorrow whereby we could consider the gasoline tax repeal, the minimum wage that the Senator from Massachusetts has been so aggressively advocating, and the TEAM Act, which I want to point out right at the beginning is supported by the chairman of the Education and Labor Committee, supported by Senator KASSEBAUM from Kansas, and one that has broad support, not only from employers, but from a lot of employees that would like to work together with the employers on these issues. I will talk more about that in a moment.

He said we will get all three of them up, have a chance to discuss these issues, and be able to vote on it. That was objected to. Now, the minority leader got an opportunity to have the minimum wage considered, a repeal of the gas tax, which the American people overwhelmingly approve, with this one small addition of the TEAM Act. That was objected to. They got what they were asking for. They just do not seem to be able to say yes to a fair offer from the majority leader.

Then, the third proposal he made was, look, we will just consider them independently, separately. We will have the minimum wage that can be offered and voted up or down, the TEAM Act can be offered and voted up or down. Apparently that is objected to. The indication is that the minority would even filibuster a fair offer where each side gets to offer a proposal they feel strongly about. We would have a vote, and go forward. But that, once again, as I say was objected to.

I really think the American people need to take a look at what the majority leader just did. He offered not one, two, but three very fair proposals on how we can proceed on these issues. I will talk to the minority leader and to the Senator from Massachusetts more about that.

Let me talk a little bit about the proposals we have been talking about. On the gas tax repeal, I want to remind

my colleagues that this was included in the tremendous tax increase that was passed with no Republican votes in 1993. This 4.3-cent gasoline tax would not go into the highway trust fund as we have most often done in the past, but would go into the General Treasury, into the dark, deep hole of the General Treasury and, as a matter of fact, probably made no contribution to reducing the deficit, but it did raise gasoline taxes.

Now, the minority leader said that we are now looking at deficits that have gone down, but the fact of the matter is we have more debt now than we have ever had in the history of this country. The debt has gone up. It continues to go up. If we had gone along with the President's proposals, there would be no end to \$200 billion deficits into the future. We also have the highest tax burden on the American people right now than we have ever had in history—not just income taxes, but gasoline taxes, estate taxes, all the myriad of taxes the American people have to deal with. That is why we go right up until May 8 where people finally get a chance to get out from the burden of taxes to make use of their own money without it being taken for taxes.

It is a very fair proposal that we repeal this 4.3-cent gasoline tax and that we not allow this money to go into the General Treasury. We should have a gasoline tax go to build roads and bridges. We need that all over this country. We have highways and bridges that are deteriorating, need work, and the highway trust fund is not being released so that the bridges and highways can be improved. It is argued, well, 4.3 cents a gallon does not amount to much. Tell that to people driving 40 miles, 50, or 60 miles a day round trip or more to get a job, in many rural States in America. It adds up to over \$25 billion over the next 7-year period. This is a lot of money.

It is one way we can provide some immediate relief on the gasoline tax increase, or gasoline price increase that we have seen. It would go to the people. There is no way that these companies and gas stations would just take that 4.3 cents and absorb it. They would pass it on to the people. It was a telling point that the Senator from Texas made that 23 percent of the taxes that have paid for this is from families that make \$20,000 a year or less. They are the ones that are hit the hardest by this gasoline tax.

Let me talk a little bit about the TEAM Act because I think a lot of misinformation has been given. Over many years, the Federal Government laws have more or less assumed that workers and managers have an adversarial relationship. We should not have that. I think we are beginning to get away from that. Managers and employees should be working together. The attitude over the past 50 years has been that the employers and the employees really cannot work together to improve efficiency and productivity. The

TEAM Act responding, though, to the NLRB, the National Labor Relations Board, a decision in 1992, the Electromation decision that has had significant consequences in recent months and in the last 2 years. There is beginning to be, now, a movement away from the cooperation that we had seen over the past few years.

Yes, there are currently 30,000 companies with workplace cooperative programs, but this decision and others have put a chill on that. There is an effort to move away from this cooperation. This act, the TEAM Act, just amends the Federal labor laws to make clear that employers and employees can meet together, in committee, or other employee involvement programs to address issues of mutual concern. Perhaps it could be smoking or it could be something that involves the quality of the workplace or productivity and efficiency—as long as they do not engage in collective bargaining.

There are a couple of other points that have been overlooked in some of the things that have been said on the floor today. The bill does not allow employees or employers to establish company unions or sham unions that undermine independent collective bargaining. So that is a mistake when it is inferred that there will be these company unions that would be formed. The bill ensures that workers will, however, be able to continue to retain the right to choose an independent union to engage in collective bargaining.

What we are talking about here is freedom of employers and employees to work together. That is not a big issue that is going to stir up a lot of controversy except for the labor union bosses. I repeat, even the workers, even employees like these arrangements. That is why in 30,000 instances it has been occurring. But it has been drifting away because NLRB is putting out decisions that undermine this type of cooperation, this type of freedom of employees and employers to work together.

I urge my colleagues to take a look at this TEAM Act. I will work with the Senator from Massachusetts and others to see if we can come up with a very fair package that will allow us to vote on all three of these issues. Then we will have dealt with them, and in a reasonable amount of time. The TEAM Act is not new. It has been reported out of committee. It is ready for consideration by the Senate. I am sure the majority leader would say we would allow adequate time, but after a period of debate there would be a vote here on that without a lot of amendments to completely take it apart.

We could have adequate debate on the minimum wage issue and on the repeal of the gas tax. All three of these issues could be addressed and we could move on with the business of the Senate. We have other issues that are very important that we would like to get debated and completed soon. We would have the budget resolution coming up

next week. We need to get these issues addressed this week and move to budget and the appropriations process. I yield the floor.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Louisiana.

Mr. BREAUX. Mr. President, what the majority leader has presented to the Senate as an option is the old idea of mix and match. My wife tells me it is a great idea when you are shopping for clothes that you go out and mix and match and buy different things and try to mix and match them until you come up with a pretty good outfit. The problem is mix and match does not work in dealing with legislation. It may be a good way to buy clothes but a lousy way to legislate.

If you have three good ideas for bills, what is wrong with bringing them to the floor and debating? What is wrong with after you have dealt with the first, bringing up the second, follow the rules of the second, and then move on to the third. Let the Senate vote on each one of the appropriations. Why try and mix and match pieces of legislation that do not fit? When you are buying clothes and you mix and match and you buy the wrong size or color combination, you come out with a lousy product. The same is true when you try and put together pieces of legislation that do not fit, that are not the same color, that are not the same size. You come up with something that makes no sense. Mix and match may be good for buying clothes, but it is not for passing legislation.

I suggest that what we ought to do is look at each one of these propositions and talk about, then debate them. Some have merit, some have less merit, and some, I think, should not be passed at all. But there is no reason that I can see that you should somehow bundle everything up and have one opportunity to vote up or down. If you have bad items with good items, it just did not fit and should not be put together. They should be voted on, should be debated, and we should follow the rules of the Senate in considering legislation when it comes up in an orderly fashion.

I want to comment on the idea of repealing the 4.3-cent gas tax that has been suggested by the majority leader. I think it is an idea without merit. I think it is clearly a political idea, and being from Louisiana I have no problems with political ideas if they work. But if they do not work, a political idea is bad public policy.

Here is a case of exactly that. I will comment on why. No. 1, it is a dagger to the heart of any effort to balance the budget. In 1992, before we had the 4.3-cent gas tax, the Federal deficit was \$290 billion. People in this country said, "Senator, do what is necessary to reduce the Federal deficit, get us on a slope, a downward path towards a balanced budget." Congress took some tough steps. No one said it would be easy. Our constituents said, "Do it,"

and we passed a budget reconciliation bill that had the 4.3-cent gas tax in it.

Today, instead of having a \$290 billion Federal deficit, economists and the CBO tells us the projected deficit for this year is \$140 billion. Did that just happen? No, it happened because Congress had the courage and the guts to do something to bring the deficit down, to cut it by over 50 percent, which is where we are today. The first time things get tough, people start running for cover, and the first cover is, let us repeal the 4.3-cent gas tax. But let us just do it until after the election. Is that the clearest political proposition that you could possibly ask for in a political year? I think it is.

When we passed the 4.3-cent gas tax, after we passed it, the price of gas at the pump was lower than before. Do you know what caused all of that? The whole thing I thought everybody really believed in—it is called supply and demand. When you have a shortage of supply and a high demand, the price for the product is going to go up. When the opposite is true, the equal opposite result is also true. When you have an excess of supply and low demand, the price goes down.

I thought our colleagues on this side of the aisle were real believers in the marketplace. And the marketplace is what has caused, along with other congressional actions, a spike in the price of gas between the months of April and May.

Interestingly enough, last year, if anybody wants to look at the records—not Democratic records or Republican records—prices at the gas pump have increased before by 6 cents a gallon between April and May. And, as normal, toward the end of the summer and early fall, the price started going back down. At the end of the year for 1995, the average price of gasoline in this country was lower than it ever has been in recorded history, when adjusted for inflation, which is the only fair way of looking at it. It was lower in 1995 with the tax than in 1994, which was lower than it was in 1993, which was lower than it was in 1992, which was lower than it was in 1990. And you can go all the way back to about 1920. But what the 4.3-cent gas tax helped us do was to reduce the deficit from \$290 billion down to \$140 billion. It is a consumption tax. It all went for deficit reduction, which my colleagues on that side of the aisle said is the most important thing we can do—get the deficit down. We got it down. And the first time it gets a little difficult, everybody runs for cover—well, not everybody, but a large number run for political cover because we have had some complaints in that the price of gas is too high.

Instead of saying to our constituents, "Let me tell you what really caused it. We produced 8 percent more heating oil over last year because we had colder weather." That is not the fault of anybody in Congress. That is just what happened. That was nature. The colder

winter meant that we produced 8 percent more heating oil than gasoline.

In addition, something that Congress did was, we took the speed limit off and people started driving faster. Guess what? When you drive faster, you burn more gasoline. When you use more, it is going to cost more. Remember the law of supply and demand? People are using substantially more gas because of the repeal of the speed limit.

In addition, because of the Clean Air Act, which most Members support, and which I support, we told refiners in this country—particularly in California—"You are going to have to change your refinery, tear it down and rebuild it so you can now produce reformulated gasoline." Guess what? When they are not able to produce gasoline, you have less on the market and the price will go up as well.

I will give you another item that I think is one of the major things that has been done. Today, cars do not get as good gas mileage as they did when we were concerned about the price of gas, 4 out of 10 cars in America average about 14 miles per gallon. People are buying utility vehicles, larger cars, and they drive faster and further, and they are using more gasoline. Is it any surprise why the price of gas has gone up in the country?

For the life of me, I cannot follow anybody's argument that when you take the 4.3 cents off of the refineries at the pipeline, that it is going to automatically translate into 4.3 cents less at the pump. When I first heard this idea, I said the other day that lowering the gas tax by 4.3 cents has as much to do with lowering the price to consumers at the pump as spitting in the ocean does to raising the sea level, because there is absolutely no correlation that if you lower the tax that is paid for by oil and gas companies, they are going to necessarily pass it on to consumers at the pump—just like they did not increase and pass the increase on to the consumers at the pump when we passed it back in 1993. After we passed the increase, the price of gas at the pump was substantially lower than it was before we passed the gas tax. Why? The law of supply and demand. The price of crude oil started coming down, and the price of gas continued to go down. Consumers were not affected by the adding on of the 4.3 cents at that time.

I suggest that unless my colleagues on this side of the aisle or on my side of the aisle want to come in here with price controls—remember those, wage and price controls both?—come in here and mandate that everybody pass it all the way down the line to the consumer, there is absolutely no guarantee, or even a reasonable expectation that a consumer is going to really see the difference at the pump. So I think we have to be very careful, because I am concerned, as one member of a group that is trying to reach a balanced budget in a bipartisan fashion, where are we going to make up \$30 billion in

lost revenues, which can go to balancing the budget. If we lose this 4.3-cent gas tax, where will it come from? I heard a colleague on the House side suggested that we could cut education. Are we that weak in this country that we are willing to say we are going to cut education in order to pay 4.3 cents less at the pump? Is there no concern about our future and the future of our children, and we are willing to say we are so weak politically that we are going to cut education in order that we can have a 4.3-cent lower price at the pump, which is not guaranteed at all? Maybe all the oil companies—and my State has a few—will have a 4.3-cent increase in their profits per gallon, but there is no guarantee that the consumer will benefit. But to cut education to pay for this? Where are our priorities? Have we lost sense of the fact that education is the most important thing to do for our children and for future generations? Are we willing to say we are going to cut education before we stand up and do what is right regarding this? I think that is the wrong priority.

I heard somebody else say, "Let us sell the spectrum." We have heard that before. Boy, we have sold the spectrum more than we have sold the Brooklyn Bridge. Every time they want something, they say, "Let us sell the spectrum, and we are not going to step on anybody's toes." We are going to get \$30 billion from selling the spectrum—again? For what purpose?

I think that we have to be very careful about doing something in a political year and making it last only until the next election, which I think is very clear; you can see through it as clear as pure water. A lot of people talk about a flat tax. A flat tax is a consumption tax. I believe we ought to be taxing productivity less and consumption more. This proposal goes exactly contrary to that. We are taking a consumption tax, which, hopefully, regulates behavior in a proper way, and makes people more conscious about driving habits, and use it for deficit reduction. Instead we are chucking it and saying we would rather increase the deficit or cut education, or go back to selling something that we have sold so many times before that nobody believes it will ever work.

The final point I want to make, Mr. President, is that the market does work. The marketplace does work. That is a fundamental principle in this country—that the law of supply and demand in this country works. This is from April 26. I am reading from the prices of crude oil on a weekly basis, west Texas intermediate crude oil prices, or the prices posted once a week for the price of oil per barrel. "When the price of oil per barrel goes up, eventually it works its way down to the price of gasoline at the pump, and it goes up. But when the price of crude oil per barrel goes down, it generally takes about a month before it reaches the price at the pump. In this case, I will

share this with my colleagues because it is an indication of what is going to happen. If we just wait and have some political courage for a couple of days instead of running off and doing something that I think is damaging—as I said, a dagger to the heart—to a balanced budget in this country, the average price of west Texas intermediate crude on April 26 was \$23.80 a barrel. The price of west Texas intermediate crude at the close of business on May 3 was \$21.36 a barrel.

That is a 10-percent drop in 1 week—a 10-percent drop per barrel of crude oil in this country in 1 week, from April 26 to May 3.

Mr. President and all of my colleagues, I suggest that if you just hang around here a little bit longer, you will see that drop in the price of crude by 10 percent is going to be reflected in the marketplace. If we believe in the marketplace, which I think we should, that is going to be reflected in the price of a gallon of gas at the pump. I think that is the way this country ought to address this problem.

What we have before the Senate is a political idea that does not work, and political ideas that do not work are bad ideas, and sometimes I think too often politics makes bad policy, and this is an example, I think, of exactly that.

I yield the floor.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

#### UNDERMINING THE LEGISLATIVE AGENDA

Mr. GREGG. Mr. President, I believe it appropriate at this time to review where we stand because there has been some discussion that has occurred since the majority leader came to the floor and outlined a proposal. Maybe his proposal has been obfuscated a bit because it was such a clear and fine proposal that people are trying to undermine it. But the fact is that what the majority leader suggested was you can have your vote. You can have your vote on minimum wage. You can have your vote on repealing the gas tax.

All we are asking is that in this process of having those two votes, we also have a vote on something called the TEAM Act, which is not, as the Senator from Massachusetts said, all that big a deal because so many companies have already signed off on it.

Yet now we hear from the other side that they essentially intend to filibuster an attempt to increase the minimum wage and to reduce the gas tax, to roll it back, simply because of this TEAM Act proposal. That is pretty outrageous.

In a moment, I would like to talk a little bit about what that proposal is because I think you need to understand that basically what we are hearing is a party has been captured by a constituency and is allowing that constituency to stand in the way of good policy.

But let us talk about the gas tax first. Why should we not repeal this

tax? To begin with, it was sold under false pretenses. Three years ago, when this administration proposed this gas tax, they began by proposing a Btu tax, if you remember that, where they were going to tax all energy consumption in this country. States like New Hampshire and other States that depend on oil to heat our homes would have been hit with this tax at the home heating level and at the gasoline pumps and throughout the system that delivers energy to their communities.

That was such an outrageous idea that even Members on the other side rejected it. So the administration backpedaled and said, well, no, we will not do the Btu tax; we will do a gas tax. But at the exact same time we were hearing from the other side of the aisle that the taxes in the package which the President proposed 2½ years ago or 3 years ago were only going to affect the rich. In fact, the present Democratic leader, who was not the Democratic leader at that time, came to this floor and said this tax package is only going to affect people earning more than \$180,000 or companies that make more than \$560,000 a year.

That was the tax package that was sold to the American people, that was passed on to the American people's back and which included \$295 billion of new taxes, the largest tax increase in history delivered to us by this President and Members on the other side of the aisle when they were in the majority 2½ years ago.

Nobody on this side of the aisle bought that. We did not buy it for fairly obvious reasons. No. 1, a gas tax is not a tax on people who earn \$180,000 a year. When you pull into your gas station, your attendant does not ask you, "Do you make \$180,000 a year?" before he hits you with the tax. He has to collect that tax whether you make 10 bucks a year or whether you make \$1 million, whether you are in a small struggling company driving a pickup or whether you have a fleet of trucks. He still has to hit you with that tax.

So this was not a tax on the wealthy. This was a tax that was actually targeted in, as was pointed out by the Senator from Texas, on low- and middle-income people disproportionately because they have to pay the same rate of tax as people in the high incomes, and 23 percent of this tax falls on people with incomes, I believe, as the Senator from Texas said, under \$20,000, or something like that. A very low percentage comes out of people with higher incomes. So it was a disproportionately unfair tax when it was put in place and remains so, and it should be repealed.

