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House of Representatives

The House met at 11 a.m.

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

May peace and unity decide our acts
for others' gain,
so that each moment would provide
a time for thought to reign.
O God who blesses each good deed
and loathes all undue pride,
encourage us by every creed,
our wills in peace allied. Amen.

THE JOURNAL

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

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

Mr. MILLER of California. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 370, nays 44, not voting 18, as follows:

[Roll No. 39]

YEAS—370

Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Coburn
Collins
Combest
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Flake
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Obey
Ortiz
Oxley
Packard
Pappas
Parker
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ryun
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Walsh
Wamp
Waters
Watkins
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wicker
Wise
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—44

Abercrombie
Bonior
Borski
Brown (CA)
Clay
Clyburn
Condit
DeFazio
English
Ensign
Everett
Fazio
Filner
Foglietta
Gephardt
Gibbons
Green
Gutknecht
Hefley
Hilliard
Hinchey
Kucinich
Maloney (NY)
Martinez
McDermott
McGovern
Miller (CA)
Oberstar
Pallone
Pascrell
Pickett
Pombo
Ramstad

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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Sabo	Thompson	Watts (OK)
Sherman	Velazquez	Weller
Stenholm	Vento	Wolf
Taylor (MS)	Visclosky	

NOT VOTING—18

Ackerman	Lewis (GA)	Owens
Coble	Linder	Payne
Cooksey	Menendez	Roukema
Dixon	Molinari	Rush
Greenwood	Nussle	Sanders
Kaptur	Olver	Torres

□ 1124

Mr. PASCRELL changed his vote from ''yea'' to ''nay.''

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. GILLMOR). Will the gentleman from Texas [Mr. BRADY] come forward and lead the House in the Pledge of Allegiance.

Mr. BRADY led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces it will entertain ten 1-minute requests on each side.

HERSHEY RETREAT PAVES THE WAY TO MORE CIVIL DISCOURSE

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

Mr. LAHOOD. Mr. Speaker, I rise today in the spirit of bipartisanship on this side of the aisle to express my thanks and gratitude to the 200 Members who attended the bipartisan retreat that was held in Hershey, PA. It was an enormous success. We had about 150 spouses and over 100 children, and the headline in the Harrisburg paper on Sunday I think really depicts the outcome, which says: ''Retreat declared success.'' And it was a success, in part because so many Members came, so many families came, and people really had an opportunity to build friendships and relationships that I believe will last well beyond our careers in Congress and, I think, will lead us to opportunities to really have meaningful dialog and debate in I hope what will be a much more civil atmosphere.

I want to express my deep gratitude to the gentleman from Colorado [Mr. SKAGGS], who cochaired this with me, the steering committee, the Speaker of the House [NEWT GINGRICH] and the Democratic leader [DICK GEPHARDT] for the extraordinary leadership that they showed in assisting us in getting the Members to come.

It was a great weekend, it was a great start. It is not the panacea, it is not the solution, but we have begun what I believe is an important event that will lead us to more civil discourse and continue, I think, to build the idea that the House of Representatives is the highest legislative body and the work that we do here is very important and should be held in high regard.

□ 1130

ALL U.S. ALLIES SHOULD BE TREATED FAIRLY

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

Ms. HARMAN. Mr. Speaker, I recently returned from a trip to Israel where I reviewed important aspects of the longstanding United States-Israel defense relationship. Nobody can visit this region without being struck by the fragility of the peace process and the looming potential for violence. During our meeting, Defense Minister Yitzhak Mordechi emphasized both the military risks in the region and the willingness of Israel to take risks in pursuit of peace. I am deeply concerned, however, that the United States appears to be holding Israel to one standard and her peace partners to another. Friends and allies may disagree over the appropriateness or timing of building in Har Homa, but this administration's handling of the issue is surprising and potentially counterproductive—not to mention confusing.

The administration should be congratulated for standing up in the United Nations and vetoing the anti-Israel resolution brought before the Security Council earlier this month. While condemning the Israeli Government's decision to build Jewish housing in Har Homa, the resolution did not address the failure of the Palestinians to live up to many of their commitments under the Oslo accords. The resolution made no mention of the many steps Israel has taken for peace, including redeploying Israeli security forces in Hebron, releasing terrorists convicted of killing Israelis and proposing to cede additional lands in the West Bank. The proposed United Nations resolution would have been extremely damaging to the peace process. The American veto told the world that we would not let our friend and ally be bullied, nor our concern for rational discourse and diplomacy be railroaded.

However, the actions this administration has taken since the U.N. veto—publicly criticizing Israel and agreeing to take part in an international conference in Gaza to which Israel was not even invited—threaten to undermine not only the positive effects of the veto, but the honest broker role the United States must play to promote peace in the Middle East.

Over the last week, the world has seen the President of the United States standing with Yassir Arafat and Egyptian President Mubarak, harshly criticizing Israel while ignoring the tangible risks she has taken. These public reprimands and actions do not serve the cause of peace and can only increase the potential for violent confrontation.

Mr. Speaker, the administration needs to treat all of our allies fairly. It has not done so in this case.

POSITIVE EXPERIENCE IN HERSHEY, PA

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

Mr. DELAY. Mr. Speaker, this past weekend I had the distinct pleasure to make some history with more than 200 of my colleagues in Hershey, PA at the bipartisan retreat. I want to congratulate the gentleman from Illinois [Mr. LAHOOD] and the gentleman from Colorado [Mr. SKAGGS] and everyone who worked so hard in putting this retreat together.

My experience in Hershey was very positive, and I want to thank my colleagues on both sides of the aisle for their cooperation in making this event a real success.

For most of the world, the U.S. House of Representatives means democracy. We, as Members of Congress, have a profound responsibility to treat this institution with respect, to uphold its rules, and to realize that the House and its traditions are bigger than any one person or party.

I also would like to remind my colleagues that disagreement in policy, disagreement in philosophy, disagreement in ideology is the wellspring of democracy, and I welcome spirited debate.

In the weeks, months, and years to come, I can guarantee one thing: We will all disagree. But after this weekend, I hope that those disagreements are made with the understanding that we all, as elected Members of Congress, are trying to do the best for our Nation.

KEEPING THE MOMENTUM OF HERSHEY GOING

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

Mr. SKAGGS. Mr. Speaker, I wanted to follow the good lead of my colleague from Illinois [Mr. LAHOOD] in addressing this side of the House in the spirit of the weekend just concluded, where we had a remarkable event occur: almost half of this body, with many spouses and children, spending some time together, doing the fundamental business of any institution, which is getting to know each other, developing some minimum level of trust and respect so that we can conduct our business here on the basis of policy, not on the basis of going after each other personally.

We realized something very important over this weekend, which is that we are in charge here and we have the power, if we wish to exercise it, to change a bit the culture of the House. Many terrific ideas came out of the weekend, very practical, very much able to be implemented with the goodwill and support of the leadership on both sides which happily were in attendance for the weekend.

We will be meeting again, the organizing committee and the coleader teams tomorrow, to start to work on keeping the momentum going forward in the effort that was begun this weekend. I thank the gentleman from Illinois [Mr. LAHOOD]; I thank all of my colleagues, both Democratic and Republican, for the spirit with which they approached this undertaking, and we are deeply in the debt of the Pew Charitable Trusts for their support in underwriting this experiment in making the democracy work better.

GETTING TO KNOW EACH OTHER IN HERSHEY

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

Mr. BOEHNER. Mr. Speaker and my colleagues, I too spent the weekend with my family at Hershey, PA. I want to congratulate the Members on both sides of the aisle that put the event together, and really congratulate the some 200 Members of our Congress who came to Hershey with an open mind about how we can proceed in this very difficult environment where we do have disagreements, but how we can proceed in a way that continues to allow the American people to have respect for their institution.

We are going to have our disagreements, but it does not mean that we need to be disagreeable to each other.

Probably the most long-lasting part of the weekend was the opportunity for each of us to better get to know each other. I have been here 6 years, and over the last 6 years we virtually have a brandnew Congress. Some 70 percent of this Congress has been elected since 1990, and over the last several cycles we have had large classes with little opportunity to begin to understand each other.

As we understand each other better, understand where we are coming from and why we hold the beliefs that we do, I think it allows us to have better respect and more respect for the diversity of opinion that we certainly find here in Congress.

It was a great weekend, it was a good start, and there is a lot more that needs to be done, and we need to work each and every day on helping ourselves and our colleagues deal with our disagreements in a more professional way.

UNITED STATES MILITARY WEARING COMBAT BOOTS MADE IN CHINA

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

Mr. TRAFICANT. Mr. Speaker, it is no wonder that millions of Chinese dollars have popped up in American politics. I mean, check it out: China alone gets $45 billion from American taxpayers in a sweetheart deal known as most-favored-nation trade status.

Now, to me, that is absolutely disgusting, with the 17 cents an hour labor wage. But if that is not enough to rip one of those false made-in-America labels on one of those Chinese imports, check this out: The United States Air Force just issued military combat boots to our troops that were made in China. That is right. American military personnel are wearing combat boots now made in China.

Beam me up, Mr. Speaker. What is next, marines in Mao suits? I think it is time to take a look at what China has done and take a look at every one of these sweetheart trade deals.

I yield back the balance of all American shoe wear that has cost jobs in this country.

WORKING TOGETHER TO MAKE AMERICA BETTER

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

Mr. TIAHRT. Mr. Speaker, last weekend my family and I joined 200-plus Members of this Chamber. We gathered together in Hershey, PA to restore trust and build friendships and, of course, to eat chocolate.

Now, obviously there were many friendships and relationships in existence before Hershey, but sometimes the reach across the aisle is very short. Sometimes we look around and we cannot recognize a Member, or we have not met them or we do not know their name.

Well, at Hershey, Republicans and Democrats came together to try to change the situation. Perhaps some of the tension that occurred in the last Congress was because we did not know each other well enough.

Now, we do know that we will not always agree; we quite often disagree. But we should work to maintain rigorous standards of respect and dignity, both on and off the floor of the House.

Mr. Speaker, I believe that, working together, we can make America better.

LET US GET TO WORK ON BALANCING THE BUDGET

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

Ms. VELÁZQUEZ. Mr. Speaker, we need to put together a budget. Every day Republicans force poor American families to balance their budgets or plunge into poverty. Meanwhile, as the deadline draws near for our national budget to be balanced, my colleagues on the other side of the aisle submit nothing and delay action. Real people have to balance their budgets; so should we.

Consider the human face of this debate. Hardworking people have to make painful decisions on a daily basis about keeping a roof over their family's head or putting food on their table. While you waste your time on political posturing, families I represent in Williamsburg and Brooklyn, NY, study their bank statement, trying to make ends meet. They cannot postpone their budget; neither should we.

My colleagues, everyone in this Chamber supports a balanced budget, and there are already two proposals we could be working on. Mr. Speaker, Mr. Majority Leader, Americans cannot wait any longer. Let us get working.

MUTUAL RESPECT IS VITAL FOR MEMBERS OF CONGRESS

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

Mr. FORBES. Mr. Speaker, replacing bitterness and a mean-spirited tack with mutual respect is vital to the effectiveness of this most democrat of institutions. Here in Congress, as we approach the challenges of this great Nation, we must renew our focus on the manner in which we do our work. It is here that the spirit of civility and bipartisanship must come alive if we are to build on the richness that is our heritage.

Every one of us has a vested interest to ensure that we as Members of Congress work together with abiding respect and uncompromising civility. Our ability to honor one another, while engaging in vigorous and thoughtful debate, goes to the heart of this institution and the people's faith in each and every one of us. Ultimately, restoring trust, dignity and comity will lead us to succeed on behalf of all of the American people. The people deserve nothing less, and they demand it.

□ 1145

A HERSHEY'S KISS

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

Mr. KINGSTON. Mr. Speaker, I want to join my colleagues in thanking the gentleman from Illinois [Mr. LAHOOD] and the gentleman from Colorado [Mr. SKAGGS] for bringing us all together, over 220 Members, together for a bipartisan retreat.

In that retreat we all acknowledged we are going to have conservative, liberal, urban, rural differences for whatever philosophical reasons, but that we

should try to eliminate the obstacles to civility as much as possible.

One of the things my group recommended, for example, is before we give our speeches ask ourselves these questions: Is the speech fair, is it accurate, is it true? If it was the last speech you were going to give, is this the one you want to be remembered by? If your mama was sitting in the gallery, would you still give this speech?

Mr. Speaker, I think if we go through these batteries of questions and just ask ourselves to reach for a higher level, then I think it might not be necessarily easier for Republicans to kiss a Democrat or for a Democrat to kiss a Republican, but it will be easier for us all to give each other a Hershey's kiss.

BALANCE THE BUDGET

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

Mr. STUPAK. Mr. Speaker, today there will be a lot of rhetoric, and I hope civil rhetoric, from the other side of the aisle about the President's budget. My Republican colleagues will go as far as to demand that the President submit another budget.

Mr. Speaker, the American people know that the Constitution says, and I quote, ''All bills for raising revenue shall originate in the House of Representatives.'' It is our duty, it has been our obligation, and will continue to be this House's responsibility to approve all appropriation bills, including the budget.

Republicans are now demanding that the President resubmit his budget. This is a complete reversal of their approach of the last Congress. The American people certainly remember how the Republican majority virtually shredded the President's proposals in pursuit of a radical agenda.

I call upon my friends to seize the moment, steer the proper course, and use the President's proposal as an historic opportunity to balance the budget. The President wants this done, Democrats want this done, and the American public wants it done.

I believe that beneath their current political rhetoric the majority wants a balanced budget as well.

LET US FULLY IMPLEMENT THE CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY ACT

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

Ms. ROS-LEHTINEN. Mr. Speaker, 1 year ago today, the Cuban Liberty and Democratic Solidarity Act was signed into law with the overwhelming support of this body.

In just 1 year, the Helms–Burton law has successfully served its purpose of protecting the property rights of American citizens as well as reducing the level of foreign investments that help keep the Castro dictatorship in power.

Despite the Clinton administration's failure to fully implement the law, dozens of companies have stopped their operations in Cuba, while many others have postponed their plans to invest in Castro's slave economy.

The European Union, in a last-ditch attempt to profit from American stolen property and exploit the Cuban worker, has filed an irresponsible challenge before the World Trade Organization against Helms-Burton that threatens to undermine our Nation's ability to dictate our own foreign policy. We call on the President to invoke the national security clause in this battle.

A year after its passage, Mr. Speaker, this body can be proud that it stood firm in support of the Cuban people's struggle for freedom. Now let us fully implement this successful law.

KIDS' HEALTH CARE MUST BE OUR PRIORITY

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

Mr. McGOVERN. Mr. Speaker, just 2 years ago in my home State of Massachusetts, 23 percent of children under the age of 18, or some 160,000 kids, were without even basic health insurance. The people of the Commonwealth understood that this statistic was not only startling, it was absolutely unacceptable.

So Massachusetts passed the landmark piece of legislation that is on the verge of giving basic coverage to some 125,000 kids, or 80 percent of the uninsured children in my State.

By streamlining the administration of this program and by instituting a 25-cents per pack cigarette tax, Massachusetts has come up with more funds to protect children, and has become eligible for more Federal funding in return. Now Massachusetts is doing what every State in this Nation should be doing: covering children's health.

But the crisis is not over. One child in seven living in the United States today is uninsured. That is absolutely unconscionable.

Massachusetts should serve as an inspiration for the rest of our Nation. We in this Congress have an awesome responsibility before us. We have a responsibility to prepare our children to be the leaders of tomorrow by ensuring that they receive a healthy start today. Let us make health care for our kids a priority.

EPA'S IRRATIONAL POLICIES

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

Mr. NEY. Mr. Speaker, today is the end of the public comment period for the EPA first phase implementation of their irrational policies.

This chart, Mr. Speaker, is not a map that shows all the great bipartisan spirit of Hershey, but this is a bipartisan issue, because where you see red on this map, Mr. Speaker, are areas throughout the United States, Democrat and Republican representation, that are going to be in jeopardy because working families are going to be at a very high risk of losing their very livelihoods and way of life because of irrational policies by the EPA.

Today ends the public commentary period. George Wolfe, an EPA scientist, stated himself before one of our hearings that these proposals are based on a policy decision by the director instead of sound science.

It is time to stop this because, Mr. Speaker, the policies they are going to try to implement are not going to do anything to make a betterment for people, but it is going to do one thing; it is going to take away working Americans' jobs, it is going to hurt the school systems, and the communities. It is time to fight these proposals.

REPUBLICANS SHOULD LEARN TO TREAT LEGAL IMMIGRANTS WITH THE SAME RESPECT LEGAL IMMIGRANTS GIVE TO AMERICA

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

Mr. GUTIERREZ. Mr. Speaker, the Republicans have announced that America can expect their budget plan in May.

I hope they mean May 1997. I should be concerned. That is 1 month after the legal deadline for submitting a budget. But I want to be positive so I will assume this delay is caused by tireless Republican efforts to craft a budget that restores programs taken away from law-abiding legal immigrants.

I will assume Republicans are crunching numbers and saying, ''How can we restore critical benefits to our needy seniors, our blind and disabled, to mothers and their children? How can we treat our legal immigrant population with decency and fairness?''

That ''should'' be the reason for the delay, because legal immigrants deserve better than this Congress has given them.

Immigrants work hard. The fact is they pay far more in taxes than they receive in benefits. They play by the rules. They are in our Nation legally, contributing their energy, hopes, and dreams to our Nation.

May is a long time from now. It should be long enough for my Republican friends to learn to treat legal immigrants with the same respect legal immigrants give to America.

THE ELEMENTS OF A CIVIL DEBATE ON THE FLOOR OF THE HOUSE

(Mr. GUTKNECHT asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, I have been a Member of this Congress now for 2 years, and too often I have seen Members come to the well of this House and demonize, trivialize, and personalize the debate. I was happy to have participated in the conference up in Hershey, PA, because I think it is time that we stop this poisoning of the well of this great Chamber.

I told a story that happened back in the Continental Congress. Benjamin Franklin one time, at the end of a couple of days of very, very bitter debate in the Continental Congress, rose slowly at the back of the Chamber one morning and he said, ''Let us for a moment, Mr. Speaker, contemplate our own fallibility.''

Mr. Speaker, let us commit ourselves to vigorous but fair debate. Let us do it with humility. Let us do it with humor. If we do, I think both this body and the body politic will be well served.

NINE DAYS REMAIN FOR THE HOUSE TO SUBMIT A PLAN TO BALANCE THE BUDGET

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

Ms. STABENOW. Mr. Speaker, I first would like to commend the gentleman from Illinois [Mr. LAHOOD] and the gentleman from Colorado [Mr. SKAGGS] for what was an outstanding weekend for us to come together and to talk as human beings about our differences and about the ways in which we can get things done.

I would hope that the first way that we would show our constituents that we were serious about getting things done would be to start by balancing the budget. We do not need to have a constitutional amendment to balance the budget, as they say, we just need to do it. We need to do it in the way our families do, at kitchen tables all across the country, making sure their own priorities, protecting the interests of their families are at stake, and at the same time making sure that their own budgets are balanced.

The lessons of Hershey are that we need to work together and to get something done. We have a limited amount of time, 9 legislative days, to present a budget. We need to get serious. We need to get busy and show our constituents that we intend to have the political will to balance the budget this year.

DEMAGOGUERY CAN BLOCK BIPARTISAN CIVILITY AND COOPERATION IN SOLVING AMERICA'S PROBLEMS

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

ANNOUNCING THE BIRTH OF TWIN GRANDCHILDREN SELINA ANASTASIA AND JAMES AZARIEL BURNETT

Mr. SMITH of Michigan. Mr. Speaker, I was going to spend my 1 minute talking about the dangers of changing the CPI until we come up with provisions to make sure we protect the Social Security trust fund. I was not able to go to Hershey because my wife, Bonnie, and I had grandchildren a few days before, and they were twins. My daughter Elizabeth and her husband, Fred Burnett, now have twins. Their names are Selina Anastasia and James Azariel Burnett. So I am glad to announce that.

But on the issue of civility, on the Committee on the Budget we have talked about the serious problems of dealing with Medicare and Social Security, tremendous financial obligations and problems for the future. So I would just urge all my colleagues that the greatest enemy of solving these problems is demagoguery, because it is so easy in campaigns to scare people. I think it is so vital that we work together in solving very tough problems.

MOTION TO ADJOURN

Mr. BONIOR. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and the Speaker pro tempore [Mr. GILLMOR] announced that the noes appeared to have it.

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 26, nays 392, not voting 14, as follows:

[Roll No. 40]

YEAS—26

Berry
Brown (OH)
Conyers
DeFazio
Delahunt
Dingell
Eshoo
Fazio
Filner
Frank (MA)
Gephardt
Kennedy (RI)
Martinez
McDermott
McGovern
Miller (CA)
Mink
Neal
Olver
Owens
Pelosi
Sabo
Sandlin
Strickland
Towns
Wynn

NAYS—392

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Moakley
Molinari
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sanchez
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Schumer
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson

Thornberry	Walsh	White
Thune	Wamp	Whitfield
Thurman	Waters	Wicker
Tiahrt	Watkins	Wise
Tierney	Watt (NC)	Wolf
Traficant	Watts (OK)	Woolsey
Turner	Waxman	Yates
Upton	Weldon (FL)	Young (AK)
Velázquez	Weldon (PA)	Young (FL)
Vento	Weller	
Visclosky	Wexler	

NOT VOTING—14

Ackerman	Hall (OH)	Riggs
Ballenger	Kaptur	Sensenbrenner
Brown (CA)	Mollohan	Torres
Coble	Pomeroy	Weygand
Cooksey	Quinn	

□ 1213

Ms. KILPATRICK, Ms. EDDIE BERNICE JOHNSON of Texas, and Messrs. EWING, LAHOOD, SHUSTER, ROHRABACHER, HASTINGS of Washington, BOB SCHAFFER of Colorado, BECERRA, LARGENT, and FATTAH changed their vote from ''yea'' to ''nay.''

Mr. MCDERMOTT and Mr. DELAHUNT changed their vote from ''nay'' to ''yea.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 600

Mr. ABERCROMBIE. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from H.R. 600.

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

There was no objection.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, is it true that there will not be another vote for about an hour on the floor, and that we are about to take up a rule which will consume about an hour?

The SPEAKER pro tempore. The House is about to take up a rule, on which an hour's time is allocated, so that would be a likely conclusion.

Mr. SOLOMON. The reason I inquire, Mr. Speaker, is to get some order in the House so that Members can either leave the Chamber or take seats.

REQUESTING THE PRESIDENT SUBMIT A BALANCED BUDGET

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 90 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 90

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the Resolution (H. Res. 89) requesting the President to submit a budget for fiscal year 1998 that would balance the Federal budget by fiscal year 2002 without relying on budgetary contingencies. The resolution shall be considered as read for amendment. The resolution shall be debatable for two hours equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget or their designees. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion except one motion to recommit. The motion to recommit may include instructions only if offered by the minority leader or a designee. If including instructions, the motion to recommit shall be debatable for five minutes by its proponent and five minutes by an opponent.

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY] pending which I yield myself such time as I might consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 90 provides for consideration in the House of House Resolution 89, which is a resolution requesting the President to submit a balanced budget under a structured rule. The rule provides for 2 hours of debate, divided equally between the chairman and ranking minority members of the Committee on the Budget or their designees.

Mr. Speaker, in trying to be as fair as possible, the rule also provides for one motion to recommit, which may contain instructions if offered by the minority leader or his designee. If it includes instructions, the motion to recommit is debatable for 5 minutes by a proponent and 5 minutes by an opponent, keeping in mind that there will have already been 2 hours of debate on this entire issue.

Under the rules of the House, a motion to recommit is not required to be given to the minority for the consideration of a House resolution. However, the Committee on Rules sought to provide such a motion to the minority for the purpose of the consideration of this bill to be, again, as fair as possible.

Mr. Speaker, after the 1996 elections when the American people returned bipartisan political leadership to Washington, the Republican Congress offered to begin budget negotiations right away. As a result of this bipartisan spirit, formal and informal discussions between the Congress and the White House on reaching a balanced budget has been ongoing. While these talks have been productive, they are not yet complete, an that is the way it has been year in and year out. It takes time.

As we all know, on February 6 of this year, President Clinton sent his budget to Congress, a budget which, according to the President, produced a surplus of $17 billion in the year 2002, 5 years from now. Upon the receipt of that budget, the Republican Congress reacted in the same spirit of bipartisan cooperation. The budget was not declared dead on arrival, as was so often the case when Republican Presidents would present their budget. Even though many of the budget specifics do not meet the expectation of many in this Congress, we still have kept an open mind on it.

Furthermore, Mr. Speaker, the Republican Congress sought to give the administration every opportunity to explain and sell that budget to Congress and to sell it to the American people through the regular committee process, and that is as it should be.

After a thorough analysis by the committees, the bipartisan membership, and the Congressional Budget Office, the President's budget fails four specific tests, and I think that all Members in their offices, or wherever they might be, should pay particular attention to this, because it is what they were sent here to do, and that is bring some fiscal sanity to this body.

First, it does not achieve a balance in the year 2002; it actually leaves a deficit of almost $70 billion. So what have we succeeded in doing? The truth is nothing in dealing with this terribly important issue.

Second, it does not specifically reduce spending in the first 3 years. It actually allows, listen to this, it actually allows the 1998 deficit to increase; not decrease but to increase. That is this coming year, to increase by $24 billion. And even more so important, listen to this, it saves 98 percent of the deficit reduction in this whole 5-year period, 98 percent of any cuts, for the last 2 years.

Well, we all know what that means, It means we will not get there.

Third, it does not save Medicare from bankruptcy. It actually does less to save Medicare than even the last Clinton budget of last year.

Fourth, it does not provide permanent tax relief for American families. It actually increases taxes in the last 2 years. Imagine that. We are going to be coming down here and voting to increase taxes when the American people are already the most heavily taxed people in the world. As a result, the President's budget is found, believe me, found wanting.

Mr. Speaker, while we as the Congress are committed to negotiating a balanced budget agreement with the White House, there is one nonnegotiable item determined by the American people, by the American taxpayer: Any budget agreement must achieve balance in the year 2002 using the same deck of cards; in other words, comparing apples to apples. And that means using the Congressional Budget Office scoring so that we all can be playing with that same deck, as I said before.

This is a goal both the President and the Congress have embraced publicly and privately, and was perhaps the only item agreed upon during the budget negotiations of the last 2 years. Mr. Speaker, without an agreement on the parameters of the numbers, no real discussion on specifics can begin because no one will believe what we are talking about.

The President committed to this last year by submitting two budgets scored

in balance by CBO. However, his most recent budget, the one we have before us, reflects an abandonment of that commitment. We have to ask ourselves why.

The resolution before us today calls on the President to reaffirm that commitment to balancing the budget by 2002, using honest numbers and up-front cuts; up front in the first few years, not the last few years.

In contrast, the President's budget uses Gramm-Rudman. Now, many of my colleagues were not here back in the days of Gramm-Rudman, but that was even a Republican budget, and in that budget we had the cuts in the latter years. And guess what? We never got there, because in the last 2 years it was too doggone difficult and we could not do it. We did not have the guts to do it.

We cannot let that happen again. We cannot add another trillion dollars to this accumulated debt. That Gramm-Rudman budget took credit for cuts then, but they wanted to make the cuts at a later time and it just did not work.

Now, once we agree on these goals and what those goals mean, Congress and the President together can sit down and we can work out agreements on the details, details like this. Here is $800 billion in cuts. Take your choice, Mr. President; take your choice, Congress. But we have to do it. We cannot just ignore it and let it go on year after year. Until that time, budget negotiations will be little more than partisan bickering and will never get us to where we all say we want to be.

Some of my colleagues will argue this resolution is meaningless because Congress has not yet produced its own budget. Well, in response I would like to just make three observations, and we will discuss this during the 2-hour general debate coming up in a few minutes.

First, the current laws governing the budget process required action by both the President and the Congress. Both of us. First the President then the Congress. That is what the law says. It is in here. Read it on page 802.

Now, it is true that the President has submitted a budget, which my colleagues must remember was actually submitted to Congress late, and that is the way it usually always is. And I will admit there is nothing in current law that requires the President to submit that balanced budget, although many of us would argue that. However, for the past 2 years and during the entire Presidential campaign of 1996, all discussions of the budget have assumed a balanced budget. We all began talking along that line, balancing the budget.

By submitting a budget not in balance, the President has submitted a budget that in reality cannot be considered by this Congress. I, for one, will not let that go through the Committee on Rules. Either it will be balanced and it is going to be honest, without smoke and mirrors, or it is not coming out of that Committee on Rules.

My colleagues may also remember that for the past 2 years the Committee on Rules has required that all budgets, whether offered by Republicans, whether offered by Democrats, whether offered by the Blue Dogs, or the Black Caucus or anybody else, had to be scored by CBO and they lived up to it. They went and they had their budgets scored. My own budget was scored by CBO. They were all honest. That is not a new requirement. This is what we agreed to in the last Congress and, by golly, this is what we are going to agree to in this Congress.

This resolution, therefore, calls upon the President to follow that process. If we were to take up the President's current budget, it would have to be scored by CBO, which shows that it is, in fact, not a balanced budget. Without a new budget, Congress' hands are tied by the rules of the Budget Act.

Second, we must remember that over the past 20 years Congress, under Democrat and Republican majorities, have only met the April 15 deadline for considering the budget resolution once. Once over the last 20 years. And not one of those budget resolutions was a balanced budget.

Furthermore, according to my calendar, it is only March 12. We have more than a month to work until that April 15 deadline.

Third and finally, if my colleagues went back and reviewed the history, they would find that every year in which a budget agreement was reached between Congress and the White House, whoever the President was, the budget resolution was adopted later than the deadline. Why? Because both sides sought to reach agreement on the priorities of the budget up front. The actual implementation of that agreement came later in the year, as we all know, through the appropriation process.

□ 1230

That is exactly what Congress is trying to do this year. The Republican Congress is acting in a cooperative way and I believe a very productive manner by offering to use an honestly balanced budget presented by the President as a basis for the debate. In the long run, this will set the context for an effective and productive debate.

The President needs to lead by presenting his visions and his priorities of how the country can reach its goals. However, he fails to achieve the goal of a balanced budget. In these budget negotiations, actually achieving balance through real and significant spending cuts, it is the whole ball game, my friends. If we do not do that, there is no reason to go through this whole exercise. The resolution calls on the President as an exercise of good faith to actually submit a balanced budget. Let us hope that he does.

Let me just show Members, there is a chart down in the well, I will not bother presenting it now, but this is what Members better be thinking about when voting on the resolution today. The deficit of $69 billion in 2002, that is what Members would be voting on if they voted on the President's budget today: a $70 billion further deficit in that year, an accumulated deficit all during the 5-year period, 98 percent of the deficit reductions in the last 2 years.

That is not fair, to even come on this floor and talk about that. If we have not got the guts to vote on those cuts up front in year 1, in year 2, in year 3, then we should not be in this Congress. In this year alone we would, under the President's budget, increase the deficit by $24 billion rather than staying on that glide path to a balanced budget over 5 years.

This is what this is all about today. We are urging the President to give us that balanced budget, scored by CBO, so that we can compare apples to apples and we can at least hopefully attain the balanced budget that we all are fighting so hard for.

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

Mr. MOAKLEY. Mr. Speaker, I thank my dear friend, the gentleman from New York [Mr. SOLOMON], for yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, I had hoped that last weekend's promise of new collegiality would last longer than 3 days, but this rule and this balanced budget bill have melted away that bipartisanship all too quickly.

Mr. Speaker, it should not come as much of a shock to anyone that my Republican colleagues do not like President Clinton's budget. If they do not like what the President does in the White House, I do not expect them to like what is in the President's budget. But how the President balances his budget is not the issue, Mr. Speaker. The real issue is the Republican budget, which nobody has seen.

The most persistent and urgent question at this point, Mr. Speaker, is where is the Republican budget? They have got 10 days left to produce it. The House can spend all the time it wants trying to tell President Clinton what to do, but the fact is the budget needs to come from the House of Representatives. It does not matter how the President balances his budget. It does not matter even if the President has a budget, because the budget has to come from the House of Representatives before April 15.

Mr. Speaker, section 301(a) of the Congressional Budget Act of 1974, as amended, says, ''On or before April 15 of each year, the Congress should complete action on a concurrent resolution on the budget for the fiscal year beginning on October 1 of such year.''

In other words, Mr. Speaker, the budget needs to come from the House. Section 301(a) does not even mention the President. The House and Senate have to agree on a budget by April 15, and as I said, we have got 10 legislative days left to get it done. It is that simple. Yesterday House majority leader

DICK ARMEY announced that Congress will not consider a budget resolution until May, one month after the deadline that has been imposed by the law.

I might add, Mr. Speaker, that President Clinton submitted his budget on February 6. His budget has been pored over for more than a month while the Republican budget is still a figment of somebody's imagination.

At this point it is easy for my colleagues to like the Republican budget. Nobody has seen it. And although how much someone likes President Clinton's budget is irrelevant, I would like to add, Mr. Speaker, that according to the Office of Management and Budget, President Clinton's budget is in balance. Even the Congressional Budget Office's March 3 analysis of the President's budget shows that it is balanced by the year 2002.

President Clinton has said in his own words that if the CBO's deficits are larger than the OMB's, the President will make sure that his budget balances with the higher deficit numbers. What could be fairer than that? He will make additional discretionary cuts, about 4 percent; he will make entitlement cuts, about 2.25 percent; and he will sunset some taxes. It does not get any better than that, Mr. Speaker.

But that is not the issue here today. The budget issue is the responsibility of the Congress. Putting together a budget with which both the House and Senate agree is the responsibility of the Congress. Meeting the April 15 deadline is the responsibility of the Congress. No amount of finger-pointing or politics is going to change that, Mr. Speaker.

So I suggest to my Republican colleagues that we remember last week's collegiality retreat and we work together constructively. The American people are not going to stand to have their Government closed down for the second year in a row because of Republican politics. And no matter how long the House waits, it is going to have to come up with a budget someday.

So I urge my colleagues, on this matter, to defeat the previous question, to make in order the Minge-Tauscher-Stenholm alternative.

Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Speaker, we are dealing with a very difficult question here this afternoon, and that is, how does this institution reconcile the serious political differences that exist in the country with respect to the budget of the United States of America?

The President took a stab at this when he sent to Congress a budget in early February. Unfortunately, he did not have the benefit of the Congressional Budget Office in projecting revenues and expenditures in making up this budget. CBO had not yet reached that stage in its analysis that it could provide that type of assistance. Once the budget arrived, CBO did attempt to evaluate, or score, the budget. In the meantime, the Office of Management and Budget had provided the President with that guidance.

We now find that the Office of Management and Budget and the Congressional Budget Office disagree. The President attempted to address this difficult situation by having a so-called fail-safe or trigger mechanism, that tax cuts and certain expenditure programs would be sunsetted, reduced, if the budget was not balanced by the year 2002. For this reason, the Congressional Budget Office said that technically it can balance by 2002.

Now, it would be nice if the President would simply respond to each request that we send to him from the Hill, submit new budgets, and in a sense be negotiating with himself. But the position that we have taken and the amendment that we ask to be allowed in order to this particular resolution would simply recognize that we cannot depend on the President to do all of this. We have a responsibility here in Congress.

Some of us have put together a budget proposal which the Congressional Budget Office has indicated will balance by the year 2002 without the use of triggers, but unfortunately that budget is not being sponsored by the leadership of either party. We feel, those of us that are asking that our amendment be recognized as a viable alternative, that the leadership of this institution has a responsibility that is parallel to the President's, to introduce its own budget. Then we will have some choices on the table.

We are saying, introduce that budget on the majority side and ask the President to send up a revised budget simultaneously. We feel that this simultaneous obligation will move our process forward so that indeed we can be effective, efficient and timely. We would request that this amendment so be allowed, and if it is allowed, we would have the opportunity for an intelligent vote.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. ARMEY], the esteemed majority leader. He is one of the reasons we have moved toward fiscal sanity in this body in the last several years.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from New York for yielding me this time. If I may, let me give my regards to my good friend from Boston.

It is a pleasure for me to be able to participate in this debate, but I do feel that I want to raise a note of caution. As we all know in this town, it is all too often, I think, possible for people to gain a wrong impression of what is intended and how we act. Sometimes that is because we perhaps act in a clumsy manner. But if I could have my wish for how the President and the White House and members of his party would respond to or accept this action we are taking today, I would hope that they could accept it as an invitation and as an encouragement.

The President went out and campaigned, as well he should, for reelection, and he campaigned on a commitment to achieve a balanced budget that achieved many things, including tax relief for the American people and including saving Medicare from pending insolvency. And the President was reelected. Having won a reelection to the Office of the President of the United States, it is absolutely clear to all of us he won the right and I daresay the obligation to provide Presidential leadership to this first, most important concern of the American people.

When the President submitted his budget before us, we understood and I think we need to understand the White House went through a fairly large personnel change, two new persons at the White House, in particular, that I have enjoyed working with: Erskine Bowles the President's new Chief of Staff, and Frank Raines, his new Budget Director. It is perfectly well understandable that, given this change, that their first initial submission may have had some disappointments.

We have received the President's budget with all the consideration and all the respect that a President's budget should receive, and we have had it examined and scored by those agencies that must examine and score and see how a budget measures up.

The clear definitive agency that the President himself has spoken of so eloquently, even in front of this body in his State of the Union Message, that is definitive, is the Congressional Budget Office. What have we found? To our disappointment, and I have to say from my conversations, I will accept to the genuine surprise and concern of Erskine Bowles and Frank Raines, the President's budget just simply did not do a good job of making the mark.

His current budget raises taxes instead of cutting taxes. It delays 98 percent of the spending cuts until 2 years after the President leaves office. If we did nothing, we would be better off with respect to deficit reduction next year than if you passed the President's budget.

□ 1245

I do not believe the President and I do not believe the people that I have spoken to in the administration would find that an acceptable level of achievement, given the commitment that has been so eloquently expressed from the White House by the President, by the Vice President, and by so many of the people in the administration, and what we try to do today is extend an invitation.

Mr. President, as my mama told me so many, many times: ''Don't harbor a disappointment, don't let yourself be defeated. If at first you don't succeed, try, try again.''

Please let us work together. We are more than ready to welcome another submission, to get down and look at that. We must acknowledge one responsibility that this Congress has, and it

is the responsibility this Congress will not step down from, and that is to get before the American people in this year a truly balanced budget that makes the hard choices, that fulfills the rigorous demands, that calls on all of us to stretch ourselves out a little bit and achieves the promised goals of a balanced budget by the year 2000, of saving Medicare from the threat of insolvency and providing tax relief for the American people.

I truly believe that this year is the best year for us to get together, this body and the other body, working together and, in all that process, to work with the inclusion and the enthusiastic support and encouragement, one for another, with the administration. We can do that. We ought to do that.

Therefore, I, as we have discussed this whole question of putting this resolution on the floor today, have said from the outset we should do so, and we should do so as an invitation and as an encouragement to the administration to understand they put better work before us, and it will receive even more respect than that work which they put before us. We have understood their disappointments as the Congressional Budget Office and Joint Tax Committee have examined their work, and we want to work with them, and on that spirit I would encourage us all to vote for this resolution and encourage the White House to work with us.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. STENHOLM], the ranking minority member on the Committee on Agriculture.

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

Mr. STENHOLM. Mr. Speaker, the tenor of the last speaker, my friend and colleague from Texas, is exactly why I wonder why we are doing this today. It is just like last night when I appeared before the Committee on Rules. It seemed like we were in more agreement than disagreement, and yet I have to come to the floor expressing my extreme disappointment that the amendment that the gentleman from Minnesota [Mr. MINGE], the gentlewoman from California [Mrs. TAUSCHER], and I have suggested for today would not even be made in order, that we would not have the opportunity to even vote upon that.

Mr. SOLOMON. Mr. Speaker, would the gentleman yield at that point?

Mr. STENHOLM. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, as the gentleman knows, we discussed this at length, and we specifically cleared with the parliamentarian both of the amendments that he and the gentleman from Minnesota [Mr. MINGE] were seeking, and they are germane and they can be offered.

Mr. STENHOLM. But only as an offer to recommittal, and I am reclaiming my time.

Mr. SOLOMON. But with a clean up or down vote on this subject.

Mr. STENHOLM. But there again we both know that those are more partisan than they are actual activities on the floor of the House.

Mr. Speaker, the purpose of our alternative is to try to put an end to finger pointing and the blame game that has distracted us from doing the serious work to balance the budget. I was reminded of a speech that I was making not too long ago. When they point a finger at the other side, they should take a good look at themselves; there are three aimed back at them.

Our amendment recognizes that both the Congress and the President must demonstrate more leadership than they have to date in order to reach a balanced budget. We should not allow Congress or the President to avoid this obligation.

The Minge-Stenholm-Tauscher amendment contains the exact same language as the underlying resolution requesting that the President submit a new budget by April 7. However, our amendment would hold Congress to the same standard as the President by requiring the House Committee on the Budget to report a balanced budget by April 7 as well.

Although the underlying resolution calls on the House to consider a balanced budget resolution, it sets no deadline or timetable for action. This will allow us to continue to postpone action and continue the current stalemate. We should not vote to exempt ourselves from responsibility to produce a credible balanced budget.

I believe it is very dangerous, in spite of the very eloquent words of my colleague from Texas a moment ago. I believe it is very dangerous for Congress, as an institution, to continue to shift responsibility for the budget to the President. Article I of the Constitution gives Congress primary authority over legislation dealing with tax and spending and borrowing money.

I encourage my colleagues to read an opinion editorial on our desk in last week's Washington Times by Professor Thomas DiBacco, who pointed out that for most of our history, Congress had the primary responsibility for budgets. Although Congress has given the President more authority in budgeting in order to bring more discipline to the process, the increased presidential role in the budget process has actually coincided with increased deficits.

I would remind my Republican colleagues of the words of a previous Republican Speaker, Joe Cannon, who said, ''When Congress consents to the Executive Branch making the budget, it will have surrendered the most important part of governing. I think we had better stick pretty close to the Constitution with its division of powers well defined and powers close to the people.''

The resolution before us today allows Congress to avoid its constitutional obligations on budget issues. What they are saying in their resolution is ''Mr. President, you submit the budget.'' Our responsibilities in this body are for us to submit the budget, and I am ready to reach out and work on both sides of the aisle on going through the regular legislative process. That is what our amendment would make in order.

I urge my colleagues, if they agree with the tenor of my conversation and the concerns about the Constitution, I urge them to defeat the previous question, allow our amendment to come up in which we say to us and the President, ''Let's get on with the business of the American people.''

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Mrs. TAUSCHER].

Mrs. TAUSCHER. Mr. Speaker, I rise in strong opposition to the rule before us today, and I object to House Resolution 89. I am disappointed that the Committee on Rules has chosen to restrict debate on this measure, and I hope my colleagues will vote to defeat the previous question and allow us to offer the Minge-Stenholm-Tauscher substitute.

Our substitute, Mr. Speaker, is quite simple. It says that not only should the President have a CBO-scored balanced budget plan by April 7, but that the House Committee on the Budget must present one as well.

This is a reasonable request, and it is one that is made in the spirit of bipartisanship. It is an effort to place all the parties on a level playing field and to help facilitate useful discussions on balancing the budget.

Mr. Speaker, I regret that we are here today not to debate the merits of different budget proposals, but it looks like it is a cynical attempt to make the President look bad. It is counterproductive to be considering House Resolution 89, but it is even worse that the rule prevents us from offering an amendment to apply the provisions of House Resolution 89 to the Committee on the Budget as well as the President. My colleagues on the Republican side say they are simply trying to get the President to submit a budget using CBO numbers, but that begs the question: Where is the Republican budget?

I came to Congress with a commitment to make the difficult choices necessary to balance the federal budget. I am proud to be a cosponsor of the Blue Dog Coalition budget proposal that makes those choices. Now it is time for the Committee on the Budget to do the same. The Minge-Stenholm-Tauscher substitute would apply the same rules of the game to each participant.

I urge my colleagues to defeat the previous question and support this evenhanded alternative to House Resolution 89.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I thank my friend from New York [Mr. SOLOMON], the distinguished chairman, and I also appreciate the assistance of the gentleman from Massachusetts [Mr. MOAKLEY], the distinguished former chairman, who spoke fondly of our last

weekend retreat on collegiality. It was not, however, a retreat from our commitment to balance the budget. I thank those involved in this debate because it is an important debate.

This resolution is very direct and very simple, and in fact there is a provision in the motion to recommit for other views. It asks the President to live up to his word with a budget that reaches balance by 2002, as scored by the independent Congressional Budget Office. They are the scorekeepers on this; they are the referees. Far from balancing, the latest Clinton budget is projected to have a $70 billion deficit in 2002 by the scorekeepers. So we do not have a balanced budget from the White House.

Now, some will contend that we should place Congress' own budget on the table because of the President's failure to balance the budget. Indeed we have heard that today. They say we need to begin now to do the heavy lifting necessary to balance the budget, and I could not agree more. I think we do need to get on with this, and I can assure my colleagues this process is underway. But the fact is the President must submit a budget. That is required under the law.

It is here; I could refer to it. It is page 872 of the House Rules Manual, and when we get into the law and we get into chapter 11 of title XXXI of the United States Code, section 1105, my colleagues will find in fact several pages of very fine print about what the President must do and when he must do it. And he has not done it in the sense of providing us a balanced budget. That is just the fact.

So, as the majority leader said, we are sending an invitation.

Now judging by President Clinton's track record, I think it is best to follow President Reagan's advice in these matters, and his advice was trust and verify.

President Clinton used his first State of the Union Address to endorse the CBO, and at that time it was important to use CBO estimates, he said, ''so we could argue from the same set of numbers.'' I agree with that. Yet President Clinton fails to follow that pledge at this time.

Many believe President Clinton effectively killed the balanced budget amendment by demagoguing Social Security. A few weeks after sending us a budget that utilizes Social Security trust funds for deficit reduction, it is a rather curious situation.

So given these actions, is it not reasonable for Congress to question the strength of President Clinton's commitment to balance the budget and ask him for a balanced budget?

Mr. Speaker, the American people, I think, have had enough of the rosy scenarios and the political gestures that have no particular substance. If we are to be true partners in the process toward a balanced budget, we need to know that both sides are working off the same sheet. The people I represent expect those in charge to do the job. It is therefore appropriate for us to ask the President to send up a balanced budget.

Mr. Speaker, that is what this resolution does.

I urge support for this rule, which is very straightforward, and I urge support for this resolution, which is also very straightforward and gets the job done.

Mr. MOAKLEY. Mr. Speaker, I yield 10 minutes to the gentleman from South Carolina [Mr. SPRATT], the ranking member of the Committee on the Budget.

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

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

Mr. Speaker, House Resolution 89 is a waste of time. To understand what I mean one has to look no further than its title: House Resolution 89, a one-House resolution, totally ineffectual to accomplish the purpose it proclaims, which is to make the President send up the second budget because it could not possibly affect the President, does not even bind the other body.

So we are doing today something we are spending 3-hours plus on what amounts to next to nothing.

Now if we are going to take up a matter like this because a majority feels that there is some purpose served by having a resolution like this debated in the House, then why not have a full and open debate? This is not a delicate, sensitive matter that cannot be entrusted to amendment on the House floor. Why can we not have full and open debate and an open rule?

Instead, we have got this rule before us, this resolution, which takes this debate and makes it even more pointless, more useless, by imposing upon it a closed rule and precluding virtually any amendments to the language that is before us in the Resolution No. 89.

Now we all know that the Budget Act calls for the President to submit his budget in early February. The President did that. He sent us a budget which complies fully with the Budget Act, scored by his budget shop, the Office of Management and Budget, not only to be balanced in the year 2002, but to be in surplus in the year 2002 by $17 billion.

□ 1300

Mr. Speaker, we all know as well that section 301(a) then calls for the Congress, this House, to produce a concurrent budget resolution by April 15. That is a tighttime frame, but it is a rule that we imposed upon ourselves; we wrote that law.

We have missed that date for the last 2 years and we are going to miss it again this year. As I stand here today, ranking member of the Committee on the Budget, I am aware of no date in the middle of March that has been set for the markup of a House budget resolution. I am aware of no date that has been set for floor consideration of a budget resolution. In fact, I am aware of no budget resolution.

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

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

Mr. DELAY. Mr. Speaker, I appreciate the gentleman's remarks. I just want to ask the gentleman, he said that we have not reached the April 15 deadline in the last 2 years. Is the gentleman aware we have not reached that deadline in the last 18 years out of the last 19 years?

Mr. SPRATT. Mr. Speaker, in the House, the House Committee on the Budget in 6 out of 8 years that it was under House Democratic control, 6 of those 8 years, we reported and considered and passed a budget resolution in 6 out of those 8 years.

Mr. DELAY. Mr. Speaker, will the gentleman yield, because I have a chart here——

Mr. SPRATT. We did not have the current budget resolution, but we had the House budget resolution before April 15. We at least got our work done here in the House.

Mr. DELAY. But if the gentleman would yield, the deadline is for a conference report by April 15, and this House has not reached that deadline in the last 18 years.

Mr. SPRATT. Mr. Speaker, that is beyond our control. That happened in the other body. We got our work done on time. If they had been moving in parallel process, we probably would have met that date.

The reason that we are doing what we are doing today is that we are about some diversion, distraction. We are trying to keep the American people from understanding that Congress is not doing its job, the majority is not doing its job. We are trying to shift attention from the fact that we do not have a budget resolution before us, have not scheduled one to be brought to the floor, by shifting the blame to the President of the United States when he has done what the law calls for him to do. He has sent us a budget scored by his budget shop as being in balance.

Everybody in this House knows what regular order calls for at this point. It calls for a House budget resolution, and that is what I call for today. Let us have a House budget resolution.

The gentleman from New York [Mr. SOLOMON] said, and I agree with him, we need to sit down and negotiate. There are lots of things in the President's budget that are not going to happen, I know that, and a lot of things in the various budget proposals are not going to happen either. But the way to frame those negotiations, since the President has put his budget on the table, is for my colleagues to put their budget on the table. We beg the question of the debate today, why have my colleagues not done that?

Mr. Speaker, let me just back up and say where we stand with the President's budget. As my colleagues all

know, the Congressional Budget Office, the CBO, took the President's budget and scored it as producing a deficit in the year we are shooting for, the terminal year of 2002, of $69 billion, not a surplus of 17. CBO took the President's budget and said, per our economic forecasts and our technical analysis, this budget will not be in surplus in the year 2002 by $17 billion, it will be in deficit by $69 billion.

Mr. Speaker, one of the reasons that they found this budget in deficit is that the President has requested $98 billion in tax cuts. He has offset those tax cuts by $76 billion in tax renewals and extenders and the repeal of certain tax expenditures, so there is a net revenue loss in the President's budget of $22 billion.