So why is the other side resisting repealing it? Why? Because big labor is upset, the Washington big labor leadership, the big bosses here in Washington are upset. That is why they are opposing repealing the gas tax.

Now we come forward, and we on our side of the aisle say, OK, we will accept your proposal on the minimum wage,

we will accept the Kennedy language as proposed to increase the minimum wage. We ask that you accept our proposal to repeal the gas tax at the same time. We allow you to divide the votes. Just give us the chance to get both on a majority vote instead of having to have a filibuster around here where you have to get 60 votes.

What does the other side say? Nope. Sorry. We will not take the deal. We cannot accept that deal any longer. We are not that interested in increasing the minimum wage that we are going to stand in the face of the big labor bosses here in Washington who do not want this little thing called the TEAM Act. So we have the opposition, the other side of the aisle, saying essentially that two major points they consider to be, I suspect most of them, good policy—one, repealing this incredibly regressive gas tax that was put on 2½ years ago and, two, raising the minimum wage—are going to be held up because of what was described basically by the Senator from Massachusetts as an inconsequential amendment dealing with a minor point of labor law. Why? Because they have gotten the telephone calls from a couple streets over that said under no circumstances is TEAM Act going to pass this House.

But what is this horror called TEAM Act? It is not much, folks. TEAM Act just simply says what used to be the law and what most people think should be the law and what was the law up until 1992, I believe it was, when something called the Electromation was passed by the NLRB, the National Labor Relations Board.

Essentially, it says that people can get together in their workplace—what a radical idea—people can get together in their workplace and they can talk about issues that involve quality and productivity and efficiency. I think most of us have heard of things like TQM, the philosophy of management that basically grew out of the Deming approach which essentially revolutionized Japan and made them competitive in the world.

TQM is where you have a Deming approach, you have a team approach to managing the workplace. That is basically what TEAM Act does. It says you can have a TEAM Act approach operating in the workplace.

Now, you cannot do it under this bill, under TEAM Act, in any way that would undermine the independence of the collective bargaining effort. You cannot establish a company union. The specific language says that you cannot establish sham unions. But you can get together to discuss things like smoking policy; you can get together to discuss things like productivity: How do you make the place work better? Workers happen to be the best source of good ideas in many instances, and probably in most instances actually, certainly in large companies. The chance to bring them together in working teams works for Japan. It produces products in a much more efficient and effective way

there. And it works here. It works very well here. It was working here quite well, extraordinarily well, until 1992 when, as a result of this NLRB decision, that policy was brought into jeopardy.

So this bill simply clarifies the policy. It says you cannot set up a sham union, cannot set up a company union, you cannot use this to undermine collective bargaining, but you can allow people to get together to talk about how they can make the workplace work better. This concept of team effort in the workplace is what is holding up repeal of the gas tax and increasing the minimum wage.

When people are cynical about Washington I guess sometimes they have a right to be, because what you have here is a money talks situation. The big labor bosses here in Washington have committed publicly, it has been reported across this country, \$35 million to defeat members of the Republican Party running for reelection to Congress—\$35 million. That is a lot of money. And money appears to talk, because the phone calls come in and the decision has been made to take down two items which, at least on that side of the aisle, although there are some on our side of the aisle who have reservations about some of these proposals—take down two items which have pretty much universal support and which were viewed as good policy: repealing the gas tax, which is regressive, and raising the minimum wage, simply because it affronts the big labor bosses here in Washington that we would try to make the workplace have a more cooperative atmosphere.

It is pretty outrageous but that is where we stand today. That is where we stand after the majority leader's proposal was rejected. Not only did the majority leader propose that, he went even an extra step. He said not only am I willing to give you a vote on repealing the gas tax, increasing the minimum wage, and also the TEAM Act issue, but I will let you even divide the question. He went so far as to say you can have your up-or-down vote on the minimum wage and you can have your up-or-down vote on gas tax. And that was rejected. That was exactly what has been asked for here for months by the Senator from Massachusetts.

Yet, suddenly we see the priorities. We see the priorities of the liberal side of the aisle. It is not this low-income worker about whom we have heard so much, it is not the person who has to pay that extra amount at the gas pump who is maybe having trouble making a living but maybe has to buy gas to get to work—it is not that person the other side of the aisle has as their No. 1 priority. No, it is some guy sitting in some building here in Washington who happens to have a big labor job. So that is what this is down to.

This is a simple question of money talks. It is regrettable. Hopefully the other side of the aisle will see this more clearly and come to their senses,

because this proposal the majority leader has offered is an extraordinary generous act on his part to try to resolve some fairly complex questions that have been confronting this legislative body.

I yield the remainder of my time and make the point of order a quorum is not present.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent the quorum call be rescinded.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. I thank the Chair.

(The remarks of Mr. PELL pertaining to the introduction of S. 1730 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MOYNIHAN. Mr. President, I ask that I be permitted to proceed as if in morning business for up to 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONGRATULATIONS TO INDIA

Mr. MOYNIHAN. Mr. President, there is good news and better news in the world today with regards to the progress and the stability of democratic procedures around the world. We are, as is evidenced from the day's proceedings, already well into our election season, though the actual election will not be held until next November, as has been our practice over the last two centuries.

It is possible in a country such as ours to take for granted national, State, and even local elections, as a part of the rhythms of our life. Yet, they are rare in the world. In the whole of the membership of the United Nations, some 185 countries now, there are only 7 States which both existed in 1914 and have not had their form of government changed by violence since then.

We are joined in that very special group, by the United Kingdom, four former members of the British Commonwealth—Canada, Australia, New Zealand, and South Africa—and Sweden. I would add Switzerland, though it is not a member of the United Nations.

Of the great powers of the world, the newest to begin a process of choosing leaders by elections is Russia, the Russian Federation and other members of the former Republics of the Union of Soviet Socialist Republics.

Yesterday, we learned with understandable anxiety that on Sunday Major General Aleksandr Korzhakov, the close aide and security advisor to President Boris Yeltsin of Russia, stated that it might be necessary to cancel the Presidential elections scheduled for June. He stated that the country was not ready to make a decision. It is clear his concern is that if the country were to make a decision now, it might not choose Mr. Yeltsin.

Mr. President, this will be the second Presidential election in Russian history. To his great credit, yesterday in Moscow, Mr. Yeltsin said that the election would not be postponed; it will take place as scheduled. Mr. Yeltsin went on to instruct General Korzhakov not to get involved in politics and to refrain from making such statements in the future.

On the other hand, in his statement, Mr. Yeltsin refers to his opponent, who is associated with former Communists in Russia and who has a program very much opposed to the economic reforms Mr. Yeltsin has been pursuing, albeit at times erratically, by stating that, "Korzhakov is not alone in thinking that a Gennadi Zyuganov victory would start a civil war."

Now, those are ominous terms, sir. Mr. Zyuganov is the candidate considered to be Mr. Yeltsin's chief opponent, and he represents a revival of Communist thinking and organization to some extent. The word "civil war" takes us back to the events of 1917 when the Bolsheviks seized power from a moderate provisional government, potentially a democratic government. Those events in St. Petersburg in the Winter Palace in 1917 are well-known to us—and were followed by four years of intense, agonizing war across all of Eurasia. A war in which the United States was involved with troops in Murmansk, Vladivostok, and elsewhere, as were the British and the French. The outcome was the triumph of the Soviet Union and the horror that followed for nearly three-quarters of a century, until its final dissolution in 1991.

We can only wish the democrats, or if you like republicans, well in the Russian elections. We should take note of how very tentative these advances can be, and take into account those who are voicing concern over the prospect of an election in which the outcome would result in civil war.

By extraordinary contrast, Mr. President, the Republic of India today concludes the third and final day of the largest election in human history. Some 590 million Indian citizens are eligible to vote in three separate days of balloting: April 27, May 2, and today, May 7. This will be the 11th national election since the founding of the Republic of India in 1947. A very large proportion of the electorate will have voted in some 800,000 polling places.

The task of keeping the polling stations open is formidable, yet the task is being accomplished, and it suggests the magnitude of the achievement. In so doing, India continues to exist as a democracy, in defiance of just about everything that those who profess to know about the subject would argue are required as preconditions necessary for a democratic society. Yet India continues to remain a firm democracy and to exhibit an extraordinary commitment to law and to civic process.

Here is a country with 15 official languages, not to mention English which,

as Prime Minister Nehru described, enjoys "associate status." In addition, some 50 major regional languages. It is a country that stretches from the Himalayas in the north to Cape Comorin far into the Indian Ocean, approaching the Equator. It is the second most populous nation on Earth. There has never been a country of this size able to have regular and free, democratic elections. They are not without disturbances, few elections are anywhere; however, we do know that there will be a government formed in the aftermath of this election. There will be no civil war. There will be no civil unrest. There will be an acceptance of a democratic process without parallel in the history of mankind. It should cheer us up and make us realize that the last half century has not been for nothing. The current possibilities of a democratic society around the world are perhaps beyond what anyone could have imagined a century ago, and they are thriving and proudly prevailing on the subcontinent of India, in the Republic of India.

I am sure the entire Senate will wish to congratulate the people of India and all who have participated in this election. We take no position whatever as to the outcome. There are any number of parties with capable candidates. At the present time, the balloting should have been concluded, it being past midnight in India. Soon we will know the outcome.

It fell to that singular commentator, William Safire, in the New York Times, to note this event in a remarkable column in which he observes the Indian achievement. I think we should note the contrast of this achievement with the People's Republic of China which, though comparable in size, has never had an election of any kind.

I ask unanimous consent that Mr. Safire's column be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 2, 1996]

THE BIGGEST ELECTION

(By William Safire)

WASHINGTON.—In 1975, when Indira Gandhi assumed dictatorial control of India and threw her opponents in jail, President Ford asked his U.N. delegate, Daniel P. Moynihan, what to make of that.

"Look at it this way, Mr. President," said Moynihan with a courtier's irony. "Under your Administration, the United States has become the world's largest democracy."

When Mrs. Gandhi later confidently stood for election, India's voters threw her out. Freedom was back, and the U.S. happily became the world's second-largest democracy.

This week, with dignity, honest balloting and relatively little violence, 400 million of India's citizens—65 percent of eligible voters, higher than here—go to the polls to select candidates from 500 political parties. It is the most breathtaking example of government by the people in the history of the world.

Americans don't hear a whole lot about it. President Clinton is busy being campaign manager for the Labor party in Israel's May

29, election, in effect telling Israelis to vote for Shimon Peres or else.

When he is not intervening shamelessly in Israel's political affairs, Mr. Clinton is barnstorming with Boris Yeltsin, trying to help him defeat Yavlinsky's reformers and Zyuganov's Communists in Russia's June 16 election. Washington is also headquarters for the Clinton campaign for the U.S. Presidency, where he beefs up beef prices to consumers while pouring strategic oil on troubled motorists. But in all the campaigning, no mention is made of India, where voters outnumber those in Israel, Russia and the U.S. combined.

As a result of this uncharacteristic White House forbearance, television coverage here about the biggest election has been next to nil. Not only do Americans not know for which Indian candidate to root, but hundreds of millions of voters are forced to go to the polls ignorant of Mr. Clinton's preference.

Why? Do nearly 900 million Indians not matter? American lack of interest is not new; a former Foreign Minister of India, one of Nehru's acolytes, told a U.S. envoy: "We would far prefer your detestation to your indifference."

One reason is that India strikes a holier-than-thou diplomatic pose, remaining non-aligned when there is no longer one side to be nonaligned against. Year after year, India is near the top of the list of nations that consistently vote against the U.S. in the United Nations.

We're wrong to let that overly irritate us. China votes against us, too, and unbalances our trade and secretly ships missiles to rogue states and jails dissidents and oppresses Tibet and threatens Taiwan and (cover the children's eyes) pirates our CD's—but we care more about what happens in China than what happens in India.

That's a mistake. Contrary to what all the new Old China Hands and other Old Nixon Hands tell you, India will draw ahead of China as a superpower in the next century.

Yes, China's economic growth rate has doubled India's, and China's Draconian control of births will see India's population exceed China's soon enough, to India's disadvantage. But China does not know what an election is. Despite the enterprise and industriousness of its people, despite the example of free Chinese on Taiwan and the inspiration of the dissident Wei Jingsheng, jailed in Beijing, China is several upheavals and decades away from the democracy India already enjoys.

Without political freedom, capitalism cannot long thrive. Already the requirements of political repression are stultifying the flow of market information in China, driving wary Hong Kong executives to Sydney. The suppression of dangerous data undermined technology in Communist Russia; it will hurt China, too.

Though more Chinese are literate, many more Indians are English-literate (more English-speakers than in Britain), and English is the global language of the computer. American software companies are already locating in Bangalore, India's Silicon Valley. Bureaucratic corruption scandals abound; India's free press reports and helps cleanse them, China's does not.

I'm rooting for Rao, the secular Prime Minister, who is more likely to move toward free markets than Vajpayee, his leading opponent. But whoever wins, it's a glorious week for the world's largest democracy.

Mr. MOYNIHAN. I take the liberty of extending the congratulations of the U.S. Senate to the Government and peoples of India on the conclusion of this, the 11th national election as an independent nation in the world: proud,

increasingly prosperous, and with every expectation of becoming more so.

I thank the Senate for its courtesy and allowing this interruption. 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. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TEAMWORK FOR EMPLOYEES AND MANAGEMENT ACT OF 1995

Mr. SIMON. Mr. President, let me just comment on two things very briefly that, apparently, are going to be joined in the vote tomorrow. Let me say that if they are joined, I, if no one else, am going to ask for division on the question, so we can vote separately on these issues.

One of the issues is whether to repeal the 4.3-cent gasoline tax. I know it was very controversial as we argued about it here. But it was very interesting that after it passed, I went back to the State of Illinois and, up until a few days ago when it was raised again as an issue, of the 12 million people in Illinois, do you know how many people talked to me and complained about the gasoline tax increase? Not a single one. My guess is—and I see my friend Senator MOYNIHAN on the floor—that not a single citizen of New York complained to Senator MOYNIHAN about the 4.3-cent tax.

Mr. MOYNIHAN. Not a one.

Mr. SIMON. My guess is that in the State of Tennessee people were not complaining. I talked to one of our colleagues from a western State, and they were not complaining. One of the advantages, Mr. President, of not running for reelection is, a year ago, just about this time, my wife and I took off for Spain and Portugal, flew to Madrid—at our expense, I hasten to add, not at the taxpayers' expense. And we rented a car and drove around Spain and Portugal. The highways were better than our interstate highways. But I paid \$4.50 a gallon. People talk about being overtaxed in the United States. In some areas, our taxes are excessive. But we have, next to Saudi Arabia, the lowest gasoline tax of any country in the world. If you were to ask, "What can we do to improve the environment?" one of the things we could do, frankly, is not to lower the gasoline tax, but to increase it. We ought to be increasing it to spend money to build our highways and use it on mass transit and that sort of thing. So I think any move to lower that tax is short-sighted.

And then the distinguished Congressman from Texas has suggested that we take the money from education. I cannot imagine anything more short-sighted. We need to invest more in education, not less. That just absolutely does not make sense.

I hope we will reject this thing that emerged in this political season, the season that is frequently called the "silly season" by observers, and rightfully so.

Mr. MOYNIHAN. Will my friend from Illinois yield for a question?

Mr. SIMON. I am pleased to yield to my distinguished colleague.

Mr. MOYNIHAN. I very much agree with his comments and would add that, after the 1993 deficit reduction legislation, the price at the pump—when that small tax increase took effect—was lower than when it was enacted.

Perhaps the Senator from Illinois also saw in the Wall Street Journal an article today under the section called "The Economy." It is headlined, "Economists Say Gasoline Tax Is Too Low." The subhead is, "GOP's Proposed Rollback Is Seen Aggravating Deficit." This is by Jackie Calmes and Christopher Georges. It begins:

Republicans seeking to gain political mileage from a lower gasoline tax can't look to economists to support their case.

Not that economists are infallible. Who is? But they make that point.

I do not have to explain the term "externalities" to the learned Senator from Illinois. Gasoline costs you, air pollution costs you, as do the wear and tear on the environment and infrastructure, and so forth. You have to pay for that. You better be careful about how much you do because the costs that you have not paid for keep mounting.

I wonder if he has not read this. Would he wish to have it printed in the RECORD at this point?

Mr. SIMON. I have not seen it. I think it is an excellent suggestion.

I ask unanimous consent that the Wall Street article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 7, 1996]  
ECONOMISTS SAY GASOLINE TAX IS TOO LOW—  
GOP'S PROPOSED ROLLBACK IS SEEN AGGRAVATING DEFICIT

(By Jackie Calmes and Christopher Georges)

WASHINGTON.—Republicans seeking to gain political mileage from a lower gasoline tax can't look to economists to support their case.

Though the joke has it that you could lay all of the economists in the world end-to-end and never reach a conclusion, there is widespread agreement in the field that the federal gasoline tax of 18.3 cents a gallon is too low.

Nevertheless, Senate Majority Leader Bob Dole is aiming for a vote as early as today to repeal the Clinton administration's 4.3-cent-a-gallon increase in the gasoline tax. At the same time, the politics-conscious White House and congressional Democrats aren't about to stop it, despite concern in both parties about worsening the budget deficit.

With the recent spike in prices at the pump, Republicans and their presumed presidential nominee, Sen. Dole, seized the idea of repealing the 1993 tax increase, partly as a way to divert attention from the Democrats' popular efforts to raise the minimum wage. But they have been stymied by the search

for savings to make up for revenue that would be lost; each penny of the gasoline tax adds up to revenue of about \$1 billion a year.

"Repealing the tax isn't going to solve the problem [of recently higher prices], and it's going to hurt the deficit," says Nada Eissa, an economist at the University of California at Berkeley. "I don't think it's a sound approach. I just think we should allow the markets to work . . . and this is a case where the market is working."

At the school's Burch Center for Tax Policy and Public Finance, economist Alan Auerbach says he found a near consensus in support of a significant boost when he surveyed about 30 economists at a conference in February. More than half said the federal levy should be \$1 a gallon or higher. The sentiment among economists for a higher tax, Mr. Auerbach quips, "is right up there with free trade," an issue on which there is virtual unanimity.

Economists cite various factors to justify a gasoline tax. Chief among them are the environmental and health costs of air pollution, along with the costs of traffic congestion, and road construction and repair. "When people consume gas, they impose harms on other people that they aren't paying for otherwise. They crowd the freeways and pollute," says David Romer of the University of California at Berkeley.

Separately, the proponents of an increase point to foreign producers' control over oil supply, and favor a gasoline tax that is high enough to stem U.S. demand. Fighting pollution and dependence on foreign supply "both are reasons for why this federal tax should be higher than some other tax," says Joel Slemrod at the University of Michigan, "but what the optimal level is, I don't know."

To a lesser extent, economists cite the need to cut chronic federal deficits, which was the primary purpose of the 1993 increase. In addition, when compared with other industrial nations, the federal gasoline tax is low, they note.

A number of economists contacted yesterday said they simply haven't done the research needed to determine the optimal level for a gasoline tax or whether they would even support raising it. Glenn Hubbard of Columbia University, who served in the Bush administration's Treasury Department, said he and other economists are reluctant to address the size of the gasoline tax separately from the rest of the Tax Code. But given the chance to rewrite the code, he added, "most economists would say increase the gas tax and reduce some other tax."

In recent years, advocates of a higher federal tax have ranged from Federal Reserve Board Chairman Alan Greenspan, who has proposed an unspecified increase as a conservation move; to White House Budget Director Alice Rivlin; and billionaire-politician Ross Perot.

Mr. Auerbach dismissed Congress's effort and Democrats' acquiescence as "silly," and other economists privately condemn it as political pandering. But the tax-repeal drive isn't without supporters in the profession. "I think we should be looking for opportunities to reduce taxes," says John Taylor at Stanford University, though he adds that his preference is for tax cuts that promote savings or investment rather than consumption.

At Duke University, economist W. Kip Viscusi found in a 1994 study for the environmental Protection Agency that federal gasoline taxes just about covered their pollution and traffic costs—before the Clinton increase. "The bottom line is," he says, "we're roughly at the right level." And if the government wants funds to cut the deficit—as the 1993 increase was designed to do—he says, "there are better energy targets to pick on." Coal, heating oil and diesel fuel are

undertaxed, Mr. Viscusi says, given their pollution and other external costs.

Even Congress' economists acknowledge their effort is grounded in politics, not economics, Texas GOP Sen. Phil Gramm, a former professor who takes credit for the current repeal vogue, says simply, "When I get a chance to cut taxes on working people, I take it."

Another conservative Texan and former professor, House Majority Leader Rep. Richard Arney, says simply that "it's an opportunity . . . to repeal the Clinton gasoline tax of 1993." Mr. Arney caused a stir over the weekend by suggesting that the revenue loss be made up by cutting spending on education.

The White House and Democrats in Congress have shown little appetite to try to block a repeal, and instead have concentrated on efforts to modify it. In particular, they want to add language ensuring that oil companies reduce their pump price rather than pocket the amount. But with or without such an amendment, the repeal is likely to pass—with bipartisan support.

"If we can provide some relief through tax reduction, it would be the overriding consideration regardless of what bona fide arguments one can make on conservation and other issues," says Senate Democratic Leader Thomas Daschle.

At least as important, Democrats don't want to risk the political momentum they have built in recent weeks by hammering at the GOP on job-security issues, and they are leery of falling into the same trap that has ensnared Republicans on the minimum-wage issue: taking a political beating for opposing a questionable, though wildly popular, measure.

"It's completely presidential politics," says Sen. Kent Conrad (D., N.D.). But, like the administration, he indicates he will support repeal if Republicans offer a suitable method to replace the lost revenue.

Mr. SIMON. Mr. President, if I can add one other thing to my friend from New York, and that is this: I, candidly, do not know how he voted on increasing the mileage from 55 to 65 miles an hour. But when we vote to increase the mileage from 55 to 65 miles an hour—

Mr. MOYNIHAN. You vote to increase the demand for gasoline.

Mr. SIMON. Precisely.

Mr. MOYNIHAN. Something called the "market" comes along and the price rises because of the demand. The supply has not instantly responded.

Mr. SIMON. If I may ask the Senator from New York, would it be somewhat inconsistent for people to complain about the high price of gasoline and vote for this drop in the 4.3 cents and having voted for an increase in the mileage from 55 to 65?

Mr. MOYNIHAN. I say to my friend that not only would it be inconsistent, but to allude to a point he made earlier, it would be "silly."

Mr. SIMON. I thank my colleague from New York.

Let me mention one other thing that is, apparently, part of this tripod we are going to be voting on one of these days, and that is the TEAM Act. This is the euphemism for what is basically an antilabor bill that emerged from the committee on which I serve. I think we need balance in this field. We cannot go too far in the direction of labor. We cannot go too far in the direction of

management. But just as we have moved away from self-restraint in this body in terms of politics, we have become excessively partisan. So the same thing has happened in labor-management relations.

It used to be that when you had a Democratic President, you had a slight shift in the National Labor Relations Board in the direction of labor; and when you had Republicans, a slight shift in the direction of management, but a pretty good balance. Then during the Reagan years, it went way out of balance. I think we did a great disservice to the process. I am pleased, incidentally, to see things like employee ownership of United Airlines. I think that, plus profit sharing, are a wave of the future in terms of avoiding some of the labor-management problems that we have had.

But it is interesting that someone like George Shultz—and we think of him as the former Secretary of State, but he also served as Secretary of Labor—said that we have an imbalance in this country that is not good for labor or management and not good for productivity in this country. And so we ought to view any changes in labor-management relations with great caution.

What the TEAM Act does—an acronym that inaccurately describes things—is basically permit a company to establish a company union. That is not in anyone's best interests. It is going in under the hidden cloak that this is a way to have teams, quality teams set up to work on safety and other problems in industrial production.

There is no problem in that field. In fact, between 1972 and 1994, there were only two employee committees that were rejected by the National Labor Relations Board where there were not other factors of unfair labor practices involved. In terms of employee committees, it is dealing with a nonproblem. But it is dealing with it in a way that I think creates what appears to be good things, but they are really company unions moving away from traditional unions. I think that is not a good thing.

Some people have said, "I can't understand why we have this growing disparity between working men and women and those who are more fortunate."

One of the ways you can judge that is to look at union membership. Why is that disparity not so great in Canada, Germany, Great Britain, France, Japan, and other countries? Are these not free market countries?

Yes, they are free market countries. But in those countries, you have 33 percent, 40 percent, sometimes 90 percent union membership among the working men and women. In the United States, because of the barriers we have put up to organizing, it is 16 percent among our total work force, and if you exclude governmental unions it is down to 11.8 percent.

That is not a healthy thing for this Nation. That is one of the reasons, frankly, we have not made progress in some issues like other countries have. We are the only Western industrialized nation to have people without health insurance—41 million of them. We are the only Western industrialized nation to have 24 percent of our children living in poverty. That is not an act of God. There is no divine intervention that says children in the United States have to live in poverty while children in Italy and Denmark and France and Great Britain and other countries have a much smaller percentage. It is the result of flawed policy. And I think if we pass this legislation, we will compound the flawed policy.

I trust, Mr. President, that we will not pass this particular portion of the bill that we may be voting on, and I assume it will be tomorrow. If it should be passed, I trust that the President of the United States would veto it. I think we have to maintain balance. This bill moves away from that balance.

Mr. President, I note the presence of the distinguished junior Senator from Missouri, and I know he is going to get up and agree with everything I have just said. It may be that he will differ on a point or two. But I do at this point want to yield the floor and again urge my colleagues to keep in mind what we need is balance in labor-management relations. This bill moves away from that balance and does not serve the Nation well.

THE PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Missouri.

Mr. ASHCROFT. I thank the Chair. I thank my friend, the Senator from Illinois, in whose State I spent some time this morning. I have to say that I highly respect the senior Senator from Illinois. He is right. I will differ with him, but I will not disagree in a way that would be disagreeable.

No one really challenges the need for balance in the culture or in the society, but I think the balance should be struck by American workers. The decision about how many people should be in labor unions and how many people should not be in labor unions should not be something we manipulate from the U.S. Senate. Rather, the decision about who is in a union or who is not in a union should be left to American workers. We have a system in the United States, the National Labor Relations Board, which is designed to ensure that there is no oppression or coercion of workers in unduly restricting their access to labor organizations. In the same light, the National Labor Relations Board also should make sure that there is no coercion in forcing people to be a part of labor organizations.

More importantly than trying to strike a balance from Washington, DC, by trying to impose a certain level of unionism on this country in order to match France or Germany, or England, we should provide American workers

with the ability to strike that balance for themselves. Frankly, I do not want to be like France or Germany or England. I have not noticed a great stream of immigrants from the United States to France, Germany or England. The big stream of immigrants is from other countries to the United States.

It always confounds me a little bit when people in this Chamber hold up what happens in other places as a reflection of what the United States should become. Sure, there are free economies, but I will guarantee you they are not as free as the economy of the United States. And the reason people make the tough journey—and they have for centuries—to these shores is because there is greater freedom here and that is because we do not try to impose decisions on people from Washington, DC. We try to let people make the decisions, and that same ideal should ring true in the case of the TEAM Act.

What is the TEAM Act? What has happened that has provoked the Senate to consider something that would fundamentally adjust the way in which we allow workers to interrelate with their employers or companies?

Maybe it is best to start at what is our overarching goal? Here we stand in 1996, 3½ years from the turn of the millennium. What do we want to do? What should our policy be? What do we want? I think we want American society to survive in the next century. And I believe that we know we can survive if we are productive and if we are competitive. We have had some real challenges to our productivity and to our competitiveness in recent years.

Just a couple decades ago some folks from the Far East—instead of Europe—made a real run at the United States. They began to teach us some lessons which first were outlined by an American professor but first were embraced by the Japanese. These were the lessons about how successful we all could be if employers tapped their workers as a resource to help both workers and companies do their very best to improve the product, to streamline production, to improve safety, to improve conditions in the work environment, that if workers could help make improvements, you could develop a higher quality and greater efficiency. That enhanced productivity—the quality and efficiency together equal productivity—would mean a surge in the marketplace, and it did. The Japanese with their auto production and electronics production nearly displaced the United States. However, we have made a comeback.

How have we made a comeback? We made a comeback when we recognized the Japanese principles that were initially discovered and taught in some of the business schools of this country—the principle that recognized the value of workers. These principles say that no one will know the industrial process quite as intimately as the person who is on the line and that person has

something extremely valuable to contribute.

And so American industries started to say let us have meetings. Let us get the workers together and let us discuss how we can improve our standing—when we have improved standing and improved productivity, we have improved job security. When we do a better job, when we produce a better product, we are going to do better and it will lift us all. It will lift the employer. It will lift the employees. We will deal together as associates, and we will move forward.

As a matter of fact, there is a wonderful company in the State of Missouri. The name of the company is EFCO, E-F-C-O. They make what is known as architectural glass. If you are going to build a skyscraper and you are going to cover it with glass, you figure out the dimensions of each pane and then order the glass to fit your individual project. You figure out if it is going to have gas between the panes of glass or tinting to make the building more energy efficient. EFCO was that kind of company except and it had about 100 employees. They decided they wanted to be a leader in the industry. So they began asking their employees how to do it. They developed these techniques for asking employees how to make a more better product and how to improve the efficiency of production. They asked the employees if they had any ideas about safety so they could improve the safety, how they could increase quality, how they could have on-time deliveries. They were only having about 75 percent on-time deliveries when they started these committees, and recently, after doing this for quite some time, they were up to the high 90's in on-time deliveries. Everything was going well. The workers were earning more. The company exploded from 100-plus workers to over 1,000 workers, supplying architectural glass to people not only in this country but around the world.

All of a sudden a grievance was filed that these committees are an inappropriate act and that somehow, this is some phony union.

I want to be clear and distinct about my disagreement with the senior Senator from Illinois, who said the TEAM Act permits a company basically to establish a company union. Not so. The workers would have every opportunity, and never lose their opportunity, to petition the National Labor Relations Board to certify a union on the premises of these plants. There is no part of the TEAM Act which says that if you establish these company committees to improve communication, to elevate productivity, to lift worker satisfaction, that it in any way prohibits a union from being established. It is just wrong. It is inappropriate, it is inaccurate, it is a misrepresentation of the bill to say that it permits a company union. It does not. But it does authorize companies, if they want to, to tap the most vital and essential resource

that a company has, and that is the people who work there.

EFCO got to talking to people, and some of the people in these groups said you ought to let us do things this way, to have our vacations so we could be happier workers and be more productive, and to think about this in terms of the way you compensate us.

A grievance was filed saying that this was somehow a company union, because the company dominated the committees by providing something as fundamental as a paper and pencil, because there were discussions of things that related to employment and because the company did not ignore the discussions but actually took them to heart. Therefore it was disqualified as if it were a union.

Let me just say a couple of things about that. No. 1, Missouri workers and American workers are not stupid. I spent a lot of time on my campaign working in the plants in Missouri and since I have been a Senator, I have gone back to work in the plants. These workers know whether they are members of a labor union or not. They know whether they are in a discussion group or not. I do not have such a low regard for the workers in my State to think that they cannot tell the difference between a discussion group and a labor union. As a matter of fact, it is strange to me to see those individuals who fear these committees, because individuals who work in these settings are happier and more productive. Maybe they think they do not need a union as much. That could be. I would not argue with that. If they are getting along without one, they might not want to pay union dues. That could be the case and it would remain their choice.

But these workers know whether they are in a union or not. It is strange to me that while employers are highly valuing employees—and do not have a low estimation of who these workers are, what they are, and what they can achieve—and those who are representing the organized labor interests in America are saying that these highly valued employees are being confused about whether this is a union or not.

I want you to know that, from my experience, none of the employees who have participated in these activities—that I know of—confuses these committees with a labor union. But nonetheless, the National Labor Relations Board brought an action against EFCO, the company I talked about that went from 100-plus employees to 1,000 employees, to stop them from valuing their employees. The NLRB said it was an unfair, inappropriate labor practice to have this kind of discussion, this kind of interrelationship, and this utilization and tapping of a wonderful resource of informed and enthusiastic workers to improve their productivity. What a terrible thing.

This win-win situation is now illegal. An interesting question is whether it is illegal to have these kinds of discussion groups if there is a union on the

premises. The answer is—not at all. As a matter of fact, in a union setting, these committees are just fine. There is no problem. In my opinion, this is a discrimination against companies and workers who decide they work better and choose to work better absent a union.

My colleague, the senior Senator from Illinois, says we need balance. It seems to me, if this is a device that is available to union facilities, it ought to be a device that is available to groups of workers and their employers when those groups of workers have chosen—not to be unionized. If we are talking about balance here, the balance ought to be that workers make the choice, not that we manipulate the choices from here in Washington, DC.

These are win-win situations. There is a very simple question here. Are we going to forbid employers and companies in America from consulting with workers to improve productivity, to improve safety, to improve worker satisfaction, to build job security? Are we going to make that illegal?

Are we going to continue to allow that to be the source of conflict with an enforcement agency of the Government that says: Whatever you do, you cannot ask your workers what would be a better way to do things? You cannot ask them how you could better improve their safety? You cannot ask them how you could make the output more efficient so they can be more competitive around the world and thereby protect their jobs? Are we going to maintain a system that says you cannot do that? Or are we going to say: Wait a second, we are going into the next millennium and we have to be competitive with people from Singapore, people from Taiwan, people from China—1 billion plus people—energetically pointed toward the United States and the world as a marketplace, who want to compete with us. Or are we going to say to employers: You cannot talk to your workers to find out what is efficient and what is inefficient?

As I look toward the next century and as I look at my children—you know, one is just out in the workplace now. Two are still involved in education. I hope one of them is going to graduate next Saturday. But in the workplace, what kind of a team do we want to play for? Do we want to have a team where we hobble the real stars? The real stars of the competitive productivity of the United States are the workers. Are we going to say we want to tape their mouths shut, we want to rely only on the individuals in the board room? Do we want to rely only on the guys who come out with the fancy degrees? Or are we willing to hear the voice of the people from the shop floor who are able to say: You know, I have looked at this and I have been working on this and I believe if we just swap positions in the process, this for that, it would be a lot safer; or, we

can eliminate this step in the production and we can be a lot more competitive.

I frankly believe, as we face this next millennium, we can no longer afford a NLRB that goes to the companies and says, "Unh-unh, shame on you for talking to the workers." Eighteen cases were pursued by the NLRB since 1992 saying you cannot talk to the workers about improved conditions, you cannot confer with them about how to have an increase in your safety, you cannot ask them to help you figure out how to be more competitive.

We have had about 30,000 employers trying to use these methods in response to the competitive surge from across the ocean, from Japan and others who are using these techniques. Let me say American workers have the right to opt for union membership. They have the right to ask for it. They have the right to petition for it. That right would persist. Nothing is done to change that by the TEAM Act. They would have the ability to ask that unions be organized and they would have the entire framework of the NLRB to make sure that any election is a fair election.

But I think, for us to say we do not want to be able to use the resource that workers present as a means of improving our productivity is a terrible violation of basic sound public policy principles. It undervalues the American work force substantially. It ignores the fact that, of those who make a contribution, I believe the contribution of the worker is high on the list.

You know, this was a theme of President Clinton's State of the Union Message. He kept talking about teamwork. He said what we cannot do separately we ought to be able to do together. He talked about cooperation. He said, and I agree and I quote: "When companies and workers work as a team, they do better, and so does America." Not only do I agree with that, I do not think I could have said it better myself.