In addition, the President has sent up over a 5-year period of time new entitlement initiatives, spending increases, that come over 5 years to about $68 billion, according to the estimates of his budget shop, OMB. By the scoring placed upon this budget by the Congressional Budget Office, this budget can accommodate these tax cuts and these spending increases without producing a deficit; in this case the deficit is $69 billion.

But I say to my colleagues, if the present budget cannot accommodate a $90 billion package of tax cuts and entitlement spending increases, then neither can a budget scored by CBO accommodate $190 billion in tax cuts, which is what the Republicans, my friends on the other side of the aisle, have been talking about. That is the range of magnitude that they have been proposing. That is why we are here today.

Mr. Speaker, they are unable to put before the House a budget resolution which can accommodate the tax cuts they are proposing without also necessitating deeper cuts in Medicare, Medicaid and education than they want to be seen openly proposing because the American people do not support it.

The gentleman from New York [Mr. SOLOMON] says that Congress has never met the date; the gentleman from Texas [Mr. DELAY] said the same thing. As I mentioned, 6 out of 8 years the House Committee on the Budget had its resolution on the floor by April 15.

But the key point is this: Why chastise Congress for not meeting the date that we have imposed upon ourselves with a resolution that calls upon the President to do something else? If we want to chastise ourselves for being tardy in the past, why not have a resolution today that sort of calls for hunkering down, for putting our hand to the wheel, for getting ahead with the problem, leaning into it.

We have a hearing today at 2:30 before the Committee on the Budget that deals with one of the most critical components in the solution to this whole problem, the so-called CPI, Consumer Price Index. Before us will be the Commissioner of the Bureau of Labor Statistics testifying about ways that the CPI can work out some of the biases that lead to overstatement of inflation in our economy.

It is a critically important hearing. Many of us on the Committee on the Budget, because we have to be on the floor to debate this resolution which amounts to nothing, will not be able to attend. That is not the critical path. That is not what we need to be doing if we are going to meet the self-imposed deadlines that we put in the Budget Act ourselves.

So the best way to proceed with the resolution of the budget, proceed toward a balanced budget is to vote against the previous question here, vote against the rule, and vote for putting the budget process back on the critical path and not chasing after red herrings like this resolution.

Mr. SOLOMON. Mr. Speaker, another reason why we have moved toward some fiscal sanity in this Congress in recent years is because of the gentleman from Texas [Mr. DELAY], our distinguished majority whip, and I yield such time as he might consume to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I appreciate those words more than we can imagine, and I do appreciate it. Mr. Speaker, I rise in support of this rule because I rise in strong support of this very important resolution.

We said from the beginning of this Congress that we want to negotiate with the President, but we cannot negotiate with a President that does not want to balance the budget. We do not want to negotiate over whether to balance the budget or not; we want him to submit a budget that balances by CBO which he called for. We will negotiate with him in the parameters of a balanced budget and negotiate over the priorities within that balanced budget.

But if the President cannot submit one, how do we negotiate apples with oranges? You know, the saying goes, if at first you do not succeed, try, try again.

The President's first attempt at a budget this year did not balance, so we are giving him a chance to try it again. The President has said that he supports a balanced budget, and I hope he is honest in his statement. He also said that we did not need a balanced budget amendment to the Constitution if we had the will to balance the budget. But this President, Mr. Speaker, has done everything he can to derail the balanced budget process; first, by vetoing the first balanced budget in a generation, the last Congress; then, by working overtime to kill the balanced budget amendment to the Constitution; and, finally, by submitting another budget that simply does not balance.

Why is balancing the budget so important? Why should we care whether we pile up more debt on future generations? Mr. Speaker, I will tell my colleagues why. At our bipartisan retreat this last weekend a lot of Members in both parties brought their children. The place was overflowing with kids. It was so much fun to see these kids having a good time. We are balancing the budget for their sake.

The President should explain to those kids why he will not take steps today to make their futures brighter tomorrow. The President should justify why he did not have the political will to make commonsense changes to entitlement programs so that those programs could survive when those children decided to retire.

Mr. Speaker, this debate should not be about green eyeshades, it should be about preserving the future for America's children.

So I just urge the President to be responsible and to resubmit his budget. America's children deserve better than they are getting from this President's current unbalanced budget.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. GREEN].

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

Mr. GREEN. Mr. Speaker, it is a pleasure to follow my colleague from Texas [Mr. DELAY] on the floor, and I look over and see the gentleman from New York [Mr. SOLOMON], the chairman. We have worked together on lots of bills, Mr. Speaker, but obviously today we disagree on the need for this rule and also the need for the resolution.

We only have 11 days left until Congress by law must pass a budget plan. But here we are today debating a rule and debating a resolution that says, Mr. President, send us your second budget, and yet we do not even have our first here from Congress.

While the President and Democrats have fielded criticism for weeks now from the Republicans on the President's budget plan, we have not yet seen their alternative. The Republicans need to respond with their own budget before they can ask the President for a second budget. That is what is called give and take, and that is what this process is about.

This resolution calls for the President to submit another budget because of the claims that the CBO found that the current budget proposal from the President would not be balanced in the year 2002. I happen to see a letter from March 4 that the director of CBO analyzed the President's budget and showed that it would indeed be balanced by the year 2002.

As Democrats, we are not opposed to criticism if it is accompanied by concrete and realistic proposals. In fact, we have the moderate, conservative group of Democrats who have a budget plan, but where is the Republican majority budget plan? They do not have one. The President has one out on the table, the moderate, conservative Democrats have one, and yet the Republican majority does not have one.

We have had enough time to develop a budget alternative proposal through

our committee process. But yet, like my ranking member of the Committee on the Budget said, we are spending time debating resolutions instead of working in the Committee on the Budget.

In the 1980's we heard the slogan, ''where's the beef,'' and now we are asking, ''where is the meat?'' Where is the meat in the Republican budget from our colleagues? If they want to have a balanced budget, let us see that meat that they have in their budget.

Mr. Speaker, I think it is ironic that I stand here because being honored to serve 20 years in the legislature, I saw our Governor submit budgets to us as a legislature, just like the President has done. And most of the time we would say, thank you, we can present it; and then we would work off of our own document. That is what Congress has been doing for many years, up until now. Now we are going to let the President provide that leadership?

I am not willing as a Member of this Congress to advocate that to the executive branch, no matter who is there. That is why I think it is so important that we have a congressional budget plan. I may disagree with it, but the Republicans here in the majority, they need to get up and find the meat and to do it instead of saying, well, Mr. President, you need to do a second plan because we do not like your first. Let us see what we can offer as a Congress to say, OK, Mr. President, this is our plan.

Mr. SOLOMON. Mr. Speaker, one of the really respected Members of this body is a former fighter pilot and a great Congressman from California [Mr. CUNNINGHAM]. I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, there may be a perception that this is not important to the other side, but the reality is important. For 28 years we have not been able to balance the budget because it has proven too difficult. In Gramm–Rudman, the deal was that for every tax dollar we take in, we will cut it by 3, and we will push out the cuts into the last year. We could not do that because the cuts were too hard.

Remember when George Bush moved his lips? The deal was that for every tax dollar we take in, we are going to cut spending by 3, and we are going to give you an absolute way to do that. We are going to put firewalls between each of the appropriation committees and we are going to put a cap. The leadership on my colleagues' side, how did they get around it? With emergency spending. We found outlandish emergency spending things on there, and the continuing resolutions that just carried over the spending. And it was not viable.

Remember in the 104th when the President gave us three balanced budgets? All increased the deficit by $175 billion. And then in the fourth one he gave us, he balanced it using CBO numbers in 7 years, and 72 percent of the cuts came in the last year.

□ 1315

It is not realistic, even if the President gave us a second budget balanced but most of the cuts take place in the last year. We know that that is not feasible. It is smoke and mirrors. It also happens to be before the Committee on National Security, when the President has said that he is going to increase modernization for DOD. Do Members think that the more liberal Members on this side are going to decrease social spending and increase national security in those same 2 years? It is not feasible, Mr. Speaker.

We need to take a look at what reality is. We want a balanced budget. They say we do not have one. Well, have the President give us a balanced budget as he campaigned in the middle of the road and many of the Democratic leadership said, we are not going to support that. We do not want a balanced budget. That is what they are opposing this resolution for, Mr. Speaker.

Mr. MOAKLEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I urge a note vote on the previous question. If the previous question is defeated, I intend to offer a motion which makes in order the Minge-Tauscher-Stenholm amendments which would require both the President and the House Committee on the Budget to produce budget plans by April 7 that achieve a balanced budget by the year 2002 using CBO assumptions. I believe that Members of the House should have the opportunity to vote on this.

Mr. Speaker, I include for the RECORD the amendment:

AMENDMENT TO H. RES. 90

On page two, line three, strike ''The resolution'' and all that follows and insert in lieu thereof the following:

''The previous question shall be considered as ordered on the resolution and on any amendments thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget; (2) the amendments printed in section 2 of this resolution, which shall be considered as read, and which shall be debatable for a separate hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions. If including instructions, the motion to recommit shall be debatable for five minutes by its proponent and five minutes by an opponent.

''Sec. 2.

AMENDMENT (IN THE NATURE OF A SUBSTITUTE) TO H. RES. 90

OFFERED BY MR. MINGE OF MINNESOTA OR HIS DESIGNEE

Strike all after the resolving clause and insert the following:

That the House of Representatives requests the President to submit to the House, not later than April 7, 1997, a detailed plan to achieve a balanced budget by fiscal year 2002. The House further requests that the Committee on the Budget report, not later than April 7, 1997, a concurrent resolution on the budget containing reconciliation instructions to achieve a balanced budget by fiscal year 2002. Both the budget submitted by the President and the concurrent resolution reported by the Committee on the Budget shall—

(1) use the most recent economic and technical assumptions of the Congressional Budget Office;

(2) reduce the deficit through programmatic reforms rather than through such budgetary procedures as automatic spending cuts and the sunsetting of tax cuts;

(3) realize a significant proportion of its total savings in the first 3 years; and

(4) offer sufficient Medicare reforms to forestall the imminent insolvency of the Medicare trust funds for a substantial period.

PREAMBLE AMENDMENT TO H. RES. 90

OFFERED BY MR. MINGE OF MINNESOTA OR HIS DESIGNEE

Amended the preamble to read as follows:

Whereas a substantial majority of the Members of Congress are on record in support of a balanced budget amendment to the Constitution;

Whereas the President has observed on numerous occasions that a constitutional amendment is not necessary to balance the budget, observing in his State of the Union Address that ''. . . we don't need a constitutional amendment, we need action.'';

Whereas the President and the congressional leadership have repeatedly agreed to balance the budget by fiscal year 2002 based on the estimates of the nonpartisan Congressional Budget Office;

Whereas the Congressional Budget Office has officially estimated that the President's budget would increase the deficit by $24,000,000,000 in fiscal year 1998 and result in a deficit of at least $69,000,000,000 in fiscal year 2002;

Whereas the Committee on the Budget has not proposed a budget resolution that could be scored by the Congressional Budget Office, and the only tax proposals introduced by the congressional leadership would increase the deficit;

Whereas article I, section 8 of the United States Constitution grants Congress the power to lay and collect taxes and to borrow money on the credit of the United States and article I, section 9 grants Congress the power to draw money from the Treasury; and

Whereas section 301 of the Congressional Budget Act of 1974 requires that Congress shall complete action on a concurrent resolution on the budget before April 15: Now, therefore, be it''.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from New York [Mr. SOLOMON] has 4 minutes remaining.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, as Ronald Reagan used to say, Ladies and gentlemen, I do not know what all the argument is about.

I really do not know why anyone can complain about this resolution that is on the floor here today. Let me just read the key part of it:

''The House of Representatives requests the President to submit to the House, not later than April 7, 1997, a detailed plan to achieve a balanced budget by fiscal year 2002 for the United States, as estimated by the Congressional Budget Office.''

That is so we can play from the same deck of cards. What is wrong with that? That is what we did last year. That is what we did 2 years ago. The President agreed to it.

Now, we also asked that he use these assumptions:

''Uses the most recent economic and technical assumptions of the Congressional Budget Office,'' that is No. 1. Who can disagree with that?

No. 2, that ''reduces the deficit through programmatic reforms rather than alternative budget procedures such as automatic spending cuts and the sunsetting of taxes.''

What does that mean? That means we do not want to cut Head Start the same as we cut legal services. In other words, let us offer the real amendment. Let us see what you are actually doing, not across the board where you are cutting good things and not cutting bad things at all. Then taxes, what are we doing? In other words, the President in his budget is sunsetting the tax cuts so that 2 years, 3 years from now they go back into effect. What kind of smoke and mirrors is that?

No. 3, ''realizes a significant proportion of its total savings in the first 3 years.''

Look at this, the President's budget. The deficit at the end of 2002 is $70 billion. We have not done anything. We said, we put out our press releases and, boy, are we brave. We are going to balance the budget. But when are we going to do it? We are going to do it 5 years from now. We are not going to do any cuts in year 1, 2, 3 or 4. Is that being fair to the American people?

No. 4, ''offer sufficient Medicare reforms to forestall the imminent bankruptcy of the Medicare trust funds for a substantial period.''

The President actually agreed to those reforms last year. We enacted them, but now is reneging on them.

Then finally somebody said, let us point fingers at each other. That is exactly what we did. We wrote in to this budget resolution, it says that the House of Representatives shall consider a budget plan to achieve a balanced budget by fiscal year 2002 that is in compliance with what I have just said, what we are asking the President to do. So we are asking ourselves to do the same thing.

I could go on down through this President's budget. I could talk about CBO by the way, their report on the President's budget. It says on page 2, in 1998, in fact, the net effect of the President's policies is to push the deficit $24 billion above the baseline level. This says, this coming year. In other words, instead of cutting the deficit down, we are actually going to raise the deficit by $24 billion. That is why we need this resolution.

We treat ourselves the same as we do the President. We say, Mr. President, Congressmen and women, let us act fiscally responsibly. Let us pass this resolution here today.

Some Members say to defeat the previous question so that the gentleman from Minnesota [Mr. MINGE] and others can offer their resolution.

I went to the Parliamentarian. They told me that these two amendments that they wanted to offer are germane, can be offered in the motion to recommit and if they want to do that, fine. They are going to have 2 hours of debate on it and then they will have an up or down vote on the Minge amendments. That is being fair to everybody. I move the previous question at this time and I ask everybody to come over and vote for the previous question and for the rule and finally for the resolution.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 226, nays 200, not voting 6, as follows:

[Roll No. 41]

YEAS—226

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—200

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—6

Coble
Dingell
Dixon
Kaptur
Kennedy (RI)
Torres

Mr. FAZIO of California changed his vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the resolution.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 226, nays 202, not voting 5, as follows:

[Roll No. 42]

YEAS—226

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—202

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—5

Coble
Dixon
Herger
Kaptur
Torres

☐ 1350

Mr. TAYLOR of Mississippi changed his vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. SUNUNU. Mr. Speaker, pursuant to House Resolution 90, I call up the resolution (H. Res. 89) requesting the President to submit a budget for fiscal year 1998 that would balance the Federal budget by fiscal year 2002 without relying on budgetary contingencies, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of House Resolution 89 is as follows:

H. RES. 89

Whereas the President has observed on numerous occasions that a constitutional amendment is not necessary to balance the budget, observing in his State of the Union address that ''* * * we don't need a constitutional amendment, we need action.'';

Whereas the President has also repeatedly agreed, most recently on January 28, 1997, to balance the budget by fiscal year 2002 based on the estimates of the nonpartisan Congressional Budget Office; and

Whereas the Congressional Budget Office has officially estimated that the President's budget would increase the deficit by $24 billion in fiscal year 1998 and result in a deficit of at least $69 billion in fiscal year 2002: Now, therefore, be it

Resolved, That (a) the House of Representatives requests the President to submit to the House, not later than April 7, 1997, a detailed plan to achieve a balanced budget by fiscal year 2002 for the United States, as estimated by the Congressional Budget Office, that—

(1) uses the most recent economic and technical assumptions of the Congressional Budget Office;

(2) reduces the deficit through programmatic reforms rather than alternative budgetary procedures such as automatic spending cuts and the sunsetting of tax cuts;

(3) realizes a significant proportion of its total savings in the first three years; and

(4) offers sufficient Medicare reforms to forestall the imminent bankruptcy of the Medicare trust funds for a substantial period.

(b) The House of Representatives shall consider a budget plan to achieve a balanced budget by fiscal year 2002 for the United States that is in compliance with paragraphs (1) through (4) of subsection (a).

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to House Resolution 90, the gentleman from New Hampshire [Mr. SUNUNU] and the gentleman from South Carolina [Mr. SPRATT] each will control 1 hour.

The Chair recognizes the gentleman from from New Hampshire [Mr. SUNUNU].

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

Mr. Speaker, we are here today with what we feel is an open hand to the President of the United States.

Yesterday the Washington Post ran a story stating that 75 percent of the American people feel that it is incumbent on the Congress and the President to work together to balance the budget. They know that a balanced budget will bring them economic benefits in the form of lower interest rates, more jobs and higher wages.

Here in Washington it is our job to hammer out an agreement that will balance the budget. Both Congress and the President agree that we must accomplish this goal. In fact, in his State of the Union Address the President spoke clearly. He affirmed his commitment to balancing the budget, and he

affirmed his commitment and his agreement to use the estimates of the nonpartisan Congressional Budget Office. In a departure from common practice the Congress agreed not to declare the President's budget dead on arrival and to try to use that budget as the basis for our negotiations.

Unfortunately, when the President finally submitted his 5-year plan we found that it was inadequate. That is why we are here this afternoon. If we are going to heed America's call for a balanced budget, we must get to work today.

This resolution moves us forward by sending an important message to this House. To this House and to the President and to the people of America, we send a message that we must take seriously and deal honestly with the commitment we have made to balance our Nation's books.

This resolution calls quite simply for the President to work with this House toward a balanced budget agreement. We ask that the President submit a budget that meets a set of basic criteria, and in the spirit of bipartisanship we call on this Congress to abide by the exact same standards.

This resolution is fair, it is clear, and it is intended to provide an opportunity to work together with the President from a platform that he provides.

Just what are these standards that we ask the President to meet in his 5-year budget plan?

First, we ask that the budget proposal balance in the year 2002, using estimates of the Congressional Budget Office. We feel it is essential that we work from a common set of assumptions. We need to work from a common set of assumptions in a dialogue as important as this. The administration's current plan shows a deficit of $69 billion in the year 2002.

Second, we ask that the budget proposal not rely on sunsetted tax relief for automatic across-the-board cuts in order to achieve balance. The administration's current plan uses such accounting provisions that are triggered in its final years.

Third, we ask that the budget proposal achieve a substantial amount of its deficit savings during the next 3 years. Unfortunately, the President's current plan defers over 98 percent of the deficit savings to the last 2 years of his budget after he leaves office.

Finally, we ask that the budget proposal preserve and protect Medicare for our children and for future generations. The administration's current plan simply postpones the bankruptcy of the Medicare trust fund for another 2 years.

By asking both Congress and the President to meet these four basic requirements in the submission of their budget plans we will establish a credible platform from which we can move forward together. A budget that increases spending by 200 billion over the next 3 years, it leaves a deficit of $69 billion in the year 2002, will not put money back in the pockets of working Americans, will not put money back in the pockets of American families. The results of this kind of overspending will be higher interest rates, higher costs to our families and stagnating wages. We owe the American people more than that.

Some people have argued that this resolution is a waste of time. I am sorry that they feel that way, but I believe that the substance of this debate and its impact on America's families is too important to just ignore or dismiss.

□ 1400

Honest and reasoned debate of our differences is essential to the strength and substance of this institution. Others have argued that it is inappropriate somehow to ask the President to submit a new budget when we have yet to complete work on our own. The fact is that Congress is moving forward on its own budget. We will propose a budget to the President, and this country, in compliance with budget law.

Two years ago critics claimed the Congress prepared its budget too quickly and did not take the President's import, did not take his concern into regard. Today these same critics argue that the pace is too deliberate and too slow.

Many of us were not here in the last Congress, but I do know the debate over the budget deteriorated to what a lot of American people thought was petty bickering. This year we want to change that mode of operation. We want to make things work, with the administration's cooperation, and fashion a solid budget agreement that balances in the year 2002.

But to do this we need the President to provide a realistic platform for budget discussions. I am determined to keep my faith, to keep the commitments I made to the constituents of the State of New Hampshire to fight for an honest balanced budget. I urge your support for this resolution that will enable Congress and the President to wage this fight together.

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

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

Mr. Speaker, I rise in opposition to House Resolution 89. This resolution demands that the President send us a second budget that meets the specifications of the Republican leadership. All it does is demand. It huffs and it puffs, but in the end it accomplishes nothing, because it is a one-House resolution. Look at its title, House Resolution 89. It is not binding on the President; it is not even binding on the other body. That is why I said earlier in the debate that this resolution is a waste of time.

It has been said that the President is obliged to send us a budget that balances, balances according to CBO scoring. If you will simply turn to the Congressional Budget Act and look at section 300, you will see that it says the timetable with respect to the congressional budget process for any fiscal year is as follows: First Monday in February, President submits his budget.

That is what it says: President submits his budget.

The President missed that by just a few days this year because he first wanted to make his State of the Union before he submitted his budget, but he has sent us a budget scored by his budget shop, the Office of Management and Budget, as being in balance; not just being in balance, being in surplus by the year 2002 to the tune of $17 billion.

Let me back up a few years and just observe why it is that we are here today earnestly talking about balancing the budget by the year 2002.

We are here today credibly talking about that goal which we commonly share because 4 years ago when President Clinton came to office, he took this challenge head on. I am sure there were other things he would have preferred to do first.

The first thing he found on his desk when he arrived there was the Economic Report of the President left behind a week before by President George Bush, and in it Michael Boskin, chairman of the Council of Economic Advisors for President Bush, on page 69 predicted the deficit for fiscal year 1993 would be $332 billion.

Now, Bill Clinton has been blamed for a lot of things, but he was in Little Rock when that bill was run up. He cannot be blamed for that.

On February 17, he laid on the doorstep of Congress a plan to get rid of that deficit, or at least cut it in half, over a period of 4 years. It did not pass the House by any substantial margin, two votes. It went right to the wire. It passed the other body by one vote. There were predictions it would cut the economy off at the knees.

But here we are, 4 years later, and here is what happened. In 1993, when we closed the books on fiscal 1993, the deficit was not $332 billion, it was $255 billion. One year later, the first full year under that Deficit Reduction Act of 1993, the deficit was $203 billion. When we closed the books on 1995, the deficit was $164 billion. And last September 30, 1996, the deficit was down to $107.3 billion, down 65 percent in less than 4 years, 1.4 percent of GDP.

That makes it the lowest deficit as a percent of GDP since 1974, the lowest deficit in nominal dollars since Ronald Reagan's second year in office. That is what has been accomplished on his watch. Say what you will about his budget, the reason we are here and debating a plan to get the budget in balance within 5 years is that those 4 years were put to good purpose under a plan that he proposed.

Now, he set up a budget based upon a forecast of the economy done by his budget shop. Every President does that. That is what OMB is there for. According to their forecast, this budget will balance by the year 2002.

Now, there are things that I do not accept about that, and I have traditionally been a supporter myself of using CBO estimates, but there are some things in this forecast where I think OMB has the better half of the argument.

For example, OMB assumes that corporate income shares as a percentage of our GDP will not decline. They have increased substantially over the last few years because corporations are improving their balance sheets and improving their P&L's. That makes for a third of the difference between the two forecasts.

These are things that can be argued between reasonable people, reasonable economists, and there is no use to have a showdown on the budget today. We all know what the process calls for. We know what regular order is. We wrote the act. The Congressional Budget Act, section 301(a), says the Congress shall ''complete action on the budget resolution on or before April 15th.'' The Congress shall complete action. The President started the ball rolling. Now it is our time to complete the action.

Since my friends on the other side of the aisle, the Republicans, have been in the majority here in the House, the conference agreement on the budget resolution has not cleared the House on April 15 in any of those years; not until June, as a matter of fact, 2 months after the deadline. In fact, the House Committee on the Budget in the last 2 years has not even marked up the budget resolution until a month after the April 15 deadline. This kind of slippage, this kind of inattention to the Budget Act and the deadlines we have laid down for ourselves, led to 14 continuing resolutions and 2 Government shutdowns in the last Congress.

I do not want to see that happen again. That is why I think this diversionary tactic, to distract us from what we need to be doing, off in pursuit of this red herring, is a total waste of time.

Let me say something else. It is now 10 minutes after 2. At 2:30 the House Committee on the Budget will have one of the most important hearings we will hold on the subject of how to get our hands around this problem and bring it to resolution.

We will have before us Dr. Catherine Abraham, who is the Commissioner of the Bureau of Labor Statistics, and her responsibility is something called the CPI, the Consumer Price Index. That is a critical component to resolving this problem.

And where is the Committee on the Budget? We are over here debating a resolution that is totally ineffectual. Instead of leaning into the problem, earnestly trying to find a solution to the problem, attending the hearing and asking intelligent questions and hearing what she has to tell us, we are over here on the floor.

This is the first time in 14 years in the House that I have seen a major piece of legislation or a piece of legislation come to the floor at the time the committee of jurisdiction is holding a hearing. That is why this is a total waste of time. But we are debating it.

The fact of the matter is, what we are trying to do is distract attention from the fact that the majority would prefer not to have to put up its own resolution. The reason they do not want to do this is the same reason that they are able to use and criticize the President's budget. The President's budget as scored by CBO does not produce a surplus in the year 2002. According to CBO, per its economic forecast, it generates a deficit of $69 billion.

But if you use that same economic forecast and apply it to a reconstruction of what I would guess to be the Republican resolution, which would incorporate tax cuts up to $190 billion, then the deficit is twice the size of the President's recommendation; or there will have to be deeper cuts in Medicare and Medicaid and education and other things that the American people broadly support, that they would not rather embrace themselves. So they want to be allowed to have the President take the hits on this.

If we are going to get this done, the President has sent a budget up here, we need to have a budget resolution with the other side. That will frame the debate and we can then sit down and negotiate, and we will have to make concessions on both sides.

The President's budget is not going to be fully carried out, I know that, nor is your budget going to be fully realized, and I think you know that. The sooner we get around to that reality and start talking, the better. The way to get there is for you to complete the process and frame the negotiation by putting your resolution on the table, bringing it to the House floor, getting it passed and getting a concurrent budget resolution adopted by April 15 or shortly thereafter.

For all of these reasons, I suggest that the House vote down this resolution, send the Committee on the Budget back to its work, and not after this pursuit of a red herring that leads us nowhere and accomplishes nothing.

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

Mr. SUNUNU. Mr. Speaker, I yield 2½ minutes to the gentleman from Ohio [Mr. HOBSON].

Mr. HOBSON. Mr. Speaker, as a member of the Committee on the Budget, I rise to support House Resolution 89 and join the House in asking the President to send a balanced budget to Congress.

The President's budget was eagerly anticipated this year and there is a genuine desire to work constructively with him to enact a historic balanced budget plan that will eliminate the deficit by the year 2002. The budget committees of both Houses have spent the past several weeks examining the President's ideas in order to give them a full hearing and find the areas where we can work together constructively.

This is a very different approach than previous years when the Capitol was a morgue for the storage of budget plans declared dead on arrival. This year, however, the Capitol has been an emergency room, and though we are working hard to save it, the President's budget is gravely ill, primarily because it is $69 billion in the hole, backloaded to the extreme, and fails to save Medicare for any significant period of time.

I can recall, as many can, the President campaigning that he was going to save the Medicare trust fund for 10 years. I do not see that. Where is it? Let us talk about it. If the President still wants his budget proposal to be the starting point for consideration this year, and I believe that can still happen, he needs to send us a budget that meets the minimum threshold for consideration, a budget that balances in 2002 according to the estimates which he said he would use, the estimates of the independent budget office. I remember hearing him say that right here in this House.

No gimmicks, Mr. President. Our friends on the other side of the aisle are challenging us to offer our own budget now, but my answer to them today is, we have already passed 2 years of balanced budgets in this Chamber. Those two budgets were the first of their kind in 26 years. We do not need to prove to anybody on this side of the aisle that we are committed to balancing the budget. The only reason it is in front and center of the congressional list of priorities right now, and the American people, is because we put it there. I am quite comfortable with our record of writing, supporting, and passing balanced budgets in this Chamber.

Frankly, the President should be thankful that he has been given a second chance to fulfill the promises he made to this country. I hope he takes advantage of this second opportunity, and I hope he sends us a true budget that does balance without a lot of gimmicks after he is not even President of the United States anymore.

Mr. SPRATT. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, at this mellow time of interest in bipartisanship and collegiality, I have to say that, frankly, this is a weird resolution. Some might call it a back to the future resolution. Do my colleagues remember the movie about going back to the future? Well, this is going back all the way to the days of the Government shutdowns of 1995. Those who liked those shutdowns will remember those good old days. It only cost the American taxpayer $1.5 billion for the kind of stunts that occurred in this House during 1995.

President Clinton in 1995 came forward and submitted a budget. It was scored by OMB. Our Republican colleagues, as they have said today, came forward and they said, ''We want it

scored. We want it scored by CBO, and we are going to shut the Government down until it is.'' I think some of them wanted to shut the Government down until it was scored by HBO. But they delayed and they shut the Government down in order to get the kind of budget that they wanted.

Well, those costly Government shutdowns were not simply the product of extremism. They were the product of this Congress messing around on resolutions like the one we have before us today, instead of getting down to the hard work of trying to get a budget agreement.

The Committee on the Budget did not comply with the law and get the budget resolution heard and adopted on time. The appropriations committees did not approve the appropriation bills. They did not approve more than about half of them before it was time for the Government to be shut down.

□ 1415

So we got caught in a trap that was very expensive for the American taxpayer. Today we are headed down the same path. History is repeating itself. The Republican Congress has done practically nothing for the last 2 months, and today, instead of working to try to achieve a budget agreement, they are basically saying: We have not done our job, but, Mr. President, you have completed your job and we want you to do it again.

When it comes to the budget, the porridge is always too hot; and, if the President submitted another budget, it would be too cold. It is never just right for these folks.

Anyone who has ever bought a car or a house knows there is offer and counteroffer. What they need to do is to shut down these kinds of silly resolutions instead of shutting down the government and get to work negotiating a balanced budget.

Mr. SUNUNU. Mr. Speaker, I yield 6 minutes to the gentlewoman from Texas [Ms. GRANGER], who is a member of the Committee on the Budget and has put in a great deal of effort and time in her commitment to making sure that this country balances its Federal budget.

Ms. GRANGER. Mr. Speaker, I am pleased to join my colleagues from New Hampshire and Pennsylvania in offering this resolution. Our resolution is not about shutdowns. Our resolution is not about CBO or OMB, and it is not about politics or partisanship. It is not even about how we score budgets. This resolution is about our America's children, about our daughters and our sons.

Today our children face a $5.6 trillion debt, $122,400 for every American. I have two sons and one daughter. That means my children owe $67,200. Every child born in our country today will owe nearly $200,000 in taxes over their lifetimes just to pay interest on the debt. That is because the Federal Government, the Federal budget has not been balanced in a generation.

Who among our children will be able to share in the American dream if each of them must pay $200,000 just to pay interest on the debt?

The answer is that our children will not be able to realize the American dream, and they will not look forward to a future of hope, growth and opportunity tomorrow unless we balance our budget today. We can have a balanced budget for the first time in a generation. During the campaign both the President, President Clinton, and leaders of Congress promised that balancing the budget would be their top priority. Now is the time for both the President and Congress to come together to make good on this commitment. A fellow Texan, Sam Rayburn, once said that anything ever achieved by Congress was done in a bipartisan way.

Achieving a balanced budget would be a lasting accomplishment for America's families. A balanced budget would reduce interest rates, slashing the cost of a typical family's mortgage by $38,000. The cost of student loans would be cut nearly $9,000. An estimated 4¼ million new jobs would be created, and family incomes would rise.

This resolution will make this great achievement possible by establishing the crucial first step for both the President and Congress to come together to balance the budget. Step one is for both the President and Congress to use the same numbers when considering budgets and for both the President and Congress to balance the Federal books the same way that hard-working families balance their checkbooks each month. That is all this resolution does.

Families have to use accurate numbers when they balance their checkbooks, and our resolution asks the President to submit a budget that uses the most careful and accurate economic numbers of the Congressional Budget Office. Families must watch their spending each month. They cannot wait until the last week to use coupons or think about how they will pay the electric bill. So our resolution asks the President and Congress to present budgets that begin to save money today, not tomorrow.

And families cannot ignore their most important obligations like paying their mortgage. Similarly our resolution asks the President and Congress to submit budgets that meet the Government's obligation to our seniors by preserving Medicare and asks both the President and the Congress for budgets that preserve Medicare not just for the next election but for the next generation. It is not just American families who must meet the standards contained in our resolution. Last year the blue dog Democrats, the Congressional Black Caucus and the Republican majority and others all submitted budgets that met these basic and simple standards. Each these budgets use the most accurate CBO numbers, each of these budgets achieve budget balance through programmatic changes. Each of these budgets help to address the long-term problem of Medicare. That is why each of these budgets would have met the commonsense standards of our resolution.

Unfortunately, the budget that the administration submitted to Congress last month did not meet these basic requirements. The administration's budget increased the deficit while this administration is in office promising to balance the budget after the President leaves office. That is just not right for our children.

This budget increased the deficit by $24 billion this year and would leave the budget unbalanced in 2002. That is just not right for our children.

It used rosy scenarios and accounting contingencies, not tough choices, to achieve deficit reduction. That is just not right for our children. It failed to protect Medicare for this generation, let alone the future. That is not right for our children, for their parents or for their grandparents.

This resolution simply asks the President to meet the same standard that the majority, the blue dog Democrats, and the Congressional Black Caucus met last year. Since we must all work together to balance the budget, it asks all of us to use the same basic standards in our budget resolution.

I urge my colleagues to support this resolution to establish a bipartisan, common ground for agreement on a balanced budget. Let us ask both the President and the Congress to submit budgets that meet the same basic requirements, the requirements that our families meet every day.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes and 30 seconds to the gentlewoman from Hawaii [Mrs. MINK].

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Speaker, I thank the ranking member for offering me this time to participate in this debate.

I find it very strange that we are having this debate in the first instance on the floor of the House. This matter should be debated in our committee. I am a member of the Committee on the Budget. We have yet to really sit down and discuss exactly what kind of budget resolution we are going to offer this House. We have a statutory obligation to have this work done by April 15, and we have not begun this job.

It is simply irresponsible for the majority to abdicate its statutory duty. There is no way that they can pass the buck to the President. Under the Constitution, he offers his budget and it is for us to dispose of it. It is not to say to him, send another or send another because we do not agree with the minutia of its contents. It is for us to decide the details first within our committee.

So I find this a very shameful operation here today. Besides which, the head of the CBO that everybody is lauding today has said that there is

substantial agreement and that the administration's budget actually comes to a balance. We may not agree how it balances it, but the fact is the majority chose 2002 as the magic date and the President has come up with a budget that essentially does the job.

Now, who is the responsible body to make judgments as to forecasts? Forecasts are very difficult. It depends upon what the individual assumptions are, how we look at the future, the unemployment rate, how much taxes are coming in, and so forth.

I have a chart here which I would like to point to my colleagues where the Congressional Budget Office is off the mark. They are very, very conservative. Each year they projected far deeper deficits than occurred. And as a result, we cannot put much confidence on the CBO estimates.

To make the final point, the budget figures which the President offers have been equally conservative and equally conservative in looking at the economic projections. They have not been any further away from it than the CBO. So at this point bringing this resolution today out of the Rules Committee, charging that rosy scenarios are the culprit on the part of the administration budget, is absolutely wrong, not based upon fact and, I think, pure politics.

Mr. SUNUNU. Mr. Speaker, I yield myself 15 seconds to draw attention to the fact that since 1993 there have been 20 deficit projections by OMB and CBO, and in 16 of those 20 projections CBO was more accurate than OMB in predicting the deficit.

Mr. Speaker, I yield 2 minutes and 30 seconds to the gentleman from Mississippi [Mr. PICKERING].

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

Mr. PICKERING. Mr. Speaker, today I rise in support of the resolution as a new Member of Congress, coming with what I hope will be a new start, a clean slate. There is much at stake, and we have great opportunity to do something that has not been done in 28 years. That is to actually reach agreement on balancing our budget.

I am disappointed in the President's budget that, as both the President and Members of Congress, Republicans and Democrats, we all ran on the same themes of a smaller government, of balanced budgets, of tax relief for families. Unfortunately, the facts of the President's budget do not meet the words and the rhetoric.

The facts are that the President's budget increased taxes, increases taxes $23 billion over the next 10 years. In fiscal year 1998, it increases the deficit $24 billion. It undoes more than 50 percent of the savings in last year's welfare reform bill. It is $69 billion short of a balanced budget in the year 2002. And instead of providing entitlement reform, it creates $70 billion in new entitlement spending over the next 5 years.

The saddest or the most troubling component is that it leaves 98 percent of deficit reduction until after the President leaves office.

Those are the facts, but it affects our families. I am here today representing the Third District of Mississippi, which has been represented in a tremendous way by G.V. (Sonny) Montgomery. He met the challenge of his day. He built a strong defense, contained Communism. Helped win the cold war. My children today have freedom and prosperity in large part because he was willing, and his generation was willing to sacrifice.

I have four small children, four boys, ages 7, 5, 3 and 1. At the end of my days, I want to say, I was part of giving them the same freedom, the same opportunity, the same prosperity. To do so, we must create a new foundation, a new framework to reach a balanced budget.

Mr. Speaker, today I rise in support of House Resolution 89 as a new Member of Congress, coming with the hope for a new start, a clean slate. I am here today not only as a Representative from the great State of Mississippi, or the successor to the legendary G.V. ''Sonny'' Montgomery, but as the father of four young boys.

There is much at stake in this budget cycle, and we have a great opportunity to do something that has not been done in 28 years. That is to actually reach agreement on balancing the Federal budget. I am disappointed in President Clinton's rhetoric concerning a balanced budget because his words do not match his actions.

As the father of four boys, age 7, 5, 3, and 1, I would like to leave a nation as great as the one I received from my father. Unfortunately, at the rate our Government spends money, my four boys, and millions of other children across this great land, will not receive an inheritance from those of us in this generation.

No, Mr. Speaker, we cannot be confused, the children of today will not inherit the legacy that we did. They will not inherit the classic American dream. They will inherit our debt.

The President spoke often during the campaign of his bridge to the 21st century. And I look forward to the start of the 21st century—the next American century.

However, we will not, and cannot stand by while this administration builds a bridge to the 21st century on the backs of our children.

As of today, each child in the United States, will inherit over $188,000 of debt from us.

Mr. Speaker, that is not the American dream. This is not the American way. This is not how we restore public trust in our Government.

In America we have always passed on the hope for a better, bigger, and brighter future. Yet the children of today can only look forward to debt, our debt.

Mr. Speaker, this is not the right thing to do. Nor is it right for the President to promise a balanced budget during the election and then provide us with yet another budget that simply does not balance.

While the President claims his budget comes into balance by 2002, it includes new spending initiatives and savings gimmicks that could cause the deficit to balloon in the subsequent years.

The tax cuts he provides are temporary while his tax increases will be part of the inheritance for our children.

Mr. Speaker, the tax increases are permanent while the tax cuts are temporary. In the President's budget, if the deficit reduction targets, based on rosy economic scenarios, aren't met, the President repeals the tax cuts in 2001 but the tax cuts are still in place.

We have many choices to make in this Congress that will effect the next generation. While we contemplate and debate which path to take, I recommend that we use our God given common sense.

I would suggest that it is only common sense to balance the budget. Millions of families across the Nation balance their checkbooks on a monthly basis. Is it too much to ask that the Federal Government does the same thing?

Mr. Speaker, I would suggest that while we journey toward the 21st century that we take the road to action to ensure that our children are not stuck in a future with little or no hope.

We have made great strides toward balancing the budget, but we have more to do. Balancing the budget is just the first step.

House Resolution 89 will ensure cooperation between the Congress and the White House in working toward a balanced budget.

By using the same economic assumptions we can find the middle ground necessary to make the tough choices that lie ahead.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. MCDERMOTT].

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

Mr. McDERMOTT. Mr. Speaker, we are engaged today in a very fraudulent exercise. I will enter into the RECORD a letter from Dr.O'Neill, the head of the Congressional Budget Office.

The question was asked whether the alternative set of policies proposed by the President would achieve a budget balance in fiscal year 2002, which would be balanced.

And her answer is, ''Our analysis, which provides CBO's estimate of the effect on the deficit of the President's alternative budgetary policies, shows a zero deficit in fiscal year 2002.''

The President has submitted a bill, a budget that is balanced, according to the very person that we hear the Members on the other side saying they would worship at her feet. If she says it is balanced, it is zero, if the deficit is zero, that is good enough for them. We have the letter. This is fraudulent.

The question we have to ask ourselves is, why are we going through this exercise? I will tell you. It is very simple: 1995–96, the Republicans got burned by coming out here with policies that were unacceptable to the American people.

□ 1430

And now we are engaged in what I call the grand stall. The budget is supposed to be ready by the 15th of April. Will that budget be done on the 15th of April? We have 13 working days between now and then and we are not in the committee.

We have not had a single discussion about any alternative or a modification that we will make to the President's proposal. We are getting a case

built here that the reason we did not do it on the 15th of April was because the President never submitted us a budget.

Now, some of the freshmen out here do not understand the game. But let me tell them what it is. We will blame it on the President as long as we can, and then, finally, we will try to jam something through here without any discussion, the discussions about taking away quality of care for senior citizens and a variety of other things.

Mr. Speaker, I urge my colleagues to vote against this.

The information referred to is as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 4, 1997.

Hon. FRANK R. LAUTENBERG,
Ranking Member, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR SENATOR: You asked whether the alternative set of policies proposed by the President in the event that Congressional Budget Office projections are used in the budget process would achieve unified budget balance in fiscal year 2002.

As we described in our March 3 preliminary analysis of the President's 1998 budgetary proposals, ''the alternative policies proposed by the President were designed to fill exactly any size deficit hole that CBO might project under the basic policies.'' Therefore, Table 6 in our analysis which provides CBO's estimate of the effect on the deficit of the President's alternative budgetary policies shows a zero deficit for fiscal year 2002.

I hope that this answer meets your needs.

Sincerely,

JUNE E. O'NEILL,
Director.

Mr. SUNUNU. Mr. Speaker, I yield myself such time as I may consume to draw attention to the CBO report. In fact, to be clear, I will quote from it directly. ''The CBO estimates that there will be a deficit of $69 billion in 2002 under the President's basic policy proposals.''

Mr. Speaker, I yield 2½ minutes to the gentleman from Missouri, Mr. BLUNT.

Mr. BLUNT. Mr. Speaker, I am pleased to be here to support this resolution. I think it is no accident that this resolution is introduced by fellow freshmen, the gentleman from Pennsylvania, Mr. PITTS; the gentleman from New Hampshire, Mr. SUNUNU; and the gentlewoman from Texas, Ms. GRANGER, who are joining me in this Congress and who come to this Congress from an understanding of how we believe responsibility ought to be taken in the real world and in real world budgeting.

Really, responsibility has to begin at the top. And this Congress, the last Congress, has shown the willingness to do that by giving the President for the first time ever the line item veto, saying to the President, we know there are some things that you can do that nobody can do as well. The President really has to lead in this area, and for the President to lead in this area effectively, we all do have to talk about the same numbers.

A great Missourian, Mark Twain, said that forecasting is always difficult, particularly when you are talking about the future. And it is difficult when we are talking about the future to predict. Everybody understands that. Everybody understands that we ought to be talking about the same numbers.

The President has said over and over again that we ought to be using the same numbers. Over and over again the President has turned to the Congressional Budget Office and verified that their numbers, over the course of time, have been better than other numbers available. As late as January, the President said we will work with the Congress to use numbers that everybody believes, numbers that come from the Congressional Budget Office.

This budget is out of balance. It has to be brought back into balance. We need the President to submit that budget.

The Federal Government is not doing a lot of terrible things. The tough choices in life are not between bad things and good things. The tough choices in life are determining what kinds of things really have to have priority, and that is what submitting a budget is really all about, submitting a budget with priorities.

I was a president before I came here. Was not the President of the United States. I was the president of a private university. We had a $23 million budget. We had 300 employees. They all vigorously advocated what they needed to have happen. We were able to balance that budget over and over again primarily because we made those tough choices. We prioritized.

That is what we need the President to do with this budget. We need to get started with numbers that we can work with and agree with and move toward paying the bills of the country for the first time in 28 years.

Mr. SUNUNU. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio, Mr. KASICH, the distinguished chairman of the Committee on the Budget.

Mr. KASICH. Mr. Speaker, let me make it clear that we will, of course, have a budget and it will be delivered to the House. This is not out of the ordinary, that the Congress has not brought this budget up. In the last 20 years, 19 of the times the budget resolution has come beyond a certain date required in the law.

The issue is not a hard fixed date, really. The issue at hand is whether we are able to either reach agreement with the administration and be able to bring a proposal forward; and absent an agreement with the administration, we will bring one forward that we will draft ourselves and that we will have an opportunity to consider in this House.

The issue today is really rather one of no matter what budgets come to this floor, they ought to be counted as being in balance. The Blue Dogs have brought a budget. It is in balance. They are going to appear before the Committee on the Budget. I have praised the Blue Dogs for their budget. The Black Caucus, in the past, has brought balanced budgets, as has the Republican majority, and we will bring one.

We are going to bring one on some date certain. I have already said that the administration could bring a budget and slip a date. Who cares about the specific date on a calendar? It is the work product we are most concerned about and the quality of the product.

So today what we are trying to say, both to the administration and to the Congress, and to anybody else that wants to draft a budget, use honest numbers. No gimmicks. Balance the budget and put the children first.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume, before yielding to the gentleman from North Dakota, to simply note for the record that in 1993 the House Committee on the Budget produced a budget resolution on March 10; in 1994, on March 3.

Unfortunately, the last 2 years we have been May 10 and May 9, and under the current schedule, debating things like this, that seems to be where we are headed this year.

Mr. Speaker, I yield 2½ minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, the people I represent in North Dakota are tired of the debate in this House where one side points to the other side and says they are terrible and get a ''they are terrible'' back, and more of the fracas just continues. Unfortunately, a lot of the debate this afternoon sounds much like that tired old partisan dialogue.

We can do better than that. We stand at a great point of opportunity. The deficit is down 63 percent from where it was 4 years ago. We have made real headway. There is just that final push to get us to a balanced budget. What is more, we stand at this point in time in agreement that there ought to be a balanced budget. We stand at this point in time that we ought to have that balanced budget achieved by 2002.

So with so much agreement, it seems to me we ought to be working hard at negotiating our way to a balanced budget rather than having a spurious debate of the kind before us.

No budget plan is perfect. There will always be a great deal of give and take in crafting the final product. Now, the budget process is structured in a formalized way. The President advances his budget, and at that point in time all eyes turn to the majority party for their budget plan. When they have their budget plan on the table, the sides get together and negotiations begin in great earnestness in terms of how the differences can be resolved.

So the President has advanced his budget. All eyes turn to the majority caucus. They do not have a plan. They, in fact, want to waste our time this afternoon asking the President to submit another budget. They know very

well the process. The process is it is their turn. Bring a budget forward. It takes two to tango. It takes two budget plans to get negotiated.

For the freshmen that for the first time are directing, I think impressively, a floor debate, I would just say they are in Congress now. There is something wonderful that comes with that. If they do not like the President's budget, they should write their own. The Blue Dog Democrats have already done precisely that. Other Democrat plans, I expect, will emerge.

Rather than carp and gripe about the shortcomings of the President's plan, just put pen to paper and come up with one. That would advance the process very significantly. That would get us to the table with the differences clearly etched so that they might be negotiated.

One final comment. We do not have much time. We want to get this done by 2002. We need 5 years to get it done. If we fritter away this year in partisan finger-pointing nonsense instead of earnest negotiation to a settlement, it will be only much harder to do in the future.

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

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

Mr. SPRATT. Mr. Speaker, I wish to inform the Chair that I will be yielding my time to the gentleman from Washington [Mr. MCDERMOTT] before I go to a committee hearing.

Mr. SUNUNU. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Speaker, they say the difference between a good baseball player and a great baseball player is the followthrough. Now is the time for Congress and the President to knock one out of the park for the American people and follow through on the promise to balance the budget.

The distinguished gentleman from Washington referred to a comment about my freshmen colleagues, and said, well, the freshmen do not understand the games that are played in Washington. I agree that perhaps we do not, and the American public does not. Whenever the President promises to submit a balanced budget, and it is scored as not being in balance, the American public understands that there is a need for the President to go back to the drawing board, to resubmit his budget, and that is what this resolution calls for.

The President has thrown us a curve ball with the budget he has submitted. It claims to be in balance by the year 2002, and yet it is not. The nonpartisan Congressional Budget Office, which the President has agreed to abide by, concludes that the administration's budget will produce a $69 billion deficit by the year 2002. This takes us in the wrong direction. And in fact next year, if no action was taken under the President's budget, there would be a $24 billion increase in the deficit. We cannot get to zero by going the wrong direction.

I am concerned about the families of America. A government that spends 15 percent of its income on interest on the debt is an impediment to hope and prosperity for the average taxpayer. The American people cannot bear the weight of an excessive and out-of-control Federal Government.

We need only to look at the difficulties faced by the average American family. There was a time in the not too distant past, when I grew up as a child, when one parent could work in a factory or a store or an office and the other stay home in order to take care of the family.

My parents are examples of this. My father had a high school education and was limited in his job opportunities. He worked as an inspector in a chicken plant in northwest Arkansas, but yet despite the modest income, he was able to provide for his family, raise his children, allowing Mom to stay at home, and that is because the government did not eat up his paycheck as is done today.

The American family cannot do that today and that is why we need to balance the budget and that is why I support this resolution to give us hope in America once again.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. CARDIN].

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

Mr. CARDIN. Mr. Speaker, I want to thank my friend for yielding me this time.

Mr. Speaker, in the 11 years I have been in Congress to receive Presidential budgets, this budget is the best received I have ever seen by our colleagues. And there is good reason for that. The track record of the Clinton administration has been excellent in reducing the deficit.

It is the first administration in recent times that had 4 years in a row in reducing the deficit. It has submitted a budget that balances in the year 2002, according to OMB projections. There is a disagreement between CBO and OMB. Why do we not look at the track record and look at the past 4 years? In the past 4 years, OMB has been more accurate than CBO. The deficits have actually been smaller than we thought they were going to be. The President's has been more accurate.

The President goes one step further. He says if his economic projections are wrong, he puts an enforcement mechanism in his budget that guarantees us a balanced budget by the year 2002. That is why the gentleman from Washington is correct when he says that Dr. O'Neill has said that the President's budget will have a zero deficit in the year 2002.