This just appears to be one of those disparities. I do not think he meant to say, "When union companies and union workers work as a team, they do better and so does America." I am sure that is true, but to limit that to 11 percent of the work force—as the senior Senator from Illinois said, 11.8 percent of the work force in the United States, outside of government, has decided to be represented by a union—to limit the ability to confer and to have those advantages to only 1 out of 10 workers seems to be a terrible way to structure and to establish the potential for this country to succeed in the next century.

I believe that it is the fundamental responsibility of Government—this is at the base of it all; this is why we are here—to establish an environment in which people reach the maximum of their potential.

Government ought to be an institution which promotes growth, not growth in Government, but growth for people, for individuals and for institu-

tions, for citizens and for corporations. And if we are a society of growth, we will succeed. And if we are a society of shrinkage, we will not.

Now, are we going to grow by using the entire array of talents in our culture, or are we going to say to 9 out of 10 workers, "You can't collaborate, you can't confer with, you can't discuss, you can't make suggestions."

When the EFCO case, to which I have referred, was handed down by the judge, the judge said, "This is good for the workers, this is good for the company, this is good for the community, but the technical aspects of the law require that I stop this procedure." And we want to say, "You're right, judge, it's good for the workers, it's good for the company, it's good for the community, and we want to change the law just to allow it to be possible for the 9 out of 10 nonunion workers to be able to confer with their employers in the same way that union workers do in terms of making suggestions for increased productivity."

I believe that the TEAM Act should be enacted. It must be enacted if we really care about American workers. Let me just say, we are talking about 9 out of 10 workers in the American workplace. A lot has been said about the minimum wage. The minimum wage affects fewer than 5 percent of the workers in this country. We are down at very low levels of people who are affected. I think minimum wage affects about 3.1 percent of the population. Here we are talking about something that affects the entire population, the ability of this whole society to move forward competitively.

I see my friend, the Senator from Vermont, on the floor. Mr. President, does the Senator desire to speak on this issue?

Mr. JEFFORDS. Mr. President, I certainly do desire to speak. I, first of all, commend my good friend from Missouri for a very articulate and well-stated position on the TEAM Act. I would like to provide some different perspectives, both historical and with respect to the minimum wage, at some point. I will be happy to proceed now or as soon as the Senator from Missouri is through.

Mr. ASHCROFT. Mr. President, I am very pleased to yield the floor. I, of course, cannot yield but to the Chair, but in respect to my understanding and awareness that the Senator from Vermont is here, it is my pleasure to yield the floor and to thank the Chair for his indulgence for my opportunity to support what I believe is a fundamental ingredient of the success and the survival of this society in the next century, productivity and competitiveness when we call upon workers and allow them to make a contribution which will allow us to succeed.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I want to pursue TEAM Act. I must say, it is difficult for me, from analyzing

the circumstances which brought about TEAM Act, to understand why anyone would disagree with going back to what everybody presumed the law to be.

First of all, let me make it clear, I am in favor of the minimum wage. I am one of those Republicans who is in favor of the minimum wage. So the minimum wage and TEAM Act are not linked, other than from perhaps some political aspect. But to me, the TEAM Act is essential in order to continue the increasing productivity of this Nation. But my colleagues better understand the TEAM Act and how it came about and why we are in this difficulty.

Let me take you back 40 years. Forty years ago, I was a senior at Yale University, and I was a student studying industrial management, industrial administration. At that time, we were studying what ought to occur for the future to improve productivity and to build an industrial might in this Nation which would allow us to proceed with the greatest possible benefit to workers and to management.

It was an interesting time and there was a great debate going on in our Nation as to what we should do as we moved into the future.

It was also an interesting time, of course, because we had a certain man called Joseph McCarthy in this Senate who was very concerned about communism and anything that smacked of communism seemed to be sort of in ill repute. Thus, when you started talking about workers getting together with management and those kind of things, it raised some concern with some people.

It also was a time when the unions were trying to organize and become more forceful and protect the rights of workers. But those in the academia were discussing the philosophies of the two systems and how we could better get together, workers and management, working together in American society to bring about higher productivity and to bring about better rewards to the workers.

So we discussed the many things which, at that time, were very innovative and novel and hardly discussed before. I wrote my senior thesis on how we could try to improve the productivity of workers and the workers' plight in our Nation. I remember at that time writing and discussing about options of profit sharing, profit sharing with stocks, profit sharing period, stock options, and even as far as putting a member of the unions or workers on boards of directors.

A considerable amount of effort by the academia went into outlining and defining these. The only problem was, the only ones who were listening were the Japanese, the Germans, and others. So when the Marshall plan came in, along with all of our wealth that we shared in order to bring about the industrial might of those nations in Europe and Asia, the only ones who took the ideas that were expressed by those

who were trying to look to the future to try and provide a better lot for workers and higher productivity for industry, were the Japanese, the Germans, and the Europeans.

So what we have seen that has occurred over the past 40 years is that in those nations, the concept of the TEAM Act, which we are trying to bring in here again, was incorporated fully; in fact, in Germany, even more so than anywhere else, where you do have members of the workers or the labor unions participating in the boards of directors.

What has evolved in Japan, for instance, is an incredible social organization in their school system to teach teamwork, teamwork among all classes, teamwork to bring about the ability to work together. And, thus, you have seen a closer relationship in those nations with the worker and management than you have in this Nation.

A decade or so ago when our Nation found itself beginning to be outshone in productivity and in the marketplace because of the incursion of automobiles in this country from Europe and from Asia, which practically wrecked our automobile industry, the kind of skills that are necessary in our industries now, which are far different from what they were in the fifties wherein you spent your time just stamping something or pushing one button or all of the things that were in mass production in those days have evolved into a work force that needs to have technical skills to understand the workings of the machines, the computerization of machines—all of these skills in the mass production procedures.

These resulted in those countries, Japan and Malaysia, all of these that had taken this advice of working together and figuring out how to improve productivity—they found that the best providers of improvements in the productivity were the workers themselves; whereas, in this country we just turned around and we kept trying to do quality control. We would bring things back and repair them.

The Japanese and Germans learned the best place to stop is when you are in the production line. You find out you are producing too many things that are wrong, you find out what is going wrong and have the workers work with you to find out what is going wrong. So their productivity improved. The number of malfunctions or nonworking pieces produced were reduced substantially by working with the workers.

It took us quite awhile to learn that. But now we have learned that. At a time when we now have thousands and thousands of these teams that are working together to improve productivity in this country, to make sure that we can outdo the Japanese, can outdo the Germans—and we have been successful. Yes, we have been successful. There are shining examples of that, Motorola and others, who learned the teamwork process and have now super-

seded in the markets in Asia in direct competition. We are winning. We are doing it.

Now what happens? All of a sudden the NLRB comes out with its decision: "You cannot do that. No. You formed a union here, and you have got to go through all the election processes or you can't meet." What is going to happen? If we do not pass the TEAM Act, thousands of these teams are going to be destroyed. The productivity gains that we have made over the past decade, which have been going on for some 40 years in Europe and Japan, all that we have learned will be destroyed.

Why in the world would the unions oppose this? Well, it is simple. They are threatened. They are nervous because they have been going down. They did not want to do anything that would in any way enhance the workers and the management to get together to improve productivity unless they are union people. Well, that may be fine, but that is not the way to do it. You have to prove, through the reasons that you give the workers to join, that they want to form a union; but you should not kill the productivity which is now beginning to come up by throwing all of these—I think the Senator from Missouri mentioned maybe up to 30,000 of these teams that are out there. If we do not do something here, if we do not do it quickly, then all those productivity mechanisms are going to be destroyed.

So it boggles my mind to think that anyone can oppose a provision in the law that says, "Hey, if you want to work, sit down and you can talk about improvements," because if there is no improvement, if there is no productivity, there is no profit. If there is no profit, there is nothing to split. So let us get the profit first, and then we will worry about how you bargain or are considered about how to cut the profits up.

That is a separate issue all right. That is for the unions. If you get into that kind of discussions, yes, maybe you are getting into unionism. But there is certainly no disagreement with the fact that if there is not a profit, there is not anything to split. So why kill off the mechanisms to provide the profit?

So I say that I hope that Members of this body will recognize that the issue being created here is one that is so dangerous to the national productivity right now that, if we did not do something to prove and to improve upon the ability of our workers to interact and to cooperate and to learn the skills necessary to bring about productivity, we will find ourselves in the not-too-distant future of having a situation where we have destroyed the great improvements that we have been making over the last decade in productivity.

So I just cannot impress upon my colleagues how important the TEAM Act is. If you do not believe so, talk to your businessmen and talk to the workers in those plants that are not unionized who believe very strongly

that the best way to cooperate, to get a profit and to learn how to split the profits is through improving productivity. If we do not pass the TEAM Act, we are about to see that great movement forward in productivity disappear. So I hope our colleagues will support the TEAM Act. Mr. President, I yield the floor.

Mr. ASHCROFT addressed the Chair. The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I certainly want to commend the Senator from Vermont for his outstanding remarks regarding the TEAM Act. He talks about productivity and about these fundamental communications.

I have here in my hand a document which lists the illegal subjects of discussion as they have been decided in different cases.

The Union Child Day-Care Center case of 1991 said it was illegal to discuss allowing employees to use company vehicles to obtain lunch. Therefore, if there was some sort of discussion that said, "Well, if we could just occasionally use one of the company vehicles to go get the lunches, we could \* \* \*," it would be illegal.

Here is another example. It says an impermissible topic is, "In-plant cafeteria and vending machine food and beverage prices." So, if a discussion group said, "You know, we need to lower prices on some of these things. This concessionaire you have got running the vending machines around here \* \* \*," it would be illegal.

Here is a third example: "Company provided meals" is an impermissible topic. If the discussion group said, "You know, we could get some more done if you guys could provide some meals or help us with our eating \* \* \*," it would be illegal.

"Abolishing a paid lunch program" was found to be illegal, according to the Van Dorn Machinery Co. case.

Here is another example that is really troubling, a whole category of safety topics that it was illegal for workers to talk to their employer about.

"Safety labeling of electrical breakers." I should think we would want workers to be able to talk to their employers about conditions of a safer workplace. Workers, individually or collectively, should be able to say "these things are not labeled properly as 'illegal'."

"Tornado warning procedures." It is illegal for workers to talk with their employers about that, according to the Dillon case.

"The purchase of new lifting equipment for the stock crew."

Rules about fighting—if there is a fight that breaks out among employees, American workers must say, "no, we can't have anybody talk to the employer about how to settle it."

I think these are obviously the kinds of things that workers should be consulted about, and they should be given an opportunity.

"Safety goggles for fryer and bailer operators."

"The sharpness of the edges of safety knives."

Here is a case where employees could not talk to their employers about a smelly propane operation, propane being an explosive gas, burnable gas. I would want to be able to talk about that.

The case of the E.I. DuPont case, which was a 1993 case. The subject was safety. "No. You can't allow workers to talk." Of course American public policy should encourage rather than discourage employers from discussing safety issues.

"Drug use and alcohol testing of employees." That could not be the subject of discussion. It is no wonder that the Senator from Vermont is so compelling in his arguments about this whole situation when he says that we need to be able to discuss these things. This is not the old days of the 1930's.

I thank the Senator for bringing out the fact that there were times when America marched forward by having adversarial fights between labor and management—between employers and employees. I think we will march forward much more quickly and competitively if we can have the benefit of the wisdom of workers in solving some of these fundamental problems.

Every once in awhile you hear about these teams, and you think they must be talking about advanced circuitry. Sometimes they are. But sometimes they are just talking about, "Hey, we'd better make sure that the safety procedures are good enough here in the event we have a tornado." According to the rules as they now stand, if you want to discuss how you evacuate the building in the event of a tornado, you violate the law. I thank the Senator from Vermont.

Mr. JEFFORDS. I thank the Senator from Missouri for his very articulate and well-expressed opinions here. I am hopeful that when our colleagues listen and understand what we are talking about here, this TEAM Act, we will move through and do what we must do, and that is improve our productivity in this Nation.

Mr. ASHCROFT. Mr. President, one of the things that workers want to talk to their employers about, and they want to talk to us about, is their ability to resolve the tension that exists between the workplace and their families. Most of the men and most of the women in today's modern work force feel a tension between serving the needs of their families and being on the job.

If we were really concerned about workers, we would also direct our attention to the substance of the Fair Labor Standards Act. This archaic rule literally makes it illegal if an hourly worker goes in on Friday afternoon and says, as an employee, "I have to go see Sally get an award at the honors program at the high school this afternoon. Can I make up the time on Monday?" Our labor laws make that illegal for the employer to let the employee just

make up that time on Monday. We have a situation where we have so many people now trying to juggle both work and family—I do not need to go through the statistics.

In the 1930's, when we created the Fair Labor Standards Act, we had fewer than 16 percent of the women of childbearing age in the work force. Now 75 percent of all the women with children 6 and under are in the work force. We have just a dramatic difference. We need to make it as easy as we possibly can for these people to accommodate the needs of their children. This can be accomplished by having flexible work schedules, by allowing individuals, if they are asked to work overtime sometime, to say, "I'll take it in comp time, time and one-half, in terms of time off."

We accorded this privilege to the Federal Government in 1945. That is how long they have had the potential of not taking overtime but just taking comp time for people who would rather have time than pay. Since 1978, we have had a flexible work arrangement for Federal employees which allowed those who are running the Federal Government and the different departments to say to their employees, "If you need to take 2 hours off on Friday afternoon you can make those 2 hours up on Monday." The Federal employees have had it in terms of comp time for over half a century; in terms of flexible time, for 18 years.

However, the rest of the American workplace still finds itself rigidly confined and the family disadvantaged substantially by the fact that it is illegal for someone to say, "Make up the 2 hours on Monday afternoon. We are glad to have you go and participate with your family."

I have introduced legislation to address this. It is called the Work and Family Integration Act. It is the way to build a better workplace for the next century, recognizing and reflecting the needs, concerns, and the difficult challenges that families face now. It does not allow any employer to demand or extract any overtime in any way without paying time and a half for it in accordance with the traditional rules. But, if the worker desires, the worker could shift some of his workweek from 1 week to the next with the managers or the employers' agreement.

We held a hearing on this in the committee and people were talking about snow days here in Washington. A whole group of employees were snowed out on Friday. Their employer was not allowed to let them make that 8 hours up 2 hours at a time in 4 days the next week. As a result a whole group of workers lost a whole day's pay. I am talking about 300 people at one plant because our labor laws prohibit the making up of time once you cross the end of a week.

Now, it seems to me if the employees request and the employer is willing to accommodate, we should have flexible work arrangements. Also, we should

allow—if the employer asks someone to work overtime—the employee to choose to take that overtime not in extra money but in time and a half off. As a matter of fact, that comports with, obviously, what the Federal Government has suggested is available for its own employees for the last 50 years, but it is something where the average worker just does not have equality with the Federal employees.

I believe this is a measure which ought to be supported if we really care about workers. Mr. President, 60-some percent of all the men in the culture say they want to spend more time with their families. Give the employers and the employees an opportunity to work together to spend more time with their families.

I was stunned with a statistic I read the other day that 30-some percent of all the men in America said they had passed up promotions in order to spend more time with their families, and 60-some percent of the women in America said they had passed up promotions. When people pass up a promotion that means they are not living or working at their highest potential. It means their employers know they could do a different kind of job, a better job, more demanding job, and it means the person knows they can do it, but they do not want to sacrifice the family. So we end up deploying our resources, our great human talent, at lower than optimal levels because people are protecting their ability to work with their families.

Why do we not say we will allow you to protect your ability to work with your family by giving you flexible working opportunities like we have in the Federal Government. Just extend to the private sector what we have in the Federal Government. We should do that so we get the greater productivity and output from the workers across America. If we have higher productivity and output and we have more time with our families, we have more worker satisfaction, I can guarantee that will be a formula for success and survival into the next century. Whether we sink or swim depends on our ability to be competitive. We have rules from 60, 70 years ago which make it impossible for us to survive. It is like swimming across the lake with a sack of cement. It is heavy to begin with, but when it solidifies it is a weight to carry and we need to shed this kind of impediment. We need to free individuals to make these requests and agreements.

Some say, "Wait a second, some might be abused by their employers." We have the Department of Labor, an army of wage and hour enforcement individuals. There would be no ability to compel anything that is not compellable now. All we want to do is free these friends, the employers and employees to work cooperatively so they can accommodate the needs of their families. I think it is something which ought to be done. As a matter of fact,

it is something with which the administration agrees—at least rhetorically.

I was pleased to note from the Bureau of National Affairs, the Daily Labor Report, Vice President GORE, May 3, called on U.S. employers to create father-friendly workplaces. Addressing a Federal conference on strengthening the role of fathers in families, GORE “urged American companies to give employees flex time opportunities to expand options.” Now, wait a second. We have the Vice President of the United States saying we need flextime, legislative proposals before the Congress which would provide for flextime, the President of the United States having said we need to work together as teams in his State of the Union Message, but a promise they will veto employee option flextime and comp time.

Again, we have the dysfunction between the speak and the specifics, between the rhetoric and the reality. It is high time we say to American families, “We want to do more than talk about you. We want to do more than say we need family-friendly and father-friendly work policies.” We ought to be willing to say, “Yes, the American worker in the private sector deserves the same kind of opportunities to work cooperatively, to arrange to meet the needs of her family, his family, meet that need just like Federal employees.” In 1978 we started flexible scheduling in the Federal Government as a pilot project. In 1982, we extended it. Along about 1985 we decided, hey, this is good enough to put right into the law. We have a report to congressional committees from the United States General Accounting Office, “The Changing Work Force: Comparison of Federal and non-Federal work family programs and approaches,” that documents the fact this is available. It is available and it is working in the Federal Government. But we are afraid to extend it, afraid to offer this opportunity to people in the private sector.

I cannot believe it. Do you know what Federal workers said about this? Overwhelmingly, “We like it, we want it, we must have it, we should continue to have it,” when they talk to their employer about conditions of employment. President Clinton, the President himself, in 1994, put out an Executive order that this is a good deal, best thing since sliced bread. This is something you cannot argue with. He says we should extend this, make sure that every person in the executive branch, even those in the White House, have this capacity. It is good enough for the White House—if it is good enough for Pennsylvania Avenue—it is good enough for Main Street, USA.

If we really care about workers, and I believe we must, if we really care about our fellow Americans, we must care less about special interests who are afraid if we make workers happy they might not join unions. I think what we have to say is: How do we confront the challenges of the next

century? How do we make sure that America does not slip? How do we make sure there is a job base, an industrial capacity competitive enough that when our children and grandchildren need jobs and when the other countries of this world come fully online with a competitive challenge—how do we make sure we are ready to meet that challenge?

Can we do it with a law that was passed in the 1930's and says that, “Well, shucks, we cannot allow Americans to accommodate the needs of their families. We certainly would not want people in the private sector to have the same benefits the Federal employees have for accommodating those needs. We have to be very much afraid if these workers get too happy, either conferring with their employers or cooperating so that they can see the soccer game or watch the awards ceremony that the special interests in this country will not make it. Well, I think you and I understand, and I think down deep we all know that it will not do much good to have healthy special interests if the national interests go down the drain.

As we look to the next century, I think we have to look to those national interests: Flexible work arrangements are important in helping mothers and fathers be deployed in the workplace to the maximum of their capacity and to accommodate the needs of our families. We have to look after American families. Yes, let us let workers talk. Let workers talk to their fellow employees and employers about things as fundamental as tornado drills and whether the propane is leaking out of the tank and whether the electrical circuit breakers are properly labeled. Let us not assume they cannot do that unless they first call in the union. Let us not underestimate the value of the American worker. Let us capitalize on the value of the American worker.

If we really care about America's workers, we will do things for all of them, for the vast majority of them, like flex time and the TEAM Act, which invites the entirety of the population to flourish. Sure, I understand concerns about the tiny, narrow fragment of people on the minimum wage. However, well over half of those people are part of households that make over \$45,000 a year. I think the number is 57 percent. I started working way below the minimum wage, a third below the minimum wage. I am glad somebody did not tell me it was “because you are not worth the minimum wage; you are useless.” I may have been useless at the time, but somebody agreed to pay me 50 cents an hour when the minimum wage was 75 cents, and I got my start. I do not think I have missed a day of work since. There are those in my home State who think I am still worth about 50 cents an hour, but my view is that my work and my values should be determined by what I can produce. I should not be told if I cannot produce at one level, that I am worthless and worth nothing at all.

Let me just make one other comment about another topic. I do not see anyone else seeking the opportunity to speak. There is a lot of talk about gasoline taxes. Frankly, I think the most recent gas tax, the one passed in 1993, was mislabeled. It was a tax on gasoline all right, but it went someplace else. Prior to that time, gas taxes were all spent to build highways and roads. But the gas tax in 1993, the most recent one that added significantly—about 25 percent—to the gas tax we already had, or more, I guess, that gas tax went into the general fund. So when the Senators from a variety of jurisdictions get up and say we need gas taxes because they build highways, the general fund does not build highways. The highway trust fund builds highways. The last gas tax was not a demand for more road-building capacity. It was a demand that people who drive perhaps would subsidize social programs.

Now, that bothered me because I think the gas tax that builds highways is really a reasonable, uniquely sensible approach. The people using the highways are paying for the highways. How wonderful. Government ought to work that way. The more you drive, the more you pay. The more you drive, the more you use the highways. Makes sense. But, no, in 1993 they decided—and I opposed it. I was not here, but I was opposed to it. That was not the right way to do things, to take what people were trusting to be a gas tax and put it in the old general fund so it would support social programs.

I have to say I am distressed by that because it says that we are going to put a tax on drivers, and we are going to use that to support social programs, and that means people who live in the outer-State areas—a lot of people in the West where they drive long distances when they go to work—are going to be asked to subsidize social programs at a higher level, to bear an inordinate cost, to bear an unusual share of these social programs.

Well, you all know, and I know, that the social programs have driven the deficit in this country, which is about \$5 trillion now. A newborn child owes \$19,000 the day he or she is born. The idea of trying to figure out ways to keep displacing the burden of taxation, to load it up on the guys out West, or the people who are in the nonurban areas, to drive just for the privilege of driving, they are going to have to pay an inordinate share of these other programs. That, to me, is a bankrupt concept.

It might be different if we had passed the gas tax to pay for what the gas really uses, and that is the highways. But this is not one of those situations. I opposed it because it is not one of those situations, and I would favor the repeal of it because it is not one of those situations. We do not spend the money in the highway trust fund we have now. We use it to mask the deficit in part of the flim-flam of Washington economics. To add an additional gas

tax as additional flim-flam to spend on a variety of other Government programs that have not really gotten us far, except into debt. I think has moved us in the wrong direction. I personally will be glad to support a repeal of the gas tax, because I believe that, as it relates to taxes, America is running out of gas. We are tired of taxes. We realize that we have them at a higher and higher level.

Last week, the Department of Commerce released the data for this last year, and we have had the highest tax rate from the Federal Government we have ever had in the history of America. We fought the world wars and charged American citizens less than we are charging them now. We spent our way out of the Depression and charged America less than we are charging now. It is time for us to come to grips with the responsibility we have to put Government under control, to change the Washington-knows-best way of doing business. It is time for us to be sober about our responsibilities as it relates to the hard-earned money of our constituents. As it relates to taxes, America is running out of gas. It should be running out of a gas tax which was inappropriately levied in 1993 and should be appropriately repealed by the U.S. Congress in 1996.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. SNOWE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. DOLE. Madam President, I ask unanimous consent that there now be the period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, many Americans don't have the slightest idea about the enormity of the Federal debt. Ever so often, I ask groups of friends, how many millions of dollars are there in a trillion? They think about it, voice some estimates, most of them wrong.

One thing they do know is that it is the U.S. Congress that has run up the enormous Federal debt that is now over \$5 trillion.

To be exact, as of the close of business yesterday, May 6, 1996, the total Federal debt—down to the penny—stood at \$5,090,257,303,263.75. Another sad statistic is that on a per capita basis, every man, woman, and child in America owes \$19,223.62.

So Madam President, how many million are there in a trillion? There are a

million million in a trillion, which means that the Federal Government owes more than five million million dollars.

Sort of boggles the mind, doesn't it?

#### HONORING THE NICHOLS CELEBRATING THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Madam President, families are the cornerstone of America. It is both instructive and important to honor those who have taken the commitment of "til death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

I rise today to honor Mr. Loren and Mrs. Orpha Nichols of Savannah, MO, who on March 28, 1996, celebrated their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Nichols' commitment to the principles and values of their marriage deserves to be saluted and recognized. I wish them and their family all the best as they celebrate this substantial marker on their journey together.

#### TAX FREEDOM DAY

Mr. HATCH. Madam President, I rise today to join with many of my friends and colleagues in acknowledging a red letter day. Today is tax freedom day—the day the American family breaks the shackles placed on them by high taxes in this country, the day when Americans can stop working for the Government and start working for themselves.

Not until May 7, 1996, do average families actually earn enough money to start paying their own bills instead of the Government's. Not until May 7 do average Americans have after-tax money to pay for their houses. Not until May 7 do average Americans have after-tax money to buy food and clothing for their families.

And, never has tax freedom day occurred so late in the year. Look at the calendar: 1996 is more than one-third over. Americans work one-third of the entire year just to support governments.

I often wish the big spenders both in Congress and in the executive branch would stop thinking in terms of revenue and start thinking in terms of what revenue really is—taxes. We need to measure this burden and talk about it in personal terms, not just in vague budget-speak. You know, there are folks in America to whom \$100 million is a lot of money—not just a mere point one on a computer printout.

To help illustrate this problem, I would like to take a closer look at the tax burden of a family from my home State of Utah:

A Utah family of four with an estimated median income of \$44,871 pays approximately \$8,800 in direct and indi-

rect Federal taxes. On top of this outrageous amount, they must also pay over \$5,700 in State and local taxes, bringing the total family tax burden to \$14,538. This is an effective tax rate of 32.4 percent.

Now, while a family income of about \$45,000 might sound like quite a bit of money in some parts of the country, I think few people, besides possibly President Clinton, would venture to call this family of four rich.

Madam President, as you can see, the tax burden of a family with this income is astronomical. However, the cost of the Federal Government to them does not end with these taxes. In order to accurately estimate the Government's true burden on Utah families, we must also calculate the regulatory costs and their effect on the prices of goods and services. We must factor in the higher interest rates that families must pay as a result of the Federal deficit.

In essence, Federal, State, and local taxes on the family are all increased by excessive Federal borrowing. Excessive Federal regulation combined with the increase in interest payments raises the Government's cost by \$8,600. Thus, the estimated total of Government costs to this typical Utah family is over \$23,000. That is about 52 percent of their income. Utah families deserve better. Every American family deserves better.

The Balanced Budget Act of 1995 was predicated in large part on the idea that the American public could spend their money more effectively than the Federal Government could spend it. Not only did the Balanced Budget Act contain a bona fide plan for balancing the budget within 7 years, it also contained a number of tax reductions geared to helping American families and to spurring economic growth.

A balanced budget is not a new idea. Until the mid-1930's, this Government regularly managed to balance its books every year except in wartime; and, even then, the debt was repaid as soon as possible after the crisis was over. But, in the 1960's, things really got out of hand. Entitlements flourished. And, of course, less and less restraint on spending meant more and more taxation. Big government means big taxes.

However, President Clinton chose to veto the Balanced Budget Act. He chose to camouflage his reluctance to cut Government spending and taxes with demagoguery. He claimed that many of the tax cuts in this package were targeted to benefit the rich, regardless of the many studies that demonstrate why this is not true.

He claimed that these tax cuts came at the expense of programs intended to aid the poor and the elderly. But, let's be clear about this: budget experts have made it very clear that these programs must be controlled independent of a tax cut package, not because of one.

And, let's be clear about something else as well: Balancing the budget

should not provide the excuse for not enacting tax cuts. That has been a convenient rationale for those who want to spend and spend. For almost the last half century, Government has spent \$1.59 for every new dollar in taxes. Government isn't taxing the American people to eliminate the deficit; it is taxing people in order to spend.

In 1993, President Clinton worked hard to push through Congress—by a bare one-vote margin in the House and a tie-breaking vote in the Senate by Vice President GORE—one of the largest tax hikes in history.

In 1994, Republican candidates for Congress pledged to cut taxes. In 1995, they delivered. Today, the only thing that stands between the Utah family—as well as millions of other American households—and tax relief is Bill Clinton.

One of the most misunderstood items of the tax cut package is the capital gains tax cut. The truth is that a capital gains tax cut is an investment incentive, and every American could gain from this tax reduction. Let me give you the facts, Mr. President.

From 1985 to 1992, over 7 million taxpayers had a capital gain each year. And, 62 percent of these returns reporting capital gains came from taxpayers reporting \$50,000 or less—\$50,000 or less—of adjusted gross income. We are not talking about a millionaire's tax break. Capital gains relief will benefit millions of American taxpayers.

Moreover, it is estimated that about 12 million lower and middle-income workers participate in some sort of stock equity plan with their employers. Further, many millions more own investments in stocks, bonds, and mutual funds. In fact, 52 percent of the 30.2 million families that own mutual funds report incomes of \$50,000 or below, and 80 percent of these families report incomes of \$75,000 or below.

Thus, capital gains realizations are hardly the exclusive domain of the rich. And these examples do not even touch on the economic benefits—such as new job opportunities—that would result from the unlocking of this estimated \$8 trillion of unrealized capital gains that now sit waiting for the right incentive to come along and unleash it.

The list of other tax provisions that could reduce the burden of this average Utah family goes on.

For instance, the Balanced Budget Act of 1995 included an extension of the research and experimentation tax credit. This credit is very important to the research-intensive high technology industries that supply my State with thousands of jobs. It is this type of tax incentive that ensures Americans that high-paying, high-skilled jobs will stay in the United States and not be exported to countries that are more tax-friendly. It is this type of treatment that allows businesses to be competitive and makes the United States an attractive base for many research-related companies.

The Balanced Budget Act of 1995 also included a \$5,000 credit for qualified

adoption expenses. As anyone who has tried to adopt knows, adoptions are not cheap.

Families that are willing to take a child into their home are often deterred by the initial legal and medical expenses that can easily cost over \$20,000. This \$5,000 credit would allow the typical Utah family some much-needed relief by allowing them to offset their adoption expenses with a dollar for dollar credit that could be carried forward for up to 5 years.

One of the tax provisions that would have provided considerable relief to this same Utah family is the tax credit for children. The Balanced Budget Act of 1995 would have provided a \$500 per child credit. Of course, because Utahns have larger than average families, the citizens of our State would have greatly benefited from this provision. But, most American families could benefit from this break as well.

The credit would have reduced the tax burden for a family with two children by \$1,000. I am sure this Utah family would have a million better ways to use this money.

So, how much did President Clinton's veto of the Balanced Budget Act cost this Utah family, consisting of a mother, a father, and two children? Let's see how much:

\$1,000 in tax credits for children.

\$217 in marriage penalty corrections; and \$5,000, if this family had tried to adopt a child.

And since this family would fall into the 15-percent tax bracket, they would have only paid a 7.5-percent tax on any capital gains that year—an additional 7.5-percent cut in their tax burden.

President Clinton's veto of the Balanced Budget Act cost this family a minimum of \$1,217. And, this figure does not even take into account possible tax savings from capital gains tax rate reductions, the adoption credit, the enhanced IRA provisions, or the increase in the tax credit for health insurance for the self-employed.

It also does not take into account the substantial savings that would accrue to this family on mortgage interest, auto loans, student loans, or other private borrowing given that a balanced Federal budget would lower interest rates an estimated 2 percent.

Although President Clinton was unwilling to enact the Balanced Budget Act's program of tax relief, he now has the opportunity to repeal at least one of the taxes he placed on the American public in 1993—the 4.3-cent-per-gallon gasoline tax.

It is remarkable to me that the Clinton administration decried the Balanced Budget Act for its so-called harm to the poor and to seniors—but exactly who does the White House think is paying the biggest price for this gas tax hike? The gas tax is a particularly regressive tax. Who pays the most? The working poor and those on fixed incomes, that's who.

On Friday, the Finance Committee held hearings on the repeal of the 4.3-cents-per-gallon gas tax. Although

there is some debate regarding how much of an immediate drop there would be in the price of gas as a result of this repeal, many experts agree that the price of gasoline would be 4.3 cents per gallon less than what it would otherwise be. It is no secret that these excise taxes are passed on to the consumer.

So, in observance of tax freedom day, I call upon the President to work with Congress not against it. It is time to for him to put down the veto pen and think about the American family—about this family of four struggling in Utah. It is time to lower the national tax burden and return this money to its rightful owners—American families. The current law is taxing us to death.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2417. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Milk in the Central Arizona Marketing Area: Suspension; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2418. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Winter Pears Grown in Oregon, Washington, California: Amending; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2419. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Limes and Avacados Grown in Florida: Suspension; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2420. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Grading and Inspection, General Specification of Standards for Grades of Non-fat Dry Milk; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2421. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Olives Grown in California and Imported Olives: Establishment of Limited Use; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2422. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Hazelnuts Grown in Oregon and Washington: Amending; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2424. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Spearmint Oil Produced in the Far West: Allotment Percentages; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2425. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule

relative to Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Order: Suspension; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2426. A communication from the Administrator of the Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, the report of an interim rule relative to Standards of Barley (RIN580-AA14); to Committee on Agriculture, Nutrition, and Forestry.

EC-2427. A communication from the Under Secretary for Food Safety, Department of Agriculture, the report of a final rule (RIN 583-AB97); to the Committee on Agriculture, Nutrition, and Forestry.

EC-2428. A communication from the Secretary of Defense, transmitting, pursuant to law, the report on proposed obligations for weapons destruction and non-proliferation in the Former Soviet Union for fiscal year 1996; to the Committee on Armed Services.

EC-2429. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to a retirement; to the Committee on Armed Services.

EC-2430. A communication from the Director of Defense Procurement (Acquisition and Technology), Office of the Under Secretary of Defense, transmitting, pursuant to law, the report of an interim rule under the Defense Federal Acquisition Regulation Supplement Case 96-D309; to the Committee on Armed Services.

EC-2431. A communication from the Director of Defense Procurement (Acquisition and Technology), Office of the Under Secretary of Defense, transmitting, pursuant to law, the report of an interim rule under the Defense Federal Acquisition Regulation Supplement Case 96-D039; to the Committee on Armed Services.

EC-2432. A communication from the General Counsel of the Department of Defense, transmitting, a draft proposed to amend titles 10, 37, and 31 of the United States Code, relating to various management authorities for the Department of Defense, and for other purposes; to the Committee on Armed Services.

EC-2433. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on a program of research for the development of technologies that reduce environmental hazards; to the Committee on Armed Services.

EC-2434. A communication from the Director of the Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, a notice relative to a recent change in the foreign policy of the United States; to the Committee on Banking, Housing, and Urban Affairs.

EC-2435. A communication from the Assistant Chief Counsel, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of the final regulation entitled "The Community Reinvestment Act Regulations"; to the Committee on Banking, Housing, and Urban Affairs.

EC-2436. A communication from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of the final regulation entitled "The Uniform Rules of Practice and Procedure"; to the Committee on Banking, Housing, and Urban Affairs.

EC-2437. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of the regulation entitled "The International Banking Activities"; to the Committee on Banking, Housing, and Urban Affairs.

EC-2438. A communication from the Legislative and Regulatory Activities Division,

Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of the regulation entitled "The Uniform Rules of Practice and Procedure"; to the Committee on Banking, Housing, and Urban Affairs.

EC-2439. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of the regulation entitled "The Community Reinvestment Act Regulations"; to the Committee on Banking, Housing, and Urban Affairs.