The Congressional Budget Act says the President should submit his budget by February. He has done that. It then says that Congress shall pass a concurrent resolution by April 15.

Now, we have heard from the distinguished chairman of the Committee on the Budget that we are not going to meet that deadline. I know that the leadership has instituted a new process known as Correction Day. Maybe we should put the Congressional Budget Act on Correction Day and eliminate the time limits that are put in here.

Rather than wasting our time on this resolution, I would support a resolution that would direct the Committee on the Budget to bring out its budget in time so that we can act by April 15.

□ 1445

Mr. SUNUNU. Mr. Speaker, I yield myself 15 seconds to note that with regard to the triggers that have been discussed, there is a fair amount of accuracy. There are triggers in the President's budget, and here is what the triggers do: Head Start cut $400 million over 2 years; special education cut $370 million over 2 years; Pell grants cut $680 million over 2 years; veterans' hospitals cut $1.4 billion over 2 years. That is what a trigger is all about.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding me this time, I commend him for bringing this resolution forward, and I support it.

Let me begin by pointing out that this resolution does matter. I sat on the Budget Committee 2 years ago when Alan Greenspan pointed out that if this Congress could balance the budget, it would make a real difference to Americans. Interest rates would drop.

This chart shows that following the 1994 elections, interest rates began to drop. But when we failed to agree with the President on a plan that would balance the budget, interest rates began to go back up. This debate does matter. It is critical that we balance the budget.

Mr. Speaker, I sat in this room and listened to the President announce that the era of big government is over. I sat in this Chamber and listened to him pronounce that this should be the Congress which finally balances the budget, and yet the budget which the President has submitted does not do that.

I rise in good faith to ask the President to join us in this effort, and to point out that a budget which increases the deficit in the coming year by $24 billion over doing nothing is not, in good faith, an effort to balance the budget; that a budget such as the President has submitted, which results in a $69 billion deficit in the year 2002 when it is supposed to be balanced, is not a good faith effort.

This is not a partisan fight. Both sides of the aisle agree we must balance the budget. I call on the President to join us in this fight, to join us so that we can benefit the American people by the kind of falling interest rates

which will occur, the lower car loans, the lower student loans, the lower home mortgage loan interest rates that Americans would enjoy if we had a balanced budget. I call upon the President to submit a budget which does balance and to join in this effort.

Mr. MCDERMOTT. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas [Mr. BENTSEN].

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

Mr. BENTSEN. Mr. Speaker, I rise in opposition to this resolution. This is nothing but a diversion, a political exercise and a futile attempt to shift the blame where it does not belong.

My colleagues on the other side of the aisle are trying to cover their tracks. Having promised too much in their recent election campaigns, they now find that they are unable to produce a budget that is both in balance and fair. So instead they are taking the highly unprecedented step of requesting the President to submit a second budget, something which we have not seen with previous administrations, including those who submitted budgets that were out of balance.

Before we vote, we should consider some important facts. The Constitution of the United States clearly states that it is the Congress and not the executive branch which enacts laws and appropriates funds. Article 1, section 8, clause 18 states:

> The Congress shall have the power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or officer thereof.

So, therefore, the Constitution is quite clear as to who is responsible for forming a budget. It is the Congress. Second, while the Congressional Budget Act of 1973 sets the procedure for the President to submit a budget for consideration by the Congress, ultimately it is up to the Congress to pass the laws enacting a budget for the United States. In fact, if we are to rely on the 1973 act, we find that the 105th Congress is woefully behind, with only 10 legislative days left in which the Committees on the Budget are to submit and the Congress to adopt a budget resolution. Yet only yesterday the Republican leadership stated that no budget would be submitted or debated until May.

We all know the President has submitted a budget, and while it may not be perfect, and few budgets are, he has met his goals in both form and substance. The administration can honestly state that using the assumptions of the Office of Management and Budget, the President's budget achieves balance by 2002. I might add that the CBO has also agreed with that statement. We can disagree with the President over assumptions and substance, but we cannot disagree with the fact that he has submitted his budget and it is in balance using his assumptions.

So what is the problem that requires the other side to ask that the administration submit a new budget? They have the power to submit their own budget. Many of my colleagues on the other side were here during the Reagan and Bush years. No one ever asked them to submit another budget when in fact their budgets were never in balance.

The problem, my colleagues, is that the Republican leadership cannot produce a balanced budget that cuts taxes by nearly $200 billion and does not make deep cuts in Medicare, Medicaid, education, and the environment. They have simply overpromised and now they are stuck. They want the President to do the heavy lifting and that is why we are considering a bill here today that is nothing more than subterfuge. Let us be honest. The President has his budget, the Blue Dogs have their budget. It is time for the Republicans to put their budget on the table and let the American people compare.

Mr. SUNUNU. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. GUTKNECHT. Mr. Speaker, I want to compliment the gentleman from New Hampshire [Mr. SUNUNU] and the other freshmen who have put this together because far from being a senseless debate, as we have heard from some of our colleagues on the other side, this is a very important debate. Let me explain the consequences. Who is right and who is wrong is not as important as what happens if we are wrong.

As we have seen, we believe the President's budget is not in balance. That is important. That is significant. The deficit actually goes up and at the end of the budget cycle, according to the Congressional Budget Office, which is our official scorekeeper, the budget is still out of balance by $69 billion come the year 2002.

What does that mean? What are the consequences? The gentleman from New Hampshire [Mr. SUNUNU] tried to explain, and I think Members need to understand that if the Congressional Budget Office is correct, here is what is going to happen in the year 2002. I daresay no Republicans nor no Democrats want to vote for this, because it means that Head Start will be cut $422 million, special education will be cut $369 million, education to the disadvantaged will be cut $707 million, Pell grants for college students will have to be cut $680 million, the National Institutes of Health will have to be cut over $1 billion.

Veterans hospitals, does anybody want to have to vote in the year 2002 to cut veterans hospitals by $1.4 billion? Or the women, infants and children program, the WIC Program, by $353 million? The FBI would have to be cut by $230 million; the Immigration and Naturalization Service, $147 million; the Federal Aviation Administration, they are the people who keep our airways safe, by $783 million; Federal highways by $1.4 billion; the National Science Foundation, $269 million worth of cuts if the President's triggers go into effect. Finally let me say, and we all care about national parks, do my colleagues really want to vote for a budget that could cause national parks to be cut by $105 million?

I say the answer to that question is no. That is not the budget that we want. The debate that we are having today is an important debate for this reason, and I am still wearing my name tag from Hershey because I think we need a bipartisan budget. I think we have to work together. I think we have to have an honest debate. But how can we have an honest debate about the most important issue this Congress will deal with, the budget, if one side is speaking Greek and the other side is speaking Latin?

What this debate is about today, what this vote is about today is let us all speak the same language, because if we are right and the President is wrong, it is going to have dramatic consequences for lots of our constituents. That is not what we want, that is not what you want, and frankly I do not think that is what the President wants. What we want is an honest and fair debate using honest and fair numbers. Let us agree on the assumptions, let us agree on the language, then let us have an honest debate.

Mr. MCDERMOTT. Mr. Speaker, I take 1 second to remind the gentleman that last year he proposed the same kind of trigger in Medicare. He trusted it then. I am not sure why he does not trust it now.

Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island [Mr. WEYGAND].

Mr. WEYGAND. Mr. Speaker, I have some prepared comments which I would like to submit, but I would like to depart from those if I could, because in this discussion and debate today I have found some unusual rhetoric that I think really does not strike home to anybody outside of the beltway. I am just a poor kid from Pawtucket, RI, and when we talk about work, we mean about rolling up your sleeves, working together, agreeing to disagree but coming out with a budget.

What we have seen, though, unfortunately is a lot of political rhetoric about it is not fair to the children, we are not following through, this is a curve ball. The fact of the matter is whether you are in Pawtucket, RI; Westerly, RI; Texas; Washington; or Washington, DC, the issue before us is, let us get together and work on a budget that works.

The President submitted a budget on February 6. It balances by 2002. The Blue Dogs submitted a budget. The Black Caucus submitted a budget. But the Republicans have not yet, not today and not tomorrow, submitted one issue that is regarding a budget. Not even an amendment. Not a plan.

If we are really talking about bipartisanship, if we are talking about Hershey, PA, if we are talking about doing the things that all the people in my district in Rhode Island believe in, we should be then debating the issues of the President's budget, the Blue Dog budget, the minority caucus budget, and hopefully elements that you believe in, but let us debate them. Let us put them on the table.

Let us work to resolve the issue, rather than this political buffoonery that is before us today. This is wrong. This is not legislation. These are people being political pawns, and quite frankly everyone outside of the beltway is cringing today and saying, ''What is wrong with these people in Washington? They just don't get it.'' Let us get it, let us get on with it, let us pass a budget that balances.

Mr. SUNUNU. Mr. Speaker, I yield myself 15 seconds to note that of the budgets mentioned in the last presentation, the coalition budget meets the criteria placed for it here. The budget put forward by this Congress 2 years ago meets the criteria in this resolution. The Black Caucus budget discussed meets the criteria in this resolution. This resolution simply calls for Congress and the President both to fall into the criteria outlined here.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. PITTS] who has put forward a great amount of work in supporting this resolution and working toward a balanced budget.

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

Mr. PITTS. Mr. Speaker, I rise to support the resolution urging President Clinton to submit a budget that balances by 2002. We are all aware that balancing the budget is a top priority with the American people.

The budget submitted by President Clinton was touted as a legitimate plan to balance the budget by the year 2002. It does not do that. According to the Congressional Budget Office, the independent source which the President himself has suggested we use, this effort falls short of the balance goal by $69 billion. Not only does the President's budget not balance by 2002, it leaves 98 percent of the deficit reduction until after he leaves office.

President Clinton increases the deficit by $24 billion next year over what would be if we did nothing, which is considered the baseline. If we maintained spending next year at the same level as it is today, we will have a budget deficit next year of $121 billion. That is the first year. The President would increase that deficit spending by $24 billion over that baseline, to $145 billion. That deficit spending increases and continues every year until 2002. So we would be better off if we did nothing, rather than using the President's plan.

Also, Mr. Speaker, looking at the President's budget, on page 331 we see the amount of the debt over a 5-year period, the debt today being $5.4 trillion, in 2002, $6.6 trillion. I would like to submit this for the RECORD. In other words, we increase the debt in this 5-year period by $1.2 trillion. Need I say more about needing a balanced budget?

We have not balanced the budget since 1969. To quote Thomas Jefferson, ''There is nothing more important for our children and the next generation of Americans than to leave them a Nation that is debt free.''

For the sake of our children and our grandchildren, the out-of-control spending must come to an end.

President Clinton said, ''We don't need a balanced budget amendment. We need action.''

Well, we need action. He has given us neither. It is action that we are calling for with this resolution, action that does not mean higher taxes. This proposal does raise taxes. According to the independent Joint Committee on Taxation, the President's budget would increase taxes by $23 billion through 2007, hitting middle-income taxpayers first. This will directly impact over 100 million workers across the country. Another tax hike in the President's budget penalizes American companies that create export jobs, changing the tax formula to increase the amount of their taxes on income derived from sales abroad.

□ 1500

That is a real disincentive for companies who rely on trade and exports.

Another harmful tax is the capital gains tax, which is a tax hike on 10 to 15 million Americans that will occur. They are predominantly middle-income families who own mutual funds and stocks, and these tax hikes are all permanent, but the tax cuts are temporary. For example, the $500 child tax credit is scheduled to disappear when a child reaches age 13, just about the time when kids get expensive. That means that single moms are left out in the cold after their kids are 13 and growing.

That is irresponsible. To shut down a tax credit when the going gets tough on parents like single moms is unwise.

The President's budget also calls for this tax credit to expire on December 31, year 2000, just when he leaves office.

Mr. Speaker, it is vital that the President resubmit a budget that serves as a starting point for discussion. Step one to an agreement is the need to use the same numbers. By assuring that both the President and the Congress use the same numbers, we begin to travel down the same road to a balanced budget, and this resolution would do that.

Mr. Speaker, we are hearing a lot about ethics today in Washington. I would like to ask a question. Is it ethical to spend money that we do not have and to stick our kids and grandkids with the bill? Most of us, when our parents die, expect maybe to inherit a house or maybe some savings, but how would my colleagues feel if their parents went into such debt that they had to spend the rest of their life just retiring their debt? That is what we are doing to the next generation. The only people who lose in this deal are the kids.

Mr. Speaker, I urge the Members to support this resolution.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, this resolution really trivializes what is perhaps the most significant legislative initiative we will undertake this session. Our colleagues may disagree with the President's budget, but it does indeed balance. Our colleagues may not like how it balances, they may think it should balance early, but CBO really said, ''If you use his assumptions and his trigger, it would balance at the year that he indicated it would.'' The budget, however, provides guidance for how we spend our resources, who will we spend it on; it determines indeed what our resources will be spent on and indeed who is important.

The budget for our Nation is the most important plan that our people will have. We will decide whether small family businesses spanning generations will be able to survive through relief from unfair estate tax, we will decide the kind of assistance we will give to those who are aspiring for education, higher education, for Head Start, we decide whether American children will get a healthy start or any assistance at all. So this is no small matter talking about the budget, but it is a small matter what we are doing on this floor.

Mr. Speaker, right now as we are talking about this budget the Committee on the Budget is having a hearing that is on the issue that we should all be there. It is no accident they establish a date of April 15, tax day, the day that our citizens assume their share of the budget of our Nation that we in Congress should have a budget resolution. But at the rate we are going we will not meet that goal. Why? Because of such activities as we are having today.

The President's budget has been submitted.

Now there are some issues I disagree with, but nevertheless I am generally pleased by that budget and know that there are issues that I disagree with and I will have an opportunity to express. I urge my Republican colleagues to use that same effort: Go to the hearings, express their view, submit their budget, find a better way to improve this budget. If they want to submit a balanced budget, why not put that balanced budget on the floor?

Mr. Speaker, I urge that this resolution should not be voted on, and it should not be on the floor in the first place, and certainly we should vote against it.

Mr. SUNUNU. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. FRANKS].

Mr. FRANKS of New Jersey. Mr. Speaker, let me begin by observing that in my opinion both sides in this discussion are fundamentally committed to balancing the budget. Nobody ever said that that goal would be easy to attain. If it were easy, I suspect it would have been done long ago. But it is now clear that reaching that goal will require not only determination, but real leadership if we are to fundamentally change Washington spending habits.

Against that backdrop the budget submitted by the President, in my judgment, defers simply too many of the tough decisions. It leaves them for someone else to figure out.

According to the CBO, fully 98 percent of the savings needed to balance the budget will not come until the last 2 years. In those years that responsibility will fall to a different Congress and indeed a different President.

But let us be honest. Any plan to balance the budget relies on the greatest portion of savings to be achieved in the final years. That is because when we make changes in the way that Washington spends money we do not see instant results. It takes time to accumulate substantial savings. But the President's budget simply relies too heavily on back-loaded savings.

But there is a different problem, and it is just around the corner. For 4 consecutive years the deficit has been going down. That is to the President's credit and to ours. But the deficit now we find is at its lowest level in 15 years, but next year for a variety of reasons the deficit will begin going back up.

All of us should find that change in direction very troubling, and we should seek to limit the increase in next year's deficit to the greatest extent possible. But unfortunately that is not what the President's budget would do. According to CBO, the deficit next year will be $24 billion worse than if his budget had been lost on its way up to Capitol Hill. The CBO estimates that if we stayed on our current path and did nothing, the deficit next year would be $121 billion. That is $24 billion lower than under the President's recommended spending plan.

There is another reality that we simply must face. We cannot expect to credibly balance the budget and keep it in balance beyond 2002 without making some structural changes in entitlement spending. Entitlements now account for over 55 percent of all Federal savings, and they are going up every year at an astonishing rate. We owe it to the American people to make the changes needed to keep entitlement spending under control while preserving the essential purposes of those programs.

We are committed to working with the President to end deficit spending. This resolution takes us in that direction by asking the President to take a second look at his proposal.

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

The gentleman from New Jersey [Mr. FRANKS] makes the best case for not reducing taxes. The President's budget would continue down if we did not reduce taxes.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. DAVIS].

Mr. DAVIS of Florida. Mr. Speaker, the American people sent us here to get the job done, not to play games. As a freshman member of the Committee on the Budget, I am eager to get to work on a plan that will balance the budget, but here it is the second week of March and we have yet to really begin an open and honest discussion as to Federal spending and the priorities that we must face as a Congress.

There are legitimate differences over the merits of a tax cut and how to best achieve savings in Medicare and Medicaid spending, but we must start to work through these difficulties and begin debating the issues. Unfortunately, today the House is debating a resolution which serves no useful purpose. At best this resolution is a waste of time; at worst it is a diversion from our work in the Committee on the Budget, which should be meeting right now.

We have a legal obligation to submit a budget resolution by April 15. We have an obligation to our constituents to work toward a plan which will balance the budget. The time for action is now. The responsibility is ours as a Congress. We should commit ourselves to reconciling our differing visions of how to balance the budget and get to work on an honest and open debate on the issues before us.

Mr. SUNUNU. Mr. Speaker, I yield 2½ minutes to the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman from New Hampshire [Mr. SUNUNU] for yielding me the time. I would just like to take a look at what the President is proposing in the area of education.

We all recognize that much work needs to be done in education. We are currently engaged in a process which we call Education at a Crossroads which examines what is working and what is wasted in education in America today. We are taking a look at the Washington response, which is 760 programs going through 39 different agencies, spending about a $120 billion per year, and what we believe is that before we put another overlay of new programs and spending on this education bureaucracy, let us take a look at what is working and what is wasted, and, if we have new priorities, let us find some money in the old programs that appear not to be working, and let us reestablish priorities.

There is enough money in education. We do not need more money.

The President is proposing a building program, recognizing that when we put Federal dollars into building programs we prohibit the use of volunteers on those projects and we have to pay premiums through the Davis-Bacon law. And then the President on the other hand wants to encourage volunteerism by expanding the Corporation for National Service, its involvement in tutoring programs. So on one hand we are saying volunteers are bad, on the other hand we are going to say we are going to have more volunteers paid $27,000 per year involved in teaching our kids to read. It is great that they are teaching our kids to read because the Corporation for National Service cannot keep its books, and just recently there was another report that said their trust fund is now unauditable. These people cannot teach our kids math, so maybe they can help on reading.

What is the President's vision for education? He wants to build our schools, put in the technology, develop the correct curriculum, test our kids, certify our teachers, teach them about sex, teach them about drugs, feed them breakfast, feed them lunch, do midnight basketball, and other than that it is your school. He has got a vision of big government and more spending, proposing $55 billion of increased spending, new spending, $11 billion per year for the next 5 years. That means that 2.2 million American families will have to pay $5,000 a year for increased spending on education when that money already exists.

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

Mr. Speaker, the gentleman from Michigan [Mr. HOEKSTRA] raises the question. I say Put your alternative on the table; we would love to see it.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. WOOLSEY].

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

Ms. WOOLSEY. Mr. Speaker, today's debate sounds like a line from a popular song: ''Isn't It Ironic?''

Is it not ironic that the majority party is demanding the President submit a second budget when they have not yet come about to present any budget plan? Is it not ironic that the budget process is behind schedule for the third year in a row under Republican leadership? Is it not ironic that one Member of the majority party's leadership has stated it would be inappropriate for Republicans to produce a budget while another Member of the same leadership had said they will produce a budget resolution in May. Is it not ironic?

Enough of this budget gridlock, Mr. Speaker. The President has submitted a budget; the Republicans have not.

Today's resolution is nothing more than a diversion. It is simply an attempt to distract, an attempt to distract the American people from the fact that the majority is not doing its job.

Do not fall for this trick. Vote no on House Resolution 89.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Speaker, earlier this afternoon we had before us the proposition of whether we should adopt a rule that controls the debate on this matter that is pending. We did adopt a rule, and unfortunately that rule denied the minority a chance at asking this body to vote on an equitable proposition. That proposition would have challenged both the leadership of this Congress and the administration to produce a budget that complies with the standards that are set forth and have been so frequently addressed here.

I for one feel that these standards are important, that we should have conservative forecasting, that we should have a glidepath to deficit reduction or eliminating the deficit, that we should deal with the problems of the Medicare system.

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Unfortunately, we are now grappling with just the politics of how this is to be presented. It is cosmetics, and that is one of the tragedies. We should be insisting, as newer Members of Congress, that both the Republican leadership and the Democratic White House meet the same standard and do so simultaneously. Both groups should be putting their cards on the table and saying, this is what our hand looks like, now let us sit down and negotiate the next step.

We all know those negotiations have to take place. The longer we delay those negotiations, the greater the risk that we will again experience the tragic shutdown of the Federal Government that occurred in 1995.

It is my fervent wish that we put to one side this type of a dilatory tactic and say: time to get on with the task; time, as Republican leaders to present a budget; time for the White House to present a budget that complies with the standards that we all know ought to be the standards that govern budgeting in this institution.

Mr. SUNUNU. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I thank the distinguished gentleman from New Hampshire for yielding and congratulate him on his work in this area.

I do rise in support of the resolution, but I really take the floor not so much because of this resolution, which I do not consider to be either dilatory or a waste of time, because it is getting its focus on what I think we should be talking about here in the U.S. Congress today, and that is balancing the budget of our country. I think it is absolutely vital.

Let us not forget that people such as Mr. Greenspan has said that we will reduce interest rates by 2 percent if we can balance the budget. We are all talking about balancing the budget, and I think we should go with doing it. I think this is a good exercise to put some of these issues on the floor.

I am not critical of the White House. As a matter of fact, I had a very good meeting this morning with Mr. Franklin Raines, the budget director, and Mr. Gene Sperling of the White House, and about a dozen of us to talk about the budget issues, the numbers. I think they showed some flexibility in terms of revisiting, relooking at some of the numbers which are here.

However, I do become concerned when we do not move forward, and I do become concerned with some of the numbers that we are dealing with with respect to this particular budget. I think, first and foremost, it really has not recognized the parameters of using the Congressional Budget Office estimates and assumptions, and I think we should get to that point so we can at least argue from the same set of numbers. I realize there will still be some differences, but we did promise to do that.

I think without the same economic baseline and numbers used for comparison purposes, it is too difficult to decide which is more and which is less. It simply allows no political accountability under the President's assumptions as we have now.

I do congratulate, by the way, the Blue Dog Coalition budget makers. I think they did an extremely good job of recognizing the issues before us that are making the kind of hard decisions that I think each of the 435 of us should make and the President and his advisors should make with respect to balancing the budget.

I might point out that it is not only the Republicans that called on the President to issue a balanced budget, but the nonpartisan Concord Coalition as well, that concurs with the Congressional Budget Office that his budget postpones most spending cuts until after the year 2000 and after he actually leaves the White House.

So we have some serious problems with the delays, and I think we need to address these and deal with it, and I hope we can keep moving forward.

Mr. McDERMOTT. Mr. Speaker, I yield 2½ minutes to the gentleman from California [Mr. SHERMAN].

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

Mr. SHERMAN. Mr. Speaker, we are called here in this Chamber today not to do the people's business but to engage in what I think is dilatory tactics. We are called upon to spend a day in this Chamber not making laws, but engaged in a ritualistic attack on President Clinton and his fiscal record. So I figured we ought to take a minute just to look at the President's fiscal record.

This chart here shows where we were headed in terms of a deficit before President Clinton took office. We see this line exceeding $100 trillion. Now, I have only served in Congress for a short time. I remember when $1 billion was a lot of money. And we used to explain it as a line of $100 bills going from Washington all the way across the country or a stack of $1 bills all the way to the Moon. We were headed for a $100 trillion deficit. That is a stack of $100 bills going all the way to whatever planet Yoda lives on.

Instead, we have fiscal responsibility in the White House, and we have been able to bring long-term prospects represented by that lower line to a position where a balanced budget, a long-term and permanent balanced budget, is within reach.

Now, the laws says that we are supposed to have a budget resolution just 10 legislative days from today. Instead of passing resolutions, we should start by writing a budget in the Committee on the Budget. And I felt, why have the Republican majority not put forward a budget? And I thought maybe it was in absence of pen and paper and a chance to sit down and actually write some numbers down. So I brought this here.

Mr. Speaker, as we can see, it sets forth everything we have been told about the majority's budget. It comes equipped with a pen, and I would hope that in the spirit of Hershey, PA, some of my colleagues from the other side of the aisle would come down here and give us some numbers, because a journey toward a trillion-dollar budget starts with the first digit.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Maine [Mr. ALLEN].

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

Mr. ALLEN. Mr. Speaker, last weekend half of the Members in this House participated in a bipartisan congressional retreat to help restore civility in our debate. The American people want us to do the people's work and to do so in a bipartisan fashion.

Today's resolution requesting the President to submit a second balanced budget is partisan and counterproductive. The President submitted a balanced budget in February. While we may honestly disagree about the President's budget priorities, the Constitution gives this Congress the power of the purse. Section 301(a) of the Congressional Budget Act requires this Congress to complete action on the budget resolution on or before April 15, 1997. That date is less than 5 weeks away. To request a second balanced budget from the President is simply irresponsible. He has done his job.

The Committee on the Budget must not duck the tough choices necessary to balance the Federal budget, but that is what is going on today. Let us do our job. Let us vote against this resolution and urge the Committee on the Budget to submit a budget resolution to this Congress by April 15.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Speaker, this resolution is a waste of time. Why do

my colleagues on the other side of the aisle want to stall the budget process? I thought that the clock was ticking for us to enact a balanced budget, which I support. In the rush to pass a fiscal year 1998 budget, the Republicans are setting up another scenario for last-minute legislation. In that rush, the most vulnerable populations will be targeted again for the highest spending cuts and the lowest assistance. It is remarkable how far the Republicans will single out poor families.

The deadline grows near for our national budget to be balanced. Note that my Republican colleagues have not submitted a budget proposal. They must not be serious about negotiating a balanced budget agreement. What is their strategy now? To shut down the Federal Government again? Remember, it did not work before; it will not work again.

I ask my colleagues to consider the human face on this debate. Consider Miguel Pena from Brooklyn, a 72-year-old Dominican legal immigrant with mental illness who will lose his SSI disability benefits within months because he is not a citizen. He, like hundreds of thousands of other legal immigrants, has no other source of income.

Consider the 30 percent of the 30,000 Hasidic children in Williamsburg who will lose their Federal assistance. Consider Maria Rodriguez, 27 years old, a legal secretary with two children and no subsidized daycare options. Hard-working people have to make painful decisions on a daily basis about keeping a roof over their heads or putting food on their table. We should not be spending precious time on political posturing at the expense of America's future.

The families I represent in Brooklyn, Manhattan, and Queens carefully manage their limited incomes to make ends meet. They cannot postpone their budget; neither should we. Let us get on with the people's business.

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

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

Mr. BALDACCI. Mr. Speaker, today we are considering a resolution which demands that the President submit yet another balanced budget plan. Apparently the first one was not to the House leadership's liking. Such an ironic twist and somewhat bold in light of the fact that the House leadership has failed to submit a balanced budget plan of their own, one that meets the criteria that they have set forth that they have asked the President to meet. To date we have the President's balanced budget plan, we have the coalition's balanced budget plan, and I have yet to see a plan from the Republican leadership.

Now, reasonable people can disagree over what should or should not be in the plan to balance the but. The President's plan is very strong on education and children's health care, and some may disagree about that. But the President made a good-faith effort to meet the demands of the House leadership, only to be told that he must submit a second budget before they even submit the first one.

The President has submitted a detailed balanced budget plan that includes the economic and accounting analysis, information on Federal receipts and collections and detailed priorities. It is a good-size document weighing more than a few pounds with a little over 1,200 pages of great detail.

I urge my colleagues who dislike the President's budget plan to meet him halfway and submit a plan of their own. The President cannot negotiate with himself and should not be asked to submit a new plan until those who disagree with him have an approach all their own.

Mr. SUNUNU. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. SNOWBARGER].

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

Mr. SNOWBARGER. Mr. Speaker, I want to talk about one particular aspect of the budget that is before us and the subject of the comments today, and that is the issue of tax relief. The fact of the matter is that over the next 10 years this budget proposes a tax increase of over $23 billion.

Mr. Speaker, if a budget is going to promise tax relief, it should be permanent tax relief. It is better to have no tax relief than phony tax relief. The child care tax credit for children under 13 is only $300 for the first 3 years. Then it supposedly increases to $500. But the budget also proposes that all the tax reductions will automatically be repealed in the year 2000 if the rosy scenario and the imaginative arithmetic conflict with reality, as CBO has said it will, and it turns out the budget then will not be balanced.

A tax credit for children should not be scheduled to expire in a few years. Neither should a tax credit for children disappear when the child turns 13, just when children become the most expensive. You know, when they eat everything in sight and go through two or complete wardrobes a year. Under the administration's plan, a family will get relief only if its children were born between 1985 and 1999.

While promising tax relief with one hand and taking it away with the other, the budget also belies the President's assertion that the age of big Government is over. The President claims to have reduced the Federal civilian work force by 299,600 employees from 1993 through 1998. This is misleading on several counts, including the following: two-thirds of these reductions are from the Department of Defense. These personnel reductions actually come from the Defense downsizing of the Bush administration, which occurred because the United States and its allies won the cold war under the leadership of the Reagan-Bush administrations. The new budget claims to reduce 26,600 additional employees by the end of fiscal year 1998. But the President fails to emphasize the fact that he is actually cutting 27,800 workers from the Department of Defense, when the non-DOD Government labor force will actually increase by 1,200.

The administration's budget also uses creative accounting to hide increased spending. The President's budget actually makes substantial increases in discretionary spending. Compared to 1997 levels the budget increases discretionary spending by $100 billion over next 5 years.

I served in the Kansas State Legislature for 12 years. During that time I worked with Republican and Democratic Governors, and reached principled compromises. I want the Congress and the President to reach an agreement on a budget that is balanced, and that will stay balanced. But it has to be an honest agreement, with honest numbers. The only way to accomplish that is for the President to submit a budget that is truly balanced. Then we can engage in the true give-and-take of the legislative process.

The difference between the President's current budget and what needs to be done on this issue is the difference between saying we're going to balance the budget and actually balancing it. To pretend we are balancing the budget when we're not dishonors us, betrays our constituents, and endangers programs like Social Security, which the President insists he wants to protect. In the long run, the promises of a bankrupt Federal Government are worthless. The best thing we can do to ensure that Social Security is here tomorrow is to start balancing the budget today.

For these reasons the House must pass this resolution calling on the President to prepare another budget, one that really balances.

□ 1530

A tax credit for children should not be scheduled to expire in a few years. Neither should a tax credit for children disappear when a child turns 13, just when the child becomes most expensive: when they eat everything in sight and go through two or more wardrobes a year.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. PRICE].

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. speaker, one of my first experiences in this body in 1987 came when we were voting on the floor on four competing budget resolutions, including one offered by the majority party, as is always done, at least until this year.

I remember at the end of the day it struck me that 140 Members of this body had voted ''no'' on all four resolutions, in the spirit of a comment made by the then-minority whip, Mr. LOTT, who said, ''You do not ever get into trouble for those budgets which you vote against.''

I am sure Members in this body also remember 1993, when we passed a 5-year budget plan that has since reduced the deficit by $700 billion. Yet we barely passed that plan, by only one vote in both Houses.

It is easiest to vote ''no,'' and it is hard to produce a budget, but it is our

obligation to produce a budget. Particularly, it is the obligation of the majority party to deliver what every majority party has delivered in the past: A budget proposal which then serves as a blueprint for subsequent congressional action.

The majority apparently does not want to put its fingerprints on any budgetary unpleasantness, so they are trying to shift the blame onto the President. But the President has already produced a budget. No one is claiming that it is perfect, but our Republican friends are exaggerating the difference between CBO and OMB projections as a diversionary tactic, trying to divert attention from their own failure to do the tough work of writing and passing a budget resolution. If they do not like the President's budget they can produce a different budget, but it is the Republican majority's turn to put its own budget on the table so we can move forward to confront the country's challenges.

Surely we do not want to repeat the scenario of deadlock and Government shutdown. Time is almost up. The statutory deadline is April 15. Only 9 legislative days remain to pass a budget resolution. The majority party is way overdue in putting their own budget on the table, a budget proposal which we could be debating today rather than this irrelevant and diversionary resolution.

Let us get the budget process back on track. Defeat this resolution and bring a budget resolution to the floor, as the majority party has always done and is still obligated to do.

Mr. SUNUNU. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. EHRLICH], a distinguished member of the Committee on the Budget.

Mr. EHRLICH. Mr. Speaker, I thank the gentleman for yielding time to me, and congratulate him for his important work on this issue.

Mr. Speaker, this is about principle. We have talked about what the President has said, and the President's words are important. The President has said, and we have repeatedly relied on these statements, because words should have meanings, Mr. Speaker; the President said, I have made it clear we will work with Congress, the Congressional Budget Office, and we are going to do this. We are going to do the right thing.

We are taking the President at his word. We are taking the President at his word that he means to make the difficult decision and that he means to be a leader and not a politician.

Politics have ruled this debate for too long on both sides of the aisle. I have heard about Hershey and the spirit of bipartisanship, and we need to treat each other civil. We should not have to be reminded about that. We are adult politicians. But the fact is that we have very legitimate policy differences, and they are subjective differences.

What is objective, Mr. Speaker, is that the President has said he will abide by CBO. CBO has said his budget is not in balance. We expect the President to give us a balanced budget. We want the President to give us a balanced budget. The American people deserve a balanced budget.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, yesterday the majority leader announced that the Congress will not consider a budget resolution until May, 3 months after the President submitted to this House a balanced budget plan. Yet today my colleagues on the other side of the aisle want to vote on a resolution to force the President to submit another balanced budget. They continue to criticize the President's plan, despite a letter from the director of the Congressional Budget Office asserting that the President's plan is truly a balanced budget.

Where may I ask is a Republican plan to balance the budget? My colleagues on the other side of the aisle are too busy with partisan attacks to focus on actually submitting a budget proposal of their own.

It is time for House Republicans to stop holding press conferences and to start crunching numbers. The only bill today reflecting the Republican budget priorities is a proposal by the majority leader of the Senate, and it is a tax bill. This legislation, according to Citizens for Tax Justice, would mostly benefit the wealthiest 5 percent of Americans.

It sounds to me like the Republicans are up to their old tricks: Balancing the budget on the backs of working American families while cutting taxes for the rich. The American people deserve to see how the Republicans plan to pay for these large tax cuts. Let us work together on the issues that matter to the American people.

We cannot afford to have another Government shutdown because the Republicans are too busy attacking the President to work on a balanced budget. It is time for us to work together on the issues that matter to the American people.

We have seen the Democratic proposal to balance the budget. The American people deserve to see the Republican budget proposal.

Mr. SUNUNU. Mr. Speaker, I yield myself 30 seconds to note that this resolution is precisely about working together. This resolution is about working to get a platform from the President from which we can conduct bipartisan budget negotiations.

If we truly want to move in that direction, we need a substantive balanced budget, one that does not include triggers, one that does not include a $69 billion deficit in the year 2002, one that does not increase the deficit $24 billion in 1998. That is all we seek. We lay out criteria that will give us this platform, and we apply the exact same standards to this House that we ask the President to abide by.

Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi [Mr. PARKER].

Mr. PARKER. Mr. Speaker, the matter before us today is viewed by many as a useless exercise in political finger-pointing. That is precisely the way it was defined in the Committee on Rules yesterday.

Perhaps we are being a bit too subtle. This is not an attack on the President or on his budget. House Resolution 89 is simply a message to the White House. It is an appeal to the President to recognize the historical opportunity available to him to actively participate in a bipartisan effort to finally craft a balanced Federal budget.

There is a genuine desire on the part of the Republican Members of this House to work with the President in such an effort. We anxiously awaited submission of his budget last month in order to let him establish the starting point in this process. My feeling is that he passed on that opportunity. Instead, he sent us a political document. I think perhaps it is the best political document that I have seen in my tenure here in the House.

Still, many of us remain prepared to work with the President and our colleagues on the other side of the aisle. That is what this resolution is all about. We need to debate policies, programs, and spending cuts. Instead, we are debating, once again, whose economic assumptions, either the OMB or CBO, should be the basis for more substantive debate.

The fact is, the House will use CBO assumptions. The matter is no longer subject to debate. The Committee on the Budget will present a balanced budget, a proposal scored by CBO, in the near future. This process could be eased somewhat if the President worked from the same assumptions. In the past he said that he would, but as his budget proposal demonstrates, he will not.

This exercise today is simply one last appeal to him to join us, rather than confronting us. It is my belief that we will work with him.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Mr. Speaker, what we have is seemingly a disagreement between two groups of economists about what might happen some 5 years out in terms of the largest economy in the world, a slight difference of opinion about that between the President's economists and the CBO. But we should not waste our time here today with this resolution. This has no import or impact on the President of the United States in terms of any legal meaning.

The result of the passage of this resolution is just that the House will have taken up the time of the House, rather than working on producing a budget that could be scored by CBO and that could take into account the President's

priorities which, by the way, are the Americans' priorities, as illustrated in the last election. The public wants more investment in education and environmental protection. These are issues we should be debating, we should be working toward. This political one-upsmanship between the House and the White House does not make a lot of sense.

We have a role here in the Congress to play. We are one of two Houses, and along with the White House, and we have to do the most important thing we do every year, which is to pass a budget. I would ask that my colleagues vote ''no'' on the resolution, and then urge ourselves to get to work, not through the words we speak on the floor, but in the hard work of designing a budget to take this Nation into the next century.

Mr. SUNUNU. Mr. Speaker, I yield 4 minutes to the gentleman from Connecticut [Mr. SHAYS].

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

Mr. Speaker, I have been listening to this debate from the beginning. One of the things I am very impressed with is the demeanor on both sides of the aisle. I am particularly impressed with the contributions of the freshmen Members from both sides of the aisle, and my colleague who introduced this resolution, the gentleman from New Hampshire [Mr. SUNUNU]. We are talking about ideas, we are talking about policies, and we are talking about the direction this country should head.

This congressional majority has three major objectives. We want to balance the Federal budget and get our financial house in order; we want to save our trust funds for not only future generations but for present generations, because Medicare in particular is running out of money; and third, we want to transform this caretaking society into a caring society. We want to transform this caretaking social and corporate and agricultural welfare state into a caring opportunity society.

In the process of doing all three of those things, we want to move the power and the money and the influence back home and away from Washington. That is our objective. That is what we will seek to do. That is what we will do with our budget when we present our budget, which we will do, and which we are required to do.

The President deserves a tremendous amount of credit for deficit reduction since he has been present. The first 2 years he achieved deficit reduction with a Democrat majority by tax increases. The last 2 years of his 4 years as President he reduced the deficit, with the help of this new Republican majority, by spending cuts. It is clear that we are going to continue to go on a downward path by spending reductions, not tax increases.

What is alarming, however, is the President still insists on not using the same budget numbers that we are required to use, the Congressional Budget Office. This resolution soundly requires that we use the same set of numbers so we do not have a Government shutdown. It argues that we not have automatic spending cuts so we do not have a Government shutdown. It argues as well that major savings take place in the first 3 years, not the fourth and fifth year, so we do not have a Government shutdown.

Why is it important? Because we are in Congress for the next 2 years. And why is that significant? Under the President's budget, scored by CBO, they say the deficit goes up $24 billion. This year it would go up an additional $1 billion from his plan, and next year it would go up an additional $24 billion, to a $145 billion deficit.

For 4 years the President and Congress have succeeded in going down, and under his plan it is now going up. It goes up the next year and the year after that, and only slightly goes down the third year, and then the fourth and fifth year, when we are not in Congress, when he in fact is not President, in the fifth year we do most of the deficit reduction.

Mr. Speaker, I have a big problem with the argument on the other side that it is balanced in the fifth year. It is balanced in the fifth year. It is like the person who says I am going to lose 50 pounds in the next 5 years, and seeks to gain pounds in the first 2 years, and then in the fifth year basically says, I am going to lose 49 pounds out of my 50.

□ 1545

Technically, it is balanced, but it is just a fraud. We know the next White House cannot do that, and we know that the Congress, from the next one and the one beyond, will not do that. We have got to make constructive reductions each and every year.

This resolution requires that we work together in both the White House and Congress and in using the same budget numbers so we can compare apples to apples, so we do not have automatic spending cuts. It requires Congress to do that as well and that we make substantive savings in the first 3 years of the 5-year plan, not in the fifth year. So for that, Mr. Speaker, I am very proud to be associated with this effort.

Mr. McDERMOTT. Mr. Speaker, the gentleman from Connecticut heard Mr. Rubin yesterday say that if the——

POINT OF ORDER

Mr. SHAYS. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman will state his point of order.

Mr. SHAYS. Mr. Speaker, I mean this graciously, but if the gentleman would yield time instead of just speaking without yielding himself time, I think it would be fair for both sides.

Mr. McDERMOTT. Mr. Speaker, I think the gentleman recognizes it is taken off my time by the timekeeper.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington [Mr. MCDERMOTT].

Mr. McDERMOTT. Mr. Speaker, I yield myself such time as I may consume. The gentleman from Connecticut knows that, if we took the tax increase out of the President's budget, we would have balance now. The question is, where is the gentleman's budget? The gentleman says everything is wrong with the President's budget, but he will not put anything on the table.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. SANCHEZ].

Ms. SANCHEZ. Mr. Speaker, I rise in opposition to House Resolution 89. This resolution unnecessarily singles out the President by telling him to submit a second budget while ignoring the fact that the Republican leadership has yet to present a budget of its own.

We are fast approaching the statutory deadline by which we must adopt a budget resolution. Now, I have seen plenty of budgets around here: the President's, the blue dog budget, the progressive budget and several others; I might add, all of which were put forward by the Democrats. Some of them I like some pieces. Some I do not agree with. I, for one, believe we can balance the budget before the year 2002. But the problem is, without having a budget from the Republican leadership, we have nothing to talk about and no debate to go on.

Today's vote is really a waste of time, and it is so sad that we show up here every day, doing the work of the people and have nothing to show for it in the end.

It is time that we get beyond this. It is time that we get to work. I ask the other side to please put forward their budget, and I ask my colleagues to stand strong and work together to bring forward a budget that the American people can live with for the next year.

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

Mr. McDERMOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. STENHOLM].

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

Mr. STENHOLM. Mr. Speaker, it is difficult not to be discouraged by this debate today. Why in the world are we wasting time debating a meaningless one-sided resolution which has little or no value other than seeking political points?

I must clarify several points. First, those of us who were gagged by the closed rule today are not interested in letting the President off of the hook. We wanted to include every single requirement on the President, even though he had already met his legal responsibilities that the majority created. We simply wanted to demand the same sort of responsible behavior from the Congress. We were denied an opportunity to debate our amendment.

Second, the last-minute provision added by this resolution's sponsors does not set the same requirement on

Congress. It does not set a deadline for action. It does not acknowledge Congress's constitutional and statutory responsibilities. It does not reference, in an equal manner to the President's budget, the shortcomings or the outright absence of the Republican budget efforts. It is a false statement to make on the House floor that the resolution creates the exact same standard for Congress as it does for the President.

Americans are tired of us making unfulfilled promises about balancing our budget and trying to place the blame on the other side. The public wants us to roll up our sleeves and just do it. The current standoff in which both the congressional leadership and the President refuse to move until the other side goes first simply increases the public cynicism about us all.

That is why the blue dogs have stepped up to the plate with a balanced budget plan that we believe represents a credible fair approach to balancing the budget. We have already received a good deal of editorial praise for our approach. We have the support of the most credible fiscal group out there, the Concord Coalition, received warm reception on the Senate Budget Committee the other day. Frankly, I appreciate the praise, but we would like to have some support.

That is what we are looking for now. I appreciate the fact that we are beginning to sense that on both sides of the aisle.

The chart that I have up here, the blue line shows the blue dog budget. It brings the deficit down. The other line, the red line, is the criticism that we join in on the President's budget because it does increase the deficit. But the yellow line is the baseline with the Senate recommended tax cuts, which we have to assume. And I know this is a relatively cheap shot and I am not taking it as a cheap shot. I am just pointing out that, until we have a budget resolution, that is all we have to go by.

I share the disappointment, as I mentioned, the shortcomings of the President's budget. And I know that my good friend, the gentleman from Ohio [Mr. KASICH], the chairman, is soon to be on the floor with a budget. And I know that, once we get through this little exercise today, we are not doing irreparable harm, but it has been a great disappointment that we are even here debating this today. It is not helpful in finding a solution when we have a one-sided finger-pointing operation.

Mr. SUNUNU. Mr. Speaker, may I have a quantification of the time left for each side?

The SPEAKER pro tempore. The gentleman from New Hampshire [Mr. SUNUNU] has 10¼ minutes remaining, and the gentleman from Washington [Mr. MCDERMOTT] has 11 minutes remaining.

Mr. SUNUNU. Mr. Speaker, I would like to thank the previous speaker for his generous qualification of his rhetoric as a relatively cheap shot, and I want to further commend him in all seriousness for the quality of the budget that the coalition has put forward.

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. McDERMOTT. Mr. Speaker, may I inquire on a parliamentary basis, is this being credited against the gentleman's time?

The SPEAKER pro tempore. Yes, it is, indeed; as was that of the gentleman from Washington, the Chair might state for the record.

Mr. SUNUNU. Mr. Speaker, the coalition budget, as I have mentioned in remarks before, has met the four criteria placed out in this resolution, and this resolution further asks that Congress consider a budget that meets these criteria and that the President submit a budget that meets these criteria. It is in the essence of fairness and bipartisanship that we put this resolution forward.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. RADANOVICH].

Mr. RADANOVICH. Mr. Speaker, in hearing the debate today, I wanted to announce myself as being one of those freshmen of the class of 1994 who during the course of the 104th Congress had the unfortunate, felt the unfortunate necessity of voting to shut down the government. A little bit earlier in the debate it was mentioned that the reason that we voted to shut down the Government was because of the fact that we did not get the budget that we wanted. I wanted to come down and clarify the record that the reason that we unfortunately had to go through a Government shutdown 2 years ago is that we felt that rhetoric was not being matched with deed as far as the seriousness of putting forward straight proposals to balance the budget.

The budget process, many of us believe, is an opportunity to accomplish four things for this country, for America. The budget process could end with better health for Americans. It could end with better protection for every senior citizen in this country, better environmental protection and better education. A budget that serves as a blueprint toward these things would work. Unfortunately we have to get serious about our budget. This one is not serious.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, what is happening today is a classic saying of an old adage, the Republicans are doing that, it is, do as I say and not as I do. They are criticizing the President for purportedly not submitting a balanced budget when in fact they have not submitted a balanced budget. They have not submitted any budget at all.

So how can they be critical of the President's budget when they have not even put forward their plan? We saw the Republican plan last Congress in the 104th Congress when they put forth their balanced budget, which gave huge tax breaks for the rich at the expense of cutting Medicare and cutting Medicaid and giving us the largest education cuts in the history of the United States and gutting the environment and hurting working men and women in this country. That was their proposal for a balanced budget in the 104th Congress. They were burned by it. The voters saw what it was, and the voters answered it. And a lot of them were burned by it.

So being afraid to be burned again, they are just sitting tight on their hands, not submitting a budget, and pointing fingers at the President. It would seem to me that it is absolutely preposterous to point a finger at the President when at least he submitted a budget. You may disagree with his budget. You may not like his budget. You may say it is not balanced, and that is in question. Some say it is; some say it is not. But how do you point a finger and criticize when you have not even put forward one of your own?

The fact of the matter is, under this President the deficit has gone down 3 years in a row. That has not happened since Truman's administration. It has gone down. It needs to come down further. We need to have a balanced budget. No one is disputing that. But it would seem to me in a deliberative body like this, when we have to make decisions, we need to have a budget. We need to have the Republican budget.

And so we have the President's budget and the Republican budget and then we can compromise somewhere in the middle. But when you have not even played the game and you will not play the game, how do you point a finger at anybody else? This is preposterous and this resolution ought to be defeated.

Mr. SUNUNU. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. PITTS].

Mr. PITTS. Mr. Speaker, we have heard the argument that we are wasting our time. Nothing could be more important than relentlessly pressing for a budget that truly balances by the year 2002.

On a bipartisan basis, the President's plan has left many Members very disappointed. We just heard a representative of the blue dogs recognize that Clinton's plan does not balance. The concern is not just coming from Republicans. Members of the press have expressed dissatisfaction. Even Members on the other side in the Committee on the Budget have expressed concern about backloading tough decisions.

We do not want to punish President Clinton for a disappointing first attempt. We just want him to try again and use the same numbers that Congress has to use, CBO numbers. Unless we use the same numbers, we are never going to reach agreement. I urge Members to pass the resolution.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. NEAL].

Mr. NEAL of Massachusetts. Mr. Speaker, before I begin I would just like to make a brief comment about the gentleman from California's suggestion just a few moments ago that he was guided by principle when it came to shutting down the Government. The most telling quote about the Government shutdown came from that sage of wisdom in the Republican leadership on the Senate side when he looked at the House at that grim moment and said, ''It is time for adult leadership over in the House.'' For anybody to suggest that the Government shutdown ought to be used as an example for not getting the budget resolution out on time fails under any sort of scrutiny.

As of last night in this institution, we had cast about 38 rollcall votes. We have been in session since the beginning of January and we have had few legislative days. Now I know we all would say that that is a welcome contrast to what we had done 2 years ago. But who even in this institution today speaks of the Contract With America? Who even remembers the term the ''Contract With America''?

What I think is more telling is that there must indeed be a middle ground between what we did 2 years ago and what we are doing so far in the 105th Congress.

It strikes me as being odd that while we have had, since January 3 or January 4, an opportunity to proceed with a budget resolution, that we have accomplished so little.

I used to do a lot of contract negotiations. I can tell you that in successful contract negotiations, both sides offer up opening positions. To have meaningful, substantive accomplishment at the end of the day, we simply go back and forth until we reach a resolution that all might not love, but all can learn to live with. Have we seen any evidence of that from the other side? The flat response is, absolutely not. We should have seen some guidelines for spending. We have seen none on this occasion.

□ 1600

Mr. SUNUNU. Mr. Speaker, I yield myself 15 seconds to note that this resolution is not about Government shutdowns. In fact, the three principal sponsors of this resolution are the three new members of the Republican Committee on the Budget. We were not here 2 years ago.

Our interest is not in moving to the past, it is to move forward and it is to move forward in cooperation with this President.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas [Ms. GRANGER].

Ms. GRANGER. Mr. Speaker, wasting time pointing fingers is not what we are about here. This resolution is about working together in a bipartisan way to balance the budget. That is why our resolution invites our President to take the lead and for this Congress to follow the President's leadership.