EC-2440. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "The Regulatory Reintervention; Tax Exemption of Obligations of Public Housing Agencies and Related Amendments" (FR 3985); to the Committee on Banking, Housing, and Urban Affairs.

EC-2441. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "The Regulatory Reintervention; Streamlining of HUD's Regulations Implementing the Fair Housing Act" (FR 4029); to the Committee on Banking, Housing, and Urban Affairs.

EC-2442. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "The Revision of FHA Multifamily Processing and Fees" (FR 3349); to the Committee on Banking, Housing, and Urban Affairs.

EC-2443. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "The Prohibition of Advance Disclosure of Funding: Accountability in the Provision of HUD Assistance" (FR 3954); to the Committee on Banking, Housing, and Urban Affairs.

EC-2444. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "The Supplemental Standards of Ethical Conduct for Employees of the Department of Housing and Urban Development" (FR 3331); to the Committee on Banking, Housing, and Urban Affairs.

EC-2445. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Equal Employment Opportunity: Policies and Procedures" (FR 3323); to the Committee on Banking, Housing, and Urban Affairs.

EC-2446. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "The Streamlining of the FHA Single Family Housing, and Multifamily Housing and Health Care Facility Mortgage Insurance Programs Regulations" (FR 3966); to the Committee on Banking, Housing, and Urban Affairs.

EC-2447. A communication from the Executive Director of the Neighborhood Reinvestment Corporation, transmitting, pursuant to law, the annual report for calendar year 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC-2448. A communication from the Administrator of the Food and Consumer Service, Department of Agriculture, transmitting, pursuant to law, the report of a final rule (RIN 584-AC08); to the Committee on Agriculture, Nutrition, and Forestry.

EC-2449. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a

final rule; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2450. A communication from the Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a final rule (RIN 3038-AB09); to the Committee on Agriculture, Nutrition, and Forestry.

EC-2451. A communication from the Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of two final rules (RIN 3038-AB11 and RIN 3038-AB12); to the Committee on Agriculture, Nutrition, and Forestry.

EC-2452. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to the termination process of the Superconducting Super Collider Program; to the Committee on Energy and Natural Resources.

EC-2453. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, a plan entitled, "Parks for Tomorrow"; to the Committee on Energy and Natural Resources.

EC-2454. A communication from the Assistant Secretary of Policy, Management and Budget, Department of the Interior, transmitting, pursuant to law, a report of a final rule; to the Committee on Energy and Natural Resources.

EC-2455. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL-5458-7); to the Committee on Environment and Public Works.

EC-2456. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL-5460-1); to the Committee on Environment and Public Works.

EC-2457. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL-5461-3); to the Committee on Environment and Public Works.

EC-2458. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL-5450-5); to the Committee on Environment and Public Works.

EC-2459. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL-5444-4); to the Committee on Environment and Public Works.

EC-2460. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL-5460-9); to the Committee on Environment and Public Works.

EC-2461. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL-5459-2); to the Committee on Environment and Public Works.

EC-2462. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL-5459-1); to the Committee on Environment and Public Works.

EC-2463. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL-5461-1); to the Committee on Environment and Public Works.

EC-2464. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL-5461-5); to the Committee on Environment and Public Works.

EC-2465. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN 2135-AA00); to the Committee on Environment and Public Works.

EC-2466. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, a draft of proposed legislation entitled "The Work First and Personal Responsibility Act of 1996"; to the Committee on Finance.

EC-2467. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a final rule (RIN 0938-AF14); to the Committee on Finance.

EC-2468. A communication from the Chief of the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a final rule (RIN 1515-AB93); to the Committee on Finance.

EC-2469. A communication from the Inspector General, Social Security Administration, transmitting, pursuant to law, the report of final rules (RIN 0960-AE23); to the Committee on Finance.

EC-2470. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule (RIN 1545-AT55); to the Committee on Finance.

EC-2471. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule (RIN 1545-AT02); to the Committee on Finance.

EC-2472. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report relative to revenue procedure; to the Committee on Finance.

EC-2473. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report relative to revenue procedure; to the Committee on Finance.

EC-2474. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule (RIN 1545-A199); to the Committee on Finance.

EC-2475. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report relative to revenue procedure; to the Committee on Finance.

EC-2476. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule; to the Committee on Finance.

EC-2477. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a revenue ruling; to the Committee on Finance.

EC-2478. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a revenue ruling; to the Committee on Finance.

EC-2479. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the summary of an announcement; to the Committee on Finance.

EC-2480. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule (RIN 1545-AQ65); to the Committee on Finance.

EC-2481. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule (RIN 1545-AT43); to the Committee on Finance.

EC-2482. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule; to the Committee on Finance.

EC-2483. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule (RIN 1545-AT33); to the Committee on Finance.

#### 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-573. A resolution adopted by the Council of the City of South Sioux City, Nebraska relative to the English language; to the Committee on Governmental Affairs.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON (for herself, Mr. FAIRCLOTH, Mr. SANTORUM, Mr. D'AMATO, Mr. KYL, and Mr. COVERDELL):

S. 1729. A bill to amend title 18, United States Code, with respect to stalking; to the Committee on the Judiciary.

By Mr. CHAFEE (for himself, Mr. LIEBERMAN, Mr. LAUTENBERG, and Mr. PELL):

S. 1730. A bill to amend the Oil Pollution Act of 1990 to make the Act more effective in preventing oil pollution in the Nation's waters through enhanced prevention of, and improved response to, oil spills, and to ensure that citizens and communities injured by oil spills are promptly and fully compensated, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CRAIG (for himself, Mr. BENNETT, and Mr. BRYAN):

S. 1731. A bill to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes; to the Committee on Energy and Natural Resources.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself, Mr. FAIRCLOTH, Mr. SANTORUM, Mr. D'AMATO, Mr. KYL, and Mr. COVERDELL):

S. 1729. A bill to amend title 18, United States Code, with respect to stalking; to the Committee on the Judiciary.

#### THE INTERSTATE STALKING PUNISHMENT AND PREVENTION ACT OF 1996

Mrs. HUTCHISON. Mr. President, I am introducing legislation today to strengthen the protections our society offers to stalking victims, those individuals whose stories we so often hear only after they end in tragedy.

My bill would make it a felony for a stalker to cross State lines with the intention of injuring or harassing the victim. It would make it a felony to place a stalking victim in reasonable fear of death or serious bodily injury in violation of a protective order by such travel. And it extends that protection of law to members of a victim's immediate family as well.

Freedom from fear is one of the most cherished advantages we are supposed to enjoy in our country, but stalking victims have been robbed of that freedom.

Their victimization is made worse because currently, restraining orders against stalkers issued in one State cannot be enforced in another State. If the victim leaves the State—to work, to travel, to escape—they lose their protection. Many times victims are told to put some distance between themselves and their stalker, perhaps they are even counseled to move far away.

Under such circumstances, stalking victims must go through the time-consuming process of obtaining another restraining order in a different jurisdiction. We all know the wheels of justice grind slowly. Time is what many stalking victims don't have. In such situations, time is what determines whether they live or die.

The legislation I am introducing today will give stalking victims that time they need. It will protect victims regardless of where they go. Victims will no longer be trapped in their own states in order to benefit from the shelter of law. In addition, this bill allows the resources of the FBI to be applied against interstate stalkers to prevent the intimidation of victims, or their coming to actual harm.

Just as importantly, this legislation goes beyond last year's domestic violence legislation by expanding the definition of a stalking victim from offender's spouse or intimate partner to simply victim. Many people are stalked by someone other than a spouse or intimate partner, often someone they know only slightly or don't know at all. Common sense tells us they need protection as much as those stalked by a spouse or romantic partner. This provision alone would double the protection we now can provide stalking victims.

Mr. President, I want to make it clear to my colleagues that we are not federalizing the crime of stalking. Stalking is and will remain a State crime, subject to State jurisdiction and

sanction. But under the bill I am proposing, if a stalker crosses State lines, then Federal resources can be brought to bear to ensure the stalker is caught and stopped, the same protection we provided last year for victims of domestic violence.

The legislation also protects victims who live or work on Federal property: military bases, post offices, national parks, and other locations.

This bill sends an unmistakable message. Its penalty provisions are stiff. We will be putting predators on notice that if they are convicted of crossing State lines to stalk a victim, they risk: 5 years in prison; 10 years if their victim comes to serious harm or if a dangerous weapon is used; 20 years if stalking results in permanent disfigurement or life-threatening injury; or life in prison if their victim dies.

Mr. President, this bill bridges the gap between law enforcement authorities in different States. It will allow us to stop stalkers who might otherwise duck under the net when they cross State lines, doing great damage to their victims.

If our society is serious about stopping the intimidation and actual injury that result from stalking in countless communities every day, this law is long overdue.

By Mr. CHAFEE (for himself, Mr. LIEBERMAN, Mr. LAUTENBERG, and Mr. PELL):

S. 1730. A bill to amend the Oil Pollution Act of 1990 to make the act more effective in preventing oil pollution in the Nation's waters through enhanced prevention of, and improved response to, oilspills, and to ensure that citizens and communities injured by oilspills are promptly and fully compensated, and for other purposes; to the Committee on Environment and Public Works.

THE OILSPILL PREVENTION AND RESPONSE IMPROVEMENT ACT

Mr. CHAFEE. Mr. President, today I am introducing a bill entitled the "Oil-spill Prevention and Response Improvement Act."

As its name suggests, the bill has two purposes. First, it will help to prevent oilspills. Second, it will improve the response to the environmental and economic injuries from oilspills that do occur. It does this by increasing access to funds and by providing measures to make sure that both types of injuries are redressed.

Before getting into the substance of the bill in more detail, let me describe briefly how it came to be.

Generally speaking, the bill is a response to lessons learned from a number of recent oilspills that have spurred requests for oil pollution reforms. Of these spills, the one of most interest to me occurred a little over 3 months ago when a barge, the *North Cape*, ran aground just off of the coast of my State of Rhode Island. Despite valiant efforts by the Coast Guard and others, the grounding resulted in the largest oilspill in Rhode Island's history.

By the time the leak was contained, nearly 800,000 gallons of oil had poured into our coastal waters. Of course, much of the spilled oil ended up on our beaches, along with the carcasses of many fish, birds, and thousands of lobsters.

As chairman of the committee with jurisdiction over oil pollution—Environment and Public Works—I convened the committee twice to examine Federal oil pollution legislation in light of the *North Cape* incident and the other recent oilspills.

The first time was for a field hearing that took place in Narragansett, RI. It examined the Nation's oilspill pollution laws in the context of how they operated during the *North Cape* spill. The principal law we evaluated was the Oil Pollution Act, better known as OPA, which was enacted in 1990, after the infamous *Exxon Valdez* spill.

The second hearing in Washington, DC, took a broader approach. It looked at the issues raised during the Rhode Island hearing and assessed the possibility of improving OPA to prevent and better respond to oilspills.

In these hearings we learned that, overall, OPA is working pretty well. In comparing a similar oil spill that occurred in Rhode Island waters in 1989, the *World Prodigy* spill, with this year's *North Cape* spill, the hard work of Rhode Islanders was evident in both cases. However, such efforts clearly met with better results in the *North Cape* spill. The difference was OPA.

The clear consensus of all witnesses who testified before the Environment and Public Works Committee is that OPA is a valuable piece of legislation. It has produced faster and more effective spill responses throughout the last 6 years.

Nevertheless, there is room for improvement. On the prevention side, for example, several witnesses suggested how OPA can be strengthened so that we can avoid having to respond to an oilspill at all. The general consensus was that equipping oil-carrying tank vessels with double hulls is far and away the best way to prevent oilspills.

The other set of issues that emerged related to response. For example, agencies have struggled to coordinate and agree on how to proceed with decisions related to the reopening of closed fishing grounds. Lobstermen and fishermen have found it difficult to secure short-term financial assistance under the act. Finally, questions have been raised about the availability of the \$1 billion oilspill liability trust fund to pay for the toll on fish and wildlife injured by a spill.

The issues raised during our hearings set the stage for the bill introduced today. Let me now explain how the bill addresses these issues and how it improves prevention and response to oilspills.

First, the bill reduces the likelihood that oilspills will occur in the future. It does so through the use of both carrots, or incentives, and sticks, or regulations.

On the incentive side, the bill recognizes the key role of double hulls in spill prevention. Indeed, this is why OPA mandates that all major vessels be double-hulled no later than the year 2015. But the bill also recognizes that converting the Nation's oil-carrying fleet will be costly.

The bill gets around financial concerns by providing an inducement to those operators who take the initiative and convert to double hulls before the mandate kicks in. Currently, there is a cap in OPA establishing a ceiling on the amount of liability for a vessel that spills oil. However, there are a host of exceptions to that limit, which has led some oil shippers to assert that the liability cap is meaningless. This bill greatly reduces the chances that an oil carrier who converts to a double-hull vessel will have to pay more than the liability cap established in OPA. It does this by limiting the conditions under which the cap can be exceeded for such an operator to those in which the operator has been grossly negligent or has engaged in willful misconduct.

The bill directs the Coast Guard to issue operational rules within the next 3 months and structural rules within the next 8 months for single-hulled tankers and barges. It also requires final rules to be issued for the tug boats that tow such barges. The purpose of these rules is to enhance protection of the marine environment by reducing the likelihood of an oilspill.

OPA as originally enacted required the Coast Guard to issue the rules for tankers and barges nearly 5 years ago. This bill says: Enough is enough when it comes to delay. If the Coast Guard does not get out the rules when it says it will, interim prevention measures such as requiring a vessel to have an operable anchor and man on board, or an emergency barge retrieval system, will automatically go into effect. In addition, minimum under-keel clearances also will be required.

On the response side, the bill will reduce the economic hardship and environmental damage caused by a spill. To limit financial injury, for example, it requires that advance procedures are developed for the reopening of affected fishing grounds. These procedures will make sure that such reopening occurs as quickly as possible consistent with public health and safety. Advanced planning also will ensure that bureaucratic in-fighting does not hold up reopening.

To mitigate environmental harm, the bill provides greater access to the oilspill liability trust fund, to information, and to scientific expertise. This will allow response personnel to better minimize harm to the marine environment in the aftermath of a spill.

Finally, the bill will help make financial assistance available right away for those whose livelihoods are affected by a spill. It achieves this purpose in two ways.

First, it makes clear that a person injured by a spill may receive a partial

settlement in the short term without waiving the right to full compensation. Injured parties will no longer have to wait before pursuing a claim while their rent and grocery bills pile up.

Second, the bill allows major oil spills to be declared major disasters and thus, to qualify for Federal major disaster relief. Such relief carries with it the availability of immediate funding.

Overall then, the Oilspill Prevention and Response Improvement Act builds on the successes of OPA, yet it addresses the lessons learned from OPA's shortcomings. While the bill puts tougher prevention measures in place, it also gives operators the necessary incentives to take such measures. And in the event an oilspill does occur, it creates a response scheme that truly addresses economic and environmental losses.

The bill also reflects an attempt to respond to calls to reform the Nation's oil pollution laws in an expeditious and effective, yet deliberate and precise, way. I am confident that the bill is broad enough to bring about meaningful reform yet narrow enough to enlist the support necessary to become law.

In closing, I would like to thank the two primary cosponsors of the bill, Senator LIEBERMAN of Connecticut and Senator LAUTENBERG of New Jersey. Both of these colleagues of mine on the Environment and Public Works Committee have worked diligently with me to make it a better product.

Mr. LAUTENBERG. Mr. President, I am pleased to join with Senators CHAFEE and LIEBERMAN in introducing legislation to reduce the risks of oil spills.

Mr. President, as the terrible Exxon Valdez incident demonstrated in 1989, oil spills can have disastrous consequences for our environment and our communities. I visited Alaska soon after the Exxon Valdez accident, and the devastation was overwhelming. Nobody could leave that site without feeling a great sense of responsibility for preventing any similar disasters.

Congress passed the Oil Pollution Act of 1990 to prevent a recurrence of similar disasters. Among other things, the act established tough new standards for vessels carrying oil. Under the act, all such vessels must have double hulls by the year 2015. In addition, the act required the Coast Guard to issue regulations to improve the seaworthiness and spill prevention capabilities of single hull vessels by 1991.

Mr. President, on March 30, 1996, the Environment and Public Works Committee held a hearing on the implementation of this Act. What we learned was very discouraging. The structural requirements for single hull regulations are 4 years overdue. The Coast Guard, despite admitting that it had sufficient funds to implement that requirement, could not give the Committee a rationale for the delay.

The recent spills of single hull tankers point to the need for better operations and better structural measures to reduce oil spills.

The bill we are introducing today will require several common-sense improvements on single hull ships. These improvements include:

Requiring that barges over 5,000 gross tons in the open ocean or coastal waters have at least one crew member on board and an operable anchor;

Requiring the presence of an emergency system on a vessel towing a barge that would allow the vessel to retrieve the barge should the tow line be ruptured; and

Requiring vessels to meet minimum under-keel clearance levels when entering or leaving a port.

In addition, the bill will require the Coast Guard to issue final regulations to improve the seaworthiness and spill prevention capabilities of single-hull vessels no later than July 18, 1996; 5 years after the original deadline. If the regulations are not promulgated by that date, then proposed regulations already developed by the Coast Guard would automatically become effective. These proposed regulations would require all vessels to have double-hulls on their sizes or their bottoms. Alternatively, vessels could include hydrostatic loading systems, which help prevent spills by equalizing the pressure of the oil on the vessel with the outside water pressure. Under hydrostatic loading, in the case of a rupture, water enters the ship rather than the cargo of oil entering the ocean.

In addition, the bill includes incentives to convert the present single-hull fleet to the safer double-hull vessels. Under the bill, any ship that is replaced by a double-hull vessel before double-hulls are required will be subject to a liability cap that can only be waived if there is gross negligence or willful misconduct.

Mr. President, anyone who saw the devastation of Prince William Sound—such an invaluable natural resource—will understand the importance of preventing oil spills in the future. This is true not just in Alaska, but also on the Delaware River, in New York Harbor, and in the Rhode Island Sound, and throughout our rivers and coasts.

The rivers and channels around my State of New Jersey are very vulnerable to spills. Because of inadequate channel depths, most of the crude oil in large ships moving into the Port of Newark must be transferred to smaller vessels, a practice called lightering. These transfers at sea between ships increase the likelihood of spills. It is only the exceptional abilities of the pilots serving the Port of New York and New Jersey that have prevented repeated spills in our region.

Nevertheless, lightering increases the threat of frequent oilspills. To reduce that threat, the bill requires the Coast Guard to develop requirements for lightering operations that are to provide substantial protection to the environment as is economically and technologically feasible.

Mr. President, the Committee on Environment and Public Works will hold hearings on this legislation this year. I look forward to working with Senators

CHAFEE and LIEBERMAN, and the other members of the Committee, to make any needed refinements in the legislation, and to approve the bill without delay.

Mr. PELL. Mr. President, earlier this year I shared with my colleagues news on what has been identified as the worst oilspill in Rhode Island's history.

That January spill was the genesis for the legislation that I am joining the Senator from Rhode Island [Mr. CHAFEE] in introducing today.

As many of you may know from news accounts, the barge *North Cape*, carrying a cargo of about 4 million gallons of heating oil, and the tug *SCANDIA* grounded off the southern Rhode Island coast.

The grounding followed a fire that broke out on the tug, later engulfed the vessel and required the subsequent last-minute evacuation of the captain and crew by the U.S. Coast Guard.

That evacuation was successful because of the enormous courage and skill of the Coast Guard rescue team, who did not hesitate to put themselves at great personal risk to rescue the captain and crew.

It was under extraordinarily difficult winter storm conditions that the Coast Guard effected the rescue and attempted, unsuccessfully, to prevent the barge and burning tug from running aground. The barge, dragging the burning tug, grounded in shallow water off Matunuck Point Beach, near Point Judith.

Pounded by strong winds and high seas, the 340-foot, single-hull barge began to spill oil from holes in at least two places.

Transportation Secretary Frederico Peña joined me and other Federal officials in Rhode Island to evaluate the spill, as efforts continued to contain the escaping oil and off-load what oil remained aboard the barge.

Rhode Island Gov. Lincoln Almond called for Federal help, declared a state of emergency and said the spill was "the worst in Rhode Island's history and one of the worst ever off the coast of New England."

The toll on marine life was heavy. Thousands of oil-coated lobsters, dead and living, washed up along several hundred yards of beach near the barge.

Dozens of seabirds died and scores more were coated in oil and their habitats fouled.

The barge grounded close to Moonstone Beach, a breeding ground for the endangered piping plover and the Turstom Pond National Wildlife Refuge, an environmentally fragile habitat.

Fishing was banned in hundreds of square miles, from Point Judith south to waters east of Block Island. In addition a number of shellfishing areas were closed and both took a long time to reopen.

The good news is that Rhode Islanders rose to the occasion. Hundreds of Rhode Islanders, their efforts coordinated by Save the Bay, helped by

cleaning everything from beaches to birds.

Additional good news came with a phone call from President Clinton to Governor Almond, assuring him that funds would be made available for the cleanup and fishing industries.

Mr. President, I raised a number of questions at the time and observed how unfortunate it was that the barge was not of the new double hulled design, which I have long advocated.

I understand that the barge leaked from 9 of its 14 containment holds. A double-hull might have made all the difference between an incident and a disaster.

At the time, I also observed that everyone would benefit from a thorough review of the coordination of our emergency response to oilspills.

The bill we are introducing today is a result of such an inquiry, conducted by the Senate Environment and Public Works Committee under Senator CHAFEE's excellent leadership.

Our bill offers insurance incentives for oil barge owners who expedite conversion of their barges to double-hulled vessels. It also sets a deadline for the U.S. Coast Guard to issue new standards for oil barge design and operation.

The bill requires oil barges to have crews and workable anchors or a retrieval mechanism. It gives oilspill victims and scientists easier access to the oilspill liability trust fund and sets standards for the closing and reopening of fishing grounds after a spill.

Although it is not a panacea and will not prevent future oilspills, our bill goes a long way toward improving the safety of oil barges and setting a clear course for the response when a spill does occur. As we all know, those who do not learn from history are doomed to repeat it. This bill codifies what we have learned and lessens the chance that the tragedy that struck us in January will be repeated.

By Mr. CRAIG (for himself, Mr. BENNETT and Mr. BRYAN):

S. 1731. A bill to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes; to the Committee on Energy and Natural Resources.

THE NATIONAL GEOLOGIC MAPPING  
REAUTHORIZATION ACT OF 1996

• Mr. CRAIG. Mr. President, my purpose here today is to introduce on behalf of myself and my cosponsors Senators BRYAN and BENNETT, a bill to reauthorize the highly successful National Geologic Mapping Act of 1992. The act established a cooperative geologic mapping program among the U.S. Geological Survey, State geological surveys, and geological programs at institutions of higher education in the United States. The goal of this program is to accelerate and improve the efficiency of detailed geologic mapping of critical areas in the Nation by coordinating and using the combined talents of the three participating groups.

Detailed geologic mapping is an indispensable source of information for a

broad range of societal activities and benefits, including the delineation and protection of sources of safe drinking water; assessments of coal, petroleum, natural gas, construction materials, metals, and other natural resources; understanding the physical and biological interactions that define ecosystems, and that control, and are a measure of, environmental health; identification and mitigation of natural hazards such as earthquakes, volcanic eruptions, landslides, subsidence, and other ground failures; and many other resource and land-use planning requirements.

Only about 20 percent of the Nation is mapped at a scale adequate to meet these critical needs. Additional high-priority areas for detailed geologic mapping have been identified at State level by State-map advisory committees, and include Federal, State, and local needs and priorities.

Funding for the program is incorporated in the budget of the U.S. Geological Survey. State geological surveys and university participants receive funding from the program through a competitive proposal process that requires 1:1 matching funds from the applicant.

Mr. President, I urge my colleagues to join me to ensure the continued efficient collection and availability of this fundamental Earth-science information. •

ADDITIONAL COSPONSORS

S. 1183

At the request of Mr. HATFIELD, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 1183, a bill to amend the Act of March 3, 1931 (known as the Davis-Bacon Act), to revise the standards for coverage under the Act, and for other purposes.

S. 1233

At the request of Ms. MIKULSKI, the names of the Senator from Oregon [Mr. HATFIELD] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 1233, a bill to assure equitable coverage and treatment of emergency services under health plans.

S. 1271

At the request of Mr. CRAIG, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1271, a bill to amend the Nuclear Waste Policy Act of 1982.

S. 1592

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 1592, a bill to strike the prohibition on the transmission of abortion-related matters, and for other purposes.

S. 1612

At the request of Mr. HELMS, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 1612, a bill to provide for increased mandatory minimum sentences

for criminals possessing firearms, and for other purposes.

S. 1639

At the request of Mr. DOLE, the names of the Senator from Nevada [Mr. REID], and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 1639, a bill to require the Secretary of Defense and the Secretary of Health and Human Services to carry out a demonstration project to provide the Department of Defense with reimbursement from the medicare program for health care services provided to medicare-eligible beneficiaries under TRICARE.

S. 1646

At the request of Mr. DOMENICI, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 1646, a bill to authorize and facilitate a program to enhance safety, training, research and development, and safety education in the propane gas industry for the benefit of propane consumers and the public, and for other purposes.

S. 1650

At the request of Mr. HARKIN, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 1650, a bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes.

S. 1661

At the request of Mr. PRESSLER, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 1661, a bill to specify that States may waive certain requirements relating to commercial motor vehicle operators under chapter 313 of title 49, United States Code, with respect to the operators of certain farm vehicles, and for other purposes.

SENATE JOINT RESOLUTION 49

At the request of Mr. KYL, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of Senate Joint Resolution 49, a joint resolution proposing an amendment to the Constitution of the United States to require two-thirds majorities for bills increasing taxes.

SENATE RESOLUTION 85

At the request of Mr. CHAFEE, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Resolution 85, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included in Federal laws relating to the provision of health care.

NOTICE OF HEARING

SUBCOMMITTEE ON OVERSIGHT AND  
INVESTIGATIONS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Oversight and Investigations Subcommittee

of the Energy and Natural Resources Committee on the management and costs of class action lawsuits at Department of Energy facilities.

The hearing will take place on Tuesday, May 14 at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building, in Washington, DC.

Those wishing to testify or submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Kelly Johnson or Jo Meuse at (202) 224-6730.

#### AUTHORITY FOR COMMITTEES TO MEET

##### SUBCOMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HATCH, Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Tuesday, May 7, 1996, session of the Senate for the purpose of conducting a hearing on the Coast Guard budget for fiscal year 1997.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HATCH, Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Tuesday, May 7, 1996 session of the Senate for the purpose of conducting an oversight hearing on the Federal Trade Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mr. HATCH, Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, May 7, 1996, at 10 a.m. to hold a hearing on S. 1284, NII Copyright Protection Act of 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HATCH, Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on NIH reauthorization, during the session of the Senate on Tuesday, May 7, 1996, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### JOINT COMMITTEE ON THE LIBRARY

Mr. HATCH, Mr. President, I ask unanimous consent that the Joint Committee on the Library be authorized to meet during the session of the Senate on Tuesday, May 7, 1996, beginning at 10 a.m. until business is completed, to receive a report by the General Accounting Office on the Library of Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### THE SPECIAL COMMITTEE TO INVESTIGATE WHITewater DEVELOPMENT CORPORATION

Mr. HATCH, Mr. President, I ask unanimous consent that the Special Committee to Investigate Whitewater

Development Corporation and Related Matters be authorized to meet during the session of the Senate on Tuesday, May 7, Wednesday, May 8, and Thursday, May 9, 1996, to conduct hearings pursuant to Senate Resolution 120.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. HATCH, Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, May 7, 1996, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this hearing is to consider S. 1662, the Omnibus Oregon Resources Conservation Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. HATCH, Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be granted permission to conduct a hearing Tuesday, May 7, 9:30 a.m., hearing room SD-406, on the GSA Public Buildings Service program request for fiscal year 1997 and on disposal of GSA-held property in Springfield, VA.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADDITIONAL STATEMENTS

##### TAX LIMITATION AMENDMENT

Mr. KYL, Mr. President, today is tax freedom day, the day that average Americans can expect to quit working for the Government and begin working for themselves and their families.

Mr. President, it has taken the average American 128 days this year—the 128 days leading up to tax freedom day—to earn enough to pay the tax collectors at the Federal, State, and local levels. Had the average worker devoted every dollar earned every day for the last 128 days, not to food, clothing, or shelter, but exclusively to paying off his tax obligations, it would be only now that his tax bill would have been satisfied and he could begin working for himself.

May 7 is the latest tax freedom day ever—6 days later than it was when President Clinton took office in 1993. In other words, it will take the American people an extra 6 days—nearly a week—to pay for all of the additional taxes that have been imposed during President Clinton's time in office.

Mr. President, it is no wonder that Americans are anxious about their economic security. The harder they work, the more the Government takes. Compared to the 3 percent of income paid in taxes in 1948, the average family now pays nearly 25 percent of its income in taxes to the Federal Government. Add State and local taxes to the mix, and the burden approaches 40 percent.

That is why Congress passed the tax relief bill last year—to begin to roll back the huge tax increase that President Clinton imposed in 1993. We want to see that the American people can earn more, keep more, and do more with their families, their churches and synagogues, and their community.

President Clinton says he wants to help the middle class, too. Why, then, did he veto last year's tax relief bill? Seventy percent of the tax reductions would have gone to those with incomes under \$75,000. Looking at the tax relief bill in detail, it included a new deduction for interest on student loans, a \$500-per-child tax credit, a tax credit for adoption expenses, and marriage penalty relief. Those four components alone made up 64 percent of the tax relief provided by the legislation. In fact, the Heritage Foundation had estimated that 47,552 low-income taxpayers in Arizona—3.5 million nationwide—would see their entire income tax liability eliminated as a result of the \$500-per-child tax credit alone. But President Clinton said no to tax relief.

In fact, the President is still trying to justify his 1993 tax increase as a tax on the wealthy. Tell that to the millions of Americans who are struggling to cope with the soaring price of gasoline made worse by the Clinton gas tax increase. I am sure they would be surprised to learn that they are among the wealthy the President talks about so cavalierly. They are the ones paying the higher gas tax.

Young couples working two jobs and earning a combined total of only \$30,000 would be surprised to learn that they are among the wealthy that President Clinton talks about. With two children, they would have saved \$1,000 on their taxes if the \$500-per-child tax credit became law. President Clinton vetoed that relief.

I am sure the older American who has an income just over \$30,000 a year would be surprised to learn that he is one of the wealthy the President is so fond of taxing. He was hit with the Clinton Social Security tax increase in 1993.

According to the Tax Foundation, total Federal taxes on a median-income family—not the rich, but an average family—increased by more than \$2,000 during the Clinton years. Just about everyone across the country has felt the ill effects of President Clinton's economic policies.

When the President talks about taxes, it is always in terms of what it means to the Government—can the Government afford tax relief for the middle class? How much more can it squeeze out of working Americans? Well, I think we have to begin to consider how taxes affect working people's budgets. After all, it is Government that is supposed to serve people, not the other way around. A government that confiscates nearly half of its citizens' hard-earned income has, in my

opinion, lost sight of why it was created and just who it was intended to serve.

With that in mind—and recognizing that various levels of government already take far too much of a family's income in taxes—I recently proposed a constitutional amendment, Senate Joint Resolution 49, to require a two-thirds majority vote in the House and Senate to increase taxes. Twenty Senators cosponsored the resolution. The House of Representatives debated a version of the initiative, known as the tax limitation amendment, on April 15.

Mr. President, according to a recent Reader's Digest poll, the maximum tax burden Americans believe a family of four should bear is 25 percent. That is not just the amount of Federal income taxes, but taxes from all levels of government, including Social Security taxes, sales taxes, excise taxes, and State and local taxes. As I noted before, however, the average family feels a tax bite of nearly 40 percent—almost twice what the public believes is a fair amount of tax.

Even though the tax limitation amendment only applies to new taxes, it has the tax collectors and the Clinton administration squealing. They cannot stand the thought of not being able to take more out of the taxpayers' pockets.

Mr. President, there is no small irony in the fact that the Clinton tax increase of 1993 passed only by a simple majority—and not even a majority of elected Senators at that. Vice President GORE broke a 50 to 50 vote tie to ensure passage of the tax increase bill—higher taxes on gasoline and Social Security, and job-killing taxes on small businesses. Yet, while the largest tax increase in history became law with the bare minimum of votes, it will take a two-thirds majority vote in each House to enact our tax relief bill over President Clinton's veto.

Well, many of us believe that it ought to be just as hard for President Clinton to raise taxes as it is for Congress to cut them. That is the very premise of the tax limitation amendment—to make government think of tax increases, not as a first resort, but as a last resort.

President Clinton, who always seems to think of tax increases as a first resort, not only wants the American people to accept his tax increases but believes that his 1993 budget plan helped the economy. The facts just do not support that contention.

A recent report by the Heritage Foundation found that the Clinton tax increase has cost the country a total of 1.2 million additional private sector jobs between 1993 and the end of 1996. Every household in American has lost a total of \$2,600 in after-tax income as a result of sluggish economic growth. Personal savings are off by about \$138 billion. Some 40,600 new businesses were never started. 1.3 million new cars and light trucks were never produced. A total of \$208 billion in lost economic output.

What the Heritage Foundation refers to the Clinton crunch—the dual effect of declining real wages combined with higher taxes—has cast a dark shadow over the economy. Since January of 1994, the number of people working more than one job has gone up 17 percent. The number of women working more than one job has gone up 21 percent. President Clinton talks about the number of jobs created during his administration. Yes, there are more, but the fact is that more than a third of the new jobs have gone to people taking an extra job in order to make ends meet.

How has the Federal Government fared while people's incomes have been stagnating and their jobs are put in jeopardy? It seems to be doing pretty well.

Revenues to the Treasury have increased from \$1.15 trillion in 1993 to an estimated \$1.43 trillion this year—up almost 25 percent—thanks, in large part to the Clinton tax increase.

The President just forced Congress to add another \$5 billion to the Federal budget 2 weeks ago. That is \$5 billion more for the government, not American families, to spend.

President Clinton's budget for fiscal year 1997 would even add 13,700 full-time Washington bureaucrats to the Federal payroll.

In other words, the era of big government is not over. If President Clinton has his way, it will continue to grow and flourish at the expense of hard-working taxpayers.

Mr. President, there is a way to put a stop to this continuing assault on taxpayers. It is the tax limitation amendment. It would make it harder for Congress to raise taxes any further, requiring a two-thirds vote of each house on tax increase bills. It would have prevented the Clinton tax increase from becoming law in 1993 and thereby promoted more vigorous economic growth across the Nation.

Many of us will try to roll back the Clinton tax increase, or parts of it, like the gas tax. With the tax limitation amendment, however, we can also make sure that tax freedom day comes no later than May 7 in any future year. Hopefully, it will come a lot sooner.

The time for the tax limitation amendment has come.●

#### COMMEMORATING THE 100TH ANNIVERSARY OF THE JEWISH WAR VETERANS

● Mr. BRADLEY. Mr. President, I rise today to honor the Jewish War Veterans in the year of the organization's 100th anniversary, and to pay tribute to the members of their faith who have fought and died in the service of their country.

The JWV is the oldest active veteran's group in the United States. Founded by veterans of the Civil War, the first members pledged to combat the powers of bigotry whatever the target, and to assist comrades and their fami-

lies in need. They also pledged to gather and preserve the records of patriotic service performed by members of the Jewish faith. In the 100 years following, the JWV has been a crucial force in documenting the contribution Jews have made to America's military.