As a freshman, I was sent by my district to work in a bipartisan way to solve our problems. They believed and I believe also that we can solve the problem of the deficit if we work together. This resolution makes this possible by asking the President and the Congress to use the same numbers.

I spoke about our responsibility to children, the children of this Nation. I have spoken to the young people who have sat in this Chamber listening to this debate. We must work in a bipartisan way to leave them a nation that does not spend their future.

I say no to partisanship rancor and debate over numbers, but I do say yes to bipartisanship and a balanced budget.

Mr. Speaker, I support this resolution and hope we have support in this Chamber.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. PASCRELL].

Mr. PASCRELL. Mr. Speaker, working families from the Eighth Congressional District in the State of New Jersey elected me to solve problems, to work together across the aisle and, specifically, to bring closure on issues such as campaign finance reform, environmental sensibility, and balancing the budget.

Mr. Speaker, it is ironic that the majority is bringing a resolution to the floor to demand that the President submit a second budget when the majority has yet to present their first budget. Where is the Republican budget?

Section 301(a), the Congressional Budget Act, requires that the Congress complete action on the budget resolution on or before April 15. Since the majority became the majority party in the House, the conference agreement on the budget resolution has not cleared both houses until June, 2 months after the deadline.

Over the last 10 years, the House Committee on the Budget marked up the budget resolution well in advance of the April 15 deadline. Six out of the eight times it was controlled by the Democrats. In 1992, the Committee on the Budget markup was on February 27. In 1993 the markup was on March 10, and March 3 in 1994.

This budget resolution is behind schedule for the third year in a row under Republican leadership. And there is a simple reason why Republicans have not released the budget. They want $200 billion in net tax cuts, but they have not figured out how to balance the budget and enact huge tax cuts without imposing deep cuts in programs such as Medicare, Medicaid, and education.

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

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member very much for allowing me this time.

Mr. Speaker, I think we are confused here this afternoon. We are confused because even in the Washington Times it clearly says that for most of the Nation's history, Congress simply did the budgeting.

This resolution shows that we are overly confused. The President has done what he needed to do, and that is to offer us an advisory budget. The Congressional Budget Office indicated that the estimate of the effect on the deficit of the President's alternative budgetary policy shows a zero deficit for fiscal year 2002. What more do we want?

Actually, what we are saying is that the President has offered a balanced budget; but while we need to move forward and discuss Medicare and Medicaid, affordable housing in the 18th Congressional District, the need to preserve education and higher education for our youth around the Nation, and, yes, in my district, NASA and the space station, and ISTEA 69 and the provisions for transportation, we are here debating whether the President has offered a budget.

If we ask the American public, they recognize that not only has the President offered a budget, but he has his philosophy. He agrees we should enforce and be concerned about children's health care, he believes we should be the education Congress and the education Nation, he believes that Americans should have affordable housing.

The real issue is that we will be jeopardizing our business if we, in this Congress and the Republican leadership, do not insist upon putting forth a budget that does not have the drastic tax cuts that will have a negative effect on bringing down the deficit.

The failed balanced budget amendment took up most of the time when we here can actually balance the budget. I voted for a balanced budget, and I believe we can do it, considering the responsibilities to education, to senior citizens, to affordable housing, to transportation, to the space station, to science. We can balance the budget. The real question becomes: Do we know our job to handle the pursestrings for America and to do it right?

Mr. Speaker, I rise today to speak to the absurdity of this motion. The Constitution gives Congress authority over the Nation's purse strings. This authority bring with it responsibility. And it is a responsibility that the Republicans seems eager to dodge.

The President is required by law to submit his budget proposals to Congress. He has done so. The President's budget proposal is not law, it is precisely that, a proposal. It is nothing more than his request or recommendation to Congress. Once he has made these recommendations, it is the responsibility of the Members of this Congress to review the budget and to pass a concurrent resolution on the budget by April 15.

I believe the President's budget, deserves our serious consideration. In it he provides $100 million for a new access to jobs and training initiative; $10 million to expand HUD's

Bridges-to-Work project, which links low-income people in central cities to job opportunities in surrounding suburbs; provides an increase of funding by more than 50 percent for basic skill, high school equivalency, and English classes for disadvantaged adults; and expand the Community Development Financial Institutions fund, thereby expanding the availability of credit, investment capital, financial services, and other development services in distressed urban and rural communities.

But whether you support every item of the President's budget proposal, or even support the budget as a whole, is irrelevant. The point is that we need to move forward. It is our responsibility to move forward. If there are problems with the budget, we can hammer them out here.

The Republicans have yet to show us an alternative to the budget proposal that is now on the table. Obviously, they have discovered that it is awfully easy to sit back and criticize and poke holes. It is considerably more difficult to actually put together a responsible constructive proposal.

Let's stop this posturing, vote against this motion, and move forward with the people's business.

Mr. SPRATT. Mr. Speaker, I yield myself the balance of my time to close in the same manner that I started.

This resolution before us today accomplishes very little. We will have a vote in just a little while. The House will declare itself, probably in favor of asking the President to send up another budget, and little will be noted after that.

I understand the other body has no intention to follow up and, in any event, this is designated House Resolution 89. It is not binding on anybody, barely binding on us. What we need to do is take the resolution, the earnestness that we have seen here on the floor today, and put it to work getting a budget resolution produced by the Committee on the Budget and on the floor of this House according to regular order, according to the Congressional Budget Office.

Mr. Speaker, I will offer at the close of debate a motion to recommit which will go just to that objective, getting on with the business at hand, getting the budget resolution passed in the House, sending it to the Senate so that we can complete our work on time this year.

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

Mr. SUNUNU. Mr. Speaker, I yield myself 1 minute to offer a closing note before yielding to the chairman of the Committee on the Budget.

I want to make the point, Mr. Speaker, that we have attempted today to carry on a reasoned debate about an important subject matter, not a waste of time. Terms like ''political buffoonery'' were used, and I do not think that those are the most appropriate terms to discuss the important matter of balancing this Nation's budget, of putting money back in the pockets of working American families, and trying to move forward in a bipartisan way with the President.

We have encouraged the President with this resolution to put forward a budget that can be used as a platform for bipartisan negotiations, and that is the intention of the resolution. The goal of the resolution is to apply to the President the exact same set of standards that we applied to this House of Representatives.

By treating each other fairly, by trying to move forward together, by trying to work with a budget that the President submits, meeting some basic criteria of fairness and financial legitimacy, I think we will have that opportunity.

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. KASICH], chairman of the Committee on the Budget.

Mr. KASICH. Mr. Speaker, let us try to get to this all in perspective. The President came up here several years ago and stood right at this podium and the President said, we are going to use the same arithmetic; Congress is going to use the arithmetic that I use, I am going to use the arithmetic they use, and we will use the most conservative numbers.

Some of the Republicans booed him when he said that, but we decided to take him up on the challenge. We might argue a lot about policy, but we should not argue about arithmetic.

The simple fact of the matter is the President sent us a budget and it is not in balance. It is $69 billion short. So for the Americans out there hoping that we can finally get this done, they need to understand that we now have the first part of this. The President sent us a budget. It does not balance. It is almost $70 billion in the hole in the last year. Plus, in the very first year, the first real test of the intent of the President's budget, the deficit is $24 billion higher than if the President's budget had never gotten here.

In other words, if the guy coming from the White House with the documents up to Capitol Hill stopped at a pizza shop and somebody broke into his car and stole the documents, next year's deficit numbers would be $24 billion less than if that budget had never gotten up here. So in the very first year we go up.

Let me say there are also six new entitlement programs. The President says he wants to declare an end to the era of big government. He can hardly declare an end to the era of big government while creating six new entitlement programs to drain resources from hardworking families in this country. We want to let families keep more of what they earn so that they can stay together, be stronger and more prosperous.

In addition to that, we have the typical Washington diet budget. The typical Washington diet is, I am going to lose 50 pounds this year. In the first 51 weeks, I am going to lose 1 pound, but in the last week, I am going to lose 49. Now, that is the way we do things in Washington. And it is time to stop that process.

In other words, let us start doing the job right today. Let us not push up the deficit, push up the spending, keep the spending real high, and then when the President leaves office, it falls off of a cliff using a bunch of gimmicks.

We do not want to do that anymore, and I do not think the President wants to do it, honestly. This is really an opportunity for the President to come back and to complete his job, to give us a document that meets the arithmetic as he promised.

Now, what about us? What about our budget? Why have we not seen it yet?

What is interesting is that the President of the United States is the leader of the free world. He is the big man. He ought to be. He is the man we revere and respect regardless of what party or what personality. He is the leader. The country, the American people have a right to examine carefully, closely, and take some time in understanding exactly what the leader of the free world is proposing for the way the Government of the United States ought to look.

Frankly, what we are saying today is the President has fallen short. We need a better effort on his part. And Congress will have to meet the same standard. Congress cannot weasel out. We cannot wiggle out. We cannot go out the back door. We have to send the budget that has the integrity where the arithmetic adds up.

And when will we bring it here? We are going to bring it here really very soon, and we are going to bring it here like we have, and I have been involved with, since 1989. I brought budgets up here in 1989 and 1990 and 1991 and in 1993. Two in 1993 with Penny-Kasich, and in 1994 and in 1995 and 1996, and there will be one in 1997.

Have no doubt we will produce a budget and have no doubt that it is going to meet the arithmetic challenge. In fact, we will start to improve the lives of Americans by beginning that road to improving their standard of living by raising wages and giving their children a chance at the future.

Let me just suggest to my colleagues here today that the bigger disappointment in some respects than the President not balancing the budget is he does not have a plan to save Medicare. He does not have a plan to solve the long-term problems of Medicaid. He has not addressed the Consumer Price Index and the way in which we can have more accurate projections. These are big issues and we have to get at them and we have to get at them together.

At the end of the day, we will come forward with our plan. Maybe before we come forward with our plan, we will be able to reach an agreement with the White House. But that plan ought to put us on the road to using honest arithmetic, leveling with the American people, starting the progress now, letting people keep more of what they earn, addressing the problems that provide security for our senior citizens

while, at the same time, not bankrupting our adult children, and beginning to restore the American dream as we all knew it as children.

Mr. Speaker, I would say to this House, let us pass this resolution. And this is not just a signal to the President of the United States. Frankly, it is a signal to my colleagues as well. My Republican friends, we have to do it. We will do it right and we want the President to join us.

Mr. THOMAS. Mr. Speaker, I am supporting House Resolution 89 today because it is vital that the President submit a true balanced budget proposal so that serious bipartisan talks on balancing the budget can begin. Unless both the President and Congress are willing to confront the hard choices a balanced budget requires, we cannot succeed. The burden of starting the process rests squarely on the President.

The truth is that there are no gimmicks, no sleight-of-hand tricks or silver bullets to magically make the Federal budget balance. We have to cut spending and change programs to spending cuts work. We cannot flip-flop, reversing our course depending on how close we are to an election. Republicans offered the President clear examples of the hard choices that need to be made when we offered our Balanced Budget Act of 1995—much of which the President would later sign into law. For a true bipartisan effort, we need the President's budget to show where he and his party are willing to make hard choices now.

The President's February budget does not do the job. First, it will leave us with nearly a $120 billion deficit in the year he leaves office and a $69 billion deficit 2 years after he is gone. In fact, the Congressional Budget Office says 98 percent of the spending cuts proposed in his budget are scheduled to occur after the President leaves office. The new spending he proposes, including $60 billion in new entitlements, goes on forever.

The President's budget also produces a $23 billion tax increase, not a tax cut, over its lifetime. The targeted tax breaks he offered people for education, savings, and several other things completely vanish in 3 years when he leaves office. The tax increases he proposes are permanent.

With regard to Medicare, the President certainly missed the mark. We should be striving to save Medicare for current and future retirees by dealing with the factors that make Medicare spending grow by billions of dollars every year. The President's budget proposes to hide Medicare's problems through illusory savings that are actually accounting tricks.

We want a bipartisan budget that gets results. The President claims to want one but he opposes amending the Constitution to require a balanced budget. If he's serious about making discipline the key to Federal budgeting, he can end the mistrust of his policies by submitting a new budget that actually meets the goals he says he wants to meet.

Mr. COSTELLO. Mr. Speaker, I rise today in opposition to this resolution calling for the President to submit a new budget using the most recent CBO assumptions. Last month, our President presented a budget that did exactly what both parties have identified as a priority and that is having a balanced Federal budget in 2002. The President's budget proposal makes tough choices but is responsible economic policy.

I strongly oppose the efforts of this resolution. The President should not be required to submit two budgets before Congress even comes up with one. Does this resolution's sponsors have a prepared alternative for us to review? Since the President introduced his budget, there have been no concrete alternatives proposed by the Republican leadership. In fact, the Republican leadership has indicated it would be May before a budget resolution is passed. By law, the conference report is supposed to be done by April 15. Even as recently as 1992, with a Democratic Congress and a Republican administration, this body has passed the budget resolution on March 5—well over a month before the required April 15 deadline.

Mr. Speaker, I urge my colleagues to defeat the previous question so that we can move on to the real work before this Congress, and that is getting the budget resolution ready as quickly as possible. The President has done his part; this body must do ours.

□ 1615

The SPEAKER pro tempore (Mr. FOLEY). All time for debate has expired.

Pursuant to House Resolution 90, the resolution is considered as read for amendment and the previous question is ordered.

MOTION TO RECOMMIT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman the designee of the minority leader?

Mr. SPRATT. I am, Mr. Speaker.

The SPEAKER pro tempore. Is the gentleman opposed to the resolution?

Mr. SPRATT. I am, in its present form, Mr. Speaker.

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

The Clerk read as follows:

Mr. SPRATT moves to recommit the resolution, House Resolution 89, to the Committee on the Budget with instructions to report a detailed budget plan to achieve a balanced budget by fiscal year 2002 in sufficient time for the House of Representatives to fulfill its obligations under section 301(a) of the Congressional Budget Act of 1974, which requires Congress to complete action on or before April 15 on a concurrent resolution on the budget for the fiscal year beginning on October 1 of such year.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. SPRATT] is recognized for 5 minutes in support of his motion.

Mr. SPRATT. Mr. Speaker, I do not need to take the allotted time of 5 minutes to explain this motion because it does not need much explanation.

What we are calling for is purely and simply regular order. What we are asking for in this motion to recommit is to follow the procedures that this House, this Congress has laid down for our own internal processes that have been observed ever since the Budget Act of 1974 was first adopted, for more than 20 years.

This resolution, House Resolution 89, does not advance the budget process. It does not move us one single inch. In fact, it retards the process. It slows us down. It does not focus the House on the hard decisions that have to be made, on what needs to be done here in the House itself, in the Committee on the Budget, and on the floor, in the well of this House.

What we need to be about is the formulation of a budget, making the hard choices that will go into our budget resolution and bringing them to debate here on the House floor before April 15, well before April 15. Instead, what we do with this resolution is shift attention from the work at hand by trying to shift the blame, by pointing the finger at the President and saying to him that he should come, present another budget even though he has complied, literally complied with the Budget Act by sending his budget up within the time that is required under the law.

This is no way to advance the budget process. This is no way to move us toward a balanced budget in 5 years, pointing fingers, wasting a whole legislative day on a fruitless resolution.

The gentleman from Ohio [Mr. KASICH] says the President needs to send us a plan to save Medicare. He sent a plan up to save Medicare. Part A would be rendered solvent for years to come. They do not agree with the manner in which the President does it. They do not want to see part of the cost of home health care shifted out of part A into part B. Fine. Put up your substitute. Put up your alternative. Put up your plan to save Medicare.

The same with Medicaid. The President has taken a bold step there, bold enough that almost all the Governors in this Nation have opposed him. He says we are saving substantial sums because the cost of Medicaid has come down 4 percent in 1995, 3.3 percent in 1996. We need to hold those cost savings in place, and if we can, we can realize as much savings in Medicaid or more than we were attempting in the last session of Congress.

He has proposed per capita caps. The chairman of the Committee on the Budget does not support per capita caps. Fine. That is what this process is all about. Put up your alternative. That is the point which we are now on. What we need to do is frame this debate.

The other part of the frame that is missing and required at this point in time is a budget resolution adopted by the House which we can put on the table, and at that point we can then sit down and talk about everything, including CPI adjustments as part of the whole mix.

We need to be about regular order, we need to be focused on the procedure that is time-tested and been shown to work. We need to be about our own business. We need to bring a budget resolution to this floor so that we can have a concurrent resolution by April 15. That is exactly what this motion to recommit calls for, regular order towards a successful outcome.

Mr. Speaker, I urge everyone to support this motion to recommit so we can get on with the business at hand.

Mr. KASICH. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, it is a good thing I have been lifting weights. This is what I could accumulate in terms of what the Republicans and any budget team that I have been associated with since 1989 have put together in terms of details. See this? This is pretty heavy. Most Americans would probably have a little trouble, and I am not sure if the gentleman from South Carolina [Mr. SPRATT] could hold this up, actually. This is pretty heavy. But, nevertheless, all that is detailed work to provide for a balanced budget.

This was an effort that some of us started in 1989. When it was not cool to be for balanced budgets, we were out here doing it. We got as many votes as you could put in a telephone booth, but the fact is that we came in 1989 and I came on this floor against a Republican President. I came on this floor in 1990 against a Republican President.

I came on this floor twice in 1990, the first time in 1990, the second time I went to the Rules Committee with about $780 billion worth of savings and the Rules Committee would not let me offer it on the House floor because it was $10 billion short. Then in 1993 the President said show us your budget, and the Committee on the Budget wrote the most detailed and extensive budget ever produced since the Budget Act of 1974. And then we came back in 1994 and then we came back in 1995 and in 1996.

I have got to tell you this. I am so proud of my colleagues, the ones that voted for the first effort, frankly the first effort, real effort since 1969 to actually put our detailed program on the floor. You have got to give me a break when you start wondering whether we are going to have a budget. Of course we are.

This motion to recommit is designed to send this back to committee and kill this whole idea that the President has fallen short in his arithmetic. The simple fact of the matter is that we have got to defeat the motion to recommit, we have got to pass the resolution, and of course we are working. We are working right now with the administration. We are working right now internally to develop our package, and at the end of this year I suppose I will be able to come back and add to this amount that is the most detailed work by any congressional committee in recent memory to actually meet this challenge, and I suspect at the end of the day I am going to have to have lifted more weights, because that next document is going to make this even heavier.

So let us defeat the motion to recommit, pass the resolution, and let us get off to a good start in terms of fairness for America, a good future for our children, and a stronger American family.

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

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

Mr. SPRATT. Mr. Speaker, I think the gentleman makes my case. All of that is the handiwork of the Budget Committee. We have done it in years past. All this resolution calls for is that we do it again this year, all of that effort there.

Mr. KASICH. Let me tell the gentleman two things. First of all, I am the one that worked to get the President the economics as early as was possible, and I am the one that said to the President and his administration officials, ''You don't have to meet some deadline on your budget. If you need more time, you take it.'' You see, I think that deadlines and calendars are not the key. What is key is the quality of the work.

Unfortunately the quality just is not there with the President when it comes to meeting the challenge. The quality has been there for us in the past. No one ever criticized the intellectual honesty of our proposals. You may disagree with the policies.

And we are going to try to come in with an April 15 deadline if we can, but deadline is not the deal. What is important is that we reach agreement, and we will, and you have got my word on it in terms of coming before us with a proposal.

Let us not send this thing back to committee and kill this whole resolution. Let us reject that, let us get on with it, and this resolution will force the Congress to do precisely what we are asking the President to do. If we ask for anything less than that, it would not be fair. Let us pass the resolution and defeat the motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 202, nays 225, not voting 5, as follows:

[Roll No. 43]

YEAS—202

Abercrombie
Ackerman
Allen
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NAYS—225

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)

Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Andrews
Dixon
Kaptur
Livingston
Souder

☐ 1642

Messrs. DUNCAN, BONO and POMBO and Mrs. CUBIN changed their vote from ''yea'' to ''nay.''

Mr. FLAKE and Ms. VELÁZQUEZ changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the resolution.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 231, nays 197, not voting 4, as follows:

[Roll No. 44]

YEAS—231

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—197

Abercrombie
Ackerman
Allen
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Coburn
Conyers
Costello
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velazquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—4

Andrews
Dixon
Kaptur
Souder

☐ 1700

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SUNUNU. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on House Resolution 89, the resolution just passed.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

APPOINTMENT OF MEMBER TO UNITED STATES HOLOCAUST MEMORIAL COUNCIL

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of Public Law 96–388, as amended by Public Law 97–84 (36 U.S.C. 1402(a)), the Chair announces the Speaker's appointment of the following Member of the House to the United States Holocaust Memorial Council:

Mr. YATES of Illinois.

There was no objection.

APPOINTMENT AS MEMBERS OF HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 5(b) of Public Law 93–191, the Chair announces the Speaker's appointment of the following Members of the House to the Commission on Congressional Mailing Standards:

Mr. THOMAS of California, chairman;
Mr. NEY of Ohio,
Mr. BOEHNER of Ohio,
Mr. HOYER of Maryland,
Mr. CLAY of Missouri, and
Mr. FROST of Texas.

There was no objection.

APPOINTMENT AS MEMBER OF SOCIAL SECURITY ADVISORY BOARD

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of Section 703 of the Social Security Act (42 U.S.C.903) as amended by Section 103 of Public Law 103–296, the Chair announces the Speaker's appointment of the following member to the Social Security Advisory Board to fill the existing vacancy thereon:

Ms. Jo Anne Barnhart, Arlington, Virginia.

There was no objection.

SCHOOL FUNDING IN AMERICA NEEDS OUR HELP

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

Mr. FORD. Mr. Speaker, I rise today to draw attention to an article that appeared yesterday in the USA Today written by columnist DeWayne Wickham entitled ''Cash-Short Schools Need Nike More Than Twain.''

In order to make up for shortfalls in their educational budget, the school system in Seattle has figured out a creative way to gather and galvanize funds for the school system. They have invited commercial advertisers into school grounds and school property to advertise to help make up for the shortfall.

I say to this Chamber and I say to colleagues on both sides of the aisle, what kind of message are we sending people in America? We can find money for programs throughout the budget. When it comes to children, we have to ask corporate America, and I salute our private citizens and the private sector for coming forward, but at a time when prison construction is growing at a rapid and exponential rate, Mr. Speaker and Members on both sides of the aisle, in this bipartisan fervor, what kind of message are we sending the children, schools, parents, and teachers throughout this Nation when we do not have the courage, the temerity or the will to step up to the plate and make sure that future generations of America are prepared, equipped, and ready for the challenges that we face in the 21st century marketplace.

[From USA Today, Mar. 11, 1997]

CASH-SHORT SCHOOLS NEED NIKE MORE THAN TWAIN

(By DeWayne Wickham)

The Washington Bullets do it. So do the Indianapolis Colts, Boston Celtics and New York Yankees. But if opponents get their way, Seattle's school system won't be following the lead of these and other major sports franchises. While the moguls of pro sports are lining their pockets with revenue from deals that transform sporting venues into giant billboards, Seattle's cash-strapped system is embroiled in a debate over whether to allow ''reputable'' companies to advertise their products on school grounds. Cigarette and liquor ads would not be allowed.

The system's bean counters predict that the sale of advertising on athletic field scoreboards and at selected locations inside school buildings might generate $1 million annually. That's roughly 8.5% of the $35 million funding shortfall facing Seattle schools over the next three years.

But the plan, approved by the school board in November, is under attack. Last week, it tabled a call by its school superintendent to suspend the proposal. The superintendent's request followed complaints from people who want Seattle's schools to be an advertising-free zone. Like the constitutional separation of church and state, they think this divide should be a basic tenet of our way of life. I think they need a reality check.

Schools already are overrun with advertising. The free kind. Most of it is worn into classrooms by schoolchildren. They are human ads for Tommy Hilfiger, Calvin Klein, Nike and a host of other name-brand makers. Banning advertising won't stop the walking commercials that many fashion-conscious students have become. The only thing this policy reversal will do is deepen the school system's financial problems.

The projected budget deficit, a result of caps on state education aid and property tax rates, has forced the board to consider requiring thousands of middle and high school students to ride public buses to save on transportation costs. As this revenue crisis deepens, opponents remain unmoved. They say students are a captive audience, and it isn't fair to allow companies to target them, even if it would bring in some badly needed cash. But if the job of schools is to prepare youngsters for the real world, why not introduce them to it by opening the doors to advertisers? The benefit of doing so can be more than financial.

School systems that permit advertising are in a better position to influence the kinds of ads students see. They can reject moronic, tasteless ads. Conditioning advertisers to make more intelligent, less socially offensive commercials can produce some valuable, long-term rewards. Commercial ads are an important part of this nation's pop culture. Like it or not, the Energizer Bunny is probably better known to most schoolchildren than Mark Twain. But that can change.

Forced to compete for the chance to put their images before youngsters—many of whom will be making lifelong product choices—advertisers will bend over backward to satisfy the demands of educators for the highest quality commercial messages. Enter Mark Twain.

That's the kind of change school officials ought to be climbing over each other to achieve. Students who grow up with smart ads will become adults who expect no less from product promoters. That's a small but important victory against the dumbing of America.

Seattle can turn its fiscal crisis into an educational triumph for students—and advertisers. Or it can fool itself into believing that by refusing to accept paid ads, city schools will be commercial-free zones.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. PITTS] is recognized for 5 minutes.

[Mr. PITTS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

DECERTIFICATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. HINOJOSA] is recognized for 5 minutes.

Mr. HINOJOSA. Mr. Speaker, I rise today to express my feelings about certification of Mexico. I feel very strongly about this issue because I despise what drugs are doing to this Nation. It is a scourge that is ravishing our most precious resource: our youth.

Unfortunately, we know this all too well in the area of the Nation that I represent, south Texas. Daily in our papers and on the news, we see the devastation that is occurring with the impact that drugs are having on our children and our communities. It is a problem that I am committed to addressing, and one that is a priority of mine.

I know, however, that this is not a problem that I alone can solve. If we are to win the war, it will take a united effort. By that I mean efforts must be made on every level: local, State, and Federal. Just as important are the efforts we must make in our own homes. Only by joining together in combating this epidemic will we ever be able to declare victory.

That is why the issue of certification is so important to me. We are all aware that the drug problem is not unique nor internal to our Nation. It is an international crisis. As it affects us, so does it affect our neighbor to the north and our neighbor to the south. So when I say we must work together, I mean all of us, because we share borders. By doing so, and only by doing so, can we begin to turn the tide.

On March 1 the President certified Mexico, and since then we have heard from many who feel this was not a wise decision, that they are not making enough of an effort in this battle. I, however, feel that to take any action other than certification would be counterproductive, injurious, and unfair. I say this because I think it is we, in the long run as a nation, who ultimately will lose.

First, let us look at the facts. Last year Mexico seized 30 percent more marijuana than in 1995, 78 percent more heroin than in 1995, 7 percent more cocaine than in that same year, and arrested 14 percent more drug traffickers than this in 1995. Those are substantial numbers, showing the improvement that has been made. They are impressive numbers. What these figures tell me is that Mexico is making the effort, that Mexico is cooperating. Why then do we want to send back a message that says, nice try, but you failed?

In addition, Mexico has greatly improved its record on extraditions. During 1996 Mexico extradited a record number of individuals. Two of these

were Mexican nationals wanted in the United States for drug-related crimes.

Additionally, Mexico expelled drug kingpin Juan Garcia Abrego. These facts speak for themselves, showing that diligent efforts are being made by the Government of Mexico.

In my hand I have a letter from the Ambassador of Mexico responding to the charges that have been leveled against our neighbor to the south.

I would like to quote the following:

> Mexico is aware that much more needs to be done by us and other countries in the fight against drugs. This is a permanent fight, not just an annual exercise. While there have been failures and setbacks, they are mostly due to the magnitude of the problem and the power of the enemy, not to a lack of political will by our country.
>
> The reason why we fight against drugs is not to get a grade or a certification from anyone. We fight against drugs because we want to preserve our institutions, because we want to protect our youth, and because we are convinced that we need international cooperation to effectively deal with this gigantic problem.

Decertification will also result in severe economic, social, and cultural ramifications along our Nation's border. When bad things happen to Mexico, bad things happen to us in south Texas. When Mexico goes into a recession, my counties go into a recession. When illegal immigration increases due to crises in Mexico, then it increases in my 11 counties.

□ 1715

When the peso drops, retail and real estate sales drop. When friendly relations with Mexico are strained, the people of my district also suffer. To turn our backs on our neighbor is to jeopardize the progress they have made. We need to recognize their commitment and the work they have done to date.

Again, let me reiterate, on March 1, the President certified Mexico. Then we have heard from many who feel this was not a wise decision.

Mr. Speaker, I would like to say that I appreciate the opportunity to have been able to have given my first 5 minutes.

ORDER OF BUSINESS

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent to proceed out of order and present my 5-minute remarks at this time.

The SPEAKER pro tempore (Mr. DIAZ-BALART). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

UNFAIR GOVERNMENT COMPETITION WITH SMALL BUSINESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, when the White House Conference on Small Business met in 1995, it listed unfair government competition with small businesses as one of its top concerns and most serious problems. This is not a new problem. In fact, during the Eisenhower administration in 1955, the administration felt it necessary to adopt as official U.S. policy the following statement:

> The Federal Government will not start or carry on any commercial activity to provide a service or product for its own use if such product or service can be procured from private enterprise through ordinary business channels.

Yet every day in almost every congressional district, big government agencies are competing with small businesses. This is why I have introduced H.R. 716, the Freedom from Government Competition Act. This legislation is supported very strongly by the U.S. Chamber of Commerce, the Business Coalition for Fair Competition, and numerous other professional associations, too many to list at this time.

In addition, H.R. 716 already has more than 20 cosponsors from both parties and Senator CRAIG THOMAS has introduced a companion bill in the Senate. This legislation will require that Federal agencies get out of private industry and stick to performing those functions that only Government can do well. At the same time, it will allow our great private free enterprise system to do those things it does best, providing commercial goods and services in a competitive environment.

Under the Freedom From Government Competition Act, Federal agencies will be required to identify those Government activities that can be performed more cost effectively and efficiently by the private sector. After these areas are identified, the private sector will have the opportunity to compete for providing those goods and services. In 1987, the Congressional Budget Office estimated that 1.4 million Federal employees were engaged in so-called commercial activities. The Heritage Foundation has estimated that if we contracted out those commercial activities to private industry, we could save taxpayers at least $9 billion a year.

In addition to saving taxpayers money, the Freedom From Government Competition Act will help spur the growth of private businesses. This, in turn, will increase our tax base. In other words, we can reduce Federal spending and increase the revenues taken in by the Federal Government at the same time without raising taxes.

With a debt of almost $5.5 trillion, this is the kind of legislation we need to actively pursue. H.R. 716 is a modest proposal. It does not require the Government to contract out everything. I realize that the Government performs a number of functions that only the Government should do. In fact, this legislation specifically exempts those functions which are inherently governmental. If the Government can do something cheaper and better than the private sector, then it will be allowed to continue to do so under this legislation.

Nonetheless, all too often Government agencies are involved in activities that it cannot do well. In the end, this winds up hurting small businesses costing taxpayers hundreds of millions if not billions of dollars and hurts the economic growth of our private sector.

Frankly, Mr. Speaker, we should pin a medal on anyone who can survive in small business today. Everything we do in big government seems only to benefit extremely big business. I have nothing against big business. However, big businesses seem to get almost all of the tax breaks, the big government contracts, the favorable regulatory rulings and all sorts of incentives such as free land or other inducements. We do very little for small businesses, and this is why so many of them are going under or are in a real struggle to survive. This is one thing we can do for small businesses. This is a small step in the whole scheme of things. However, this legislation will go a long way toward helping our small businesses survive.

Mr. Speaker, if the Government were the answer to all of our problems, then the Soviet Union would have been heaven on Earth. But our Founding Fathers felt that most problems could be solved through the private sector and that Government should only do those things that the people could not do for themselves. The Freedom From Government Competition Act will return this great country to the type of governing system that our Founding Fathers envisioned. I hope my colleagues will help me stop big government agencies from competing with small businesses and join me in supporting the Freedom From Government Competition Act.

The SPEAKER pro tempore (Mr. DUNCAN). Under a previous order of the House, the gentleman from Missouri [Mr. HULSHOF] is recognized for 5 minutes.

[Mr. HULSHOF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 412, OROVILLE-TONASKET CLAIM SETTLEMENT AND CONVEYANCE ACT

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–19) on the resolution (H. Res. 94) providing for consideration of the bill (H.R. 412) to approve a settlement agreement between the Bureau of Reclamation and the Oroville-Tonasket Irrigation District, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 58, DISAPPROVAL OF DETERMINATION OF PRESIDENT REGARDING MEXICO

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–20) on the resolution (H. Res. 95) providing for consideration of the joint resolution (H.J. Res. 58) disapproving the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1997, which was referred to the House Calendar and ordered to be printed.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. SKAGGS] is recognized for 5 minutes.

[Mr. SKAGGS addressed the House. His remarks will appear hereafter in the Extension of Remarks.]

RULES OF PROCEDURE FOR THE COMMITTEE ON SCIENCE 105TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. SENSENBRENNER] is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Speaker, in accordance with clause 2(a) of rule XI of the Rules of the House, I am submitting for printing in the CONGRESSIONAL RECORD a copy of the rules governing procedure for the Committee on Science for the 105th Congress, adopted on March 12, 1997.

RULE 1. GENERAL PROVISIONS

(a) The Rules of the House of Representatives, as applicable, shall govern the committee and its subcommittees, except that a motion to recess from day to day and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are non-debatable motions of high privilege in the committee and its subcommittees. The rules of the committee, as applicable, shall be the rule of its subcommittees.

OVERSIGHT REPORTS

(b) A proposed investigative or oversight report shall be considered as read if it has been available to the members of the committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day).

RULE 2. COMMITTEE MEETINGS

TIME AND PLACE

(a) Unless dispensed with by the Chairman, the meetings of the committee shall be held on the 2nd and 4th Wednesday of each month the House is in session at 10:00 a.m. and at such other times and in such places as the Chairman may designate.

(b) The Chairman of the committee may convene as necessary additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business.

(c) The Chairman shall make public announcement of the date, time, place and subject matter or any of its hearings at least one week before the commencement of the hearing. If the Chairman, with the concurrence of the Ranking Minority Member, determines there is good cause to begin the hearing sooner, or if the committee so determines by majority vote, a quorum being present for the transaction of business, the Chairman shall make the announcement at the earliest possible date. Any announcement made under this Rule shall be promptly published in the Daily Digest, and promptly entered into the scheduling service of the House Information Systems.

VICE CHAIRMAN TO PRESIDE IN ABSENCE OF CHAIRMAN

(d) Meetings and hearings of the committee shall be called to order and presided over by the Chairman or, in the Chairman's absence, by the member designated by the Chairman as the Vice Chairman of the committee, or by the ranking majority member of the committee present as Acting Chairman.

ORDER OF BUSINESS

(e) The order of business and procedure of the committee and the subjects of inquiries or investigations will be decided by the Chairman, subject always to an appeal to the committee.

MEMBERSHIP

(f) A majority of the majority Members of the committee shall determine an appropriate ratio of majority to minority Members of each subcommittee and shall authorize the Chairman to negotiate that ratio with the minority party; Provided, however, that party representation on each subcommittee (including any ex-officio Members) shall be no less favorable to the majority party than the ratio for the Full Committee. Provided, further, that recommendations of conferees to the Speaker shall provide a ratio of majority party Members to minority party Members which shall be no less favorable to the majority party than the ratio for the Full Committee.

SPECIAL MEETINGS

(g) Rule XI 2(c) of the Rules of the House of Representatives is hereby incorporated by reference (Special Meetings).

RULE 3. COMMITTEE PROCEDURES

QUORUM

(a)(1) One-third of the Members of the committee shall constitute a quorum for all purposes except as provided in paragraphs (2) and (3) of the Rule.

(2) A majority of the Members of the committee shall constitute a quorum in order to: (A) report or table any legislation, measure, or matter; (B) close committee meetings or hearing pursuant to Rules 3(i) and 3(j); and (C) authorize the issuance of subpoenas pursuant to Rule 4(g).

(3) Two Members of the committee shall constitute a quorum for taking testimony and receiving evidence, which, unless waived by the Chairman of the Full Committee after consultation with the Ranking Minority Member of the Full Committee, shall include at least one Member from each of the majority and minority parties.

PROXIES

(b) No Member may authorize a vote by proxy with respect to any measure or matter before the committee.

WITNESSES

(c)(1) Insofar as is practicable, each witness who is to appear before the committee shall file no later than twenty-four (24) hours in advance of his or her appearance, a written statement of the proposed testimony and curriculum vitae. Each witness shall limit his or her presentation to a five-minute summary, provided that additional time may be granted by the Chairman when appropriate.

(2) To the greatest extent practicable, each witness appearing in a non-governmental capacity shall include with the written statement of proposed testimony a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) which is relevant to the subject of his or her testimony and was received during the current fiscal year or either of the two preceding fiscal years by the witness or by an entity represented by the witness.

(d) Whenever any hearing is conducted by the committee on any measure or matter, the minority Members of the committee shall be entitled, upon request to the Chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

INVESTIGATIVE HEARING PROCEDURES

(e) Rule XI 2(k) of the Rules of the House of Representatives is hereby incorporated by reference (rights of witnesses under subpoena).

SUBJECT MATTER

(f) Bills and other substantive matters may be taken up for consideration only when called by the Chairman of the committee or by a majority vote of a quorum of the committee, except those matters which are the subject of special-call meetings outlined in Rule 2(g).

(g) No private bill will be reported by the committee if there are two or more dissenting votes. Private bills so rejected by the committee will not be reconsidered during the same Congress unless new evidence sufficient to justify a new hearing has been presented to the committee.

(h)(1) It shall not be in order for the committee to consider any new or original measure or matter unless written notice of the date, place and subject matter of consideration and to the extent practicable, a written copy of the measure or matter to be considered, has been available in the office of each Member of the committee for at least 48 hours in advance of consideration, excluding Saturdays, Sundays and legal holidays.

(2) Notwithstanding paragraph (1) of this rule, consideration of any legislative measure or matter by the committee shall be in order by vote of two-thirds of the Members present, provided that a majority of the committee is present.

OPEN MEETINGS

(i) Each meeting for the transaction of business, including the markup of legislation, of the committee shall be open to the public, including to radio, television, and still photography coverage, except when the committee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public because disclosure of matters to be considered would endanger national security, would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House. No person other than Members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This Rule does not apply to open committee hearings which are provided for by Rule 3(j) contained herein.

(j) Each hearing conducted by the committee shall be open to the public including radio, television, and still photography coverage except when the committee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of

matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person, or otherwise would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, and Rule 2(g), a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony:

(1) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate Rule XI 2(k)(5) of the Rules of the House of Representatives; or

(2) may vote to close the hearing, as provided in rule XI 2(k)(5) of the Rules of the House of Representatives. No Member may be excluded from nonparticipatory attendance at any hearing of any committee or subcommittee, unless the House of Representatives shall by majority vote authorize a particular committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this Rule for closing hearings to the public: Provided, however, that the committee or subcommittee may by the same procedure vote to close one subsequent day of the hearing.

(3) Whenever a hearing or meeting conducted by the committee is open to the public, there proceedings shall be open to coverage by television, radio, and still photography, except as provided in Rule XI 3(f)(2) of the House of Representatives. The Chairman shall not be able to limit the number of television, or still cameras to fewer than two representatives from each medium (except for legitimate space or safety considerations in which case pool coverage shall be authorized).

REQUESTS FOR ROLLCALL VOTES AT FULL COMMITTEE

(k) A rollcall vote of the Members may be had at the request of three or more Members or, in the apparent absence of a quorum, by any one Member.

AUTOMATIC ROLLCALL VOTE FOR AMENDMENTS WHICH AFFECT THE USE OF FEDERAL RESOURCES

(l)(1) A rollcall vote shall be automatic on any amendment which specifies the use of federal resources in addition to, or more explicitly (inclusively or exclusively) than that specified in the underlying text of the measure being considered.

(2) No legislative report filed by the committee on any measure or matter reported by the committee shall contain language which has the effect of specifying the use of federal resources more explicitly (inclusively or exclusively) than that specified in the measure or matter as ordered reported, unless such language has been approved by the committee during a meeting or otherwise in writing by a majority of the Members.

COMMITTEE RECORDS

(m)(1) The committee shall keep a complete record of all committee action which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each rollcall vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition, and the names of those Members present but not voting.

(2) The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the Rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any Member of the committee.

(3) To the maximum extent feasible, the committee shall make its publications available in electronic form.

PUBLICATION OF COMMITTEE HEARINGS AND MARKUPS

(n) The transcripts of those hearings conducted by the committee which are decided to be printed shall be published in verbatim form, with the material requested for the record inserted at that place requested, or at the end of the record, as appropriate. Any requests by those Members, staff or witnesses to correct any errors other than errors, in transcription, or disputed errors in transcription, shall be appended to the record, and the appropriate place where the change is requested will be footnoted. Prior to approval by the Chairman of hearings conducted jointly with another congressional committee, a memorandum of understanding shall be prepared which incorporates an agreement for the publication of the verbatim transcript. Transcripts of markups shall be recorded and published in the same manner as hearings before the committee and shall be included as part of the legislative report unless waived by the Chairman.

OPENING STATEMENTS; 5-MINUTE RULE

(o) Insofar as is practicable, the Chairman, after consultation with the Ranking Minority Member, shall limit the total time of opening statements by Members to no more than 10 minutes, the time to be divided equally among Members present desiring to make an opening statement. The time any one Member may address the committee on any bill, motion or other matter under consideration by the committee or the time allowed for the questioning of a witness at hearings before the committee will be limited to five minutes, and then only when the Member has been recognized by the Chairman, except that this time limit may be waived by the Chairman or acting Chairman. The rules of germaneness will be enforced by the Chairman.

(p) Notwithstanding rule 3(o), upon a motion, the Chairman, in consultation with the Ranking Minority Member, may designate an equal number of Members from each party to question a witness for a period not longer than 30 minutes, or, upon a motion, may designate staff from each party to question a witness for equal specific periods.

REQUESTS FOR WRITTEN MOTIONS

(q) Any legislative or non-procedural motion made at a regular or special meeting of the committee and which is entertained by the Chairman shall be presented in writing upon the demand of any Member present and a copy made available to each Member present.

RULE 4. SUBCOMMITTEES

STRUCTURE AND JURISDICTION

(a) The committee shall have the following standing subcommittees with the jurisdiction indicated.

(1) Subcommittee on Basic Research.—Legislative jurisdiction and general and special oversight and investigative authority on all matters relating to science policy including: Office of Science and Technology Policy; all scientific research, and scientific and engineering resources (including human resources), math, science and engineering education; intergovernmental mechanisms for research, development, and demonstration and cross-cutting programs; international scientific cooperation; National Science Foundation; university research policy, including infrastructure, overhead and partnerships; science scholarships; government-owned, contractor-operated, Department of Energy laboratories; computer, communications, and information science; earthquake and fire research programs; research and development relating to health, biomedical, and nutritional programs; and to the extent appropriate, agricultural, geological, biological and life sciences research.

(2) Subcommittee on Energy and Environment.—Legislative jurisdiction and general and special oversight and investigative authority on all matters relating to energy and environmental research, development, and demonstration including: Department of Energy research, development, and demonstration programs; federally owned and operated Department of Energy laboratories; energy supply research and development activities; nuclear and other advanced energy technologies; general science and research activities; uranium supply, enrichment, and waste management activities as appropriate; fossil energy research and development; clean coal technology; energy conservation research and development; measures relating to the commercial application of energy technology; science and risk assessment activities of the Federal Government; Environmental Protection Agency research and development programs; and National Oceanic and Atmospheric Administration, including all activities related to weather, weather services, climate, and the atmosphere, and marine fisheries, and oceanic research.

(3) Subcommittee on Space and Aeronautics.—Legislative jurisdiction and general and special oversight and investigative authority on all matters relating to astronautical and aeronautical research and development including: national space policy, including access to space; sub-orbital access and applications; National Aeronautics and Space Administration and its contractor and government-operated laboratories; space commercialization including the commercial space activities relating to the Department of Transportation and the Department of Commerce; exploration and use of outer space; international space cooperation; National Space Council; space applications, space communications and related matters; and earth remote sensing policy.

(4) Subcommittee on Technology.—Legislative jurisdiction and general and special oversight and investigative authority on all matters relating to competitiveness including: standards and standardization of measurement; the National Institute of Standards and Technology; the National Technical Information Service; competitiveness, including small business competitiveness; tax, antitrust, regulatory and other legal and governmental policies as they relate to technological development and commercialization; technology transfer; patent and intellectual property policy; international technology trade; research, development, and demonstration activities of the Department of Transportation; civil aviation research, development, and demonstration; research, development, and demonstration programs of the Federal Aviation Administration; surface and water transportation research, development, and demonstration programs; materials research, development, and demonstration and policy; and biotechnology policy.

REFERRAL OF LEGISLATION

(b) The Chairman shall refer all legislation and other matters referred to the committee

to the subcommittee or subcommittees of appropriate jurisdiction within two weeks unless, the Chairman deems consideration is to be by the Full Committee. Subcommittee chairmen may make requests for referral of specific matters to their subcommittee within the two week period if they believe subcommittee jurisdictions so warrant.

EX-OFFICIO MEMBERS

(c) The Chairman and Ranking Minority Member shall serve as ex-officio Members of all subcommittees and shall have the right to vote and be counted as part of the quorum and ratios on all matters before the subcommittee.

PROCEDURES

(d) No subcommittee shall meet for markup or approval when any other subcommittee of the committee or the Full Committee is meeting to consider any measure or matter for markup or approval.

(e) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the committee on all matters referred to it. Each subcommittee shall conduct legislative, investigative, and general oversight, inquiries for the future and forecasting, and budget impact studies on matters within their respective jurisdictions. Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

(f) Any Member of the committee may have the privilege of sitting with any subcommittee during its hearings or deliberations and may participate in such hearings or deliberations, but no such Member who is not a Member of the subcommittee shall vote on any matter before such subcommittee, except as provided in Rule 4(c).

(g) During any subcommittee proceeding for markup or approval, a rollcall vote may be had at the request of one or more Members of that subcommittee.

POWER TO SIT AND ACT; SUBPOENA POWER

(h)(1) Notwithstanding subparagraph (2), a subpoena may be authorized and issued by the committee in the conduct of any investigation or series of investigations or activities to require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers and documents as deemed necessary, only when authorized by a majority of the members voting, a majority being present. Authorized subpoenas shall be signed only by the Chairman, or by any member designated by the Chairman.

(2) The Chairman of the full Committee, with the concurrence of the Ranking Minority Member of the full Committee, may authorize and issue such subpoenas as described in paragraph (1), during any period in which the House has adjourned for a period longer than 3 days.

NATIONAL SECURITY INFORMATION

(i) All national security information bearing a classification of secret or higher which has been received by the committee or a subcommittee shall be deemed to have been received in Executive Session and shall be given appropriate safekeeping. The Chairman of the Full Committee may establish such regulations and procedures as in his judgment are necessary to safeguard classified information under the control of the committee. Such procedures shall, however, ensure access to this information by any Member of the committee, or any other Member of the House of Representatives who has requested the opportunity to review such material.

SENSITIVE OR CONFIDENTIAL INFORMATION RECEIVED PURSUANT TO SUBPOENA

(j) Unless otherwise determined by the committee or subcommittee, certain information received by the committee or subcommittee pursuant to a subpoena not made part of the record at an open hearing shall be deemed to have been received in Executive Session when the Chairman of the Full Committee, in his judgment, deems that in view of all the circumstances, such as the sensitivity of the information or the confidential nature of the information, such action is appropriate.

RULE 5. REPORTS

SUBSTANCE OF LEGISLATIVE REPORTS

(a) The report of the committee on a measure which has been approved by the committee shall include the following, to be provided by the committee:

(1) the oversight findings and recommendations required pursuant to Rule X 2(b)(1) of the Rules of the House of Representatives, separately set out and identified [Rule XI 2(l)(3)(A)];

(2) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and identified, if the measure provides new budget authority or new or increased tax expenditures as specified in [Rule XI 2(l)(3)(B)];

(3) with respect to reports on a bill or joint resolution of a public character, a ''Constitutional Authority Statement'' citing the specific powers granted to Congress by the Constitution pursuant to which the bill or joint resolution is proposed to be enacted;

(4) with respect to each rollcall vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those Members voting for and against, shall be included in the committee report on the measure or matter;

(5) the estimate and comparison prepared by the committee under Rule XIII 7(a) of the Rules of the House of Representatives, unless the estimate and comparison prepared by the Director of the Congressional Budget Office prepared under subparagraph 2 of this Rule has been timely submitted prior to the filing of the report and included in the report [Rule XIII 7(d)];

(6) in the case of a bill or joint resolution which repeals or amends any statute or part thereof, the text of the statute or part thereof which is proposed to be repealed, and a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended [Rule XIII 3];

(7) a transcript of the markup of the measure or matter unless waived under Rule 3(m).

(b)(1) The report of the committee on a measure which has been approved by the committee shall further include the following, to be provided by sources other than the committee:

(A) the estimate and comparison prepared by the Director of the Congressional Budget Office required under section 403 of the Congressional Budget Act of 1974, separately set out and identified, whenever the Director (if timely, and submitted prior to the filing of the report) has submitted such estimate and comparison of the committee [Rule XI 2(1)(3)(C)];

(B) a summary of the oversight findings and recommendations made by the Committee on Government Reform and Oversight under Rule X2(b)(2) of the Rules of the House of Representatives, separately set out and identified [Rule XI2(1)(3)(D)].

(2) Notwithstanding paragraph (2) of this Rule, if the committee has not received prior to the filing of the report the material required under paragraph (1) of this Rule, then it shall include a statement to that effect in the report on the measure.

MINORITY AND ADDITIONAL VIEWS

(c) If, at the time of approval of any measure or matter by the committee, any Member of the committee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than two subsequent calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that Member, with the clerk of the committee. All such views so filed by one or more Members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which shall include all supplemental, minority, or additional views, which have been submitted by the time of the filing of the report, and shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under paragraph (a) of Rule 4(j)) are included as part of the report. However, this rule does not preclude (1) the immediate filing or printing of a committee report unless timely requested for the opportunity to file supplemental, minority, or additional views has been made as provided by this Rule or (2) the filing by the committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

(d) The Chairman of the committee or subcommittee, as appropriate, shall advise Members of the day and hour when the time for submitting views relative to any given report elapses. No supplemental, minority, or additional views shall be accepted for inclusion in the report if submitted after the announced time has elapsed unless the Chairman of the committee or subcommittee, as appropriate, decides to extend the time for submission of views the two subsequent calendar days after the day of notice, in which case he shall communicate such fact to Members, including the revised day and hour for submissions to be received, without delay.

CONSIDERATION OF SUBCOMMITTEE REPORTS

(e) Reports and recommendations of a subcommittee shall not be considered by the Full Committee until after the intervention of 48 hours, excluding Saturdays, Sundays and legal holidays, from the time the report is submitted and printed hearings thereon shall be made available, if feasible, to the Members, except that this rule may be waived at the discretion of the Chairman.

TIMING AND FILING OF COMMITTEE REPORTS

(f) It shall be the duty of the Chairman to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken the necessary steps to bring the matter to a vote.

(g) The report of the committee on a measure which has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by the majority of the Members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the Chairman of the committee notice of the filing of that request.

(h)(1) Any document published by the committee as a House Report, other than a report of the committee on a measure which has been approved by the committee, shall be approved by the committee at a meeting, and Members shall have the same opportunity to submit views as provided for in Rule 5(c).

(2) Subject to paragraphs (3) and (4), the Chairman may approve the publication of any document as a committee print which in his discretion he determines to be useful for the information of the committee.

(3) Any document to be published as a committee print which purports to express the views, findings, conclusions, or recommendations of the committee or any of its subcommittees must be approved by the Full Committee or its subcommittees, as applicable, in a meeting or otherwise in writing by a majority of the Members, and such Members shall have the right to submit supplemental, minority, or additional views for inclusion in the print within at least 48 hours after such approval.

(4) Any document to be published as a committee print other than a document described in paragraph (c) of this Rule: (A) shall include on its cover the following statement: ''This document has been printed for informational purposes only and does not represent either findings or recommendations adopted by this Committee;'' and (B) shall not be published following the sine die adjournment of a Congress, unless approved by the Chairman of the Full Committee after consultation with the Ranking Minority member of the Full Committee.

(i) A report of an investigation or study conducted jointly by this committee and one or more other committee(s) may be filed jointly, provided that each of the committees complies independently with all requirements for approval and filing of the report.

(j) After an adjournment of the last regular session of a Congress sine die, an investigative or oversight report approved by the committee may be filed with the Clerk at any time, provided that if a member gives notice at the time of approval of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than seven calendar days in which to submit such views for inclusion with the report.

(k) After an adjournment of the last regular session of a Congress sine die, the Chairman of the committee may file at any time with the Clerk the committee's activity report for that Congress pursuant to clause 1(d)(1) of rule XI of the Rules of the House without the approval of the committee, provided that a copy of the report has been available to each member of the committee for at least seven calendar days and the report includes any supplemental, minority, or additional views submitted by a member of the committee.

NOTIFICATION TO APPROPRIATIONS COMMITTEE

(l) No later than May 15 of each year, the Chairman shall report to the Chairman of the Committee on Appropriations any departments, agencies, or programs under the jurisdiction of the Committee on Science for which no authorization exists for the next fiscal year. The Chairman shall further report to the Chairman of the Committee on Appropriations when authorizations are subsequently enacted prior to enactment of the relevant annual appropriations bill.

OVERSIGHT

(m) Not later than February 15 of the first session of a Congress, the Committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Oversight and the Committee on Government Reform and Oversight, in accordance with the provisions of clause 2(d) of Rule X of the House of Representatives.

(n) The Chairman of the committee, or of any subcommittee, shall not undertake any investigation in the name of the committee without formal approval by the Chairman of the committee after consultation with the Ranking Minority Member of the Full Committee.

OTHER PROCEDURES AND REGULATIONS

(o) During the consideration of any measure or matter, the Chairman of the Full Committee, or of any Subcommittee, or any Member acting as such, shall suspend further proceedings after a question has been put to the Committee at any time when there is a vote by electronic device occurring in the House of Representatives.

(p) The Chairman of the Full Committee, after consultation with the Ranking Minority Member, may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee.

LEGISLATIVE AND OVERSIGHT JURISDICTION OF THE COMMITTEE ON SCIENCE

''Rule X. Establishment of Standing Committees.

''The Committees and Their Jurisdiction.

''1. There shall be in the House the following standing committees, each of which shall have the jurisdiction and related functions assigned to it by this clause and clauses 2, 3, and 4; and all bills, resolutions, and other matters relating to subjects within the jurisdiction of any standing committee as listed in this clause shall (in accordance with and subject to clause 5) be referred to such committees, as follows:

* * * * *

''(n) Committee on Science.

''(1) All energy research, development, and demonstration, and projects therefor, and all federally owned or operated nonmilitary energy laboratories.

''(2) Astronautical research and development, including resources, personnel, equipment, and facilities.

''(3) Civil aviation research and development.

''(4) Environmental research and development.

''(5) Marine research.

''(6) Measures relating to the commercial application of energy technology.

''(7) National Institute of Standards and Technology, standardization of weights and measures and the metric system.

''(8) National Aeronautics and Space Administration.

''(9) National Space Council.

''(10) National Science Foundation.

''(11) National Weather Service.

''(12) Outer space, including exploration and control thereof.

''(13) Science Scholarships.

''(14) Scientific research, development, and demonstration, and projects therefor.

''In addition to its legislative jurisdiction under the preceding provisions of this paragraph (and its general oversight function under clause 2(b)(1)), the committee shall have the special oversight function provided for in clause 3(f) with respect to all nonmilitary research and development.''

SPECIAL OVERSIGHT FUNCTIONS

3. (f) The Committee on Science shall have the function of reviewing and studying, on a continuing basis, all laws, programs, and Government activities dealing with or involving nonmilitary research and development.

AMENDMENT TO THE RULES OF PROCEDURE FOR THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE 105TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. SHUSTER] is recognized for 5 minutes.

Mr. SHUSTER. Mr. Speaker, I am submitting for printing in the RECORD a copy of the amendment, adopted by the Committee on Transportation and Infrastructure on March 12, 1997, to the rules previously submitted in accordance with clause 2(a) of rule XI of the rules of the House.

AMENDMENT TO THE RULES OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Rule XIV(a) of the Rules of the Committee on Transportation and Infrastructure is amended by striking subparagraphs (1) through (6) and inserting the following:

(1) Subcommittee on Aviation (34 Members: 19 majority, 15 minority).

(2) Subcommittee on Coast Guard and Maritime Transportation (9 Members: 5 majority, 4 minority).

(3) Subcommittee on Public Buildings and Economic Development (11 Members: 6 majority, 5 minority).

(4) Subcommittee on Railroads (20 Members: 11 majority, 9 minority).

(5) Subcommittee on Surface Transportation (50 Members: 28 majority, 22 minority).

(6) Subcommittee on Water Resources and the Environment (36 Members: 20 majority, 16 minority).

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Ms. ROS-LEHTINEN] is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, it was only a year ago today that the Helms-Burton law was signed into law after this Chamber, in all of its wisdom and its support of the oppressed people of Cuba, passed that landmark and historic legislation by an overwhelming majority. A year later the Members of the House of Representatives who supported this bill known as the Cuban Liberty and Democratic Solidarity Act can be proud of casting their vote in favor of the bill because after only 1 year of its implementation, it has proven to be an effective weapon in the battle to rid Cuba of the Castro dictatorship.

Mr. Speaker, evidence of the success of the Helms-Burton Act can be found in various statements by top Castro officials who have faulted Helms-Burton for, among other things, the decision by the Mexican conglomerate, Grupo Domos, to withdraw from its agreement to reconstruct Cuba's domestic telecommunications system, and these same Castro officials have stated that Helms-Burton is responsible for the lack of private financing for equipment that is needed for Cuba's important sugar harvest.

Just today the Castro regime's foreign minister, Roberto Robaina, on a

stop in Brazil, stated that Helms-Burton has had a very strong psychological effect and has frustrated investments. He added that the Cuban economy has not grown as expected in large part due to this legislation.

But whether or not Castro's thugs agree that Helms-Burton has been successful or not, it is clear that this legislation has stopped in its tracks Castro's efforts to sell Cuba as an investment paradise, a paradise where workers who enjoy no rights are virtual slaves to the wicked partnership of Castro and the foreign investors who profit from American stolen property.

All of this, Mr. Speaker, has taken place despite the failure of the Clinton administration to fully implement the law. The President has ignored congressional intent and has twice waived title III of Helms-Burton. This is the provision that grants American citizens the right to sue in American courts those foreign investors who traffic in their stolen American property in Cuba.

Similarly, title IV of the legislation that denies entry to the United States of those officials of corporations that are investing in illegally confiscated American property in Cuba, has only been enforced against two corporations: Sherritt of Canada and Grupo Domos of Mexico, despite evidence that other companies like Spain's hotel builders, Sol-Melia, are doing business with United States confiscated properties.

The Castro regime's desperation to silence any support for Helms-Burton inside the island was translated a few months ago into an antidote law that virtually prohibits any positive talk of Helms-Burton on the island.

Articles 8 and 9 of this totalitarian law makes it a crime for any Cuban citizen to facilitate the implementation of Helms-Burton. The main victims but not the only victims of this new oppressive law have been the independent journalists on the island who bravely attempt to offer the people of Cuba and the outside world an objective view of the repressive situation on the island.

Raul Rivero, who presides over Cuba Press, an independent journalist association in Cuba, and many other colleagues who bravely attempt to break Castro's information monopoly, have been systematically harassed and arrested by Castro's thugs since this draconian law took effect.

These journalists are subject to so-called repudiation acts, which are government sponsored mobs, which in the middle of the night scream insults such as ''traitor,'' and in fact they vandalize these reporters' homes.

Unfortunately, Mr. Speaker, many of our allies have followed Castro's lead. They have mounted a campaign of their own to revoke Helms-Burton in order to be able to continue to profit and participate in Castro's slave economy.

Mr. Speaker, only by denying Castro the resources he needs to maintain power can we help the people of Cuba in their struggle to eliminate the last dictator of our hemisphere, Fidel Castro.

BRAVERY AND VALOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. LAMPSON] is recognized for 5 minutes.

Mr. LAMPSON. Mr. Speaker, bravery and valor are qualities we do not hear much about anymore. Recently though, Galveston County, TX, was the site for two notable displays of those qualities, and their heroes deserve our praise.

Mr. Speaker, my sister is a quadriplegic. I cannot think of anything more frightening than her being caught in a fire. That is the tragedy that befell a man in Santa Fe, TX, last week. As he slept, his home caught fire. Officers were dispatched to the scene. When Sgt. Lee Stephenson and Officers Carl Nunn and David Thomas arrived, they were told by neighbors that the occupant was wheelchair-bound. Unable to get through either door due to the flames and smoke, the officers broke through a bedroom window, located the man and carried him to safety.

Every day, men and women who have devoted their lives to protecting our communities put themselves at risk. We should honor them every day, and I am pleased to tell their story. Before this U.S. House of Representatives, I recognize and I salute the bravery and valor displayed by Santa Fe police officers Lee Stephenson, Carl Nunn, and David Thomas. I also wish to recognize the efforts of the Santa Fe Volunteer Fire Department for their hard work and dedicated public service.

An even scarier situation emerged last month in Galveston County when a man driving with his two toddler daughters in the car had a seizure while approaching the Galveston Bay Causeway on Interstate 45. The car flew off the highway and fell 15 feet into the water, landing fortunately at a shallow point.

Five young people were following a few hundred yards behind. They saw the tragedy unfold, pulled over and rushed into the water to help. They pulled the two little girls and their father to safety so they could receive medical attention. Before this House of Representatives, I recognize and I salute the bravery and valor displayed by Mark Kneip of Texas City, TX, and Shawn Cook, Katherine Holmes, Paul Holmes, and Evelyn Urban, all of Dickinson, TX.

I am understandably proud to come before this body and tell the American people these stories of heroism from my district.

Finally, Mr. Speaker, I would like to thank my colleagues and the charitable interests who organized last weekend's bipartisan retreat.

□ 1730

As a new Member of this body, I appreciated the opportunity to discuss the operation of the people's House without regard to party affiliation or seniority.

I and most of my freshmen colleagues recognize that we were elected in part as a response to the marked partisanship of the previous Congress. This weekend was a giant leap forward toward a more collegial and, therefore, more productive House of Representatives.

MARGIE JANOVICH'S SACRIFICE

The SPEAKER pro tempore (Mr. DUNCAN). Under a previous order of the House, the gentleman from Nebraska [Mr. CHRISTENSEN] is recognized for 5 minutes.

Mr. CHRISTENSEN. Mr. Speaker, today in Omaha, NE, we had a funeral for a young lady that has meant a lot to me over the last 2 years. Her name was Margie Janovich. Margie was an inspiration, I think, not only to Omaha, but after people hear about her story, will be an inspiration to every family in this country.

Margie was diagnosed about 2 years ago with thyroid cancer, and she was 5 months pregnant at the time she was diagnosed with thyroid cancer. She was a strong, committed believer of the right of the unborn child. Margie felt compelled to forego the treatments on her thyroid and to forego the chemotherapy until her baby was born 4 months later.

Margie already had 8 children: Nick, 21; Tina, 19; Terri, 17; Jim, 16; Mike, 12; Joe, 9; Dan, 7 years old; and Andy, 3. So they had a wonderful family and Margie thought that she could not bring herself to endanger her unborn child. So she forewent the chemotherapy and delivered little baby Mary safely.

During those 4 months that she decided not to go through treatments, the cancer spread. It spread to her lungs and it spread on into the rest of her body. For the last 20 months Margie has fought cancer, and it took her life Sunday night and we buried her today.

During those last 20 months, I have had an opportunity to spend a lot of time with her. I have gone over to her house several times, had pizza delivered a couple of times, and every time I was over there Margie always had the greatest attitude. She never once was concerned about her own self. It was, how are you doing, what is going on in Congress, are you going to get that partial birth abortion bill through this year. She was very, very, very sick, but she always was concerned about other people.

During the last 20 months she home schooled three of her children. Neighbors surrounded them, took a lot of food over and tried to help out however they could. Ron was always there, a tremendous husband. But this is a story about the quality of life and the respect for life for this little child, Mary Beth Janovich.

Mary Beth is only 15 months old, but someday, when she is old enough to understand the sacrifice that her mother gave, it will be quite a story that Ron will be able to sit down and tell her about.

Mr. Speaker, I think about next week or the week following when we start debating the partial birth abortion again, and 10 days ago in the hospital I told Margie that we would pass the partial birth abortion bill and that we would get it through the Senate and, with God's help, we would override a veto this year. Because I believe that probably the most important thing that we can do for Margie, for the Janovich family, is to pass a bill that respects life, that respects the unborn child, that gives hope and opportunity to every unborn child.

Mr. Speaker, as I think about the President's dilemma, as he was presented so much false evidence last time by the pro-abortion lobby, I would hope and I would pray that our President would think seriously again about this legislation; that when it comes before him this year that he would think about the Janoviches, that he think about the sacrifice that Margie Janovich gave and made for her child.

Life is precious. As he talked last week during his speech on the cloning issue, talking about that an embryo has a soul, well, Mr. Speaker, I would hearken to advise the President that, yes, an embryo has a soul and that embryo is an unborn child only 9 months later.

So Margie was a tremendous inspiration to me, Ron and the kids. I want to thank them for everything that they have done because it has been a story that has touched every life in Omaha, NE, in the Midwest, and I believe that as America finds out about Margie Janovich, we will once again turn our hearts towards the value of life and the value of the unborn child. May God bless her.

THE PERSIAN GULF WAR HELP LINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FILNER] is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, tonight I want to report some good news for our Nation's Persian Gulf war veterans. The Veterans Administration has set up a help line phone number that gulf war veterans can call for health examinations. Veterans who are in need of care or who wish to take advantage of the physical examination under the Persian Gulf registry or who have general questions about their experience in the Persian Gulf war can call the VA's Persian Gulf information hot line. That number is 1–800–PGW-VETS. Or, if they need the numbers, 1–800–749–8387.

Active-duty service members who were deployed to the gulf during the war may receive a health examination through military treatment facilities by calling 1–800–796–9699. The VA encourages all gulf war veterans to participate in this important program.

I am proud to support President Clinton's action to make it easier for Persian Gulf war veterans to collect compensation benefits for undiagnosed illnesses resulting from this war. At the urging of Veterans Affairs Secretary Jesse Brown, the President agreed to extend the period during which undiagnosed illnesses, such as Persian Gulf war syndrome, will be considered related to a veteran's service in the gulf, thereby entitling that veteran to compensation benefits.

Congress had begun to address this problem prior to President Clinton's decision. My esteemed colleague, the gentleman from Illinois, Mr. LANE EVANS, the ranking member on the House Committee on Veterans' Affairs, introduced a bill earlier this year that would lengthen the time that gulf war veterans can file for disability compensation. I was proud to be an original cosponsor of this bill, the Persian Gulf War Veterans Compensation Act.

President Clinton listened to Congress, and to the thousands of veterans across the Nation who are suffering from the mysterious illness known as Persian Gulf War Syndrome. Mr. Speaker, our inability to find an exact cause of gulf war syndrome requires that we give our veterans the benefit of the doubt. We must move forward and provide care for our suffering Persian Gulf war veterans even as the search continues for a cause of this syndrome.

America and this Congress must not shirk its responsibilities to its veterans. I applaud the actions taken by President Clinton and the Veterans Administration to give our veterans the care that they need and deserve.

Remember that help line phone number. It is 1–800–749–8387. Please get the help that is now offered through the Veterans Administration.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. SOUDER] is recognized for 5 minutes.

[Mr. SOUDER addressed the House. His remarks will appear hereafter in the Extension of Remarks.]

BIPARTISAN RETREAT IN HERSHEY A SUCCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KIND] is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, I rise today to pay tribute to my colleagues in the House, both Republican and Democrat alike, who attended the bipartisan retreat in Hershey, PA, last weekend, but especially to commend the gentleman from Illinois, Republican Representative RAY LAHOOD, and the gentleman from Colorado, Democratic Representative DAVID SKAGGS, for their vision and all the hard work they put into making the retreat last weekend, I think, an unqualified success.

I would also like to commend the political leadership of both parties, the gentleman from Georgia, Speaker GINGRICH, and the gentleman from Missouri, DICK GEPHARDT, for their presence, without whom this whole attempt to try to find greater civility in the House of Representatives will not go anywhere.

I also want to thank the Pew Charitable Trust and the Aspen Institute for investing in this retreat and making sure not one taxpayer dollar went for this retreat, and to give the Members a chance to explore civility.

The premise for this historic gathering, unprecedented in our Nation's history, was very simple, and that is for any legislature to function, its members must have a level of trust and understanding of one another. That trust can only develop when the members have an opportunity to get to know one another a little bit better, as people, and outside the partisan political arena.

When people know each other and their spouses and their children, they are less likely to let policy differences turn into personal animosity or hostility or to question one another's motives. In short, it is a lot harder to demonize someone when you know them on an individual and personal level.

Over 200 Members came together in an attempt to explore ways in which to bring greater civility to the House of Representatives. No legislative business was conducted, no political games, just Members and their families taking time to get together, to get to know one another a little better, and to examine the environment in the House of Representatives and figure out how we can do the Nation's work at a level of decorum that this great democracy deserves.

This was not a hug-fest. We continue to recognize that there will be deep, passionate policy differences between the parties. I think today's debate on the House resolution was a classic example, and we have no desire to blur those distinctions. Conflict in Congress is unavoidable, and the Nation is well served by healthy and vigorous debate. In fact, it is crucial to the functioning of this democracy.

The retreat, rather, was about handling those disagreements constructively and honoring our democracy with debates that are more civil, more respectful and, ultimately, more productive; in short, to explore ways where we can disagree without being disagreeable.

To build upon the future, we have to have knowledge of the past. History teaches us that when we unite as a country for a grand purpose there is nothing that we cannot accomplish. It was altogether fitting that during the course of the retreat some of us Members took time to tour the Gettysburg National Battlefield. That is the site

where the northern and southern armies met by chance during 3 days in July 1863 and engaged in the largest military battle in the Western Hemisphere. When the armies marched away, they left behind more than 51,000 dead, wounded, or missing soldiers in a battle that many historians believed determined the fate of the Nation. These were men who in President Lincoln's words gave their last full measure of devotion so this Nation might endure.

I wanted to especially thank National Park Service employee Eric Campbell for his terrific guided tour of the battlefield. In fact, he described in vivid detail the battle over Little Round Top, which many military historians felt was the crucial ingredient to the outcome of the battle. During that battle there was a lieutenant by the name of Joshua Campbell, who was trying to hold the high ground for the Northern army, the strategic high ground. And when his men ran out of ammunition, they had two options that they faced: Either retreat and give up the high ground, and perhaps forfeit the strategic battleground and possibly the entire military conflict; or to charge ahead. And they opted to lead a bayonet charge down the hill, which swept off the Confederate forces and saved the day for the Union Army there.

When we think about the sacrifices that the men gave on that battlefield, what they gave for their country, and then to ask the House to, in a more civil way, conduct this Nation's business, I do not think that is a lot to ask from us as representatives of the country.

Perhaps that is why the institution has become more uncivil recently. We forget this is not about us as Members or as individuals. It is really about the country, about all of us in this Nation, those who came before us, those who will come after us, our children and our children's children.

It is perhaps when we start thinking of it in personal terms that we begin acting aggressive, defensive and rude, all those things that everybody does when we feel threatened. This is not about us as individual Members, it is rather about this great country, everybody, who have come together to fight for the principles this country was founded on.

All of us, I think, crave to be part of something larger than ourselves, which is probably why most of us ran for the House of Representatives to begin with. That is why we have families, why we participate in church, join organizations, just to be a part of something significant, noble, decent, and right.

There is no simple cure for the incivility we see too often in American society, just as there is no simple cure for the rancor and mistrust in the House at times.

□ 1745

Last weekend's retreat is no panacea but it is a start. As Members of Congress, we have an enormous responsibility to the Nation. Our country deserves better from all of us, but we look upon our leaders to set the standard, as we should, and with some luck and good will, what has begun last weekend will help us better meet that great responsibility to the Nation.

FIRST ANNIVERSARY OF HELMS-BURTON LEGISLATION

The SPEAKER pro tempore (Mr. DUNCAN). Under a previous order of the House, the gentleman from Florida [Mr. DIAZ-BALART] is recognized for 5 minutes.

Mr. DIAZ-BALART. Mr. Speaker, a plea has gone out by the President of the National Commission, Jose Marti, the National Commission on Human Rights in Cuba, Professor Amador Blanco Hernandez, for three political prisoners who are in a very, very difficult situation right now. They have been on a hunger strike since February 20 because of the brutal, inconceivably inhumane conditions that they have been facing. One of them, and I will read their names, Juan Bruno Lopez Vazquez, Herminio Gonzalez Torna, and one of them, Levin Cordova Garcia, is near death.

Now, Professor Blanco Hernandez is seeking some signs of solidarity and outrage in the international community. I today remember and my thoughts go out to all the Cuban political prisoners, but especially to these three, such dignified representatives of the Cuban people who are facing that extraordinarily difficult situation, and have had to embark on hunger strikes to try to get some attention of the world community so that their conditions will be looked at and pressure will be put on the Cuban dictatorship so that their conditions can improve.

Mr. Speaker, it has been a year since President Clinton signed the Helms-Burton law, March 12, 1996. Sometimes it seems difficult to believe that it has been only a year, considering all that has happened since. Not just Castro but all those who seek to take advantage of the degradation and exploitation imposed by the dictator on the Cuban people received a blow by the adoption of Helms-Burton. With urgency, those who have invested or who are thinking of doing so in Castro's feudal, antiworker, slave economy have had to reconsider their actions or their intentions in light of the risk of being physically excluded from the world's largest market, the United States.

That is why the European Union, in an act that classifies it as an unscrupulous merchandiser, has taken its complaint against U.S. sanctions to the World Trade Organization.

The strongest blow in Helms-Burton against those who seek the definitive consolidation of the degradation of the Cuban people, of the oppression and the humiliation that they have to bear at the hands of the Castro brothers and the handful of their minions who also live the ''dolce vita,'' however, is not what is most discussed and debated about Helms-Burton. It has nothing to do with the exclusion of foreigners from the United States who knowingly traffic in properties stolen from Americans, nor with lawsuits against those traffickers.

What is most painful for those who seek the permanence of the oppression of the Cuban people is that the United States sanctions against the dictatorship can no longer be lifted by the President until there is a genuine Democratic transition on the island.

Castro's defenders and the unscrupulous merchandisers had great hopes for President Clinton. They saw how he, in coordination with some large business interests, lifted the embargo on Vietnam and reestablished diplomatic relations with that country. With normalization of relations, a wide gamut of credits and other financing possibilities are opened to those who seek to do business with a recently legitimized regime.

They sought the same for Cuba. It does not matter that Castro has no money to buy anything from the unscrupulous merchandisers. The financing mechanisms would take care of that. That is what they are there for. That is why those financing mechanisms have money from the United States taxpayer.

Ever since Helms-Burton, the dreams that some had of being able to obtain massive financing for lucrative business deals with the Cuban dictator have gone down the drain. Congress has made absolutely clear that the President cannot lift the embargo and facilitate credits for those who seek to profit from deals in Cuba, nor authorize massive United States tourism to Cuba, until there is a government in Cuba that respects the Cuban people, a government that liberates all political prisoners, that legalizes all political activity and that agrees to hold free and fair elections. That requirement in Helms-Burton, known as the codification of the embargo, is definitive and will be decisive in Cuba's salvation.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MANZULLO] is recognized for 5 minutes.

[Mr. MANZULLO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

[Mr. SMITH of Michigan addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

CERTIFICATION REGARDING FOREIGN ASSISTANCE FOR MEXICO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, I come before the House tonight, before an important vote tomorrow, and that vote tomorrow is the question of whether the Congress will vote in fact to decertify Mexico and override the certification granted by this administration and this President.

Certification, and as a staffer some years ago in the other body, I had the opportunity to work on drafting that certification legislation, is predicated on several factors. One is enforcement and eradication and stopping drugs at their source. The other is the cooperative effort of a nation. Then there are certain sanctions and penalties that we impose on countries that do not cooperate, and we either certify them or decertify them.

Tomorrow this Congress will decide on whether we agree with the administration, and I think they made a grave error and a grave mistake. If we take a few minutes and examine the record, look at what has happened with drug flow into the United States, and let us look at heroin, let us look at cocaine, let us look at methamphetamines.

Just a few years ago, most of the heroin came in in very small amounts from Mexico and it was a brown heroin. Today 30 percent of all the heroin coming into the United States is coming in from Mexico. Cocaine, there is no cocaine to my knowledge produced in Mexico. Most of it is produced in Bolivia and Peru, a little bit in Colombia. But 70 percent of all cocaine coming into the United States, and this is by DEA's estimates, is now coming in from Mexico.

Eighty percent of all the marijuana coming into the United States is coming in from Mexico. And methamphetamines, which I spoke of, from mid 1993 to early 1995 Mexican traffickers reportedly produced, and last year, produced 150 tons of methamphetamine, or speed, coming into the United States from that country.

So the record has gotten worse and worse and worse, of drug eradication. The problem is getting greater and greater. What is worse for our country and our children and our neighborhoods and our communities is, it is affecting our children. Heroin use is up by teenagers dramatically. Emergency room visits are also up.

And then we look at the question of whether we should certify Mexico based on cooperation. We asked Mexico to do some of the following things, and let me say in every one of these areas they have dragged their feet or failed to comply with our request.

First, agree to extradition. You will hear them say they extradited 16 people. That is false. Only 3 have been extradited according to our requests and only one who had some record of involvement with drugs, and he was extradited because he had dual citizenship, both American and Mexican. Failed on extradition.

Failed to allow our DEA to protect themselves with firearms. Failed to allow 20 more DEA agents to be placed in Mexico. Failed to share intelligence with the United States. Failed to install antidrug radars in the south of Mexico. Failed to comply or put together a permanent maritime pact. And they failed to arrest and prosecute drug traffickers and drug money in their own country and really enforce their new laundering money laws.

They have failed to take concrete steps to comply. So by no measure do they deserve certification.

Mr. Speaker, tomorrow I urge my colleagues to come to the floor. Trade is important with Mexico, cooperation is important with Mexico. They are our southern neighbor and an important part of this hemisphere. But when their actions, their lack of cooperation is destroying our schools, our children's future, our neighborhoods and our communities, this Congress must act in a responsible manner to stop that action against us by our neighbors.

Mr. Speaker, tomorrow we must come as a Congress and send a very clear message to Mexico, not based on finance or business but on the future of this country and, again, our children and what is happening.

The alternative is what? We have almost 2 million Americans in jail. Seventy percent of the people in our prisons and penal facilities are there because of drug-related convictions. Where is that narcotic coming from, those illegal drugs coming from? They are coming from, I submit, and we have proved here, Mexico. We must send this message and we must do it as a united Congress tomorrow.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. SENSENBRENNER] is recognized for 5 minutes.

[Mr. SENSENBRENNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 5 minutes.

[Mr. SCARBOROUGH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

THE CASE FOR SAVING AMERICA'S FAMILIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 60 minutes as the designee of the majority leader.

Mr. HOEKSTRA. Mr. Speaker, tonight I want to share with my colleagues a project that we have been working on for a number of months. We call it the Case for Saving America's Families.

In this project, we are attempting to build a case for government that does only what government can and should do. Too often in Washington we have begun to ask Washington, this city, to do things that are better done at a State and local level and in many cases are better done not by bureaucracies and bureaucrats in Washington but are better done by families, by nonprofit faith-based institutions or by the private enterprise system. We have asked this city to make too many decisions that it is ill-equipped to make and that could be made much better in other parts of America.

We have to look at this Washington bureaucracy. This street going down over on the right side used to be called Independence Avenue but if you take a look at the buildings that line that street, it is maybe an appropriate time to rename that street Dependence Avenue, because it demonstrates the dependency that the rest of America has developed on Washington, a dependency where we ask bureaucrats to take a larger role in raising our children, bureaucrats and bureaucracies taking a larger role in building our communities, bureaucrats taking a larger role in creating jobs. We have identified and we constantly are on the lookout for specific examples where we can identify what the Washington bureaucracy is doing, whether it is working or whether it is failing, where it abuses power, where it wastes money, where it does things which perhaps to the American citizen, the average citizen, actually makes no sense.

□ 1800

We have begun a project of collecting these real life examples. These are things which the Washington bureaucracy actually do, and we compile these on a monthly basis. These are in your office; we send them to your office each and every month, and it is called, A Tale of Two Visions. The newsletter features actual examples of real life stories of what is happening in Washington and then compares and contrasts what Washington is doing to what successful entrepreneurs, successful individuals, and successful organizations are doing at the local level. It highlights the struggle that many Americans have with the Washington bureaucracy.

Let me just highlight some of the examples that we have in our February issue, and again these are in your offices, where we highlight some things that Washington believes it is best at deciding and it believes that it is appropriate to use American taxpayer dollars to fund these kind of activities.

As many of you know, we fund public housing projects around the country, and when we fund these projects it is

only appropriate that Washington attaches strings to those dollars to make sure that the people who build those buildings build them to the codes that we want established and the criteria that we have established in Washington, that the people that manage those projects manage them the way that we want them to manage them, that the people who live in them live in them the way that we want them to live and that the pets that are in those public housing projects are treated with the dignity and respect that we want them to be treated with.

So in 1996 our Secretary of HUD decided that we had to protect the pets in public housing because this was a national crisis and this is something that Washington had to be involved with. We developed rules regarding pet ownerships by elderly and disabled in public housing. Included in this, and this is section 5.350, paragraph 2, actual language from HUD, Washington saying people at the local level, an individual, cannot make this decision, Washington has to help them, let us write these rules and regulations, let us make sure they are aware of them so that people can listen to this and that they can abide by the rules and regulations that we have established.

Paragraph 2: ''In the case of cats and other pets using litter boxes the pet rules may require the pet owner to change the litter,'' in parentheses, ''but not more than twice each week, may require pet owners to separate pet waste from litter, but not more than once each day, then may prescribe methods for the disposal of pet waste and used litter.''

Thank you, Secretary Cisneros. That is going to help us, and those were Federal dollars well spent.

On a more serious note, back in 1996, we are facing a drug problem in our country, and so what is the appropriate response? It is when a product became available that would enable parents to better gauge and understand if their kids were using illegal drugs, the FDA said, ''No, it's not appropriate that we make this technology available to parents.'' It is not that the tests were unsafe, it is not that they were ineffective. The same tests are used routinely by hospitals, employers and parole officers. It is not that they were too difficult for a parent to understand how to use it correctly. The FDA was fighting to keep this product off the shelves because the parents cannot, and this is quote, ''be trusted to handle the results,'' end of quote. They fear that these tests would have a harmful effect on the parent-child relationships. After intense pressure, hallelujah, the FDA later approved the tests.

We also now are carding 27-year-olds for the purchase of cigarettes. We are taking a look at, and this is probably the most frustrating thing, when we have wise bureaucrats in all of these buildings, and they are good people, but when these people, one bureaucrat working in one office decides what the right thing is to do, and then somebody in another building decides that maybe they have got something that is a little bit different—think about this. The National Institutes of Health required one university to replace all of the school's rabbit cages. This carried a pricetag of $250,000. That may have been the right thing to do for the rabbits. However, less than a year later the Agriculture Department declared that the cages were the wrong size and the university had to once again replace the cages.

Now I kind of like rabbits, but I am not sure that we need two agencies in Washington who are focused and believe that it is their primary responsibility and purpose in life to design and define for people at a local level what the appropriate size and design and construction of a rabbit cage should be. This appears to be a little bit of overkill.

Now let us take a look at the exciting things that are going on. There are things that are going on in the private sector that really indicate that people at the local level maybe actually have a higher degree of common sense, have a higher degree of commitment to their community and their neighbors, that they have a higher degree and sense of responsibility than what we so frequently will give them or give them credit for.

The case of a father, a Catholic priest, working on job training: This is a case of Father Ronald Marino, and he took a look at what was going on in his community and said, ''This isn't good enough.'' He took a look at how government job training programs worked, and he found that this was not working. So on his own he began teaching English to immigrants, and once they had successfully mastered it he taught them a skill with on-the-job training through an apprenticeship, the participants either in pay and advancing from their salaries. They got advances on their salaries. They were teaching them things that would enable them to get a job, and this is an individual in the community going out and taking a look at government programs and saying they do not work, I can do better, and I have got a sense of commitment to my community, I am going to improve my community.

A grandmother helped 70 kids after school, takes no Federal funds. A 57-year-old grandmother in southeast Washington, DC runs an afterschool program which provides hot meals, homework help, computer instruction, Bible study, and a safe place to play for at-risk children. Miss Hannah Hawkins founded a nonprofit organization called Children of Mine after her husband was murdered in 1970.

Margaret Alasky writes Hawkins insists that social progress comes not when professionals take on needy children as clients, but when ordinary people treat the semi-abandoned children of others as their own. People have an intense concern and love for their community, and they demonstrate it in much more effective ways than what we so often do here in Washington.

These are just a few of the examples. We continue to build this litany of examples of where Washington, well-intentioned, goes out and tries to solve problems, but in many cases does not do it very effectively, and when you take a look at the alternatives that are available: local organizations, faith-based institutions, individuals, the free enterprise system, it is kind of like why are we sucking dollars out of the community and bringing them to Washington when if they were left in the community we might be able to deliver better results and have a better impact on solving some of these very difficult problems if we just let communities have the resources for themselves.

This is our vision. Our vision is of a government which costs less so that families can survive on one income. Our vision is of a government which does not compete with or attack parents or families but builds them up. Our vision is of a stronger, more vibrant private sector which is creating jobs free from the excesses of burden of taxation and regulation.

I think it is time for us to step out here in the House and, as Republicans, to more clearly articulate our vision for what we want America to be, and one of the projects that we have been debating today and one of the things that we have been talking about is the President's budget, a President's budget which increases spending, which does not reach balance, and we are talking about whether that is good for America, whether that is good for our citizens, and whether that is good for our kids.

But I think we ought to outline a vision about what we would like to see in a budget.

The President has laid down a benchmark. I am not satisfied with it. I do not believe it meets some criteria that are very important to me. I believe that in the long run we should be working toward a Federal Government, a budget, that can be funded by a one-wageearner family. We have way too many families today where one person is working to support the family and the other person is working to support the Federal Government. We need to move back to the point where a two-wageearner family is an option and not a requirement.

We have to have a budget that is in balance with and protects the core institutions of our society: families, private enterprise and faith-based and nonprivate institutions. We have to have a budget that is based on the assumption that the dollars that come to Washington are the American people's dollars and that they are best equipped to make the choices about how to spend them. We have to have a budget that respects the needs and the interests of today as well as future generations.

We need a budget that protects our kids. We need a budget that reflects a

learning from the long 29-year experience of deficit spending, deficit spending that developed out of an overexuberance about what people believe government could do and what people believe government could do better than what local institutions could do.

Do we really want to do for our kids in education what over the last 30 years we did for the needy and welfare and public housing? No, I think we can do a whole lot better than that, and we need to do a whole lot better than that.

Why does not the President's criteria, or why does not the President's budget, meet this criteria? The President's budget does not meet this criteria because what he wants to do is to continue to move dollars and spending to Washington rather than leaving the money back home.

This is not about a budget that is level, that gets to balance because revenues are increasing. This is about a President who wants to grow spending in one key category. Take a look at what happens to discretionary spending. This President wants more money to fund Washington bureaucrats and Washington bureaucracy. This is a $165 billion increase in discretionary spending between 1998 and the year 2002.

Now I just did a little figuring, and I come from a small- or medium-sized town in west Michigan, and I am not used to numbers this big, and I used to work for a company that finally, shortly after I left, finally got to be a billion-dollar company. A billion dollars is a lot of money, $100 million is a lot of money, but if you divide $168 billion by 5,000, which maybe is about the average tax that a family of four pays each year, you divide that 5,000 into 168 billion; do that at your own offices; and you find out that it is a lot of families who are going to have to pay for this increased spending.

□ 1615

If we run the numbers, and then if we divide it by the 5 years, it is about, on average, to fund the increasing spending that this President wants, about 6 million families each year, or 6 million more American families are going to have to send about $5,000 to Washington.

Does that move us closer to a budget that could be funded by a one-wage-earner family? I do not think so. I think asking for $165 billion more of spending in Washington is going to create more two-wage-earner families, not because of a choice, but out of necessity.

Does this protect our core institutions of our society, families, private enterprise, faith-based and nonprofit institutions? No. This is Washington sucking money away from those agencies.

Does this say we believe that the American people are best equipped to make the choices that they would like to make? No. It says the American people are not equipped to make choices; Washington can make better choices of this $165 billion than what the American people can.

Does this respect the needs and the interests of today as well as for our kids? Does this protect our kids? We could get to balance and surplus a whole lot sooner for our kids.

Most of this money in increased spending we are going to have to borrow. We are going to have to borrow it, so our kids are going to have a higher debt that they are going to have to pay back. Each and every year they are also going to have to pay interest on this. No, this does not save our kids, it does not protect our kids, it puts a bigger burden on our kids.

Does this learn the lessons of deficit spending? No, it continues the overexuberance of believing what Washington can and cannot do.

This is a bad budget for a number of reasons. It does not respect the family, it does not clarify choices, and it does not reflect the lessons that we should have learned. Those are the kinds of criteria that we need to establish as we move forward and create a new budget.

As Republicans outline what we want, and what we want to do, it is a matter of it is time to stop increasing spending; it is time to recognize that the most important thing is to start developing a surplus budget so that we can start protecting our kids, so that we can start moving power and authority and control to the places where the best solutions are, which is at the local level.

I now want to move on to another project that we have been working on which we call Lessons in Education. We have been working, a number of us, my colleagues, the gentleman from California [Mr. MCKEON], and the gentleman from California [Mr. RIGGS], we are working on a project which we call Education at a Crossroads. Education at a Crossroads: What Works and What is Wasted.

The purpose of our effort is to really find out what is going on in education today. The paper that we developed is lessons in education. It is a series. What are we learning as we go through this process of having hearings around the country, as we have parents, students, teachers, principals, entrepreneurs, innovators, as they testify, what have we learned about education?

We have learned, not surprisingly, although I sometimes think when we try to develop programs here in Washington we forget some of these basics. The first lesson we learned: Parents care the most about their children's education. We go around to a charter school in Los Angeles and a parent gets up and says, you know what I really like about this school? We finally have been able to take back our school. The people who are running this school no longer have to look to the L.A. unified school district about what they can do.

One of the testimonies of the person running the school, she said: ''You know, when I ran this school and I was part of the L.A. unified school district, I worried about the three Bs.''

You would think as a principal she would be worried about the three Rs, but no, the three Bs. She said: ''I was always measured and the people at headquarters did not ask me how well I was doing with my kids. They wanted to know what was happening with busing, what was happening with my budgets. And then I would always run into the third B, which is the bucks.'' What do you mean, the bucks? She says: ''Every time I had a good idea that I thought would benefit the kids in my school and I would go to my rules and regulations and I would find out, I cannot do that; but I wanted to do it because it is what I needed to do for my kids.''

I would go to the headquarters of the L.A. unified school district and I would say: This is what my kids need. This is what the parents of my kids want. That is what we have jointly decided is best for the kids in our school to make sure that they have the learning environment that enables them to get the most effective learning.

I would go to headquarters, and the answer would be: Well, that is not a bad idea, but you cannot do it, because this and that, or that. Sometimes: It may be a good idea, but if we let you do that, we would have to let everybody else do that too. We cannot have that happen.

Successful education, as we are struggling with education and the educational issues around the country, let us not forget the fact that the person who knows the kid's name and the person that named the child probably cares the most about their education and about their future. And they care more than the bureaucrat at the State bureaucracy or at the Washington bureaucracy who do not even know the name of the child. Let us not lose sight of that. Too often we are losing sight of the fact that parents care most. We have also learned that good intentions do not equal good policy.

Lesson No. 2: We care about kids in Washington. We care so much about the education that our children receive in Washington that we have created program after program after program after program so that the end of 20 to 30 years of Washington having good intentions and Washington caring about our children that we now have 760 different programs running through 39 different agencies, spending $120 billion per year, and the education system is in crisis.

Mr. Speaker, good intentions do not equal good policy. Just because we care does not mean that the answer has to be a new program with a nice sounding title and a few dollars associated with it, does not mean that we are actually helping our children.

Lesson No. 3: More money or more does not always equal better; 760 programs probably is not better than 700 programs, and 600 programs probably is not better than 5 hub programs. More money in a failed system may sound good, but more money into a system

that does not work does not do anybody any good and it does not help our kids one bit.

Mr. Speaker, the interesting thing is we have developed 760 programs. There is now a cottage industry, a cottage industry that you would think would be going to schools and saying: Here is some of the research that has just been done; and this is the most effective way for kids to learn how to read; or these are some of the really interesting new tools that we have developed to help teach children math or science. Here is the latest technology that, as you get these computers into your classroom, here is what you do with them.

No. The cottage industry is here: Here are two binders that tell you about 500 different education programs; they tell you, these booklets tell you what programs exist, who is eligible, and they tell you how to write the grant to get the money.

They do not tell you how to write the grant to reflect and answer the questions in a way that is honest and truthful; they tell you how to write the grant so that you have the highest probability of getting the money. So now we have school districts all around the country not hiring instructional specialists, but they are hiring grantwriters to kind of go through these 500 programs and to see if they can strike gold by finding some grants that a local school district may qualify for. Wrong priorities, wrong decisions, and a bad way to spend our money.

Mr. Speaker, we have created such a maze of programs that we now have to have specialists to go through this maze to figure out, this money that we sent through the IRS, how that money can get back to the local school district.

Do not worry about it, we do it very efficiently. When you send a dollar to the IRS and when you send a dollar to Washington for education, you can be sure that we get about 60 to 65 cents back to the teacher and back to the classroom. That is not a bad investment.

The bureaucrats in Washington, the bureaucrats in your State education association, they only steal 35 cents of that dollar from our kids. They are sucking away 35 cents that could be used in the classroom. The issue in education is not finding more money to spend in a system that sucks 35 cents out. The question is, how do we get more of that dollar that we send to Washington back to the classroom. It is not about spending $1.10 so we can get 70 cents to the classroom. It is about finding a way to get this dollar and getting 80 cents, 85 cents, 90 cents, 95 cents, back to what the purpose is of education. The purpose of education is not to make and hire bureaucrats, it is to educate kids.

Education needs to be child-centered, is the lesson that we are working on now.

Mr. Speaker, there are too many programs today where the focus is on the bureaucrat, it is on the bureaucracy, and it is not on the student. The system today, the students way down there at the end, there is a bureaucrat at the State level, there are some other bureaucrats through this process that work at this bureaucracy in Washington, and the student is not the focal point. The system today is about Government, it is about bureaucrats, it is about bureaucracy.

The system really should be not the student at the end of the process; the student needs to be the center of the process. The people most influential on that student are the teachers in the classroom and the parents. These are the people that know that student's name, they know where they live, they know the problems and the concerns that this student faces, the special problems. They care about them. These people care.

The bureaucrats care, but do they really care and know if they cannot give you the name of the student that they are trying to help? The resources and the dollars have to be focused on the student. These bureaucrats today, they are worried about writing the rules and the regulations for 760 programs here, not all in one building. Seven hundred sixty might be OK if they were all in one building in this town, but think about it. Some of the programs are in a building called the Education Department. Other programs come out of the Defense Department. Other programs come out of HUD. Other programs come out of the Agriculture Department. It is not one building, it is not 5 buildings, it is 39 different buildings, 39 different bureaucracies spending $120 billion a year.

□ 1830

We had a great hearing yesterday in the Committee on the Budget. I asked Secretary Rubin, Secretary of the Treasury, I asked the Secretary, who is the focal point? Who is the person that is setting education strategy at the Washington level? Who is focused on coordinating this effort and making sure that these different entities come together? The answer was, the President.

I am sorry, Mr. Rubin, I do not believe that the President is actually spending a whole lot of time trying to coordinate 760 programs through 39 different agencies. I think he has a few other things to do. I know education is important to him, but I believe that there are some other things on his mind.

What has been the result of this ever-increasing bureaucracy? I look at this, and coming from a business standpoint I think there is some reason to be concerned about this. I do not really think this is the best way to do it. But maybe in Washington this works. Maybe this really works in Washington. It does not work in the business world, but maybe in government all these pieces somehow magically come together.

What are the results? One-half of all adult Americans are functionally illiterate. Fifty-six percent of all college freshmen require remedial education. In California, we had a hearing and we had some of the chief officers and the key people in higher education in California come and testify. They said, please, please, as you are taking a look at the budget, do not cut our funds for remedial education.

We would say, explain that a little bit more. These are students that you have accepted into your university. What kind of remedial education are you looking for? What are these dollars exactly being used for? Remedial seems like a pretty serious term.

The answer is, well, one out of four students entering higher education in California, one out of four students cannot read or write at an eighth grade level. Excuse me? One out of four students in California entering higher ed, and this is not going into high school, this is going into higher education, one out of four cannot read or write at an eighth grade level? This is not remedial, this is a crisis. This is a big problem. Why are you not going down to the high schools, the middle schools, and the grade schools and talking to the teachers there and taking a look at what is going on in the classroom?

Remember, these teachers are graduating from your universities. They are now going into the classroom, and the children going through this system are now coming to you and they cannot read or write at an eighth grade level. Are you maybe failing the students that are going through your college that are becoming teachers? Are we failing the kids who are in grade school? Absolutely. They cannot read or write when they get out. This is a big problem. Sixty-four percent of 12th graders do not read at a proficient level. SAT scores have dropped by 60 points in 3 decades.

There are two ways to look at what we are going to do as a result, as we face what I think are some disappointing results in education, something we should all be concerned about. We can continue this Washington-centered approach. We can continue saying, you know, just a few more programs and a few more dollars, a few more bureaucrats and a few more buildings and a few more bigger buildings and we will be all right. We will solve this problem.

No, I do not think so. It is time to start maybe rethinking what is going on in these buildings, but it is not a time to add more buildings, more people, and more dollars.

We need to think in this way: How do we empower parents and teachers, the people closest to the students, closest to the kids, how do we empower them to make sure that this child gets the kind of results that we need? It is about teachers, it is about students, and it is about parents. It is not about bureaucracy and bureaucrats who have the student at the end of the system.

We ought to take a look at what the President is proposing: $165 billion

more spending. The President has not learned our lessons.

This assumes that we need more money in Washington and that Washington bureaucrats care more about our children than parents do. That is lesson one. This does not assume this. Much of this spending is going for education, $55 billion more of spending for education over the next 5 years in Washington. This does not demonstrate a lesson learned; that parents care most. This also does not meet the criteria.

He did not learn lesson two. The President's programs are well-intended, but come on, do we really think that 770 programs spending $130 billion per year going through 30 or 40 agencies is going to work better than 760 programs, spending $120 billion? I do not think so. This does not recognize that more money in a failed system is not good policy. This is pouring more money into the same bad system that we have today.

The end result, if we pass what the President wants to do, if we give him more spending, what will these bureaucracies and bureaucrats do for our children?

Think about it. The President wants a building program, so it means that bureaucrats in Washington will now do the building, they will build our buildings at a local level. When we build in Washington, we apply lots of rules and restrictions.

Think about just one thing. when we build buildings and we put Federal dollars in construction projects, in Washington we apply a little-known law called Davis-Bacon. People may recognize that as prevailing wage, which means we have to pay probably higher wages. It means bureaucrats at the local level, individuals at the local level, have to come to Washington to find out the salaries they have to pay their contractors, rather than through competitive bidding.

But another little-known feature of Davis-Bacon, and think about this as we go through the process, Davis-Bacon prohibits the use of volunteer labor. So if you are going to build your school or if you are going to renovate your school, and you say, hey, this would be kind of nice, maybe the government can buy the paint and some of the materials and volunteers can paint our classrooms; if we are going to redo the playground, maybe the government can buy some of the materials and the parents can come and clean up the playground and do some of the construction; sorry, they cannot do that anymore.

Davis-Bacon Federal building laws prohibit the use of volunteer labor on these projects. Not a smart thing, especially when we consider some of the other things the President wants to do.

But we will have bureaucrats who build our buildings. These bureaucrats will then decide about what kind of technology goes in because we are going to put in money for technology, so bureaucrats will decide the technology that goes into the buildings. The President wants to set standards at a national level, which means that he will have a strong role in developing curriculum. He wants to do national testing, so he will test our kids. He wants to certify our teachers, so the bureaucrats in Washington will be certifying our teachers.

We already have programs that teach kids about safe sex, about appropriate or inappropriate drug use. Bureaucrats in Washington are going to continue doing those types of things. Bureaucrats in Washington already decide what our kids can eat for breakfast, what our kids can eat for lunch. We are going to have after-school programs. We are going to have midnight basketball. But other than that, it is your school.

We are going to build the buildings, put in the technology, develop the curriculum, test your kids, certify your teachers, feed them breakfast, feed them lunch, teach them about sex, teach them about drugs, after-school programs, midnight basketball, but hey, other than that, it is your school.