From the American Revolution to the Persian Gulf war, hundreds of thousands of Jewish-Americans have fought bravely in defense of our Nation and its democratic ideals.

The JWV has also made important contributions to the lives of their fellow Americans at peace. Its members have been leaders in the fight against racism and anti-Semitism in this country, and have used the strength of their organization to improve the care and well-being of veterans of all denominations.

Today the Jewish War Veterans continue to do important work in communities throughout the Nation. Members volunteer their services to assist disabled and hospitalized veterans of all races and religions, and serve the community through education programs and scholarships. They have assisted Americans young and old, Jewish and non-Jewish. I am proud that so many members of the JWV live in my home State of New Jersey, and I congratulate them on their centennial anniversary.

#### TRIBUTE TO MALLORY ROME

● Mr. LEAHY. Mr. President, I am pleased to inform my colleagues that Mallory Rome of Killington, VT, has been selected to receive the prestigious James Madison Fellowship. I commend the foundation for their decision to select Mallory—a Vermonter who has a deep commitment to teaching.

As most Americans learn at an early age, James Madison is the "Father of the Constitution." He sponsored the first 10 amendments and there is probably no single individual who had more involvement with drafting this remarkable document that has served our country so well. It is fitting that Congress established the James Madison Fellowship Program in honor of this great American.

Each year, fellowships are awarded to individuals who are interested in pursuing a career in education and who desire to concentrate their studies in American history or political science. Mallory has worked very hard to earn this fellowship. This month, she will graduate from Yale University. Her 4 years there have prepared her well for this fellowship and her future career. Mallory has already interned for the Teach For America Program and worked as a teaching assistant at a summer school.

I am confident that the foundation will be proud that it awarded this fellowship to Mallory. I know that her family and Vermont are already proud of her and I wish her the best in the future.●

WOUND, OSTOMY, AND CONTINENCE NURSES SOCIETY CONFERENCE

• Mrs. MURRAY. Mr. President, I am pleased to welcome the 28th annual Wound, Ostomy and Continence Nurses Society [WOCN] conference to Seattle, WA, June 15-19, 1996. The theme of the conference, "The Future is Ours to Create," will focus on future opportunities and challenges relating to the changing and expanding role of enterostomal therapist nurses, and other nurses specializing in wound, ostomy, and continence care.

Founded in 1968, WOCN is the only national organization for nurses which specializes in the prevention of pressure ulcers and the management and rehabilitation of persons with ostomies, wounds, and incontinence. In addition, WOCN is a professional nursing society which supports its members by promoting educational, clinical, and research opportunities, to advance the practice and guide the delivery of expert health care to individuals with wounds, ostomies, and incontinence. I applaud them for their commitment and dedication to their work.

In this age of changing health care services and increasing costs, the WOCN nurse plays an integral role in providing cost-effective care for their patients. This year's Seattle conference will provide a unique opportunity for WOCN participants to learn about the most current issues and trends related to their practice. I am honored that WOCN has chosen Seattle to host its conference and wish them every success.●

PRUDENTIAL SPIRIT OF COMMUNITY AWARDS

• Mr. CONRAD. Mr. President, this morning I was privileged to honor North Dakota's recipients of the 1996 Prudential Spirit of Community Award, Kendal Alexander, a student attending the Erik Ramstad Middle School in Minot, and Jessica Schmidt, from Minot High School Magic City Campus. Kendall and Jessica are among 104 honorees representing each State, the District of Columbia, and Puerto Rico that were selected to receive the Prudential Spirit of Community Award in recognition of their exemplary contributions to community service.

The Spirit of Community Initiative was organized last year by the Prudential Insurance Company of America, in partnership with the National Association of School Principals to encourage community involvement by young people, and to recognize community service contributions of America's youth. In the first year of the program, more than 7,000 young people working in various community service programs across the country were considered for the Prudential honors. One hundred four finalists were selected to receive the Prudential Spirit of Community

recognition, an award including a silver medallion and a \$1,000 cash award.

Mr. President, at a time when so much attention in the press is focused on the problems of youth, I think it important to highlight the contributions of young people like Kendal and Jessica who are working to improve their communities, and to provide services to individuals in need.

Kendal was honored for his work with a local food bank, highway improvement, to develop safe activities for children during Halloween and to assist senior citizens in nursing homes. Jessica, as president of the Minot High School Key Club, organized programs for nursing home residents, and a senior's prom for senior citizens in the Minot community. Kendal and Jessica deserve our sincere appreciation for their efforts to improve our communities. We can be proud that they are so committed to helping others, and that they represent our future. I also want to commend the Prudential Insurance Co. and the National Association of School Principals for establishing this outstanding program, and particularly, for encouraging young people to become involved in their communities.●

THE FORT PECK RURAL COUNTY WATER SUPPLY SYSTEM ACT OF 1996

Mr. DOLE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar 348, S. 1467.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1467) to authorize the construction of the Fort Peck Rural County Water Supply System, to authorize assistance to the Fort Peck Rural County Water District, Inc., a nonprofit corporation, for the planning, design, and construction of the water supply system, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. DOLE. Madam President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1467) was deemed read a third time and passed, as follows:

S. 1467

*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 "Fort Peck Rural County Water Supply System Act of 1995".

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) CONSTRUCTION.—The term "construction" means such activities associated with

the actual development or construction of facilities as are initiated on execution of contracts for construction.

(2) DISTRICT.—The term "District" means the Fort Peck Rural County Water District, Inc., a non-profit corporation in Montana.

(3) FEASIBILITY STUDY.—The term "feasibility study" means the study entitled "Final Engineering Report and Alternative Evaluation for the Fort Peck Rural County Water District", dated September 1994.

(4) PLANNING.—The term "planning" means activities such as data collection, evaluation, design, and other associated preconstruction activities required prior to the execution of contracts for construction.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) WATER SUPPLY SYSTEM.—The term "water supply system" means the Fort Peck Rural County Water Supply System, to be established and operated substantially in accordance with the feasibility study.

SEC. 3. FEDERAL ASSISTANCE FOR WATER SUPPLY SYSTEM.

(a) IN GENERAL.—Upon request of the District, the Secretary shall enter into a cooperative agreement with the District for the planning, design, and construction by the District of the water supply system.

(b) SERVICE AREA.—The water supply system shall provide for safe and adequate rural water supplies under the jurisdiction of the District in Valley County, northeastern Montana (as described in the feasibility study).

(c) AMOUNT OF FEDERAL CONTRIBUTION.—

(1) IN GENERAL.—Subject to paragraph (3), under the cooperative agreement, the Secretary shall pay the Federal share of—

(A) costs associated with the planning, design, and construction of the water supply system (as identified in the feasibility study); and

(B) such sums as are necessary to defray increases in the budget.

(2) FEDERAL SHARE.—The Federal share referred to in paragraph (1) shall be 80 percent and shall not be reimbursable.

(3) TOTAL.—The amount of Federal funds made available under the cooperative agreement shall not exceed the amount of funds authorized to be appropriated under section 4.

(4) LIMITATIONS.—Not more than 5 percent of the amount of Federal funds made available to the Secretary under section 4 may be used by the Secretary for activities associated with—

(A) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) oversight of the planning, design, and construction by the District of the water supply system.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act \$5,800,000, to remain available until expended. The funds authorized to be appropriated may be increased or decreased by such amounts as are justified by reason of ordinary fluctuations in development costs incurred after October 1, 1994, as indicated by engineering cost indices applicable to the type of construction project authorized under this Act.

ORDERS FOR WEDNESDAY, MAY 8, 1996

Mr. DOLE. Madam President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:30 a.m., Wednesday, May 8, further, that immediately 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, and the morning hour be deemed to have expired, and there then be 30 minutes equally divided for closing remarks prior to the 10 a.m., cloture vote relative to the White House travel bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Madam President, there will be a 10 a.m., cloture vote on the White House travel bill. I ask unanimous consent that Senators have until 10 a.m., to file second-degree amendments under the provisions of Rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. DOLE. Madam President, following the cloture vote, if not invoked, it may be the majority leader's intention to turn to any of the other following items, so we could expect votes tomorrow. We have the repeal of the gas tax, the taxpayer bill of rights, the minimum wage legislation, and the TEAM Act.

I guess we were unable to reach an agreement today, but it seems to me we should repeal the gas tax, settle the minimum wage dispute, all in one fell swoop. Hopefully that can be resolved.

#### ORDER FOR ADJOURNMENT

Mr. DOLE. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that after the remarks by the distinguished Senator from Arkansas, Senator BUMPERS, the Senate stand in adjournment under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I thank the majority leader for allowing me to just make a few remarks before we go out.

#### THE GAS TAX CUT

Mr. BUMPERS. Madam President, I want to again reiterate my strong opposition to the so-called gas tax cut. I have labored on the Energy Committee for 21 years and 4 months. An awful lot of that time has been spent preaching about conservation and how we must achieve some degree of energy independence.

It has not been too long since cars were lined up at the service stations. Getting their gas tanks filled was a 1 to 2 hour proposition. How soon we forget. There were cries then that we ought to raise the gasoline tax by as much as \$1 per gallon. I was never for that. The reason I was never for it is because people in my State, which is mainly rural, have to drive many miles

to go to work and do errands. In a rural State people drive from their homes to work in communities 25 miles away. That is a 50-mile-a-day commute. A 50-mile commute a day with a \$1 per gallon gasoline tax adds up to a staggering burden on middle- and low-income workers.

I have, however, always been a strong champion of fuel efficiency. The first year I was in the Senate under the leadership of Scoop Jackson, who was chairman of the Energy Committee, we forced the American automobile industry to achieve fuel efficiency standards, which they did not want to do. At that point, it was already apparent to anybody who watched that the American people had become rather captivated by small Japanese-made automobiles that were getting 35 to 50 miles a gallon. The automobile industry assured Senator Jackson and other Members of the Senate that requiring them to achieve some kind of a national fuel miles-per-gallon fuel standard would be disastrous for them.

In truth the car companies were wrong. We imposed Corporate Average Fuel Economy [CAFE] standards on the automobile industry. We told them that by 1985 they had to achieve an average national fuel efficiency standard of 27.5 miles per gallon per fleet. At that time in this country, the national average of all vehicles on the road, and that was roughly 30 million fewer cars than we have now, was a little over 13 miles per gallon.

You did not have to be a rocket scientist to know if we were using 6½ million barrels of gasoline a day that if you could improve fuel efficiency like that, with a snap of a finger, by one-third, you could have cut the import of oil into this country by 2 million barrels a day. At that time, the United States was producing between 60 percent and 65 percent of its own needs. Just parenthetically, today we produce about 50 percent and we import the rest. It is easily the single biggest contributor to our trade deficit.

In the 1980's we also raised the gas tax. The Federal gas tax had been 4 cents for a very long time. The tax was raised twice in the 1980's and twice again in the 1990's. Today it is 18.3 cents a gallon. In the past, we have always put gasoline taxes into the transportation trust funds to be used for building highways and for mass transit.

In the summer of 1993, as we labored in this body to honor a commitment that the President had made during his campaign that he would cut the deficit in half during his 4-year term, he sent a proposal to the U.S. Congress. He said if you adopt this proposal it will reduce the deficit by \$500 billion over the next 5 years. We have done this precisely the way the people around the coffee shops say they want it done—\$250 billion in new taxes, \$250 billion in spending cuts.

How often have you heard people say, "I would not mind paying more taxes

but they will just spend the money." Believe you me, there has always been enough action taken around here to give credence to that idea. Every poll shows the American people would opt for a plan if it cuts spending dollar for dollar against tax increases. So we raised income taxes on the wealthiest of Americans and we raised the gasoline tax by 4.3 cents a gallon.

What was that 4.3 cents per gallon tax worth? Over a 5-year-period it was worth \$24.5 billion. That total package was worth \$500 billion over a 5-year period, so we said.

In fact, Madam President, as of this moment, it is headed toward being \$700 billion in deficit reduction. How did we pass it? At that time what some of us like to refer to as the "good old days," we had 56 Democratic Senators, 6 voted no, 50 voted aye, and Vice President ALBERT GORE sat in that chair and voted to break the tie of 50-50, and we passed that deficit reduction package, which included this 4.3-cent a gallon gas tax.

Now we are back, and everyone wants to balance the budget. The American people have issued a nonnegotiable demand that they want the budget balanced. I happen to believe that any time the American people speak almost with one voice, they are heard here. So this body for the first time since I have been in the Senate has gotten serious about the business of balancing the budget.

Let me digress to say this, Madam President. The Presiding Officer is a member of the Republican Party. I am a Democrat. There are 53 Republicans sitting on the other side and there are 47 Democrats sitting on this side. In truth, this ought to be pleasing to the ears of the American people. We would all agree on about 90 percent of what we believe to be the core values of this country. Madam President, 90 percent of the core values that have made us a great Nation. And we are, make no mistake about it.

One of the values that every Democrat and every Republican and virtually everybody in the country would agree on is we should balance our budget. Where did we diverge? A couple of my very good friends on this side of the aisle are no longer here, and they are no longer here because they had the courage to be one of the 50 to vote for honest-to-God deficit reduction. If we had not done that, we would be looking at a \$290 to \$300 billion deficit today. One of the reasons the American people are feeling slightly better is that this year the deficit is going to be \$144 billion—less than half what it was projected to be and less than half what it would have been if a few people had not screwed up their nerve and been courageous enough to vote for something that was obviously unpopular. Nobody wants to vote for a tax increase of any kind. I wish I could just wave a wand and vote to repeal the 4.3-cent gas tax and say, "Well, we will take care of the deficit some other way."

Madam President, this is the first time we have attempted to undo any portion of that deficit reduction package of 1993. I am opposed to it because I lost two good friends who were courageous enough to vote for it. I am opposed to it on energy efficiency grounds, and I am opposed to it because you cannot balance the budget and keep giving away the Treasury.

It is really slightly hypocritical to ask the people of this place to repeal the 4.3-cent gasoline tax which will cost us, just for the remainder of this year of 1996, about \$3 billion? If we take the 4.3 cents tax off for the ensuing 7 years, you are talking about \$32 billion.

Where are you going to get the money to offset that? The majority leader in the House of Representatives said, "Well, let us take it out of education. We are not getting a very good bang for the buck on our money for education. We will take it out of education."

Madam President, the rules of the Senate do not permit me to say what I really would like to say about that. But needless to say, that is a crazy idea.

Somebody else has said, "Well, we are getting ready to impose a tax on the banks and S&L's to go under the so-called SAIF to pay off the bonds that we issued to bail the S&L's out. So we will just take it out of the savings and loan insurance fund.

You think about that one. We are going to reduce the gas tax 4.3 cents a gallon and make it up by charging the same amount to people of this country because they have deposits in the bank. That is passed on to the consumer one way or another. If we make the banks and the S&L's pay more into the insurance fund, they will pass it on to the customers. So if you say, "Well, we will take the gas tax off, but we will pick it up over here in the bank fund," I do not consider that the most enlightened solution either.

Madam President, 3 weeks ago the price of oil was \$24 a barrel. Yesterday it was \$21 a barrel—12.5 percent less

than it was 3 weeks ago. It takes a while before that reduced price of oil works its way through the pipeline, and the consumers get the benefit of it. But the Energy Information Administration says by October the price of oil will be \$17 a barrel.

I wish to goodness we could get this Presidential election over with so we could start talking seriously about things that really matter instead of playing around with things like this for whatever political impact they might have in November.

Madam President, how are we going to tell the American people that their gasoline prices are going to go down 4.3 cents a gallon? Answer. We are not, because we do not have any way of knowing that. The oil companies can put that 4.3 cents a gallon in their pocket.

But more to the point, how do we make up the \$3 billion we are going to lose? Nobody has said yet anything credible. No credible offer has been made as to how we are going to offset it. I frankly think the politics of this thing is not on the side of the proponents.

Yesterday, I had 150 people in a committee room over in the Dirksen Building, members of the chamber of commerce from my State. They were all here for their big national shindig. So for openers I just asked, "How many people here would like to repeal the 4.3 cents per gallon gas tax?" This is the chamber of commerce; these are business people normally who dislike taxes intensely. I did not embellish. I did not try to argue one way or the other. I just asked the question point blank. Five people. "How many would like to leave the gas tax alone?" Roughly 70 to 90 voted to leave it alone.

Today, the rural cooperatives were in town. I heard the distinguished Senator from North Dakota today say that farmers use six to seven times as much gasoline as the ordinary driver uses. There must have been about 75 people at the meeting today. "How many of you would like to repeal the 4.3-cent gas tax?" Three. All the rest were opposed.

So for all of the reasons I have enumerated plus others—and I will not take additional time, Madam President, because we are ready to shut this operation down for the night, but for all of those reasons and many more, the repeal of the 4.3-cents-per-gallon gas tax is a foolish idea.

And I am not going to vote for a constitutional amendment to balance the budget, which is an equally foolish idea. So many people in this body treat the Constitution like it is a rough draft that they are supposed to finish up somehow or other.

Everybody wants to amend the Constitution. I do not. I have only voted for one amendment, and I intend to think twice before voting for another amendment. I do not like a lot of the Members of this body tampering with what Madison and Adams, Hamilton and Franklin did 207 years ago.

Madam President, if we ever debate this gasoline tax, which I understood we were going to take up today, I will be back in the Chamber largely repeating what I just said plus some additional things. But I can tell you the American people are not behind this. They do not want it. If you want to do something to please the American people, get the budget balanced. Do not be tinkering around with the politics of the 4.3-cent gasoline tax. And above all, do not ask me to vote to undo the deficit reduction we have going which has been successful to a staggering degree. We should not start unraveling it now because there is a Presidential election in November.

Madam President, I yield the floor.

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ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned.

Thereupon, the Senate, at 7:02 p.m., adjourned until Wednesday, May 8, 1996, at 9:30 a.m.