This is an approach that is Washington-centered, making these buildings bigger and more powerful, and we are moving away from parents and teachers and local control. Make no mistake about it, this is a massive shift of power and control to a Washington bureaucracy, away from parents, away from teachers, away from the students, and moving it to people who could not even give you the names of the kids going to the school.

I want to highlight just one other thing that happens here. Remember, our kids cannot read. So rather than going into the classroom and saying our kids are spending 7 to 8 hours in the classroom or 6 to 7 hours in the classroom per day and they cannot read, reading is kind of a fundamental thing, let us take a look at what is going on in the classroom. The student-centered approach would say let us take a look at what is happening with this student, with that teacher in the classroom, and why can this kid not learn to read? We would focus on the classroom.

The Washington approach says, now, let us develop another Band-Aid. Let us develop another program, and let us have tutors. Let us fund the Corporation for National Service to the tune of an extra $200 million. Let me get my pen out. That is $200 million per year. That is how many families paying $5,000 in taxes? That is a family of four. For the next 5 years let us have 40,000 American families pay, not to improve what is going on in the classroom, but to put a Band-Aid on a broken system through the corporation, so they can develop and get what? So they can find volunteers.

Wait a minute. Davis-Bacon and construction, we are going to discourage volunteers; but now for reading, we are going to encourage volunteers. Boy, Washington sure sends some mixed signals. Actually, we are redefining the role of volunteers. We are now redefining volunteers as people who make up to $27,000 per year. That is the Washington bureaucratic definition of a volunteer.

Now, let us go one step further. We are not fixing the system, we are applying a Band-Aid to a system. The only thing that I can say is the President did get one thing right, maybe right in this process. The President had to make a choice. If he believes in doing volunteers in this approach, through a bureaucratic approach, he at least made the right decision, that he was going to use the Corporation for National Service to teach our kids reading. It may or may not work, but we know that they cannot teach our kids math.

The Corporation for National Service, this bureaucracy in Washington with these bureaucrats, the model organization a few months ago had an independent auditing firm come in and say, you know, can your books be audited? Can you tell us where roughly $500 million or $600 million per year is spent, where it goes, how it is spent? It is kind of like the auditors came back and said, sorry, Congress, sorry, oversight subcommittee, asking the kinds of questions we should be asking about where this money is spent, the Corporation for National Service, its books are not auditable.

That is very frustrating, but the President has decided to pour $200 million more into that. We know they cannot teach our kids math. That is a sad enough story as it can be, but we know how AmeriCorps works. Students work, they get paid a stipend. Then they go to college, because they have built up a reserve that says, you know, if you are part of AmeriCorps we are going to set aside money for you to go to college. That money is set aside in a trust fund. This is fairly straightforward. You are part of AmeriCorps. We set aside money. You work, you fill out and complete your time of service, you go to college, AmeriCorps sends a check to the college to help pay your tuition, a fairly straightforward transaction; started from scratch, no new programs, nothing to corrupt the process, it started from scratch.

Bring in the accountants and say, okay, this program has now been working for 3 years. What is the state of the trust account? Are the trust funds auditable? Can you tell us with any sense of integrity who the people are that worked, that actually fulfilled their obligation to receive the college tuition grant, and have we set the money aside, and do we know with any sense of surety that when these people ask for this money, that the right people will be getting the money?

□ 1845

This is not complex math. Fortune 500 companies, a small business person, the little entrepreneur, all of their

books have to be auditable each and every year. If they are not, I do not think the IRS would be very happy with them. The Corporation for National Service, not only are its regular books not auditable; the fund that it started from scratch, the trust fund, is also not auditable.

But you can be sure of a couple of things. Under this model, even though it is absolutely miserable performance, where the books are not auditable, it is a first level of integrity that you have to have in any organization that, even though the books are not auditable, that the trust funds are not auditable, you can be sure that the bureaucrats will receive their salary, that the people who administer these programs at a State and local level will receive their salaries. And that is just a sad example that, even though when we do not get the results at the level of the student through these 760 programs, we do not get the level of performance or results that we need at a student level, bureaucrats and bureaucracy will continue to be paid. And under the current model that we have today, where people, some people believe that more is better, not only for miserable performance but the Corporation for National Service, when they cannot keep their own books, is going to, the President wants a $200 million increase, somewhere in the neighborhood of a 33- to 50-percent increase in their annual funding. That is the reward for not meeting the basics. Think about it. That is in Washington, that is the reward for doing a lousy job. We go back and ask you to do more.

Mr. Speaker, it is about time that we rethought the model and went back to parents and teachers. The difference here in Washington is when we cannot keep the books on an $800 million program, now in my home town the mayor invited my wife and I to a dinner. And we went to dinner and saw that many of the other council members did not have their spouses along.

After a few minutes I kind of asked him, I said, why is my wife here and there is a couple of other wives, but why aren't some of the other spouses here? The answer was, well, every dinner costs us $11 and we really do not have it all in our budget.

At a local level, people are worrying about dollars, $10, $100, $1,000; $1,000 is a lot to many people at the local level. In Washington when a $400 million, $600 million agency cannot keep its books, remember what that means. It means that we cannot tell where the money is going or whether the money has been used for the intended purpose that Congress allocated that money to that institution for. When an organization in Washington says we cannot tell you where the money went, our response is: Great job, we need your help, we are going to expand your role, and we are going to give you $200 million more.

Mr. Speaker, that is why this system feeds bureaucracy, feeds bureaucrats and has at the end of its system, way down at the end is a student. That is why in Washington today, when the dollar comes into Washington, the bureaucracy sucks up 35 to 40 cents of every dollar and never lets us get it back to the student.

I just want to give one more anecdote about why we do not need a million new tutors in Washington. It is already being done. The State of Delaware had a hearing in Delaware, has one Congressman. There are 434 of us, 435 of us. In one congressional district, the State of Delaware, they already have 5,000 volunteers. And do you know what? It is because parents and teachers wanted to help students, and they made the decision all on their own.

What we now have in Washington is saying, they cannot do that. They need a bureaucracy to tell them. Let us spend $200 million doing that and we do not. In my hometown, churches are embracing schools. They are sending tutors in, professionals are going in and helping children. It is already happening. We do not need to move $200 million. We do not need to move $5,000 from 40,000 American families to Washington to get tutors to our kids. It is already happening.

Mr. Speaker, if we take a look at some of the other things that we learned about what the President is proposing from our hearing in Delaware, Delaware had some problems with education. They are making a turnaround. The Governor talked about and many other witnesses talked about what is enabling Delaware to make a difference. Now no, it is not more Federal programs. Like I said, with tutoring they made the difference on their own without any Federal help. Local ownership is what enabled them to produce excellent standards. They worked on developing standards.

They do not need a Federal mandate. They do not want national standards. Federal standards, the President wants to establish standards and work on curriculum and wants to do it in a Washington bureaucracy. What did we learn about standards? Think about what a standard is. A standard is what we are going to tell and teach this student in a classroom. It is one of the most important things that we have in education.

What do we expect this student to learn during this period of time in the classroom, working with that teacher and this parent? There are some that believe that we can develop these standards in Washington, funnel them through some bureaucrats and put it to the student. Sorry. Delaware's experience says, this is a very important issue. When you are talking about this student, when you are talking about this parent who knows the name of this student and that teacher who cares about that student, they are not real interested in a standard coming from Washington. They want to be an active participant in designing the standards for what that student will learn. They may want some help from outside agencies talking about what other people are doing, but they want to work through that process.

Mr. Speaker, in Delaware they went through it. They took 3 years to develop standards. But at the end of that 3-year process, parents, students, and teachers are brought in and agree with much of what was developed because they were involved in the process. A parent understands why there are certain criteria. They understand what is going on be taught and how it is going to be taught. It is a difficult process, but when you are dealing with education and you try to cut the corners and when you try to cut out parents and when you try to cut out teachers, it just does not work.

There is no way a Federal mandated standard will ever work, and, if the Federal mandated standard does not work, Federal testing will never work because what parent is going to feel good about a national test based on a national standard that they do not buy into. We need parents involved in this process, and we cannot short-circuit this process through a bureaucracy.

Mr. Ferguson, the acting State superintendent, said, regarding their standards, the important thing about these standards is that they are our standards. They are the standards of this community. They are the standards of this State. They are the standards of this parent and these teachers, and they were not given to us, they have a sense of ownership.

We have gone around the country. We have taken a look at all different kinds of innovations. We have seen that the wonderful thing about working on this project is on a national basis you hear some of the horror stories about what is going on in education and we are concerned about that.

The other thing that we are seeing is whether you are in New York City, whether you are in LA, whether you are in Phoenix, whether you are in Chicago in a public housing project, whether you are in Cleveland or whether you are in Milwaukee or Detroit, or whether you are in west Michigan, we are seeing some great schools. The thing about these great schools is that in most cases, if not all cases, in those communities parents, students and teachers have been given the flexibility to design the school and the system that works for them.

Mr. Speaker, they are not facing a mandate. This is the kind of school that you need to have. They are working on designing things because in each of those areas the schools need to be different because the needs of the students in each community are different. Not the need for what they are going to learn, they need to learn the same kinds or similar things, but where they come from, the environment that they come from, and so each school has different challenges. Each school has different opportunities and communities need the flexibility.

That is why you see charters. And the charters in Delaware are different

than the charters in Delaware, which are different than the charter schools in Phoenix and these choices in local communities. The choice in Delaware allows full public school choice so a parent can choose the program and the school and the curriculum that best meets the needs of their child. It is enabling parents to become consumers of education. It is empowering parents. It is empowering students and it is empowering teachers.

One of the most exciting things that is happening is that the National Education Association, the National Education Association, the organization that represents teachers, they are going to get involved in the charter school effort. They are going to start I believe four charter schools in different parts of the country. If anybody should be establishing charter schools, I want our teachers to do it. They should be more knowledgeable and better equipped about what needs to go on in the classroom than almost anybody else in our society, those front-line teachers. I am excited about the opportunity and the learning that we can achieve when the National Education Association sets up its charter schools and how that may be a catalyst for learning and for change that can just go throughout our entire public school system, unleashing teachers from the rules and the regulations and the bureaucrats and the bureaucracies that have been defining for them what they need to do, rather than empowering them to do what they want to do and how they can best help their kids.

Can you imagine empowered teachers working with consumers of education, parents, all focused on what the student needs? What a wonderful opportunity to improve education in America and what a much better picture and what a much more optimistic picture that is for America and American education than one which focuses on bureaucracy and bureaucrats.

ARTS AND EDUCATION

The SPEAKER pro tempore (Mr. GEKAS). Under the Speaker's announced policy of January 7, 1997, the gentlewoman from New York [Ms. SLAUGHTER] is recognized for 60 minutes as the designee of the minority leader.

Ms. SLAUGHTER. Mr. Speaker, I rise today to talk about one of the best things that we can do in education for our children. It has been proven over and over again what a wonderful effect it has on them.

Would it surprise you to know that a child in a school in the United States that has 4 years of arts programs, the verbal scores on the SAT's go up 67 points and the math scores go up 45? Would it amaze you to know that the most important thing we can do to cut the dropout rate and the absenteeism is to have children participate in art, proven over and over and over again.

One of the most important ways that we can give a child self-esteem, and so many of them need it, is to give them the ability to create. And once again, we have learned over and over and over again that children who create do not destroy.

All this is done in simple programs in schools all over the United States. And every parent that has ever put on the refrigerator door the drawing brought from home or the little plaster cast of the hand, the things that we keep forever, I think probably everything that my children ever touched is stored away in a box somewhere where I like to take them out and look at them for my memories, every parent who has ever experienced that knows the wonderful feeling that that child has of being able to create and to express.

We are losing whole generations of children these days to violence, to absenteeism, to disinterest, the inability to learn.

□ 1900

What happens? A country faced with problems like that, that says at the same time we are going to turn our back on the one simple cheap thing that we can do to benefit these children. Does it work? You bet.

I wrote legislation to educate homeless children in the United States. It is an astonishing fact that every day in this country between 750,000 and 1 million children are homeless. It is not their fault. Their parents used to work; they just do not anymore.

A lot of people do not understand what homelessness means to a child. They can go to a shelter, but they can only stay there a certain number of days and then they have to move. Or they can live in a State park or a local park maybe 2 weeks, and then they have to move. It is in every respect a nomadic existence.

So we have these numbers of children in the United States unable to get their education, because many times they do not have their birth certificate. It was always a very important thing for us in the United States. No child went to school without their inoculations, their birth certificate, and a permanent address.

This was not an indigenous population in the United States. We had never really took any plans or even discussed any plans on what we would do about kids without a permanent address or who maybe lost their birth certificate in one of those many moves they had to make. So a family that is confronted, let us say, with putting food on a table or duplicating a birth certificate for $10, logically and sensibly is going to opt for food on the table for the children.

So we wrote a little piece of legislation here that said we do not care whether they have their birth certificate or not. We know they are born, they are standing in front of us. We want them educated. The United States cannot go into the next century with children who are unhealthy, untrained, and uneducated.

One of the most important things, again, that has been important to this population and consequently to us is the arts programs, is that we were able to provide these children with the ability to be able to express themselves, to be able to deal with what had happened to them, for the first time to be able to open up to a stranger as they discussed the work that they had done.

So the United States over the years has decided that art may not be too important to us, or that maybe it is only for the rich people who want to go to the museums or the art galleries, and for the rest of us it does not really matter. Well, we could be meeting here in a Quonset hut but we are not.

We are here in a work of art that every day makes all of us who work here not only understand how lucky we are to have been elected, but how blessed we are to work in this building with the American eagle overhead and our first President's wonderful portrait by Stuart over there that every schoolchild knows. The first thing that occurred to me when I got here was that was the original. We have Lafayette over here on the other side and all the wonderful carvings of people who have come before us.

What is it that really tells us what kind of a nation, one that has disappeared off the earth, was like? When we excavate, how do we determine whether they were enlightened, whether they were civilized? Simple. By the art they left behind.

How do we explain to children growing up in the United States what it was like for the pioneers, the people in Conastoga wagons, the people who opened up the West, the patriots? By the art left behind. This Capitol is full of it. This city is full of it. This city is in many ways a work of art.

Can this country afford to be the only industrial country on the face of the earth that determines that art is not important? I do not think so. There is not an industrial country anywhere on the planet that does not have a national budget for the arts; sometimes 1 or 2 percent of their total budget.

What do we do? President Nixon started the National Endowment for the Arts because he thought the United States ought to make some statement as well. And over the years we have whittled away at the money and whittled away at it until now, this year, we are being asked to pay $136 million for arts programs in every nook and cranny in the United States, $136 million, which is a great deal less than the United States spends every year for military bands.

It does not amount to a whole lot in the scheme of things when we think about what it does. Let me give my colleagues some idea of what happens there. Let us talk not about the beauty of it but the economy.

The arts support 1.3 million jobs. The nonprofit arts community generates $36.8 billion annually in economic activity. The arts produces $790 million

in local government revenue and $1.2 billion in State government revenue. And for the $136 million that we hope we can vote this year to put in, we will get back almost $4 billion in taxes paid into the Federal Treasury.

This is not an idle piece of work. I know of no other thing in this Government, and I have served three terms on the Committee on the Budget, I promise my colleagues I know of no other expenditure that we make that brings back that kind of monetary return. It just does not happen.

So if we add to that what we can do for the children in school, something that we struggle every day with, and we just heard the previous speaker talking about children not being able to read or to talk and all these kinds of things, we can see that some of these programs can open them up and help them to do that. Why would we not want to?

Now, I am not going to ask anyone to take my word for it, because I do not altogether understand it myself. But there is a direct correlation between dance and math. No two ways about it. Today, classical music is supposed to stimulate some part of the brain and that then that individual will have a better idea of spacial concepts. That is wonderful.

We do not know how all this works, but we are right now in the decade of the brain. All these wonderful studies have been taking place and we see how certain parts of the brain light up under certain stimulation and we have found out so much.

We have found out, for one thing, that we have to begin at birth, with a baby, to stimulate it, to educate it. We have a short window of opportunity, really, to open up that little mind to be everything that it can be.

It is critically important that we look at the United States and whether we are going to be a participant in this, in this decade of the brain, or are we again going to turn our backs on it.

Mr. Speaker, I want to yield 4 minutes to the gentleman from Georgia [Mr. LEWIS]; and then we will next be joined by my colleague from California [Mr. FARR].

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my colleague and my good friend from New York [Ms. SLAUGHTER] for holding this special order.

Mr. Speaker, in 1965, Congress established the National Endowment for the Arts. The idea behind the endowment was to create a climate for freedom, freedom of thought, freedom of imagination. Congress found that while no government can create a great artist or a great scholar, it is necessary and appropriate for the Federal Government to encourage freedom of thought, freedom of expression. I believe that we must provide the resources to support these freedoms.

Since that time, our Nation has changed dramatically. We have witnessed what I like to call a nonviolent revolution with the civil rights movement. We have seen a technological revolution in all areas of society. We have seen our Nation grow and really change.

Mr. Speaker, I grew up in rural Alabama, in an area without a telephone, without running water, without power. My father was a tenant farmer, a sharecropper. He was not allowed to vote or sit in some public places. But today we can fly through the air like a bird and swim through the water like a fish. We put a man on the Moon. We communicate by satellite, by computer on the Internet.

These revolutions are social revolutions, our cultural revolutions, our revolutions in science and technology, are the results of our collective imagination as a Nation, our sense of direction and our need for growth and change.

Throughout history, as the Nation has grown and changed, it is imagination, it is art, that has uplifted us and guided us and defined us. It is imagination that has made our dreams come true.

Just 2 weeks ago I had a great experience, a wonderful experience. I visited an elementary school in Atlanta called Mary Lin Elementary. I was impressed and amazed by all of the students at this little school. Children as young as 4, in kindergarten, 4 years old, but also children of all ages had drawn pictures of what they understood to be the civil rights movement. These young students, these young bright minds, had decorated every hall in every building with their colorful vision, each drawing different, each drawing unique. Every student was involved. Every student understood something about history through their imagination, through art.

Just yesterday I had lunch with an art teacher from the Atlanta public schools, Ms. Deborah Laden. She told me that she received less than $100 for each student in her class for art education. It is a shame and a disgrace that in a Nation as rich and as powerful as the United States, in a Nation, yes, that has put a man on the Moon, we do not invest more in our children, in their ability to dream dreams and to share and express those dreams.

In the same way children learn through art, we all are inspired by professional artists and others who have taken time to explore human existence and human history. It was President John Fitzgerald Kennedy who once said,

> Behind the storm of daily conflict and crisis, the dramatic confrontations, the tumult of political struggle, the poet, the artist, the musician, continue their quiet work of centuries, building bridges of experience between people, reminding man of the universality of his feelings and desires and despairs, and reminding him that the forces that unite are deeper than those that divide.

President Kennedy went on to say,

> I see little of more importance to the future of our country and our civilization than full recognition of the place of the artist. If art is to nourish the roots of our culture, society must set the artist free to follow his vision.

Today, more than 35 years later, these words are more important than ever. We are in the midst of the information age. Our workers must be able to learn quickly. They must be imaginative thinkers and creative individuals. They must handle the tools of technology with a sense of philosophy, a sense of history, a sense of vision, a sense of community.

With a modest investment, just a little bit, a modest investment, we can help fill in the gaps of American education and encourage art education in our schools. With a very modest investment, we can help decorate every hallway of every school in every State with creative vision of our youngest minds, uplifted and inspired by their own imagination and the imagination of each other.

These young children, because of art, because of their imagination, may grow up to be visionaries, to be scientists, artists, doctors, lawyers, ministers. These young children will lead us into the 21st century.

Some of my colleagues today may ask if we can afford to invest in the arts. Our answer must be, how can we afford not to? Free the artists, provide the necessary resources, let the imagination, the minds run wild. It is what our country, it is what our society is all about.

Mr. Speaker, I thank the gentlewoman again for holding this special order on the arts.

Ms. SLAUGHTER. And, Mr. Speaker, I thank the gentleman for his participation. That was wonderful and I appreciate that very much.

Now, Mr. Speaker, I would yield to my colleague from California, [Mr. FARR] and we will have a few discussions here on this same subject.

□ 1915

Mr. FARR of California. I thank my distinguished colleague from New York for yielding, and the Speaker tonight. We spent a wonderful weekend in his beautiful State of Pennsylvania.

Walking over to the Capitol tonight to join in this colloquy on the arts, I could not help but think as I looked up at the sky and saw the crescent Moon up there, just the wisp of a crescent Moon over the Capitol, how this building is indeed a living museum of art. It is a living museum of history, a living museum of democracy in the United States. Yet more than ever what this building demonstrates is the creative talent, the historic talent of this country displayed in paintings, displayed in photographs, displayed in works of sculpture in Statuary Hall, displayed in the architecture of the building, displayed as a symbol to the greatest democracy in the world.

And yet Members who serve in Congress like to think that there is an option in this country, that arts are essentially a disposable commodity, that it is something frilly. I cannot help but

think, as we talk so much about the need for this country's underlying security and its economic creativity, that the most creative aspect of America is in the diversity of its arts. It is the engine of our economy, and where that begins is in schools. It also begins in the home. It also begins in the political families that we live with.

This weekend when we went on the retreat, the bipartisan retreat to talk about how we can bring more civility to Congress, to this House, to this very Chamber we are in tonight, I could not help but think that as the families engaged in this discussion with their children there, that what the leadership of this House provided was essentially a weekend of arts for the children. That is what they chose, as we discussed among ourselves. They chose to give the children art so that the children could be very creative, and every parent blessed that.

And yet some of those parents come here at the same time the next day or this next week or the next month and will do everything they can to discourage the funding of arts through the public sector. What we are about is education in America. What education is about is an educated work force. And what a work force is about is building an economy. And what that economy is about is in a global, competitive society, is being a little bit more creative. It is not just the creative mind. It is the creative fingers, it is the creative toes. Therefore, if we really want this country to be strong and independent, we have got to invest in the arts.

When I was in the State legislature in California, I cochaired the Joint Committee on the Arts. We invested in the arts in California. Why? Not because it was an optional thing to do; it was because industrial development in California demands it. The Los Angeles Chamber of Commerce demands that we invest in arts because they sell arts very well in Los Angeles. San Francisco demands that you invest in the arts because San Francisco is known for its arts.

New York, where you come from, what would New York be without the arts? What would the city of New York be? Look how much money the city puts into it, private sector and public sector money. And yet again where we fail to really commit ourselves to the arts is in our public school education program.

In California we have made it so important that we require that in order to graduate from high school, every student must take at least a year of arts, or we give them the option of a year of foreign languages. Both of those are, we think, skills necessary to compete in the 21st century.

We are here tonight to remind our colleagues that the arts are not a frivolous, disposable commodity in America. They are essential not only to our cultural well-being but to our economic well-being.

I applaud the gentlewoman for her dedication to the arts, for forming the Arts Caucus, for allowing high school children from all over the United States to be in competitive contests in their districts and hang their art here in the Capitol so that they can be role models to the thousands, to the millions of students who walk through this Capitol and see children their own age being able to promote the arts.

I thank the gentlewoman for allowing me to join in on her colloquy on the arts, and I would remind all our colleagues that the arts are some of the most essential products of American freedom in a democratic society, an expression of one's self, of community and of nation.

Ms. SLAUGHTER. I thank the gentleman from California [Mr. FARR].

I yield to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. I thank the gentlewoman for yielding. Mr. Speaker, I rise today to recognize the importance of the arts in our Nation and our communities.

The National Endowment for the Arts, the NEA, and the National Endowment for the Humanities, the NEH, serve important educational, cultural and economic roles in our society. The benefits of the Endowments for the Arts and Humanities have often been overlooked. While much attention has been paid to a few controversial grants, most NEA money goes to support important community programs such as museums, libraries, schools, and orchestras. The NEA is a great investment in the economic growth of every community and country. The nonprofit arts industry alone generates $36.8 billion annually in economic activity and supports 1.3 million jobs and returns $3.4 billion to the Federal Government in income taxes.

In terms of dollars and cents, the United States spends only 64 cents per person to support the arts each year, a level 50 times lower than other industrialized countries. The arts industry attracts tourist dollars, stimulates business development, spurs urban renewal, and improves the total quality of life for our cities and towns.

Additionally, the National Endowments for the Arts and Humanities broaden public access to the arts so all Americans can participate in and enjoy and learn from the arts, improving the quality of life of our children and families. The NEA supports educational programs such as teacher institutes, museum exhibitions and advanced study grants that enrich the cultural livelihood of our communities and our Nation.

Not only do these programs ensure accessibility to our museums, universities and libraries, but they also serve as a vital link to our children's education. These programs are an integral part of our comprehensive education that help broaden the horizons of our children and instill in them a love of learning. They represent our Nation's cultural heritage, creativity, and pride.

Without the assistance of the NEA, various programs vital to my district would not be possible. The Museum of Fine Arts of Houston, the Alley Theater of Houston, the Dance on Tour Program and the Houston Grand Opera would be in jeopardy.

Young Audiences of Houston is another valuable organization which works in my district, that demonstrates the beneficial impacts and contributions the arts have in our communities. Celebrating its 40th anniversary this year, Young Audiences of Houston is 1 of 32 independent chapters of Young Audiences, Inc. that form the Nation's largest nonprofit arts and education organization and the only arts organization to be a 1994 recipient of the National Medal of Arts. Young Audiences is dedicated to educating children through the arts and to making the arts an integral part of the school curriculum.

Young Audiences' highly participatory, curriculum-related arts programs reinforce classroom instruction, foster creative thinking skills, awaken interest in learning and broaden student understanding of world arts and cultures. Emphasis is placed on multicultural programming and on serving children at risk in schools with high need. The arts provide positive role models, enhance self-esteem, foster academic achievement, encourage students' sense of ownership in the educational process and help young people elect to remain in school. Furthermore, Young Audiences contributes to the economic vigor that a healthy cultural climate brings to the city and helps keep Houston in the forefront of arts education reform.

I congratulate Young Audiences on their 40th anniversary and commend them for their dedication to educating children and communities through the arts. The NEA and the NEH are at the forefront in the preservation of our historical and cultural heritage, encouraging the use of technology, strengthening education, and broadening access to the arts for all Americans to participate in and enjoy. Our continued support of the arts will enhance our children's future, their educational development, economic growth and their quality of life.

Ms. SLAUGHTER. I thank the gentleman from Texas [Mr. BENTSEN] for coming and joining us this evening. That was a very important message. We are trying to reinforce what art means to children in making better students, cutting out the dropout rate, all the wonderful things we want for the children at risk.

I yield to the gentleman from California [Mr. HORN], the co-chair of the Congressional Members Organization for the Arts.

Mr. HORN. I thank my colleague from New York. She had done just a splendid job when she chaired the arts caucus a few years ago when I first came here in 1993, and I am delighted that she is reinvigorating it, because there are many Members in this Chamber that have strong support for the arts.

Increasingly in our communities, there is stronger and stronger support for the arts. One of the reasons there is stronger support is that the National Endowment for the Arts has done, on the whole, a splendid job. So has the National Endowment for the Humanities. So has the Institute for Museum Services. These are minusculely funded by the Federal Government, but they make a difference, because we have the opportunity to engage with partnerships at the local level. The match money is very effective in involving people.

I am fortunate in my district, which includes Long Beach to Downey in southern California, Los Angeles County, that we have vigorous arts groups, and we have had excellent support from the NEA. That is very important to our museums. The Long Beach Museum of Art, the California State University Art Museum. All of those have been recognized as having high quality, that involve people, involve young people.

The symphonies in several of the cities in my district go out and reach out into the schools so young people can see what I had the opportunity to see when I was 5 or 6 years old. I did not know much about music at the age of 5 and 6 except the piano and singing around the table with everybody else. But one night in Hollister, CA, population 3,500 at that time, in San Benito County whose total population even though it was 60 miles long was about 13,000 people, to the high school came a wonderful musical organization, a symphony. Everybody dressed in the magical black tie and their instruments shiny. How did they end up in Hollister, CA, where there were not too many people? It is because the Works Progress Administration, the WPA, had funded them to go into the rural areas of our State where all of us were growing up pretty much on ranches, a few grew up in the towns, and they performed some of the great music that night. It made a difference in my life. I decided I wanted to be a music major, which I was through high school. I did not pursue it that much in college because I realized I did not have the world's greatest talent on the French horn. I was OK, but not the greatest talent, and that my desire to be a conductor would probably be a dubious desire, although I had been the conductor of all the student orchestras. But that made a difference in my life, and that has made a difference in millions of young people's lives.

A dean I had at California State University Long Beach when I was president, I made her Dean of Fine Arts, Maxine Merlino. She is in her eighties. She holds the world's swimming championship for her age group. She was doing murals here in Washington, DC in what we know as the Old Post Office down a few blocks from the White House, and those murals are still here, and they are bringing joy to people as they look at those murals.

We can replicate that, in towns, in communities, in rural areas, in mountain areas, and in our great urban areas. It is tremendously important to continue these endowments. We have got a few critics. Yes, they object to 10 grants out of the 100,000 made. That is not bad. That beats baseball's scoring. It beats football's scoring. Obviously when you are in the arts, some things are going to be controversial. That does not mean we need to approve them. Just do not go see them. Go look at something else. Art has different tastes for different people. We have got to remember, this is a country of great diversity, and we need to bring out in the various immigrant groups, as we have in Long Beach with the Cambodian group, the groups from Laos and their beautiful work that is on display in the various museums in the city of Long Beach.

Arts are also increasingly entrepreneurial. Yesterday my colleague from New York and I had the pleasure of sponsoring with several of our colleagues the visit of Bill Strickland from Pittsburgh. He has been awarded the Genius Award of the MacArthur Foundation, and he truly is a genius. He was a young man who could barely read, who dropped out, who took up ceramics and from that artistic career he gained the self-esteem that he needed, and by one chance after the other, he incrementally has built one of the major centers of not only the arts but a number of other things, because one thing led to the other. And he has worked with out-of-work members from the steel mills, welfare mothers and others, and, as we all know, we are talking about the welfare bill in here and how do you get people into the job market that have never had an opportunity to be in the job market? He has shown it can be done.

□ 1930

What has he developed? As I say, he started with ceramics, and pretty soon people sold some of the ceramics work. He trained them as artists. Then he worked with industry, and he had pharmaceutical training, he had television training, he had a whole series of things: flower gardens, horticulture, a catering service developed to feed the students that came to his school, an integrated thing, a small community in one of the worst districts in Pittsburgh where people would often be afraid to even go to an event at night. And in his beautifully designed buildings, which have been the work of both corporations, individual philanthropists and just plain knowing how to make the money in your food operations and your sale of art he has developed a marvelous pinnacle and vista where young people and young and old can come and appreciate what has happened.

Mr. Speaker, I thank my colleague for the time she has given me, and I wish her well in this endeavor.

Ms. SLAUGHTER. Mr. HORN, you know one of the things that he told us yesterday that really stuck with me was that he has this wonderful building and all these students who come there, and they have been there for 10 years, and 2 blocks away is the school that he went to as a youngster, and it has bars on the windows and police cars outside and people patrolling the perimeter. But in his facility two blocks away he said that he needs no guards in the daytime, there has never been any graffiti, and despite all of the important and expensive equipment and things he has inside that building nothing has ever been touched.

Mr. HORN. That is right, and he also said that since he happens to be African-American and the African-American black students that go there, and white students go there, there has never been one incident, not one.

Ms. SLAUGHTER. Once again we just find that arts brings people together and does the kind of thing that we want for human beings, and it really would be dreadful if we made a statement here on this floor that it did not matter to us.

Mr. HORN. And it seems to me that whether it be the WPA Orchestra in 1935 that I saw or the hundreds of orchestras that have benefited from grants from the endowment and their outreach into schools they can change people's vision, and we all know about the books.

One of the professors at California State University Long Beach wrote a best seller called ''Drawing on the Right Side of the Brain''; Dr. Betty Edwards of our department of art, and another one on ''Drawing on the Artist Within.'' A million copies of the first book, half a million copies of the second.

People can learn to be artists not necessarily for the commercial aspects but for their own enjoyment, and I have felt for 30 years at least that if we stress the right side of the brain in the schools, not just the left side of the brain, important though that is with mathematics and all the rest, we would build self-esteem in these children, and we would then transfer them into success in some of the mathematical, history, whatever subjects, languages, all the rest. But we need to help people develop their creative talents, and it has made a difference.

Ms. SLAUGHTER. And we find that once that right brain is developed it spills over on to the left-hand side, and, as I pointed out earlier, that just 4 years of art, the verbal scores on SAT's will go up 65 points, and math, 45, and I know of no other thing we can do for these students to get that kind of result.

Mr. HORN. I happened to go to a high school where we had an outstanding music department. We had a 100-piece concert band, a 60-voice choir and a 60-piece orchestra. Now that was in a school of 500 where only maybe 10 out of the 110 graduates went on to college, but it made a difference in peoples' lives to hear Tchaikovsky, to hear Brahms, to hear Beethoven, to have

tears come to your eyes. It makes you a human being, and that is what we ought to be encouraging in this country.

Think of this king of this or that country had not been funding money to Beethoven or to Mozart. Those were the patrons of their day two centuries ago. What a difference their music has made in our lives. Mozart died, as we all know, at a very young age, in his thirties, and Tchaikovsky and others had patrons.

Well, there are still patrons for our symphonies, and some large symphonies frankly I do not worry about; they can get the money in a major city. But it is those middle-sized cities and those very small cities that are just beginning in a musical adventure that we need to give encouragement and stimulus to.

Ms. SLAUGHTER. That is the best thing about the NEA. It wants to make sure that every nook and cranny from sea to shining sea has the same opportunity.

I yield now to my colleague, CONNIE MORELLA, from Maryland.

Mrs. MORELLA. Mr. Speaker, I thank the gentlewoman from New York, my good friend, Mrs. SLAUGHTER, for yielding to me and for the special order on an issue that we all believe is so very important.

I rise, Mr. Speaker, to express my support for the arts and to highlight the important world of the arts and the educational development of our children and the economic growth of our country.

The arts and humanities have absorbed their fair share of budget cuts over the past 2 years. Funding for the National Endowment for the Arts and the National Endowment for the Humanities has been slashed by 40 percent. I oppose any efforts to eliminate or make further cuts in funding for the NEA and the NEH.

I wholeheartedly believe that Government should support the arts, and according to a Lou Harris Poll I am in sync with most of the Nation. The latest Lou Harris public opinion poll concludes that 79 percent of the American public favors a governmental role in funding the arts. Sixty-one percent would pay $5 more in taxes to support the arts, and 56 percent would pay $10 more in taxes for the arts.

Mr. Speaker, 86 percent of America's adults participate in one or more of the arts. Frankly you know that is 33 percent more than participate; by that I mean vote in Presidential elections. Cultural funding is a mere two one-hundredths of 1 percent of our multi-billion-dollar budget. We spend 70 cents per person on the humanities, 64 cents per person on the arts, on history, English literature, foreign languages, sociology, anthropology, and other disciplines. Seventy cents a person buys teacher training programs. These programs provide professional development opportunities for our teachers to increase their knowledge in their field and pass it on to their students. It is estimated that the 1,000 teachers who participate each summer in NEH-funded summer institutes directly impact 85,000 students per year.

In Maryland the arts are an important part of the economy. In 1995, for example, the arts contributed $634 million to the State's economy through direct spending by arts organizations and audiences. More than $21 million was generated in State and local taxes paid by arts organizations and audiences, and 19,000 jobs were generated. On our National Arts Advocacy Day, March 11, 1997, members of the Maryland Citizens for the Arts visited Capitol Hill and brought with them a special message: ''The arts stimulate economic growth.'' For every dollar the NEA invests in communities there is a twenty-fold return in jobs, services and contracts.

The arts invest in our communities, the arts develop in our citizens a sense of community, and they contribute to the liveability for families in that community.

The arts are basic to a thorough education. Student achievement and test scores in academic subjects can improve when the arts are used to assist learning in mathematics, social studies, creative writing and communication skills, and I am particularly proud that the chairman of the Maryland Citizens for the Arts is Eliot Pfanstiel who is a constituent of mine.

Mr. Speaker, our legislative agenda could have far reaching implications for the cultural vitality of our Nation. Art is the symbolic expression of who we are. It is how we remember. It is important, even vital, that we support and encourage the promotion of the arts and humanities so that the rich and cultural story of our past can be made available to future generations.

I have often liked the expression that the arts are the border of flowers around the pot of civilization, but I would say they are more than the border of flowers. They really are also the border of nutrients, what we really need for our subsistence and for our cultural vitality and for the greatness of our country.

I thank the gentlewoman from New York again for arranging this special order, and I know she is so important to all of us.

Ms. SLAUGHTER. I thank you so much for being here, and I appreciate your message.

Mr. Speaker, I want to close with two very brief examples of what we were talking about with the revitalization of towns' economy through art. The Northeast has suffered out migration, as you know, over a number of years, and one little town in New York State called Peekskill was really in very bad condition. The downtown area was basically dead, theatres had closed, restaurants closed. It was not much happening there until a sort of spillover from New York City. A famous artist came into Peekskill, and a well-known sculptor took over the old movie theater. It was perfect for his massive work, and galleries began to open, and then there was a massive change in Peekskill. People began to come in droves. The restaurants opened up again because people needed someplace to live, they needed a place to stay, they needed a place to buy gasoline, they needed a place for snacks, they needed things for souvenirs for their children, and that economy was brought back because of the art that was in Peekskill.

Providence, RI has just recently embarked on the same kind of an adventure in their downtown area. They have turned parts of abandoned factories and other buildings into places where performing artists and other artists can work in a group in one square mile of downtown Providence. It has been absolutely an amazing revitalization. It has brought back that city of 160,000 people to life and has stopped the out migration to other parts of the State and to the country.

Art speaks for itself, but I do think it is important for me and for my colleagues to say to you that we are not asking here for anything that is frivolous, for anything that does not pay its own way, for anything that does not help our children in incalculable ways.

So, Mr. Speaker, when art reauthorization comes to the floor of the House, I urge my colleagues to support it, and I hope that everybody in America will as well.

Mr. NADLER. Mr. Speaker, I rise tonight to celebrate the arts in America and to call on my colleagues to fully fund the National Endowment for the Arts [NEA], the National Endowment for the Humanities [NEH], and the Institute of Museum and Library Services [IMLS].

Whether it is visual art, performance art, music, poetry, literature, or historical preservation, the NEA, the NEH, and the IMLS have all served our Nation well, and America is stronger because of them.

I am proud that my district includes most of the Broadway theater and many of the nonprofit theater institutions, including Lincoln Center and the New York Shakespeare Festival. It also includes the SoHo art galleries, museums, radio and television studios, record and film companies, and hundreds of individual artists, writers, dancers, and musicians. The positive economic impact of this arts community has long been documented. The contributions they make to the economy and to the quality of life in New York is immense. In fact, when people nationally and internationally think about New York City, they often think about its cultural richness.

Other cities are beginning to realize that the arts draw people into the city and provide a valuable economic boost to the local economy. As a result, mayors across the country are rushing to build arts and cultural centers in their own cities and are seeking national support for their efforts. Just as the arts community in New York receives a portion of Federal support, so too should these newly emerging artistic centers. That is just one reason why we will need to increase arts funding to expand the reach of the arts to people throughout the Nation.

Another reason to support the national endowments is the nature of the projects they fund. Let me give you some examples. The NEA supported a consortium project to expand Alvin Ailey's summer dance camps for inner-city youths in Philadelphia and Chicago; the NEA supported a program to create a national model for an integrated kindergarten through sixth grade arts curriculum to improve learning in all subjects and offer new ways to engage students; the NEA supported an initiative to provide music instruction for financially disadvantaged minority children in New York City public schools; the NEA supported a program to teach playwriting to young people ages 9 to 13 in one of New York City's toughest neighborhoods; and the NEA supported a project to produce and broadcast telecasts of the public television series ''Live from Lincoln Center.'' Now it is possible for folks in Wyoming and Indiana, not just New York City, to enjoy Lincoln Center performances. Helping children learn, reaching out to disadvantaged communities, boosting the economy, and providing national access to great performances—this is what the NEA is doing in 1997 to support the arts and to improve America, and that is why we in Congress must continue our bipartisan support for the arts. In fact, more projects like these deserve to be supported by the Federal Government to inspire our young people, to encourage them to nurture their natural talents, and to live up to their potential.

Therefore, not only must we preserve our cultural agencies, but we must increase their funding substantially, so that they can better serve our people.

Without these cultural agencies many beneficial projects would not exist, and America would be weaker without them. Think about how the arts touch and improve all of our lives. One way to do this is to imagine what the world would be like without art. Some have suggested to me that we ought to have a national arts awareness day. A day when we try to live without art. When we wake up without music, when we work in offices without wall hangings, when TV's don't work, when the theaters and opera houses are closed, when museums and libraries don't open their doors, and when even the reading of books is not allowed. A day when all of our national monuments are cloaked in black and art is taken out of our public spaces. The Capitol building itself would have to close down, because in every corridor and on every wall there are examples of public support for the arts—statues, paintings, and historic documents all serve to enrich this building and those of us who work here. Even the thought of a day without art is frightening. So, we must all recognize how integral the arts are to our life experiences, how they serve to improve the lives of Americans, and how they enrich us as a people and as a nation.

The Congress must continue its support for the arts if America, as President Clinton noted in his State of the Union Address, is to remain as a beacon, not only of liberty, but of creativity.

Mrs. MINK of Hawaii. Mr. Speaker, I rise to denounce the shameful war being waged on the arts and humanities. The National Endowment for the Arts [NEA] and National Endowment for the Humanities [NEH] have had fundamental impacts on our lives and our children's lives over the past 30 years. It is difficult to comprehend reasons behind vicious attacks on the very things that enrich our lives through music, art, dance, history, and other means of celebrating culture.

The appropriations process of the 104th Congress severely cut funding for the NEA and NEH. The NEA suffered a cut of 39 percent from $162 million in fiscal year 1995 to $99.5 million in fiscal year 1997, and the NEH, a cut of 36 percent from $172 million in fiscal year 1995 to $110 million in fiscal year 1997. These cuts have forced the NEA and NEH to reduce staff and grants to States, which has hurt local communities in every congressional district.

Some would have gone farther and had these agencies slated for termination—the NEA by September 30, 1997, and the NEH by September 30, 1998. Fortunately, such proposals were eliminated before final passage of the Omnibus Consolidated Appropriations Act of 1997. We must keep them from ever becoming law and prevent the NEA and NEH from being eliminated.

Legislation to reauthorize the NEA and NEH—only to have them phased out—was rushed last year through the formerly named Economic and Educational Opportunities Committee. The arguments used then against both agencies were skewed. Those wanting to eliminate the NEA overemphasized a few, select projects believed improper for the Government to fund. Efforts to typify these projects which make up a very small percentage of all projects handled by the NEA jeopardized all other educational and meaningful theater, dance, orchestra, literature, folk arts, arts education, and many other activities enjoyed in our communities. The NEH was likewise brought into the mix.

Such tactics are still being employed particularly by NEA opponents, despite several changes in the operation of this agency under the leadership of its Chair, Jane Alexander. Throughout 1994, the NEA performed a comprehensive review of grant review and monitoring procedures, tightened guidelines, and eliminated subgranting to third party entities which had allowed projects to bypass strict NEA application review. In 1995, the NEA conducted a reduction-in-force by 40 percent, while being threatened with further restrictions by Congress to eliminate grants to individual artists and abolish seasonal operating support to organizations. These additional restrictions became law in April 1996, following weeks of an unprecedented Government shutdown, included in the omnibus appropriations bill. At the end of 1996, the NEA released its first round of grants under a newly revamped grant structure, approving more than 300 projects totaling almost $18 million.

The NEA has clearly been responding to direction from Congress to rework the way it operates. It is wrong for this agency to be further subjected to unreasonable scrutiny and criticism.

Similar hostility toward the NEH is unwarranted and unjustified.

This Congress must approve President Clinton's request to restore funding for the NEA and NEH to adequate levels at $136 million for each agency. Many State budgets are already strained and cannot substitute for Federal support from the NEA and NEH.

In fiscal year 1997 in the State of Hawaii alone, the NEA funded the Hawaii Alliance for Arts in Education at $50,000 for Hula Ki'i—a complex of Hawaiian traditional arts to be integrated into school curricula on the islands of Moloka'i, Oahu, and Kaua'i. The NEA has also funded the State Foundation on Culture and the Arts in Honolulu to support a 2-year statewide traditional arts apprenticeship program and production of a radio series featuring documentary interviews with apprenticeship participants. I find these and other projects given grants in the past to be very worthwhile and valuable to residents of Hawaii, as well as tourists visiting my State.

The NEH has, since 1977, approved challenge grants to Hawaii totaling $910,700, which has allowed humanities institutions to raise more than $2.7 million in private funding.

For example, Hawai'i Pacific University is using a $575,000 NEH challenge grant to raise more than $1.7 million in private gifts for a self-sustaining endowment that will support a visiting professorship in the humanities, a senior chair in world history, and information technology acquisitions. NEH also helped in the wake of destruction caused by Hurricane Iniki by making eight emergency grants to damaged libraries, archives, and museums totaling $202,000.

We must continue to support the NEA and NEH on the merits of positive impacts these agencies have in our local communities. I urge my colleagues to support restoration of funding for both agencies, and continued dedication to arts and humanities.

Mr. MANTON. Mr. Speaker, I rise today to join my colleagues in expressing my support for continued Federal funding for the arts, which play a critical role in our communities and our schools. I would like to thank my colleague from New York, Congresswoman SLAUGHTER, for scheduling this special order.

As a member of the Congressional Arts Caucus, I take a special interest in protecting the future of art programs. Because most cultural programs cannot survive solely on private funding, we must continue to ensure they receive adequate public support.

The arts play an essential role throughout our Nation, in both rural and urban areas. In my district of Queens, I am pleased to represent a number of theaters, museums, and dance groups who enrich our neighborhoods with their talents. Funding cuts would be devastating for these organizations. In fiscal year 1997, I was pleased to see 12 cultural groups in my district received Federal grants for their projects. In addition, I have been pleased to participate in the congressional art competition, where one of my young constituents, Ji Mi Yang, was the most recent winner from the Seventh District. I look forward to participating in this competition again in 1997.

Art programs play a vital role in our communities and in our schools. By enhancing art programs in our schools, we encourage the creative side of students while producing more well-rounded, self-confident individuals. Art programs enhance our communities. People of all social classes enjoy music, theater, art, and dance. Bringing these enjoyments to our neighborhoods strengthens the local economy while enhancing cultural understanding.

President Clinton articulated his strong support for the arts and humanities during his State of the Union speech. Recently, the President's Committee on the Arts and Humanities released a report, ''Creative America,'' which reemphasized the need to support

art programs and made several recommendations for strengthening cultural support in our society.

During the 105th Congress, we will continue to debate the future of Federal funding for the arts and I urge my colleagues to join me in continuing to support funding for vital cultural programs.

Mrs. MALONEY of New York. Mr. Speaker, what I have found to be most inspiring in my life is the act of giving from people and organizations that have very little for themselves. This exemplary behavior is often exhibited by citizens in our nonprofit groups who, despite serious budget constraints, seem to be able to reach down deep and come up with a little more for those around them. The NEA and NEH are two such agencies.

The U.S. Conference of Mayors has again written a letter urging the President, Speaker NEWT GINGRICH, and Speaker LOTT to consider that,

> The arts and humanities serve as an essential and forceful vehicle to educate our citizens, help our struggling youth, spur economic growth in our communities, and bring us together as a nation.

And I could not agree with this sentiment more.

As a proud Representative of one of the world's most celebrated cultural centers, I am appalled that this body would consider zeroing out funds for two of the most judicious and economical organizations by any business' standards. The fact is, that since the 40-percent reduction in arts funding, the American public spends only 38 cents per person to fund the largest cultural voice in America. The fact is, all other developed nations spend more than 2 to 10 times as much as the United States. The fact is, through its public-private partnerships, the NEA draws roughly $12 for every $1 in Federal funding it is awarded. The fact is, the arts have generated billions of dollars through many of our industries and return over 10 percent of what it earns through taxes. The fact is, the nonprofit arts industry represents nearly 1 percent of our work force.

There are many, many more economic reasons to support the NEA and NEH—we all know them, and yet the Republican leadership is still on the warpath to kill Federal sponsorship of the arts. As far as I am concerned, the fight to end our Federal arts institutions is yet another assault on children. These are not the children of the privileged as the Republican leadership would have us believe, but the kids who are, at their best, culturally deprived, and at their worst, at-risk youth with little in their life to keep them going.

I am extremely honored to serve and be served by what I consider the single greatest arts region in the world. New York City is not only revered for its famous collections and prosperous operas and dance productions, but because it has a rich tradition of sharing these treasures with those less fortunate within the community and throughout the United States. The wealthy will most likely always have their cultivation, but Federal dollars through the NEA and NEH provides access for those who would not. And even though Harris polls still show that Americans want higher investment in the arts, I think that we have no idea how these agencies touch our lives.

We can find so much waste in our Government departments, not least of all Defense, but the NEA and NEH have the most flawless budgetary records. The radical right has been very clever in distorting small glitches in NEA grants and have purposely misled the public. In reality, the NEA and the NEH are the greatest gifts we can offer our children and future generations and one of the most generous outreach services we can provide to the public.

I think it is important to remember that only positive energy comes from these programs. We cannot lose when we invest in the arts. This meager investment helps us to learn more about our history and ourselves and conveys to us our common humanity and I would loathe to see the dying of this outstanding legacy.

I fully stand by the President's decision to restore funding to these agencies to what they were a few years ago and am pleased to stand with my colleagues from across the aisle who understand what the value of these agencies is to the greatest Nation in the world. I would also like to thank my friend and colleague, LOUISE SLAUGHTER, for her tireless efforts in defending the arts and for her most recent undertaking in rejuvenating the Congressional Member Organization for the Arts.

Please support including the arts in our national agenda by fully funding the NEA, NEH, and IMLS at the President's suggested levels.

Mr. LAZIO of New York. Mr. Speaker, we often lose sight of the positive effect that music, painting, theater, and dance have on our lives and the lives of our children. With that, I rise today as a reminder of the importance of the arts.

Beyond the metropolitan theaters and museums, the arts touch our remote suburbs and rural areas through dance troupes and local choirs. Folk art festivals across the country provide an arena for creative expression that might be overlooked by the commercial arts industry. These local initiatives, in turn, spur the economy through increased tourism, and encourage a sense of community.

In my home county of Suffolk, NY, approximately 100 arts organizations employ 400 full-time employees and over 2,000 part-time employees. The arts generate nearly $150 million in revenue for that county alone.

However, exposure to the arts does much more than expand the job market. Support for the arts carries over into the classroom and the workplace. Recent studies have shown higher SAT scores among high school students with an art background and stronger math skills among children who study music at an early age.

Perhaps more important are the analytic and creative skills developed through involvement with the arts. These skills not only help children excel in our classrooms, but help adults excel in the workplace. Think of your own office. Just as we in Congress expect innovative thinking from our staff, all industry relies on resourceful and imaginative workers to remain strong.

The arts have the potential to enrich the lives of all Americans. Without our support, they may simply become the privilege of an urban elite. I urge my colleagues to consider the many benefits of the arts.

Mr. CONYERS. Mr. Speaker, tomorrow the Appropriations Subcommittee on Interior will receive testimony on fiscal year 1998 appropriations for the National Endowment for the Arts. These are very important deliberations. I believe they will provide a very important barometer as to whether the 105th Congress will return this body to a course of bipartisan sanity and civility.

I believe those who pursued a strategy of defunding and dismantling the NEA in the 104th Congress made a mistake. I believe those who seized upon a few questionable grants to attempt to undo what has been achieved in 31 years, with consistent bipartisan support, were misguided. I hope that this Congress will reverse that course and support the President's proposal to strengthen the NEA.

I believe efforts to defund the NEA in the 104th were bad public policy. It was bad public policy because it was indiscriminate in its effort to correct a perceived wrong. If indeed the peer panel review system, in a few instances, made decisions of questionable taste with regard to what the American people would want to support with public funds, that was not a sufficient reason to reduce the NEA's appropriation by nearly 40 percent.

When we reflect on what the arts mean to this society, I think we will all see that supporting the NEA is something on which we should all agree. We need to reflect on the power of the arts to bring the many ingredients of the American melting pot, or as Marc Morial, the mayor of New Orleans, recently called it, the American gumbo, together in savory harmony.

This harmony is not always easy or obvious. Nevertheless, I can't think of anything else that is more in the national interest than the promotion of understanding and the exploration of the complexity of our identity. As the agency best equipped and most directly tasked to encourage the purposes of art, the NEA should be treated as a budgetary priority, not as a budgetary luxury. The NEA should not be viewed as expendable because it is, in fact, essential.

Do we really want to jeopardize programs like the Mosaic Youth Theater of Detroit, an afterschool program that develops young theater talent in a multicultural setting? Through this program young people receive movement and voice training. They are instructed in scriptwriting and technical production. They create original works and apply what they have learned in performances at community centers, hospitals, and nursing homes. Through a 1-week residency at a college campus, these youth are exposed to university life. I submit to you that this program is far more typical of what the NEA supports than the handful of grants that were used to shock the 104th Congress into reducing support for that agency.

The American people have made it clear that they want change, and that they expect this change to spring from bipartisan efforts. Americans want thoughtful change. In the 104th Congress, NEA funding came under indiscriminate attack. Fortunately, these attacks were moderated, and I look forward to working with my colleagues in the 105th Congress to further show our support for the arts.

As a result of NEA funding cuts in the 104th Congress, my district, the 14th District of Michigan, received exactly zero in direct funds for fiscal year 1996. NEA funding for Michigan went from $697,000 in fiscal year 1995 to $520,000 in fiscal year 1996, a reduction of 25 percent. By the way, these levels of funding demonstrate just how specious the budget-busting argument is when applied to the NEA. One needs the most powerful of electron microscopes to find such amounts in a Federal

budget that has topped $1.5 trillion in the last several fiscal years.

As many of you know, I have had a longstanding and deep commitment to American music, especially jazz. The downsizing of the NEA, dictated by the 104th Congress, led to an elimination of the NEA's music program and of all individual grants to jazz artists, with the exception of the Jazz Masters Awards.

How does that sound? The world's greatest democracy eradicates its music program? The world's greatest democracy eliminates funding for individuals who travel the globe as cultural ambassadors, demonstrating in their very art the superiority of the democratic form of government? I would say it sounds like the Nation's leading arts agency was forced to virtually abandon what the 100th Congress, in House Concurrent Resolution 57, which ''designated as a rare and valuable national American treasure * * *.''

I am sure that there are thousands of artists and creative workers of all disciplines who feel similarly abandoned. I hope that the 105th Congress will be remembered for many positive achievements, foremost among them, the restoration and strengthening of the NEA.

GENERAL LEAVE

Ms. SLAUGHTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

INTRODUCTION OF THE JAMES GUELFF BODY ARMOR ACT OF 1997

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan [Mr. STUPAK] is recognized for 13 minutes.

Mr. STUPAK. Mr. Speaker, before the gentlewoman from New York retires from the floor I would just like to add that as a member of the congressional arts caucus I certainly do support her position here tonight, and I enjoyed listening to her special order, and I would just like to add that I think that the arts signify the heart and soul of a nation and its people, and the U.S. Congress should continue its funding of the arts and humanities, and I join with you in that effort.

Mr. Speaker, I rise tonight to announce that last week I reintroduced legislation which would prohibit the mail-order sale of bulletproof vests and body armor to all individuals except law enforcement or public safety officers. My legislation, H.R. 959, would require that the sale, transfer, or acquisition of body armor to anyone other than law enforcement or public safety officers be conducted in person. In essence, what my bill does, it prevents the mail order of body armor. You can still purchase it, but you would no longer be able to purchase it through the mail.

My bill is entitled the James Guelff Body Armor Act of 1997 and is named for a San Francisco police officer named Guelff who was killed in 1994 by a gunman wearing a bulletproof vest and Kevlar helmet. More than 100 police officers of the San Francisco police department were called to a residential area where the gunmen fired in excess of 200 rounds of ammunition. Several officers actually ran out of ammunition in their attempt to stop the heavily armed gunmen and heavily protected gunmen. Mr. Guelff, who was killed, was raised in my northern Michigan district in Marquette, MI.

□ 1845

As a former law enforcement officer, I know all too well the challenges confronting those who serve to protect public safety and fight crime. We all saw the vivid and terrifying film from the botched California bank robbery last week, demonstrating that body armor gives criminals an unfair advantage during gunfights with police. Eleven Los Angeles police officers and six civilians were injured in that gunfight. Thousands of rounds were fired by two criminals, both of whom were wearing full protective body armor.

Witnesses from the crime scene reported that the bullets fired from the police officers' guns bounced off the bank robbers and mushroomed as they fell to the ground. Had my legislation become law in the 104th Congress, it would have made it more difficult for those criminals to obtain body armor that protected them during the gunfight with police.

We just do not have to look to California for examples of the way criminals use body armor. Last year in Michigan a 14-year-old driving a stolen car in the early morning hours was dressed in body armor from head to toe. You do not need body armor to steal a car, and police believe that the youth was going to kill an individual. It was a contract murder.

I have heard from law enforcement officers all across America about the increasing occurrences of drug dealers and other suspects who possess and use body armor in their confrontations with the police. Criminal elements are being transformed into unstoppable terminators with virtually no fear of the police or other people who are trying to apprehend them. These heavily protected criminals are capable of unleashing total devastation on civilians and police officers alike, and the increasing availability of body armor in the wrong hands portends a future of greater danger to America, greater danger to the American people, and a growing threat to our institutions.

For the past 3 years now I have advocated the passage of this legislation. Despite some verbal assurances, the chairman of the Subcommittee on Crime, the gentleman from Florida, has not allowed a hearing on my bill. I hope he will now reconsider.

So tonight I urge my colleagues and the folks listening at home to support and urge their Members of Congress to cosponsor my new bill, H.R. 959. It is a good step toward making our streets safer for America and the law enforcement community. Let us quickly pass my new bill, H.R. 959, and prevent these kinds of gunfights from happening in the future.

I would like to give special tribute tonight to police officer Kurt Skarjune for his continual efforts in helping me in our effort of trying to ban the sale of mail-order body armor. I hope the U.S. Congress will join with me and Officer Kurt Skarjune in this 3-year fight, and hopefully we can have the mail-order body armor banned so no one can obtain it through the mail.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILCHREST). The Chair would remind the gentleman that his remarks should be confined to the Chair and not to the listening audience.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. KAPTUR (at the request of Mr. GEPHARDT) for March 11 and 12, on account of personal business.

Mr. COBLE (at the request of Mr. ARMEY) for today until 3 p.m. on account of Committee on the Judiciary business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CAPPS) to revise and extend their remarks and include extraneous material:)

Mr. HINOJOSA, for 5 minutes, today.

Mr. SKAGGS, for 5 minutes, today.

Mr. LAMPSON, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

(The following Members (at the request of Mr. HASTINGS of Washington) to revise and extend their remarks and include extraneous material:)

Mr. BILIRAKIS, for 5 minutes, on March 13.

Mr. DUNCAN, for 5 minutes, today.

Mr. GOSS, for 5 minutes each day, on March 13 and 18.

Mr. MICA, for 5 minutes, today.

Mr. SENSENBRENNER, for 5 minutes, today.

Mr. SCARBOROUGH, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. CAPPS) to revise and extend their remarks and include extraneous material:)

Mr. LEVIN.

Mr. SCHUMER.

Mr. BENTSEN.
Mr. HILLIARD.
Mr. VISCLOSKY.
Mr. SMITH of Washington.
Mr. HAMILTON.
Ms. SANCHEZ.
Mrs. MINK of Hawaii.
Mr. WISE.
Mr. ACKERMAN.
Mr. DOOLEY.
Mr. PASCRELL.
Mrs. MALONEY of New York.
Ms. NORTON in two instances.
Ms. JACKSON-LEE of Texas.

(The following Members (at the request of Mr. HASTINGS of Washington) to revise and extend their remarks and include extraneous material:)

Ms. DUNN of Washington.
Mr. RADANOVICH.
Mr. GOODLING.
Mr. STEARNS.
Mr. PAUL.
Mr. DEAL.
Mr. GEKAS.
Mr. BARRETT of Nebraska.
Mr. HERGER.
Mr. OXLEY.
Mrs. NORTHUP.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 5. A joint resolution waiving certain provisions of the Trade Act of 1974 relating to the appointment of the United States Trade Representative.

ADJOURNMENT

Mr. STUPAK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 49 minutes p.m.), the House adjourned until tomorrow, Thursday, March 13, 1997, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speakers table and referred as follows:

2209. A letter from the Department of Defense, Director, Defense Finance and Accounting Service, transmitting notification of the Department's intent to conduct a cost comparison study of all Department of Defense Education Activity [DoDEA] finance, accounting, and disbursing functions, pursuant to 10 U.S.C. 2304 note; to the Committee on National Security.

2210. A letter from the Department of Defense, Under Secretary for Acquisition and Technology, transmitting the annual report detailing test and evaluation activities of the Foreign Comparative Testing Program during fiscal year 1996, pursuant to 10 U.S.C. 2350a; to the Committee on National Security.

2211. A letter from the Department of Defense, Director, Test, Systems Engineering and Evaluation, transmitting a letter notifying Congress of the intent to obligate existing fiscal year 1997 Foreign Comparative Testing [FCT] funds for an out-of-cycle FCT project designated ''Digital Voice and Data System,'' pursuant to 10 U.S.C. 2350a(g)(3); to the Committee on National Security.

2212. A letter from the Department of Defense, General Counsel, transmitting a letter informing Congress of a delay in the establishment of a panel to review the various authorities for court-martial and nonjudicial punishment for the National Guard, when not in Federal service, and the use of those authorities; to the Committee on National Security.

2213. A letter from the National Skill Standards Board, Executive Director, transmitting the report to Congress on the activities of the Board from October 1995 to January 1997, pursuant to 20 U.S.C. 5936; to the Committee on Education and the Workforce.

2214. A letter from the Department of Energy, General Counsel, transmitting the Department's final rule—Policy and Planning Guidance for Community Transition Activities—received March 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2215. A letter from the Federal Communications Commission, Managing Director, transmitting the Commission's ''Major'' final rule—Revision of Part 22 and Part 90 of the Commission's Rules to Facilitate Future Development of Paging Systems and Implementation of Section 309(j) of the Communications Act—Competitive Bidding (Second Report and Order, WT Docket 96–18 and PP Docket 93–253) received March 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2216. A letter from the Federal Energy Regulatory Commission, Chair, transmitting the Commission's ''Major'' final rule—Promoting Wholesale Competition Through Open Access Non-discrimination Transmission Services by Public Utilities and Recovery of Stranded Costs by Public Utilities and Transmitting Utilities (Order No. 888–A) and Open Access Same-Time Information System [OASIS] and Standards of Conduct (Order No. 889–A) received March 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2217. A letter from the Securities and Exchange Commission, Secretary, transmitting the Commission's final rule—Anti-manipulation Rules Concerning Securities Offerings (Release Nos. 33–7375; 34–38067; IC–22412; International Series Release No. 1039; File No. S7–11–95) (RIN: 3235–AF54) received March 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2218. A letter from the Defense Security Assistance Agency, Acting Director, transmitting the quarterly reports in accordance with sections 36(a) and 26(b) of the Arms Export Control Act, the March 24, 1979, report by the Committee on Foreign Affairs, and the seventh report by the Committee on Government Operations for the first quarter of fiscal year 1997, October 1, 1996—December 31, 1996, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

2219. A letter from the Agency for International Development, Senior Deputy Assistant Administrator, transmitting a report on economic conditions prevailing in Egypt that may affect its ability to meet international debt obligations and stabilize its economy, pursuant to 22 U.S.C. 2346 note; to the Committee on International Relations.

2220. A letter from the Department of the Treasury, Chief Counsel, Office of Foreign Assets Control, transmitting the Department's final rule—Narcotics Trafficking Sanctions Regulations (Office of Foreign Assets Control) (31 CFR Part 536) received February 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2221. A letter from the U.S. Arms Control and Disarmament Agency, Director, transmitting a draft of proposed legislation to amend the Arms Control and Disarmament Act to authorize appropriations for fiscal years 1998 and 1999, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on International Relations.

2222. A letter from the CoBank, Human Resources Manager, transmitting the annual report to the Congress and the Comptroller General of the United States for CoBank, ACB retirement plan for the year ending December 31, 1995, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

2223. A letter from the National Aeronautics and Space Administration, Administrator, transmitting a report that during calendar year 1996, the NASA Contract Adjustment Board did not meet to consider any cases and granted no requests for extraordinary contractual relief under Public Law 85–804, pursuant to 50 U.S.C. 1434; to the Committee on Government Reform and Oversight.

2224. A letter from the Federal Election Commission, Chairman, transmitting 56 recommendations for legislative action, pursuant to 2 U.S.C. 437d(d)(2); to the Committee on House Oversight.

2225. A letter from the Assistant Attorney General of the United States, transmitting a draft of proposed legislation entitled ''Saving Law Enforcement Officers' Lives Act of 1997''; to the Committee on the Judiciary.

2226. A letter from the Office of Government Ethics, Director, transmitting the Office's final rule—Executive Agency Ethics Training Program Regulation Amendments (5 CFR Part 2638) (RIN: 3209–AA07) received March 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2227. A letter from the Federal Aviation Administration, Acting Administrator, transmitting a report to Congress on the feasibility of offshore platforms for terminal Doppler weather radars to serve John F. Kennedy International and LaGuardia Airports, New York, NY, pursuant to Public Law 104–264, Section 1217 (110 Stat. 3285); to the Committee on Transportation and Infrastructure.

2228. A letter from the Secretary of Commerce, transmitting the 1996 annual report of the Visiting Committee on Advanced Technology of the National Institute of Standards and Technology [NIST], U.S. Department of Commerce, pursuant to Public Law 100–418, Section 5131(b) (102 Stat. 1443); to the Committee on Science.

2229. A letter from the Acting Secretary of Labor, transmitting the quarterly report on the expenditure and need for worker adjustment assistance training funds under the Trade Act of 1974, pursuant to 19 U.S.C. 2296(a)(2); to the Committee on Ways and Means.

2230. A letter from the Federal Reserve System, Chairman, Board of Governors, transmitting the Board's monetary policy report to the Congress pursuant to the Full Employment and Balanced Growth Act of 1978, pursuant to 12 U.S.C. 225a; jointly, to the Committees on Banking and Financial Services and Education and the Workforce.

2231. A letter from the General Services Administration, Administrator, transmitting the annual report regarding the accessibility standards issued, revised, amended, or repealed under the Architectural Barriers Act of 1968, as amended, pursuant to 42 U.S.C. 4151; jointly, to the Committees on Transportation and Infrastructure and Education and the Workforce.

2232. A letter from the General Services Administraton, Acting Administrator, transmitting a draft of proposed legislation entitled the ''Pennsylvania Avenue Development

Corporation Authorities Correction Act of 1997''; jointly, to the Committees on Resources, Government Reform and Oversight, and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 94. Resolution providing for consideration of the bill (H.R. 412) to approve a settlement agreement between the Bureau of Reclamation and the Oroville-Tonasket Irrigation District (Rept. 105–19). Referred to the House Calendar.

Mr. GOSS: Committee on Rules. House Resolution 95. Resolution providing for consideration of the joint resolution (H.J. Res. 58) disapproving the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1997 (Rept. 105–20). Referred to the House Calendar.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 1. A bill to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector; with an amendment (Rept. 105–21). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 437. A bill to reauthorize the National Sea Grant College Program Act, and for other purposes referred to the Committee on Science for a period ending not later than April 28, 1997, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(n), rule X. (Rept. 105–22 pt. 1).

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WATTS of Oklahoma (for himself, Mr. FLAKE, and Mr. TALENT):

H.R. 1031. A bill to amend the Internal Revenue Code of 1986 to allow the designation of renewal communities, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, Banking and Financial Services, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOYER (for himself, Mr. GREENWOOD, Mr. SHAYS, Mrs. JOHNSON of Connecticut, Mrs. THURMAN, Mr. WISE, Mr. EDWARDS, Ms. MCCARTHY of Missouri, Mr. SAWYER, Mr. BENTSEN, Mrs. MORELLA, Mr. FROST, Mr. DOOLEY of California, Mr. HINCHEY, Mr. SCOTT, Mr. WYNN, Mr. VENTO, and Mr. SNYDER):

H.R. 1032. A bill to prohibit certain abortions; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DUNN of Washington (for herself, Mr. HERGER, Mr. METCALF, Mr. WATTS of Oklahoma, Mr. NETHERCUTT, Mr. CHRISTENSEN, Mr. MCCRERY, Mr. ENSIGN, Mr. COLLINS, Mr. HASTINGS of Washington, and Mr. BARR of Georgia):

H.R. 1033. A bill to amend the Internal Revenue Code of 1986 to provide all taxpayers with a 50-percent deduction for capital gains, to increase the exclusion for gain on qualified small business stock, to index the basis of certain capital assets, to allow the capital loss deduction for losses on the sale or exchange of an individual's principal residence, and for other purposes; to the Committee on Ways and Means.

By Mr. BARR of Georgia (for himself, Mr. GILMAN, Mr. HASTERT, and Mr. MICA):

H.R. 1034. A bill to approve the determination of the President that Colombia is a major illicit drug producing country and/or a major drug-transit country and has failed to fully cooperate with the United States in its anti-narcotic efforts, and to provide for a waiver of the requirement to withhold United States assistance for Colombia for fiscal year 1997 pursuant to that determination; to the Committee on International Relations.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. SAM JOHNSON, and Mr. PETERSON of Pennsylvania):

H.R. 1035. A bill to provide for modification of State agreements under title II of the Social Security Act with respect to certain students; to the Committee on Ways and Means.

By Mr. HAYWORTH (for himself, Mr. BACHUS, Mr. BAKER, Mr. CHABOT, Mr. COBURN, Mr. CRAPO, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. DUNCAN, Mr. ENGLISH of Pennsylvania, Mr. GRAHAM, Mr. HANSEN, Mr. HERGER, Mr. HOSTETTLER, Mr. KIM, Mr. KINGSTON, Mr. MCINTOSH, Mr. MCKEON, Mrs. MYRICK, Mr. NEY, Mr. NORWOOD, Mr. PITTS, Mr. RADANOVICH, Mr. ROYCE, Mr. SALMON, Mr. BOB SCHAFFER, Mr. STUMP, Mr. TALENT, Mr. TIAHRT, Mr. TRAFICANT, and Mr. WELDON of Florida):

H.R. 1036. A bill to require Congress and the President to fulfill their constitutional duty to take personal responsibility for Federal laws; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER (for himself, Mr. JEFFERSON, Mr. CRANE, Ms. DUNN of Washington, Mr. SAM JOHNSON, Mr. HULSHOF, Mr. HAYWORTH, Mr. ENGLISH of Pennsylvania, Mr. CARDIN, Mr. PACKARD, Mr. DREIER, Mr. KING of New York, and Mr. MCCOLLUM):

H.R. 1037. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the amount of receipts attributable to military property which may be treated as exempt foreign trade income; to the Committee on Ways and Means.

By Mr. HINCHEY (for himself, Mr. FILNER, Ms. PELOSI, Mr. DELLUMS, and Mr. DEFAZIO):

H.R. 1038. A bill to amend title XVIII of the Social Security Act to provide for coverage of qualified acupuncturist services under part B of the Medicare Program, and to amend title 5, United States Code, to provide for coverage of such services under the Federal Employees Health Benefits Program; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KANJORSKI:

H.R. 1039. A bill to reform campaign practices for elections to the House of Representatives by limiting contributions from political action committees, establishing tax credits for individual campaign contributions, providing matching funds for individual small contributions, limiting the use of personal funds in a campaign, offsetting independent expenditures, encouraging the use of longer campaign commercials, and for other purposes; to the Committee on House Oversight, and in addition to the Committees on Ways and Means, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ARMEY:

H.R. 1040. A bill to promote freedom, fairness, and economic opportunity for families by reducing the power and reach of the Federal establishment; to the Committee on Ways and Means, and in addition to the Committees on Rules, and the Budget, for period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Rhode Island:

H.R. 1041. A bill to amend the Solid Waste Disposal Act to provide grants to States to stabilize and remove large tire piles that are near drinking water sources and sensitive populations; to the Committee on Commerce.

By By Mr. LIPINSKI:

H.R. 1042. A bill to amend the Illinois and Michigan Canal Heritage Corridor Act of 1984 to extend the Illinois and Michigan Canal Heritage Corridor Commission; to the Committee on Resources.

By Mr. LUTHER (for himself, Mr. MCGOVERN, Mr. SCHIFF, Mr. FILNER, Ms. RIVERS, Mr. EDWARDS, Mr. BISHOP, Ms. MCKINNEY, and Mr. EVANS):

H.R. 1043. A bill to amend title 10, United States Code, to temporarily expand the Department of Defense program by which State and local law enforcement agencies may procure certain law enforcement equipment through the Department; to the Committee on National Security.

By Ms. MILLENDER-McDONALD:

H.R. 1044. A bill to promote the fitting of firearms with child safety locks; to the Committee on the Judiciary.

By Mrs. MINK of Hawaii:

H.R. 1045. A bill to amend the Internal Revenue Code of 1986 to treat a portion of welfare benefits which are contingent on employment as earned income for purposes of the earned income credit, and for other purposes; to the Committee on Ways and Means.

By Ms. NORTON (for herself, Mrs. CARSON, Mr. FILNER, Mr. HILLIARD, Mrs. JOHNSON of Connecticut, Mrs. MEEK of Florida, Mrs. MORELLA, Mr. TOWNS, Ms. WATERS, Ms. WOOLSEY, and Mr. WYNN):

H.R. 1046. A bill to allow each Member of the House of Representatives to hire one additional employee, if the employee is hired from the welfare rolls, and to provide that, if such employment is in the District of Columbia, the jurisdiction represented by the Member may count the employment toward its welfare participation rate requirement; to the Committee on House Oversight, and in addition to the Committee on Ways and

Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHUMER (for himself, Mrs. MCCARTHY of New York, Mr. PORTER, Mr. BARRETT of Wisconsin, Mr. CONYERS, Mr. DAVIS of Illinois, Ms. DEGETTE, Mr. FILNER, Mr. KENNEDY of Rhode Island, Mr. LIPINSKI, Ms. LOFGREN, Ms. NORTON, Mr. SERRANO, Mr. TIERNEY, Mr. YATES, and Mr. MANTON):

H.R. 1047. A bill to amend chapter 44 of title 18, United States Code, to improve the safety of handguns; to the Committee on the Judiciary.

By Mr. SHAW (for himself and Mr. LEVIN):

H.R. 1048. A bill to make technical amendments relating to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS (for himself and Mr. MALONEY of Connecticut):

H.R. 1049. A bill to require the Administrator of the Environmental Protection Agency and the Secretary of Housing and Urban Development to provide financial assistance to support the assessment, cleanup, and economic redevelopment of brownfield sites; to amend the Internal Revenue Code of 1986 to encourage the cleanup of such sites by allowing the expensing of environmental remediation costs, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Banking and Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELLUMS (for himself, Mr. BROWN of California, Mr. CONYERS, Mr. EVANS, Mr. FATTAH, Mr. FILNER, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. KAPTUR, Mr. LANTOS, Mr. MARTINEZ, Mr. MCDERMOTT, Mrs. MINK of Hawaii, Ms. MCKINNEY, Mr. NADLER, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PAYNE, Ms. PELOSI, Mr. SANDERS, Mr. TORRES, Mr. TOWNS, Ms. WATERS, Ms. WOOLSEY, and Mr. YATES):

H.R. 1050. A bill to establish a living wage, jobs for all policy by instituting overall planning to develop those living wage job opportunities essential to fulfillment of basic rights and responsibilities in a healthy democratic society; by facilitating conversion from unneeded military programs to civilian activities that meet important human needs; by producing a Federal capital budget through appropriate distinctions between operating and investment outlays; and by reducing poverty, violence, and the undue concentration of income, wealth, and power, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Budget, National Security, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SKEEN (for himself and Mr. SCHIFF):

H.R. 1051. A bill to amend the act of June 20, 1910, to protect the permanent trust funds of the State of New Mexico from erosion due to inflation and modify the basis on which distributions are made from those funds; to the Committee on Resources.

By Mr. FATTAH:

H. Con. Res. 46. Concurrent resolution expressing the sense of Congress that investigations of campaign fundraising practices should be left to the Federal Election Commission; to the Committee on House Oversight.

By Mr. FOGLIETTA (for himself, Mr. FRANK of Massachusetts, Mr. SCHUMER, Ms. NORTON, Mr. SERRANO, Mr. MANTON, Mrs. KELLY, Mr. RAMSTAD, Mr. FROST, Mr. WOLF, Mr. KIND of Wisconsin, Mr. FILNER, Mr. MCGOVERN, Mr. KLINK, Mr. WELLER, Mr. ROTHMAN, Mr. ADAM SMITH of Washington, Mr. SAXTON, Mr. HALL of Texas, Mr. LIPINSKI, Mr. KLECZKA, and Mr. STUPAK):

H. Con. Res. 47. Concurrent resolution to designate a flag-pole upon which the flag of the United States is to be set at half-staff whenever a law enforcement officer is slain in the line of duty; to the Committee on the Judiciary.

By Mrs. MALONEY of New York (for herself, Mr. KENNEDY of Massachusetts, and Mr. GONZALEZ):

H. Res. 92. Resolution expressing the sense of the House of Representatives that the Bureau of Labor Statistics alone should make any adjustments, if any are needed, to the methodology used to determine the Consumer Price Index; to the Committee on Education and the Workforce.

By Mr. FOX of Pennsylvania (for himself, Mrs. MALONEY of New York, Mr. KENNEDY of Massachusetts, and Mr. ENGLISH of Pennsylvania):

H. Res. 93. Resolution expressing the sense of the House of Representatives that the Bureau of Labor Statistic alone should make any adjustments, if any are needed, to the methodology used to determine the Consumer Price Index; to the Committee on Education and the Workforce.

By Ms. WOOLSEY (for herself, Mr. DAVIS of Illinois, Ms. PELOSI, Ms. MCKINNEY, Mr. MCDERMOTT, Mr. YATES, Mr. OLVER, Ms. JACKSON-LEE, Mr. GEJDENSON, MS. HARMAN, and Mr. PAYNE):

H. Res. 96. Resolution expressing the sense of the House of Representatives that the Senate should ratify the Convention on the Elimination of All Forms of Discrimination Against Women; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

23. By the SPEAKER: Memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 13, memorializing the President of the United States to effect the immediate transfer of the ground communications-electronics workload from the Sacramento Air Logistics Center to the Tobyhanna Army Depot; to the Committee on National Security.

24. Also, memorial of the House of Representatives of the State of South Dakota, relative to House Concurrent Resolution No. 1006, requesting the Congress of the United States to pass legislation providing election campaign finance reform; to the Committee on House Oversight.

25. Also, memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 18, to memorialize the Congress of the United States to enact legislation to provide for the enforcement of the 10th amendment to the U.S. Constitution; to the Committee on the Judiciary.

26. Also, memorial of the House of Representatives of the State of Wyoming, relative to House Joint Resolution No. 2, requesting that the balanced budget amendment to the U.S. Constitution be submitted to the States for ratification; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1: Mr. JONES, Mr. SALMON, Mr. HASTINGS of Washington, Mr. PAXON, Mr. CALVERT, Mr. GANSKE, Mr. MANZULLO, and Mrs. CUBIN.

H.R. 29: Mr. DIXON, Mrs. KENNELLY of Connecticut, Mr. POSHARD, Mr. BROWN of California, Mr. GEJDENSON, Mr. PASTOR, Mr. CLAY, Mr. ENGEL, Mr. SCHUMER, Mr. VENTO, Mr. DELLUMS, Mr. MCDADE, Mr. KUCINICH, Mr. MCGOVERN, Mr. FARR of California, Mr. FALEOMAVAEGA, Mr. QUINN, Mr. SCOTT, Mr. LAFALCE, Mr. FROST, Mrs. MINK of Hawaii, Mrs. CARSON, Mr. SNYDER, Mr. MCNULTY, AND Mr. LEVIN.

H.R. 58: Mr. WATKINS, Mr. KANJORSKI, Mr. STOKES, Mr. STUMP, Mr. ALLEN, Mr. SAXTON, Mr. MCGOVERN, Mr. PETERSON of Minnesota, Mr. DICKS, Mr. COOK, Mr. SHAW, Mr. WISE, Mr. METCALF, Mr. BARTLETT of Maryland, Mr. GOODE, Mr. YOUNG of Florida, and Mr. BUNNING of Kentucky.

H.R. 69: Mr. EVANS, Mr. FOGLIETTA, Mr. JEFFERSON, and Mr. NORWOOD.

H.R. 147: Mr. BROWN of California.

H.R. 148: Ms. CHRISTIAN-GREEN and Mr. DAVIS of Illinois.

H.R. 155: Mr. CLEMENT and Mr. ACKERMAN.

H.R. 173: Mr. KIND of Wisconsin, Mr. THOMAS, Mr. BOEHLERT, Mr. BARCIA of Michigan, Mr. CALLAHAN, and Mr. DEFAZIO.

H.R. 216: Mr. CAMP, Mr. BOEHLERT, Mr. CAPPS, and Ms. WOOLSEY.

H.R. 234: Ms. KILPATRICK, Mr. WATT of North Carolina, Mr. OWENS, Mr. TOWNS, and Ms. ROYBAL-ALLARD.

H.R. 240: Mr. BORSKI, Mr. LUTHER, and Mr. FAZIO of California.

H.R. 304: Mr. ACKERMAN, Mr. EVANS, and Mr. MCGOVERN.

H.R. 306: Mr. FOX of Pennsylvania, Ms. SANCHEZ, Mr. THOMPSON, Mr. MARTINEZ, and Mr. WYNN.

H.R. 407: Mr. JEFFERSON and Mr. FOGLIETTA.

H.R. 423: Mrs. CHENOWETH and Ms. MILLENDER-MCDONALD.

H.R. 437: Mr. SPRATT and Mr. METCALF.

H.R. 446: Mr. COYNE, Ms. FURSE, and Mr. WYNN.

H.R. 450: Mrs. JOHNSON of Connecticut, Mr. BUNNING of Kentucky, Mr. SAM JOHNSON, and Mr. ENGLISH of Pennsylvania.

H.R. 466: Mr. RAHALL, Mr. STUPAK, Mr. ACKERMAN, Mr. SANDERS, Mr. BOUCHER, Mr. PARKER, and Mr. MCHALE.

H.R. 475: Mr. EHLERS, Mr. SAXTON, and Mrs. MALONEY of New York.

H.R. 484: Mr. GRAHAM and Mr. MCINTOSH.

H.R. 491: Mr. DAVIS of Illinois, Mr. DOYLE, Mr. YATES, and Mr. FRANK of Massachusetts.

H.R. 493: Mr. METCALF.

H.R. 498: Mr. SKELTON, Mr. KLUG, Mr. POSHARD, and Mr. METCALF.

H.R. 500: Mr. MCGOVERN.

H.R. 533: Mr. QUINN and Mr. JEFFERSON.

H.R. 556: Mr. TOWNS.

H.R. 586: Mr. CAPPS, Mrs. EMERSON, Mr. FORBES, Mr. HOEKSTRA, Mr. ROTHMAN, Mr. MCDADE, Mr. SANDLIN, Mr. BOB SCHAFFER, Mr. TIAHRT, and Mr. WAMP.

H.R. 600: Mr. GREEN.

H.R. 612: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KILDEE, Ms. BROWN of Florida, Mr. THORNBERRY, Mr. GANSKE, Ms. NORTON, Mrs. MORELLA, Mr. FLAKE, Mr. EDWARDS, Mr. PARKER, Mr. KLINK, and Mr. PASTOR.

H.R. 616: Mr. YATES, Mr. RIGGS, Mr. DELLUMS, Mr. CRAPO, and Mrs. CARSON.

H.R. 625: Ms. MOLINARI, Mr. GEJDENSON, Mr. FAZIO of California, Ms. KAPTUR, Mr. LEWIS of Georgia, and Mr. WEYGAND.

H.R. 633: Mr. EVANS.

H.R. 635: Mrs. KENNELLY of Connecticut and Mr. BARCIA of Michigan.

H.R. 643: Mr. KUCINICH.

H.R. 647: Mr. GRAHAM.

H.R. 659: Mr. HEFLEY, Mr. CLYBURN, and Mr. DELAY.

H.R. 667: Mr. WAXMAN, Ms. PELOSI, Mr. EVANS, Mr. ACKERMAN, Mr. TOWNS, Mr. GREEN, and Mr. FOGLIETTA.

H.R. 686: Mr. PETERSON of Minnesota.

H.R. 693: Mr. CANADY of Florida and Mr. SENSENBRENNER.

H.R. 710: Mr. DELLUMS, Mr. KUCINICH, and Mr. HOLDEN.

H.R. 716: Mr. BAKER and Mrs. MYRICK.

H.R. 722: Ms. DUNN of Washington, Mr. KINGSTON, Mr. RADANOVICH, Mr. BOB SCHAFFER, Mr. GOODLATTE, Mr. CRAPO, Mr. DOOLITTLE, Ms. STABENOW, Mr. BARRETT of Nebraska, Mr. DELAY, Mr. MILLER of Florida, and Mr. FOX of Pennsylvania.

H.R. 737: Mr. COBURN.

H.R. 740: Mr. MANZULLO.

H.R. 752: Mr. SHADEGG.

H.R. 755: Mr. LEWIS of Kentucky.

H.R. 766: Mr. THOMPSON, Ms. DELAURO, Mr. JEFFERSON, AND Mr. CONYERS.

H.R. 774: Mr. BEREUTER, Mr. FILNER, Mr. LAFALCE, Ms. SLAUGHTER, Mr. HINCHEY, Mr. FARR of California, Mr. OBERSTAR, Mr. ROTHMAN, Mr. BARRETT of Wisconsin, Mrs. MALONEY of New York, and Mr. BERMAN.

H.R. 816: Mr. KLUG.

H.R. 845: Mr. EVANS.

H.R. 852: Mr. BALDACCI.

H.R. 857: Mr. TRAFICANT, Mr. QUINN, AND Mr. TALENT.

H.R. 875: Mr. FRANK of Massachusetts.

H.R. 879: Mr. JEFFERSON.

H.R. 880: Mr. DAN SCHAEFER of Colorado, Mr. BURR of North Carolina, Mr. COOKSEY, Mr. BRYANT, Mr. WICKER, Mr. SOLOMON, AND Mr. NORWOOD.

H.R. 883: Mr. ENGLISH of Pennsylvania and Mr. BAKER.

H.R. 900: Mr. STOKES, Mr. LEWIS of Georgia, Mr. PORTER, Mr. TIERNEY, Mr. SCHUMER, Ms. ROYBAL-ALLARD, Mr. CAPPS, and Mr. BLUMENAUER.

H.R. 907: Mr. LEWIS of Kentucky, Mr. STEARNS, Mr. TANNER, and Mr. CANADY of Florida.

H.R. 934: Mr. LARGENT.

H.R. 956: Mr. LAFALCE, Mr. CHABOT, Mr. LIPINSKI, Mr. DELLUMS, Mr. CONYERS, Mr. MCDERMOTT, and Mr. UNDERWOOD.

H.R. 979: Mr. BENTSEN, Mr. COYNE, Mr. FROST, Mr. JEFFERSON, Mr. PARKER, and Mr. CRAMER.

H.R. 983: Ms. DEGETTE, Mr. EVANS, and Mr. NEAL of Massachusetts.

H.R. 993: Mr. HEFLEY, Mr. MANZULLO, Mr. RYUN, Mr. HASTERT, and Mr. CALVERT.

H.J. Res. 54: Mr. KANJORSKI, Mr. SALMON, and Mr. UPTON.

H.J. Res. 56: Mr. TIAHRT, Mr. CLEMENT, Mr. BENTSEN, Ms. RIVERS, Mr. MCNULTY, Mr. DIAZ-BALART, Mr. ENGLISH of Pennsylvania, Mr. QUINN, Mr. FLAKE, Mr. SANDLIN, and Ms. MOLINARI.

H. Con. Res. 15: Mr. MCNULTY.

H. Res. 37: Mrs. MALONEY of New York, Mr. BROWN of California, Mr. DAVIS of Illinois, Mr. QUINN, Mr. CLYBURN, Mr. TRAFICANT, Mr. MORAN of Virginia, Mr. FRANK of Massachusetts, and Mr. STARK.

H. Res. 45: Ms. SLAUGHTER, Mr. TORRES, Mr. YATES, Mr. EVANS, Ms. WOOLSEY, Mr. LEWIS of Georgia, Ms. JACKSON-LEE, Mr. MEEHAN, Mr. DELLUMS, and Ms. FURSE.

H. Res. 64: Mr. SANFORD.

H. Res. 89: Mr. PICKERING.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 600: Mr. ABERCROMBIE.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

Vol. 143 WASHINGTON, WEDNESDAY, MARCH 12, 1997 No. 31

Senate

The Senate met at 9:30 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:

Gracious Father, we praise You that it is Your nature to go beyond what You've done before. Whatever we've experienced of Your grace and glory as individuals and as a nation, it is small in comparison to the revelation You have prepared for us. There's always an element of surprise in our relationship with You. You give us fresh knowledge when we foolishly think we know it all. What we have learned is only a fraction of what You have stored up for us.

As we look ahead to the challenges and decisions facing us today, You remind us of how in the past You met us at every fork of the road with clear guidance and fresh grace. We beheld Your glory. Now we hear You saying that what we have discovered before is minuscule in comparison to the mighty acts You will do. Excitement and expectation fill our hearts. Dear God, continue to bless America.

Fill our minds with vision and our hearts with hope so that we can believe that all things are possible with You. There's no limit to what You can and will do to manifest Your glory. Thank You for the difference thinking positively about Your power has made for our attitude to this new day. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. GRAMS. Thank you, Mr. President.

SCHEDULE

Mr. GRAMS. Mr. President, on behalf of the majority leader, I announce that today the Senate will proceed to executive session to consider the nomination of Federico Peña to be Secretary of Energy. Following debate, the nomination will be temporarily set aside and by previous order, at 12:30 p.m., a rollcall vote will occur on the nomination. Also by previous order, following debate on the Peña nomination, the Senate will be in a period of morning business until the hour of 12:30 p.m. After the 12:30 p.m. vote, the Senate will begin consideration of Senate Joint Resolution 18, the Hollings resolution on a constitutional amendment on campaign financing. The majority leader has announced that Senators can expect additional rollcall votes throughout the day's session.

I thank my colleagues.

RESERVATION OF LEADER TIME

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

EXECUTIVE SESSION

NOMINATION OF FEDERICO PEÑA, OF COLORADO, TO BE SECRETARY OF ENERGY

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and proceed to the consideration of the nomination of Federico Peña to be Secretary of Energy, which the clerk will report.

The assistant legislative clerk read the nomination of Federico Peña, of Colorado, to be Secretary of Energy.

The PRESIDING OFFICER. There will now be 30 minutes under the control of the Senator from Minnesota, [Mr. GRAMS].

Mr. GRAMS. Mr. President, before I begin my statement dealing with the nomination today, I yield 3 minutes to my colleague from Colorado, Senator CAMPBELL.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. CAMPBELL. I thank the Senator from Minnesota. I appreciate being able to speak on behalf of Mr. Peña for a couple of minutes.

I have known Federico Peña personally and professionally for over 15 years, Mr. President. I know him first as a friend and I know him as a professional with the highest integrity. He was that kind of a legislator when he was the minority leader of our State legislature. He was that kind of a mayor, as the mayor of our largest city of Denver. He was that kind of person when he was Secretary of the Department of Transportation.

His résumé reflects an unsurpassed commitment and dedication to public service. His achievements display remarkable leadership, vision, and hard work.

Mr. Peña leaves an indelible mark on every project he undertakes. The now famous Denver International Airport was a product of his foresight and leadership. The Department of Transportation, where he served as a Secretary for 4 years, is now leaner and more effective than it once was—success in taming and trimming a vast bureaucracy that can only be accomplished with discipline, determination, and hard work that Federico Peña was willing to put in.

Despite the many professional attributes Mr. Peña has, and the many dimensions of professionalism he brings to public service, perhaps none are so important in our work as his honesty and integrity. This is a quality the Federal Government cannot afford to turn down.

Having known him for the many years that I have, I am convinced that Federico Peña will bring to the Department of Energy the same integrity, honesty, and leadership for which he is known. That is his indelible mark that he has left on our State and our U.S. Government.

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

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I simply urge my colleagues to support the nomination when it comes up this afternoon, and I thank the Senator for yielding these couple of minutes. I yield back the balance of my time.

Mr. GRAMS. Mr. President, I take a few minutes this morning to talk about today's pending nomination, and also some of the problems that are surrounding one of our most important issues, and that is the storage of this country's nuclear waste.

Mr. President, as the full Senate takes up the nomination of Federico Peña to become the next Secretary of Energy, I rise today to discuss an issue of critical importance that has become necessarily linked to the Peña nomination again, that is our Nation's nuclear waste storage problem.

I say the two are linked because it has been the failure of the very agency Mr. Peña has been appointed to lead—the U.S. Department of Energy—to carry out its legal obligations that has led to the nearly critical situation in which we currently find ourselves. It is this very failure on the part of the DOE which threatens utility ratepayers today and taxpayers in the future.

For the Senate to fully appreciate the gravity of the situation, I believe that a brief summary of the history of this problem is in order.

Since 1982, utility ratepayers have been required to pay the Federal Government nearly $13 billion of their hard-earned dollars in exchange for the promise that the Department of Energy would transport and store commercially generated nuclear waste in a centralized facility by January 31, 1998.

However, with this deadline less than a year away and with over $6 billion spent by the Department of Energy, there has been very little progress to date toward keeping this 15-year-old promise of establishing a centralized Federal storage facility.

In fact, though there has been measurable progress at the Yucca Mountain, NV facility, a permanent repository will not be completed until well into the next century. Mr. President, the 80 nuclear wastesites on this chart graphically illustrate the extent of this growing problem.

Clearly, if the DOE is to meet the January 31, 1998 deadline, it must begin accepting nuclear waste at an interim storage facility, yet, that has not happened. In fact, the DOE recently notified States and utilities that it would not accept their commercial nuclear waste despite the law and the Federal court's effort to enforce it. Worse yet, even in the face of significant taxpayer liability for such irresponsible behavior by the Federal Government, the DOE has failed to offer a single constructive proposal to even begin the process of fulfilling its responsibility to the American people.

Despite those facts, utility ratepayers are still being required to pay for a mismanaged program. In fact, over $630 million from the ratepayers go into the nuclear waste fund each year—without any tangible benefits or results to show for them.

Our Nation's utility consumers and their pocketbooks aren't just hit once, either. Because of the DOE's failure to act, ratepayers are currently being forced to pay their hard-earned dollars to store waste onsite at commercial utility plants—a burden that would not be necessary had the Energy Department lived up to its legal obligations.

Take, for example, the situation facing ratepayers in my home State of Minnesota. Since 1982, Minnesota's nuclear energy consumers have paid over $250 million into the nuclear waste fund believing that the Federal Government would fulfill its obligation to transport nuclear waste out of the State of Minnesota. But as time went on and the DOE continued to ignore their responsibilities, utilities in Minnesota and around the country were forced to temporarily store their waste within the confines of their own facilities. When it became clear to many utilities that storage space was running out and the Department of Energy would not accept waste by the established deadline, then the utilities had to go to their States to ask for additional onsite storage or else be forced to shut down those operations.

For example, ratepayers in Minnesota, North Dakota, South Dakota, and Wisconsin were forced to pay for onsite storage in cooling pools at Prairie Island in southeastern Minnesota. In 1994, with storage space running out, the Minnesota Legislature—after a bruising battle—voted to allow for limited onsite dry cask storage until the year 2002.

Mr. President, the cost associated with this onsite storage is simply staggering—ratepayers in our service area alone have paid over $50 million for these costs and are estimated to pay another $111 million by the year 2015, in addition to the required payments to the Federal Government, the nuclear storage fund.

To make matters worse, storage space will run out at Prairie Island in 2002, forcing the plant to close unless the State legislature once again makes up for the DOE's inaction. This will threaten over 30 percent of Minnesota's overall energy resources and will likely lead to even higher costs for Minnesota's ratepayers. In fact, the Minnesota Department of Public Service estimates that the increase in costs could reach as high as 17 percent, forcing ratepayers to eventually pay three times: Once to the nuclear waste fund, again up to $100 million for onsite storage and yet again for increased energy costs.

And Minnesota is not alone in facing this unacceptable situation. Thirty six other States across the Nation will be facing similar circumstances of either shutting down their energy-generating capacity or continuing to bail out the Federal Government and its failure to act.

Ratepayers are not the only ones who face serious consequences because of inaction by the DOE; taxpayers are threatened as well.

Last year, the Federal courts ruled that the DOE will be liable for damages if it does not accept commercial nuclear waste by January 31, 1998. Under current law, these damages will not be paid for by anyone at the DOE, it will go to the American taxpayers—at an estimated cost of somewhere between $40 and $80 billion. Such a tremendous liability burden on taxpayers would make the public bailout of the savings and loan collapse seem small in comparison.

What's worse is that while our States, utility ratepayers, and taxpayers are being unfairly punished by the Department of Energy's inaction, the Federal Government has been active in meeting the interim nuclear waste storage needs of foreign countries.

Under the Atoms for Peace Program, the DOE's has resumed collecting nuclear spent fuel from a total of 41 countries. In fact, since last September, the DOE Savannah River facility had already received foreign spent fuel from Chile, Columbia, Germany, Switzerland, Sweden, and Canada.

Ultimately, as I learned during a recent trip to the Savannah River site, up to 890 foreign research reactor cores will be accepted by the DOE over a 13 year period.

In addition, our Government is actively helping other countries reduce their nuclear waste stockpiles. With the Department of Defense spending up to $400 million on designing and constructing an interim nuclear waste storage facility in Russia to help dismantle the cold war threat, the world will certainly be a safer place.

Now, Mr. President, as a Senator who is concerned about our national security needs, I understand the rationale behind reducing our international nuclear dangers.

But, what I, and many others cannot comprehend is how our Government has made it a priority to help foreign countries with their nuclear waste problems while simultaneously ignoring the concerns right here in our own country; not only that, but denying it has the responsibility and is going to court to stop it.

It seems clear to me that while States, utilities, and ratepayers have kept their end of the bargain, the DOE has not done its part. And that sends the wrong message to the American people about trusting the promises of the Federal Government.

Maybe that's why the National Association of Regulatory Utility Commissioners, 46 State agencies and 36 utilities have joined forces in a lawsuit to stop ratepayers' payments into the nuclear waste fund and to escrow $600 million that will soon go into the fund.

For too long, our States, utilities, and ratepayers have acted in good faith, relying upon the Federal Government to live up to its obligations. Evidently, they have had enough of the

DOE's excuses for inaction and have proposed their own recourse.

This issue has created strange bedfellows as well. In a recent interview, former DOE Secretary Hazel O'Leary agreed that action on interim site is needed as soon as possible.

It's unfortunate that Secretary O'Leary waited until she was free from the administration to openly support interim storage, but I think her comments point not only to the need to resolve the interim storage impasse but also the political nature of this issue—again, I say the political nature of this issue. It is not science or technology, it's politics. She specifically stated that certain high-ranking officials connected with Vice President AL GORE see this issue in terms of politics, not policy.

In addition, the former head of the Office of Civilian Radioactive Waste Management under the Clinton administration, Daniel Dreyfus, believes the DOE must move to meet the January 31, 1998, deadline.

Key labor unions have even joined the fight to restore the DOE's promises.

J.J. Barry, president of the International Brotherhood of Electrical Workers, recently wrote me, saying

I am calling on you and your colleagues to put partisan politics aside for the good of our nation and America's workers and their families. We must address this problem now or else face serious economic and environmental consequences later. Please support passage of S. 104.

I am also pleased that we have received the support of the Building and Construction Trades Union in this effort.

Mr. President, I ask unanimous consent that these letters of labor support be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. GRAMS. Despite this widespread, bipartisan support for our efforts to resolve the storage problem, the White House, under the dictates of Vice President AL GORE, still has not offered an alternative to either our bipartisan legislation, which they oppose, or the failed status quo.

The American people deserve leadership from the Clinton-Gore administration, not just the consequences of Presidential aspirations.

If such leadership will not come from the Clinton-Gore administration, then it will come from Congress. Senate Energy and Natural Resources Committee Chairman FRANK MURKOWSKI, Senator LARRY CRAIG and I crafted a bipartisan proposal, S. 104, identical to legislation supported last year by 63 Senators.

We have put this proposal forward as a good faith effort to help resolve this situation for the sake of protecting our environment and the legitimate interests of our ratepayers and taxpayers.

As I've stated, Congress has an obligation to protect the American public from the estimated $40 to $80 billion they face in liability expenses.

Our bill will reform our current civilian nuclear waste program to avoid the squandering of billions of dollars of ratepayers' and taxpayers' money. It will make our environment safer, eliminate the current need for on-site storage at our Nation's nuclear plants, keep plants from shutting down prematurely due to lack of storage space, and keep energy prices stable.

Our legislation also assures that transportation of nuclear waste will continue to be conducted in a safe manner. In fact, there have already been 2,400 shipments of high-level nuclear waste in our Nation, including numerous shipments of naval spent fuel. The safety record of these shipments speaks for itself.

There are many other aspects of this bill which will help resolve the crisis facing the American public. Today, we on the Senate Energy and Natural Resources Committee will take a giant step forward in moving that bill closer to Senate passage.

I applaud my distinguished colleague from Alaska, Chairman MURKOWSKI, for his efforts in moving ahead with this much-needed, historic legislation.

Keeping in mind the Clinton-Gore administration's stated opposition to our legislation, I took the opportunity to ask Secretary-designate Peña for any specific, constructive alternatives he would propose to resolve this issue and help the Federal Government meet its legal obligations.

Mr. Peña's failure to offer specific responses during an Energy and Natural Resources Committee hearing prompted me to send a letter to him asking for a detailed response outlining the specific steps he would urge to meet the January 31, 1998, deadline.

After exchanging a series of letters with Mr. Peña, I have become completely unsatisfied with the lack of specificity in his responses to my questions. While I appreciate Mr. Peña's stated willingness to work with us toward an eventual resolution of this issue and his belief that this is a federal problem worthy of a Federal solution, I believe the American people deserve more.

They deserve specific answers from an administration that has buried its head in the sand and an independent leader at the helm of the DOE who will affect a change in policy.

I have concluded that at this point in time, no one recommended by the Clinton-Gore administration to head the DOE will be allowed to lead.

For the benefit of my colleagues, I would like to read a portion of Mr. Peña's letter dated March 6 that best illustrates my point.

Mr. Peña writes:

I cannot, however, outline for you specific steps for meeting the January 31, 1998 date. The Department of Energy has indicated to the court and in responses to the Congress that there is no set of actions or activities that could be taken under the Nuclear Waste Policy Act to enable the Department to begin receiving spent fuel at an interim storage facility or a repository on that date.

Frankly, Mr. President, as an elected representative of the ratepayers who have had over $6 billion thrown away by a department without a single answer to their problems and as an elected representative of the taxpayers who will ultimately assume tens of billions of dollars in liability if progress is not made, I find that answer insufficient and devoid of the leadership we so desperately need at the DOE.

I believe that Mr. Peña is a decent and honorable man, but I also believe that he has not provided the needed answers or displayed the leadership necessary to help resolve this pressing national issue.

Even though I shall do my best in working with him in the future, I cannot, in good conscience, today vote to confirm Mr. Peña to be our next Secretary of Energy.

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

Washington, DC, March 7, 1997.

Hon. ROD GRAMS,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAMS: I am writing on behalf of the 750,000 members of the International Brotherhood of Electrical Workers (IBEW), to ask you to support S. 104, the Nuclear Waste Policy Act of 1997. Nuclear energy cleanly produces 20 percent of our nation's electricity, reduces our reliance on foreign energy sources, and provides quality jobs for thousands of Americans, including 15,000 of our members at 46 commercial nuclear plants.

The IBEW is concerned that the government's program to manage used nuclear fuel at these plants is woefully out of touch with reality. I am sure that you are aware of the U.S. Court of Appeals' ruling last July in favor of a lawsuit by states and utilities, which stated in clear and unambiguous terms that the federal government must keep its contractual obligation to begin removing used fuel by 1998.

The Department of Energy (DOE), however, says it will not begin accepting used fuel for storage before 2010 at the earliest. By that date, 80 nuclear stations will have rune out of existing storage space. This could result in premature plant closings, loss of jobs, and other devastating economic consequences. By providing for central storage by the turn of the century, S. 104 gives the DOE a framework for meeting its legal obligation.

The Congress has been debating the storage issues for years without reaching a conclusion. It is time for a decision. Yucca Mountain is the best possible choice that is available. Unless Congress acts now to select Yucca Mountain, the wastes will continue to be stored near communities around the country, with all of the dire ramifications that such a decision can pose.

I am calling on you and your colleagues to put partisan politics aside for the good of our nation and America's workers and their families. We must address this problem now or else face serious economic and environmental consequences later. Please support passage of S. 104.

Sincerely,

J.J. BARRY,
International President.

AMERICAN FEDERATION OF LABOR,
BUILDING AND CONSTRUCTION
TRADES DEPARTMENT,
Washington, DC, February 10, 1997.

DEAR SENATOR: I write to urge you to vote for S. 104, the Nuclear Waste Policy Act of 1997. It will be considered by your Committee this week. Unless the Congress votes to approve this measure now, the terrible nuclear waste problem that confronts communities across America will soon be intolerable. Every town in the United States is vulnerable to the possibility of sudden and uncontrollable disaster. This issue must be given priority by the members of the Committee.

In testimony last week, the Committee heard Undersecretary of Energy, Thomas P. Grumbly, reveal the Department has more than 100 million gallons of high-level radioactive waste residing at facilities in the States of Washington, Idaho and South Carolina. And, additional and significant nuclear waste is being stored in varying degrees of safety by commercial power companies around the nation.

The Congress has been debating the storage issue for years without reaching a conclusion. It is time for a decision. Yucca Mountain is the best possible choice that is available. Unless the Committee acts now to select Yucca Mountain, the wastes will continue to be stored up in communities around the country, with all of the dire ramifications that such a decision can pose.

The Building and Construction Trades Department, AFL–CIO, the 15 national and international unions it represents, urge you to let our safe and well-trained members begin the hard work that needs to be done to make Yucca Mountain the most secure storage area for nuclear fuel that is available on the face of the earth. If the Committee allows this opportunity to pass, it is estimated that within the next decade, some 55 sites in 30 states will be filled with spent nuclear fuel totaling some 11,000 metric tons of uranium.

Chairman Murkowski expressed concern during the hearing with the thought of letting spent fuel accumulate at reactor sites. That concern is justified, and, possibly is understated. Despite the reluctance of the Administration to take action on this controversial issue, it is clear that the time for debate is long past, and a courageous decision by the Congress is necessary if the nation is to avert a serious environmental disaster of its own making.

Please vote S. 104 out of committee so that the full Senate can debate this critical issue as soon as possible.

With kind personal regards, I remain

Sincerely,

ROBERT A. GEORGINE,
President.

Mr. GRAMS. I thank the Chair.

I yield my remaining time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. 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. MURKOWSKI. Mr. President, let me wish the occupant of the chair, my good friend from Utah, a good morning. I extend my good wishes.

Mr. President, I will proceed in accordance with the anticipated vote this afternoon on the Peña nomination, and I believe both the chairman of the Energy Committee, myself, and Senator BUMPERS, the ranking member, have 10 minutes equally divided.

The PRESIDING OFFICER. The Senator is correct.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, I heard the comments expressed by my good friend, the Senator from Minnesota, Senator GRAMS, relative to his concern and the concern of his State over the disposition of high-level nuclear waste that is in some 80 locations in 41 States throughout the country, and the inability of the current administration to address its responsibility and hence the responsibility of Congress to meet the contractual commitments made some years ago to take that nuclear waste next year, in 1998.

The reality is that the ratepayers in this country have paid over that period of time some $12 billion which has gone into the general fund. And, as consequence, we are facing a reality that next year we are not going to be able to meet the obligation of taking that waste. So we can anticipate an opportunity for full employment for the lawyers that are associated with this issue because there is going to be a giant liability that is coming to the American taxpayer. It is estimated to be somewhere in the area of $40 billion to $80 billion. The current estimate is about $59 billion. But usually it goes up from there. This is the liability, or at least a portion of it, which the Federal Government will be subjected to as a consequence of its inability to perform on its contractual commitment. I do not take that lightly. As a consequence, as we address on the floor later on today the nomination of the Secretary of Energy, Federico Peña, I think this is a significant question.

I rise today in support of that nomination. I also rise to advise my colleagues that the delay in considering the nomination has not been about the nominee's qualifications. The nominee is qualified. The committee has held hearings on the nomination. We have investigated matters brought to our attention. We found him to be qualified and reported the nomination favorably on a 19-to-0 vote with one Member voting ''present.'' But there has been an issue, and that issue has been whether the new Secretary is going to have the ability, the flexibility, and the authority to work with Congress to solve the looming nuclear waste storage problem. As I indicated earlier, this waste is stacking up in our towns and in our communities near our homes and schools at 80 locations in 41 States.

Some have said, ''How important is nuclear energy?'' Well, nuclear energy is contributing about 22 percent of the total power generated in the United States today. People look at power. They take it for granted. They expect it to work. It is always there. It is almost an entitlement. But it has to come from somewhere. It has to come from investment and from transmissions. It has to come from some kind of energy source, and nuclear is an important contributor. Nearly a quarter of the energy produced in the United States. But the waste, as a consequence of these nuclear power plants, has been stacking up. A Federal court has said that the Government must take that waste by 1998.

As I have said before, Americans put $12 billion into the nuclear waste fund. What do we have to show for it? Nothing. The problem that is unique about this is that nobody wants it. Absolutely no State wants to have this waste. You can throw it up in the air. It has to come down somewhere. It will not stay up there. That is the basic problem. The States in question are running out of space. These are the States that have reactors, and the storage that they have is not permanent storage. It wasn't designed for long-term storage. It was designed for short-term storage. That space is filling up. As a consequence, they may have to limit the construction of new storage capacities. States might not license for new storage capacity.

Mr. President, I ask for another 4 minutes under the time remaining on the 30 minutes that was given to the Senator from Minnesota.

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

Mr. MURKOWSKI. I thank the Chair.

The reality is that the final repository won't be ready until the year 2015. That is where we are; the permanent repository. We need that. But it will not be ready.

We have a 50–50 chance of taking that waste. This poses an environmental and public safety challenge. I have indicated the risk to the taxpayers—currently $59 billion. Some electricity production may be shut down.

Mr. President, we simply need the action now. However, we had a problem when the administration, in a communication by the Vice President, told a congressional leadership group this was not a matter that was up for consideration at that meeting. He inferred that we could leave the waste where it was until Yucca Mountain was built.

After I heard about that statement, I postponed consideration of S. 104 and the vote on Mr. Peña so we could begin a process of attempting to work with the administration to get this back on track. In a meeting with the White House Chief of Staff, Erskine Bowles, I asked him to empower the new Energy Secretary to work with us. I said the Senate cannot accept the Vice President's ''leave it there'' policy. I asked Mr. Bowles to send down a nominee who had flexibility. I have had several conversations with Mr. Peña, Mr. Bowles, and the White House, and judging from those conversations and a recent letter from Mr. Bowles, it seems that the administration has now decided to choose dialog over the Vice President's stonewalling, which is the only way I can put it. I am glad to see that the new Energy Secretary will now have a portfolio to work with the Congress.

I ask unanimous consent that the letter from Mr. Bowles to me be printed in the RECORD.

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

THE WHITE HOUSE,
CHIEF OF STAFF TO THE PRESIDENT,
February 27, 1997.

Hon. FRANK MURKOWSKI,
Chairman, Senate Committee on Energy and Natural Resources, U.S. Senate.

DEAR SENATOR MURKOWSKI: The Administration is committed to resolving the complex and important issue of nuclear waste storage in a timely and sensible manner, consistent with sound science and the protection of public health, safety, and the environment. The Federal government's longstanding commitment to permanent, geologic disposal should remain the basic goal of high-level radioactive waste management policy.

The Administration believes that a decision on the siting of an interim storage facility should be based on objective, science-based criteria and should be informed by the viability assessment of Yucca Mountain, expected in 1998. Therefore, as the President has stated, he would veto any legislation that would designate an interim storage facility at a specific site before the viability determination of a permanent geological repository at Yucca Mountain has been determined.

Following confirmation, Secretary Pena has the portfolio in the Administration to work cooperatively with the Committee and others in Congress on nuclear waste disposal issues within the confines of the President's policy as stated above. Secretary Pena will also be meeting with representatives of the nuclear industry and other stakeholders to discuss DOE's response to a recent court decision on the Department's contractual obligations regarding nuclear waste.

Sincerely,

ERSKINE B. BOWLES.

Mr. MURKOWSKI. In light of that, I am prepared to urge my colleagues to vote favorably on Mr. Peña's nomination this morning, and I look forward to working with him and members of my committee on the nuclear waste issue as well as other issues facing the Department of Energy.

Mr. President, I thank the Chair and I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I strongly support the President's nomination of Federico Peña as Secretary of Energy. He comes before the Senate today with 4 years of experience as Secretary of Transportation. This experience will stand him in good stead in his new position since the Department of Transportation has a number of features that are in common with the Department of Energy.

Both agencies were formed by fusing organizational elements taken from various other departments and agencies.

Both agencies currently have responsibility for a wide range of divergent issues and programs, and in recent years both agencies have had to square the desires of their traditional core constituencies with new environmental considerations and sensitivities.

Only two of Secretary Peña's predecessors, James Schlesinger and James Watkins, were able to come before the Senate at the time of their nomination with comparable credentials as managers of large and complex Federal organizations. The Department of Transportation's budget is more than $30 billion, nearly twice the budget of the Department of Energy. It employs nearly 100,000 Federal employees compared to the 20,000 employed at the Department of Energy.

Secretary-designate Peña has faced some important challenges as Secretary of Transportation. He will face even more important challenges as Secretary of Energy.

As the first order of business, he will need to develop a close working relationship with the Department of Defense. Cooperation with the Department of Defense is essential to the success of the Department of Energy in carrying out its national security missions. His track record at the Department of Transportation is very encouraging in this respect. Secretary Peña went out of his way while at the Department of Transportation to establish constructive partnerships with the Department of Defense on issues of mutual concern, such as shipbuilding technology. He also worked closely and successfully with DOD on commercialization of global positioning satellite systems.

A second major challenge for the new Secretary is to preserve and enhance the research and development capabilities of the Department. Our nominee's track record at the Department of Transportation is also impressive in this area. Under Secretary Peña's leadership, the Department of Transportation posted a 60-percent increase in research and development spending, with substantial growth in nearly every part of the Department. Few Federal agencies over the last 4 years can make the same claim.

Secretary Peña also reorganized and improved the coordination of the Department of Transportation research and development programs, establishing joint program offices cutting across internal departmental boundaries. I am looking forward to Secretary Peña's strong leadership in this area in the future.

A final challenge facing Secretary-designate Peña will be to carry out the Department's missions in an environmentally responsible manner. The Department of Energy lost public trust and credibility in some previous years by pursuing its programs without sufficient regard to human and environmental consequences and to the need for public participation in decision-making. Recovering that public trust has been a slow and difficult process. It is essential to maintain momentum in this direction if the Department is to regain that public trust. Secretary Peña has a track record here that augers well.

At the same time that he accelerated progress at the Department of Transportation on the construction of new highways and transportation projects, he also increased the speed of the Department of Transportation's response to natural disasters and he brought new emphasis to environmental considerations in transportation management planning.

Mr. President, the Senate's action on this nomination is long overdue. It should have occurred a month ago. The committee's delay in bringing the nomination to the floor, as the chairman of the committee has said, had nothing to do with Secretary Peña's integrity or qualifications for the job. The delay resulted from Senators trying to hold his nomination hostage to attempt to persuade the President to change his position on nuclear waste legislation.

The President has stated serious and well-founded concerns about the nuclear waste bill which is being marked up in the Energy Committee today and the effect that bill would have on the long-term solution to the nuclear waste problem. I share many of those concerns, as do other Senators. To his credit, the President has not been bullied into changing his mind on the substance of that bill, but he has agreed that Secretary Peña, once confirmed, can work with those of us in Congress to try to find a solution to this very difficult and complex problem.

Ironically, we are going forward today in the Energy Committee to mark up the nuclear waste bill. This is at a time, of course, before Secretary Peña will be sworn into office and before he will have had a chance to work with us to resolve some of the differences which have arisen with regard to this legislation.

I believe Secretary Peña will be a great Secretary of Energy. I hope we will confirm him today. I am looking forward to working with him on all the important issues—national security, energy policy, environmental protection and technological competitiveness, and I urge my colleagues to support his nomination.

Mr. DOMENICI. Mr. President, Mr. Peña has an impressive set of challenges ahead of him. From our meetings as well as his committee hearing, I'm confident that he understands the responsibilities of this new assignment and that he is willing to make key changes in the Department to enable future success.

Mr. Peña listed the key priorities for the Department, including the need to ensure a safe and reliable nuclear weapons stockpile while reducing the global nuclear danger. He spoke to the importance of cleanup of former nuclear weapons sites and to finding a timely path for disposing of nuclear waste. He emphasized the importance of using and leveraging science and technology throughout the Department. Those are appropriate priorities.

Responsibility for the Nation's nuclear weapons and nuclear weapons technologies was rightly prominent on

his list. Perhaps no other challenge requires as much of his personal attention. The safety and security of the Nation's nuclear arsenal must be assured. The Nation will place this responsibility squarely on his shoulders.

We talked about the importance of avoiding over dependence on his staff and about moving forward with some key recommendations of the Galvin Commission to minimize micromanagement by the Department.

He assured me that the nuclear weapons program will receive annual budget support above $4 billion for the foreseeable future. Below that level I doubt we can maintain the stockpile at the level of confidence, safety, and security that the nuclear weapon responsibilities demand. He assured me that the Department will continue to fully meet the requirements of the Department of Defense, including weapons production capabilities and a reliable tritium supply, and that the Science Based Stockpile Stewardship Program will remain a cornerstone of the nuclear weapons programs.

He assured me that the Department will continue to pursue strong nonproliferation programs with the former Soviet Union, and seek opportunities for the Department to increase its contributions.

He assured me that the Department will move forward with stronger coordination of policy and budgets, and that an independent review of the Department's overdependence on the NEPA process will be forthcoming. He assured me that he will explore rapid movement away from the Department's self-regulation toward outside regulation. And he assured me that the Department will support not only opening of WIPP this November, but also release of funds to construct the WIPP bypass system in New Mexico.

Based on these assurances of appropriate support for the Department's programs of critical national and global importance, as well as those programs that directly impact on the State of New Mexico, I look forward to working with Secretary of Energy Peña on these challenges over the next 4 years.

Mr. THURMOND. Mr. President, I rise to discuss the pending nomination of Mr. Federico Peña, who has been nominated to serve as Secretary of Energy.

The Armed Services Committee held a hearing on Mr. Peña's nomination last February to assess his views and positions on the Department of Energy's programs that fall within the jurisdiction of the Armed Services Committee. We felt this hearing was necessary because Mr. Peña has no background in national security matters and, until very recently had no identifiable position on defense issues that Senators could use to assess his suitability to manage the Department's diverse national security activities.

I, and other members of the Armed Services Committee, continue to have some concern about the Department's plans to certify the safety and reliability of nuclear warheads, restore tritium production in a timely manner, and maintain the capabilities of the Department's production plants. We also want to see more progress in environmental cleanup at DOE's former defense facilities. These are critical issues that the Secretary of Energy will have to address. I must say that we have not reached complete agreement with Mr. Peña on all of these issues. I intend to work very closely with Mr. Peña to resolve our differences once he is confirmed and I am hopeful that we can make progress on these difficult issues.

Another area of concern that Mr. Peña will be required to address is how to move forward with a permanent repository for the Nation's growing stockpile of spent nuclear fuel. Mr. Peña must avoid playing politics with this issue. He should engage the Congress and work cooperatively to develop a credible solution to this mounting problem. I am hopeful that he will do so.

There is an inconsistency in the Department's actions with regard to spent fuel. The Department has refused to accept U.S. commercial spent nuclear fuel, even after collecting billions of dollars from U.S. rate payers and being ordered to do so by the courts. However, the Department has paid to ship foreign research reactor fuel back to the United States—to the Savannah River Site in South Carolina—where it will likely be stored indefinitely at U.S. taxpayers' expense. Mr. President, this is an outrage. If the Department of Energy can pay to ship spent fuel from First World countries such as Germany and Sweden, why can't they find a way to accept spent nuclear fuel from Minnesota and California. There is no reason President Clinton should not support the legislation pending in the Senate to fix this problem. I strongly encourage the President to allow Mr. Peña to work with the Congress to move forward with a solution to this problem before more taxpayer's dollars are wasted.

Mr. President, despite my remaining concerns, Mr. Peña impresses me as a highly capable manager and I intend to vote favorably on his nomination today. I also want to offer to sit down with Mr. Peña in the coming months to jointly address the issues I have raised. My hope is that he will accept this offer and that we will be able solve these problems for the benefit of the American people.

Mr. GRASSLEY. Mr. President, I rise today to comment on the recent decision of the Justice Department regarding a qui tam lawsuit filed under the false claims act against Energy Secretary-designate Federico Peña. Now, as a Senator I will not comment on the merits of an on-going court case. However, I do believe that it is appropriate to comment on what may be considered an unusual circumstance.

As many of my colleagues may know, when someone files a qui tam lawsuit, the Department of Justice has to make a decision as to whether to intervene in the case or to decline to intervene in the case. Now, this time period is generally from 6 months to 1 year because qui tam lawsuits can be so complex.

With regard to the Peña case, the Justice Department has had the lawsuit for about 1 month and they have already made a decision—to ask the court to dismiss Secretary Peña from the lawsuit. Now, I realize that Secretary Peña is a cabinet nominee and a former Cabinet Member and this case might warrant expedited consideration. But this seems like a rush to judgment. It seems unwise and it raises questions in my mind as to whether the Justice Department's decision in this case is due more to political pressure than to a genuine desire to protect taxpayer dollars.

There are several troubling questions which remain regarding the role of the Department of Transportation, Secretary Peña and other top Transportation Department officials in seeking the reinstatement of a Government contract with the D.M.E. Corp. which the Coast Guard had terminated in March 1994. According to documents supplied to me by the Coast Guard, the D.M.E. Corp. was simply unable to satisfy the contract. Also, according to a memo prepared by the legal adviser to the Coast Guard, a financial audit revealed such serious irregularities that the FBI recommended that D.M.E. be prosecuted for fraud. Did Department of Transportation officials know of the FBI's recommendation when they pressured the Coast Guard to sign a memorandum of understanding committing the Coast Guard to reinstate the D.M.E. contract?

As it happens, Ms. Lus Hopewell, who was Mr. Peña's top aid for the affirmative action programs for the Transportation Department had been the executive director of the Latin American Management Association immediately prior to working for the Transportation Department. Mr. Luis Mola who was the president of D.M.E.—the company whose contract was terminated—sat on the board of directors for the Latin American Management Association. Should Ms. Hopewell have recused herself? Did she disclose to her superiors that she had in effect worked for Mola only months before at her previous job as she was working to get D.M.E. reinstated?

So far, as I understand it, Secretary Peña's defense has been that Coast Guard officials somehow got the mistaken impression that he had met with D.M.E. officials and was involved in reinstating the contract. So, in essence the revealing documents which I have received, which were created contemporaneously and by people with no apparent motive to lie, are mistaken. This explanation is almost identical to a an explanation supplied by Secretary

Peña when he was the mayor of Denver. According to a March 26, 1995 article in the Denver Post newspaper, Alvarado Construction Co. received a $13 million contract to build an administration at the new Denver airport. Alvarado got the bid, however, even though its first bid was disqualified. In order to ensure that Alvarado got the bid, someone voided the first round of bidding for the contract and set up a new round of bidding. Alvarado got the contract on the second round. According to George Doughty, who was the Aviation Director at the time, Peña made the ultimate decision to void the first round of bidding. Secretary Peña said he wasn't involved and he didn't even know that Alvarado had received the bid. Finally, Alvarado was a strong financial backer of Secretary Peña when he was the mayor of Denver as well as a member of the Latin American Management Association. I ask unanimous consent that this article be printed in the RECORD.

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

[From the Denver Post, Mar. 26, 1995]

MR. PENA AND A PAIR OF PROBES

(By Gil Spencer)

At the top of the Sunday, March 12, front page was this Denver Post headline: ''Probe Zeros in on Pena.''

At the top of the Friday front page just six days later, was this Denver Post headline: ''Pena Inquiry Dropped.''

With Commerce Secretary Ron Brown under investigation, with former Agricultural Secretary Mike Espy under investigation, with Housing Secretary Henry Cisneros under investigation, and with the president himself under investigation for financial dealings while he was governor of Arkansas, it is worth more than a mere mention that Transportation Secretary Federico Pena has been cleared by Attorney General Janet Reno, who is not under investigation.

I last talked to Federico Pena almost exactly three years ago. The topic was his integrity, which, if pushed, he might liken to a cross between the Hope Diamond and the Holy Grail. He thinks very highly of his integrity, and not very highly of anyone who might question it, which he said The Denver Post did.

Keeping Mr. Pena's opinion of his integrity in mind, imagine his reaction when some blabber-mouths in Los Angeles started making noises about Pena's former investment firm, which he founded after he left the mayor's office and which he sold in 1992, still bearing his name. The firm, Pena Investment Advisors, was awarded a rather succulent contract to manage a $5 million Los Angeles transit pension fund.

Pena Investment Advisors got the transit contract less than three weeks after its namesake became transportation secretary. The timing of the contract award and the investment firm's pedigree intrigued certain parties in Los Angeles and inspired an intriguing comment by the manager of the transit pension fund, one Melvin Marquardt.

Marquardt, a candid soul, was quoted as saying the investment firm would not have been retained if President Clinton hadn't made Pena secretary of transportation.

Enter Janet Reno. Investigation opens. Investigation closes. Federico and his integrity ride on.

That seems about right. There may possibly have been a case. If so, it was hardly visible to the naked eye. In the other words, the only thing on the table was timing: Pena gets a big job and his old firm gets a big contract. If the firm had been a hopeless loser, Ms. Reno's alarm would have gone off. It would have had to. As it was, the firm seemed qualified and, of course, richer. Life in big-time politics.

Incidentially, in dismissing the contract allegation, Janet Reno also closed down a Justice Department investigation into whether the city—both Pena and Webb—was illegally diverting revenue from Stapleton and using it for non-airport services.

Pena's own department is continuing to investigate that charge, for what it may or may not be worth. And because I know you're absolutely on the edge of your chair, we'll keep you advised.

So Federico Pena is in the clear and has issued a statement that he is pleased but not surprised, adding that his focus has been and remains on serving the president and the American people.

In that spirit, he might turn back the calendar to May 1991. He was mayor Denver and the Alvarado Construction Co. had been awarded a $13 million contract to build the administration building at the new airport. That contract drew political fire 10 months later, when it was learned that Alvarado's first-round low bid had been defective and thus was disqualified.

Standard procedure would have had the contract awarded to the second low bidder, which in this case appeared fully qualified. Didn't happen. The city rejected all bids, saying it did so in the city's best interest, and Alvarado wound up with the contract.

Alvarado got the contract on the second bounce. Mayor Pena said he didn't even know Alvarado had the contract. Aviation Director George Doughty said it was Pena's ultimate decision. Pena said somebody must have had the impression that he made a decision he didn't make.

There's a fat lie in there somewhere.

Pena said he didn't know Alvarado had a $13 million city contract? Pena's world was alive with Alvarados—enjoying his support before the city council, contributing to his '87 campaign and his post-mayorial investment firm (Linda Alvarado became a director of that firm in 1993). He didn't know?

It's been three years since Pena damned The Denver Post for questioning his integrity in connection with the Alvarado contract—three years since the issue was buried whole. This isn't the first time I have written about the issue and it isn't the second. There may be a fourth. That contract has a certain fragrance. Then there was the lying. But maybe we're got it all wrong. Care to straighten us out, Mr. Secretary?

Mr. GRASSLEY. Mr. President, I would also like to point out that D.M.E. has received approximately $30 million in contracts with the Transportation Department. Roughly one-half of those contracts were entered into after the Coast Guard audit detected financial irregularities. Did the questionable practices of D.M.E. at least cause concern within the Transportation Department?

Now these concerns shouldn't necessarily prevent Secretary Peña's nomination from going forward at this time, but there are serious questions about public integrity which require serious answers—not politically expedient ones.

Mr. DASCHLE. Mr. President, I am pleased that we have finally arrived at this point in the process to confirm Federico Peña as the new Secretary of Energy. In my view, it has already taken too long to bring this nomination to the floor of the Senate and I hope and expect that he will be confirmed overwhelmingly today.

The delays in bringing this nomination to the floor have had nothing to do with Secretary Peña's qualifications for the job. His reputation and integrity are unblemished. Through his long and distinguished career in public service, Secretary Peña has established an outstanding reputation as a creative and able administrator, including his work as mayor of Denver, CO, and more recently as Secretary of Transportation.

The questions that have been raised about his fitness for this job have all been answered through extensive questioning before the Senate Energy and Armed Services Committees. No one can argue credibly that Secretary Peña does not have the experience or leadership to head the Department of Energy.

The delay in bringing this nomination to the floor has resulted from efforts to force the administration into accepting an ill-conceived plan to establish an interim nuclear waste depository in Nevada. This effort to link this confirmation to changes in administration policy has been unfair to the administration and to Secretary Peña, who has pledged to work with Congress to try and find a solution to this complex and daunting problem in a manner that is acceptable to all involved.

The Energy Department needs a Secretary now to address the range of issues and challenges that lie before it, including nuclear waste disposal, electric utility deregulation, hazardous materials cleanup, and the broad questions about our Nation's future energy supply. Federico Peña will be an excellent Secretary of Energy and I fully expect that he will guide that Department through these many challenges in a decisive and competent manner.

I urge all my colleagues to join me in supporting the nomination of Federico Peña to be Secretary of Energy and to work cooperatively with him in the future to address responsibly the challenges that face our great Nation.

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

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction

of morning business not to extend beyond the hour of 12:30 p.m., with Senators permited to speak therein for up to 5 minutes each.

The Senator from Alabama is recognized to speak for up to 30 minutes.

JUVENILE VIOLENCE

Mr. SESSIONS. Mr. President, I have been asked to chair the subcommittee of the Judiciary Committee on juvenile violence. It is an issue and a problem that I have dealt with for many years. I have been a Federal and State prosecutor for 17 years. I know juvenile judges, I know sheriffs, I know police chiefs, I know juvenile probation officers and those who work with them. I have been involved in organizations that have dealt with youth crime for many, many years. I think it is a rare opportunity to have the possibility of contributing to an issue as important as this one.

I am particularly pleased that we have a bipartisan interest in real reform of juvenile justice in America. Not long ago, the Republican conference of this body listed juvenile violence as one of its top 10 priorities. The President has made it so in his remarks and in his recent address to the Nation. Just a few weeks ago, the majority leader, TRENT LOTT, met with the President, and they agreed to work to pass a good and effective juvenile reform bill. Senator LOTT had the occasion to talk with me about that, and his instructions to me were: ''JEFF, we want the best crime bill that we can get, something that will effectively reduce juvenile violence in America.''

Mr. President, let me discuss with you what our problems are. Understanding the situation we are in is important. The incidence of adult crime in America, since the early 1980's, has essentially been flat. During that time, we have doubled, tripled, and in some areas of the country, quadrupled the prison capacity for adult offenders in America. Many States have quadrupled their capacity. We have effectively targeted these repeat and dangerous offenders. Those offenders are not now out on the street, committing additional crimes, and we have, at great cost and at great pain, and I regret to say great loss of productivity, incarcerated people who needed to be incarcerated. But we have maintained more safety on our streets than would have been the case.

During this same period of time we have observed that juvenile violence has increased rapidly. We have not dealt with that in any effective way. Since 1982, violent crime committed by juveniles in America has doubled. Murder rates have increased 128 percent since 1982. This violent crime rate has been projected by the Department of Justice to double again by the year 2010. Indeed, by the year 2000 we will have 500,000 more crime-prone males, age 14 to 17. Many experts predict that these numbers alone will drive the juvenile violence rate even higher.

I think we must systematically and deliberately confront this problem, find real solutions to it, and deal with what I consider to be the real problem, which is a juvenile justice system that is simply not working. Those who have seen it, who have worked in it, who have been a part of it, know that. We care about it. We want to improve it. But we have to be honest: It is simply not working.

Let me tell you what is happening in America today. Recently, in Montgomery, AL, a night watchman was killed. I had one of my staff check to see about the three juveniles who had been arrested for that offense. One had 8 prior arrests, another had 8 prior arrests, and the third had 15 prior arrests. That is the kind of thing that is happening all over America. We do not effectively deal with juvenile violence and serious juvenile crime. We act as if it is the same kind of crime that existed 30 or 40 years ago when juvenile crime primarily involved vandalism or petty theft.

Can we do anything about it? Can we, as a nation, effectively deal with these instances of ever increasing violence by young offenders, and make the system work better? As somebody who has been in it, I believe sincerely that we can. It strikes me that we have a system which is so badly constituted that we have great opportunities to make it more productive and work better.

Mr. President, let me give you an outline of some of the proposals that will be in our bill and I think will be supported by the Department of Justice and the President. Senator JOSEPH BIDEN, the ranking Democratic member on our subcommittee, and others should be in general agreement with the proposals I am going to make. I certainly hope they will be.

First, we do have to make the Federal system work better. It is as a practical matter impossible at this time to effectively prosecute a juvenile offense in Federal court. The prosecutor must certify that the offender cannot be prosecuted in State court. Then the prosecutor must certify the offender as an adult. Then the offender has a right, at that point, to appeal the certification, to the U.S. Circuit Court of Appeals, which delays the trial as much as a year while the public waits on the results of that appeal. That is not necessary.

We believe that our bill, with the support of the President, and the Department of Justice, can eliminate those problems and allow the Federal prosecutors to effectively be engaged in prosecuting appropriate violent juvenile cases. But we have to be honest with ourselves: 99.9 percent of juvenile crime cases—99.99 percent—are being tried in State court. Overwhelmingly, those cases ought to continue to be in State court. We do not need to have the Federal bureaucracy, here in Washington, DC, taking over the prosecution of juvenile crime in the States.

What we need to do in this Nation, and what this Senate needs to do, and what our Federal Government needs to do, is develop ways to assist the juvenile systems throughout America to be more productive in prosecuting cases within their own counties, cities and localities. This is the most important thing. First, we need to fix the Federal system, but we do not need to ever think for one moment that that is going to be a serious detriment to the overall growth and threat of violence in our young offenders.

How do we improve the States' systems? We have to deal with it systemically, addressing the day-to-day things that are happening there. I would like to share with you some proposals that will be included in our bill, and share with you some of the problems that we face. First, let me tell you what is happening today all over this country, when young offenders are arrested.

Let us take this example. A young offender in a stolen car is arrested at 2 a.m. by a local deputy sheriff, caught flat-footed. What typically happens is, if there is not a juvenile facility nearby—and normally there are only a few approved juvenile facilities within the State—that offender cannot be kept overnight in a separate part of a local or city jail. Those offenders cannot be kept at the local jail because Federal mandates say they cannot be housed in any institution in which adults are housed. They cannot even be in an institution that shares the same dining facility. So they either have to be released that night, or they have to be taken to a juvenile facility that may be in a distant locality and may be at full capacity. So, routinely what happens is that young offender, caught flat-footed in a stolen automobile, is released that night to his parents. He is back on the street that night.

It is not just bad for him, that he receives a horrible message, but it is also bad for his younger brothers, perhaps, or his running buddies, his would-be criminal associates, because they know Billy got caught. They know the police caught him in a stolen car. They see him back on the street that very night or the next morning. They see him laughing about it. They do not respect the system, and that procedure undermines the moral authority of the police and the legal system in America. It encourages crime and it does not deter crime, and we have to deal with that fundamental problem. We can do so, and I have some ideas I would like to share with you.

As a matter of fact, as I traveled the State of Alabama as attorney general, talking to local police, that is the single most frustrating situation for local police officers throughout Alabama, and I think the Nation, in juvenile crime, because these officers say to me over and over, ''Jeff, they are laughing at us. They don't think we can do anything to them, and we can't.'' This creates crime by sending a clear message to all involved that these young offenders are getting away with their crimes.

How do we deal with that? We need to end these irrational Federal mandates that require total separation. We do not need to have young offenders in the same cell with hardened criminals. Nobody proposes that. But on separate floors, in separate wings, separate parts of jails can be carved out where young offenders can be kept, at least for short periods of time, totally apart from adult offenders. That can and should be done, and it is the only sane and logical thing to do. I believe there is a growing consensus in America to do that, and our bill will do that. I think we can have bipartisan support to end these regulations. This will free up, at little or no cost, significant amounts of bed space for juvenile offenders.

In addition, we need to put some money into juvenile facilities. Adult facilities, as I have said, have doubled and tripled and quadrupled in America, but facilities for young offenders have not increased. In fact, in some States, their jail space for juveniles has decreased. Florida, after decreasing juvenile jails for a number of years, has now recognized the need to increase their available space. Our bill will provide financial support to State and local governments who need to undertake to expand their existing facilities, such as by putting on a separate wing for juvenile offenders. That way, at a reasonable cost, we can add jail capacity.

A sheriff in Alabama told me just a few weeks ago that he was arresting and incarcerating people under a new Alabama law that our Attorney General's office helped get passed, but he did not realize he was also in violation of Federal mandates and he was called on the carpet by Federal officials who forced him to stop. His policy was to hold young offenders for several days when the charges were serious, taking them promptly to court, and having prompt hearings. As a result of that tough approach, his juvenile crime rate dropped significantly. He was just furious that he could no longer carry out that policy, because he was absolutely convinced that if he was given the capacity to identify the serious offenders, take them to court, and detain them, then he could make progress in reducing crime. That is what we want. We want to deter criminal conduct. We want to have a system that does, in fact, cause juveniles to think about the consequences of their actions before they are tempted to commit a crime. I am convinced that our plan will do that.

Some of these matters I will be talking about on the floor in the future in more detail, but I want to mention several other parts of this program that I think will have bipartisan support and which will be effective in thousands of everyday criminal cases in juvenile court, so that we can deter these young offenders from going further along. We need to make that first brush with the law their last.

Drug testing. I have always thought it was virtually irrational or insane for us to arrest offenders, when we know statistically as high as 60 and 70 percent of serious offenders test positive for an illegal substance in their body at the time of their arrest, and not drug test them to determine whether or not they have a drug problem. They will say they do not. Routinely, they will deny it, but through regular drug testing, we can identify those young offenders who are using drugs. We can identify those who can, through their own willpower and the discipline of the court get off drugs, and those who are seriously addicted and need treatment. We can involve their families, if they have families, in that process. We can give the judge the kind of information he needs to know. When he is crafting an appropriate sentence, he needs to know whether or not this person standing before him, the one he is about to sentence, has a serious drug problem, and the sure way to do that is drug testing. It is relatively inexpensive.

So we will be proposing legislation that will provide money for State and local juvenile courts to test young offenders. If they test positive, they can put them on a very intensive drug-testing program, and if they continue to flunk, they will either go to jail or some serious treatment facility. We need to stay on them. We do not do them a favor to act as if their drug problem does not exist and allow them to continue life as usual. We need to work on that very hard.

Another matter that is extremely important is recordkeeping. For years, we have had in the National Crime Information Center the capacity to put every adult person's criminal history in our national computer system, so when they are arrested, a law officer can call up the National Crime Information Center from any police department in America, and, indeed, many police officers have today in their vehicles the capacity to tap into that system to find out if the person they just stopped out on the highway is a fugitive from justice for a serious offense. It is one of the most worthwhile, productive criminal justice innovations this Nation has ever implemented. It is not being done for juveniles.

The greatest predictor of adult violence is a history of violence and crime as a youngster. We know that. That makes common sense. Yet, with regard to the young people who are being arrested, because of the secrecy laws around the country and an aversion for putting these records in the NCIC, the judges may not know about a history of violence and crime. They may know it if the offender committed a crime in their local community, but they will not know it if they committed it in another community.

Additionally, in the case of a 24-year-old, for example, who the judge is about to sentence, that judge would need to know, in crafting an appropriate sentence, whether that offender standing before him had committed two armed robberies as a juvenile in a distant city. We have made a serious mistake over the years in not putting those records in the National Crime Information Center, and our bill will end that policy. I think it is something long overdue.

I think it is appropriate for the Federal Government to provide training for State and local officials. It would be good to provide a national center, that no one State could afford to put together, to train probation officers who will be working with young offenders, to train sheriff deputies and police officers who will be working with young offenders, to train prosecutors who will be working with young offenders and, yes, provide the latest and finest training for juvenile judges so that they can be effective. I would love to see us establish training centers and scholarship programs so that virtually every young prosecutor, every new probation officer for juvenile offenders could have 1 week or 2 or 3 weeks in intensive training on what it means to have their job and how to best conduct themselves in it.

We also need, and it is appropriate for the Federal Government who has all 50 States under its jurisdiction, to provide a research center to study what programs work and what programs don't work, to give authoritative data to local officials as they struggle to decide what to do about juvenile violence in their community.

I sense, as I travel Alabama—and I know this is true nationally—that people in local communities are very concerned about juvenile crime, and they want to develop programs to do something. They are willing to invest money in that. They are just not certain what to do.

For example, a number of years ago, Congress developed a boot camp program in America. We had one of those in my hometown of Mobile. I was involved in helping to get it established. We had great expectations for it. The U.S. Department of Justice did an intensive study of the boot camps around and the studies produced, unfortunately, mixed results. The studies concluded that whereas many young offenders appear to be quite changed when they finish their short-term incarceration and intensive military-like discipline and really seem to be better, once they were released and went back into the community from which they came, they developed the same friends and same associates and the recidivist rates, the rearrest rates, did not change very much.

So since then, boot camps, because of that study and others, have adopted an aftercare program where the graduates have to come back to the training center with their parents or parent and go through a counseling and intense monitoring program. This has helped expand the productivity of the boot camp system and has helped keep more of these people from going back into a life of crime.

That is the kind of thing that is difficult for a State to do on its own. It is appropriate for the Federal Government to do that. That is not a Federal takeover of juvenile justice, but a Federal helping hand to give States the information that they need.

So, Mr. President, I would just say that we are dealing with an issue of great national importance. I cannot tell you how delighted I am that the President, that the Department of Justice, that the Democratic leadership of this body and the Republican leadership of this body are united in being committed to developing a workable plan that will actually and realistically improve our ability to deal with this juvenile crime problem, because if we don't, it will get worse. And I am excited about our prospects.

This proposal that I have outlined for you today will provide more jail space so that when young offenders violate their probation, so that when they commit crimes, they can be immediately incarcerated and disciplined by their judge. If the judge has no capacity to do that, then that judge is losing control of his courtroom; and the police officers who went out and made the arrest, their moral authority is undermined.

We need drug testing to find out which ones of these young people are addicted to dangerous drugs which may be the accelerant to their criminal activity.

We need better recordkeeping to identify serious dangerous offenders throughout this Nation as they move throughout this Nation.

We need a training center to train local and State law enforcement.

And we need a research center to identify the greatest and best ways to fight juvenile crime so that we can assist Federal and State activity in improving that effort.

Mr. President, I am excited about the potential for doing something good for America, for making our streets safer. I must point out that in some areas of this country almost the leading, if not the leading, cause of death of young people is murder. That is a horrible thing to say, because it is not just the young people who are committing crimes, they are also the victims of young criminals. It is something we have to put an end to if we care about our country.

It is a core function of government that we make our streets safe. This bill will help take us a long way toward that goal. I thank you, Mr. President.

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

The PRESIDING OFFICER (Mr. HUTCHINSON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CHANGE OF TIME OF VOTE

Mr. HATCH. Mr. President, I ask unanimous consent that the previously ordered vote at 12:30 p.m. today now occur at 12:45 p.m.

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

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. 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. DODD. Thank you, Mr. President.

Mr. President, parliamentary inquiry. I presume we are still in morning business; is that not correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DODD. I thank the Chair.

(The remarks of Mr. DODD pertaining to the introduction of S. 426 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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, is morning business time reserved at this point?

The PRESIDING OFFICER. The Senate is conducting morning business until 12:45.

Mr. DORGAN. Let me yield myself such time as I may consume, Mr. President. There is one hour calculated and my colleagues will also be taking some time. A couple of colleagues are not here yet.

THE BUDGET

Mr. DORGAN. Mr. President, we wanted to come to the floor today because we have watched for a number of weeks a discussion on the floor of the Senate about changing the United States Constitution to require a balanced budget. In fact, for a good many weeks we had a stack almost 5-foot tall of books. Apparently they represented budget books and budgets that were submitted by Presidents to Congress and described various budget deficits over many years. And that 5-foot stack of books resided on the desk over there for I think 3 or 4 weeks in the Chamber. The discussion was: ''Let us change the Constitution to require a balanced budget.'' We had that vote. Those books are now gone. Now, of course, comes the real work. Altering the Constitution of the United States is one thing. Balancing the budget by writing a yearly budget, which the Congress is required to do following the submission of a budget by the President, is quite another thing. I made the point during the debate on the constitutional amendment to balance the budget that we could alter the Constitution at 12 o'clock noon that requires a balanced budget and at 12:01 there would be no difference in either Federal debt or Federal deficit. Why? Because that is required to be done in the individual yearly choices of taxing and spending decisions here in the Congress.

I do not see anybody out here on the floor on the other side with nearly as much energy on the proposition of writing a budget that will really balance the budget. In fact, no one is here now, and there hasn't been for some long while anyone here to address the question of will there be a budget brought to the floor of the Senate? The deadline for the Budget Committee to act on a budget is April 1. That is not very many days away. The deadline for the adoption of a budget resolution by the Congress is April 15, about a month away. That leaves only 7 working days here in the Senate between now and the deadline by which the Budget Committee shall have acted to comply with its responsibilities. And it is only 14 working days in the Congress to actually pass a conference report on the floor of the Senate and the House to comply with the requirements of the budget act. But, contrary to 5 feet of documents when we discussed altering the Constitution, you can't find a single page scavenging anywhere in this Chamber. Not in the darkest recesses of the deepest drawer in these Senate desks will you find a page that explains what the plan is for actually balancing the budget—not altering the Constitution; the plan for actually balancing the budget.

We say we are ready. We want a plan to balance the budget. The President has submitted a plan. Now let's see the alternatives, and talk about them and describe the choices and what are the priorities.

Why do we not see a plan? And why do we see so little energy on this issue of actually dealing with the budget on the floor of the Senate?

I want to hold up a chart that describes why I think we are in this situation. The Joint Tax Committee disclosed to us that in the first 5 years of the coming budget the cost of the proposed tax cuts by the Republicans here in Congress will mean $200 billion in lost revenue but that in the first 10 years the lost revenue will be $525 billion. In other words, you lose a couple hundred billion dollars in the first 5 years, and then much, much more than that in the second 5 years; in 10 years, nearly half a trillion dollars.

What does that mean? It means, if you have that much less revenue—and, incidentally, most all of this tax cut

will be borrowed and will be added to the Federal debt—every dollar of tax cut proposed before the budget is balanced is going to be borrowed. But the point is when you are proposing very deep cuts in your revenue, then what happens? You have to make deeper and deeper and deeper cuts in some of the programs that people rely on. Then you have to answer the question that people in this Chamber ask and people around the country ask. What does this mean in terms of the programs that affect me, such as the Medicare Program? What does it mean in terms of the investments in education? What does it mean in terms of building and repairing highways and roads? What does it mean in terms of funding of the National Institutes of Health?

Those are the questions that you have to ask in order to construct a budget that will balance the budget, and those are the questions that are not being asked. I guess the reason is there are not answers.

So we come to the floor of the Senate today to say we are 7 working days in the Senate away from the requirement in law that the Budget Committee act on a budget resolution. It appears no such action will take place. The majority leader on the other side of this Capitol said they may act on some kind of a plan in May. He was unclear about that. That is not what the law requires. The law doesn't require anything other than that on April 1 a budget resolution be adopted by the Budget Committees and by April 15 adopted by the Congress.

As I said previously, it is easy enough to come to the floor of the Senate and breeze on about altering the Constitution of the United States, apparently allowing some people to believe that, if you can alter the Constitution, you would have balanced the budget. Of course, nothing could be further from the truth. Altering the Constitution will not alter the deficit by 1 cent. That will be done by making individual tough choices in taxing and spending decisions. Why are those choices not now being made? Why does there appear that there is no preparation on the part of those who anguished so hard to change the Constitution? Why does there seem to be no preparation on their part to anguish as hard and toil as long to create a budget that will actually balance the budget? Because I think that they have with their cans and brushes painted themselves into a corner promising tax cuts to the tune of $200 billion in 5 years, and $500 billion in 10 years; tax cuts undoubtedly that are popular but tax cuts that they know will require them to make enormously deep cuts in a wide range of programs that are very important in this country.

I believe they simply don't want to describe what those cuts will be and which programs those cuts will come from.

Mr. President, I would be happy to yield such time as may be consumed to the Senator from Illinois, Senator DURBIN.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Illinois is recognized.

Mr. DURBIN. Thank you, Mr. President. I thank my colleague for yielding, and I join him in this statement this morning.

For the last several weeks we have listened to the Republican leaders standing next to stacks of budget books in full-throated pride for balanced budgets, the key to America's economic future, the rallying point for this Nation to come together to balance the budget.

Their call for a constitutional amendment did not pass. It failed by one vote. I voted against it. And what I said then I will say now. The job before us is not to amend the Constitution but to balance the budget. And the two are not the same. Amending the Constitution is no guarantee that we will have a balanced budget tomorrow or the next day. The only guarantee that we can offer the American people is to our actions, actions in this Chamber and the House coming together with the President and reaching an agreement.

Many years ago, there was a Senator from Illinois whose name was Everett McKinley Dirksen. He served with my colleague from West Virginia. Senator Dirksen, in the early 1960's, made a momentous decision and decided to support civil rights legislation for the first time in his career. When Senator Dirksen was asked why, after years of resistance, he came to the point where he supported this legislation, he said, ''There is nothing more pregnant than an idea whose time has come.''

If the idea of a balanced budget has come, the obvious question is why the Republican leadership in control of the Senate and the House has not met their responsibility under the law to put together a budget, to bring it forward so the American people can see what their priorities are. Why in the name of all that is holy would they hold back from this responsibility?

I can tell you why. It is fairly clear. They have a serious problem. The Republicans have overpromised. They have promised tax cuts that create serious problems in balancing the budget. These tax cuts that have been promised by the Republicans this year are in excess of the tax cuts promised in the heralded Contract With America, which was presented for 2 years before Congress. Do you remember that scenario? At that time, the Republicans came forward and said, in the Contract With America, we are going to make the following tax cuts. And in order to pay for those tax cuts, we are going to cut programs.

When you took a close look at those tax cuts, you realized that they primarily went to wealthy people. A lot of us on the Democratic side of the aisle said, now, is that fair, to propose a package of tax cuts at a time when we are trying to balance the budget, when the tax cuts go to the wealthiest people in America? Then we took a look as well and said, well, how will they pay for them?

The proposals coming from the Republican side suggested deep cuts in Medicare, in Medicaid, in environmental protection programs, and college student loan programs, to name but a few. The President said: I will not buy it; it is not fair; we have to balance the budget, but we cannot do it at the expense of these critical programs like Medicare and college student loans and protection of the environment. So the President vetoed their bill.

They said, if that is what the President wants, we will close down the Government, and they did—two separate occasions, the longest shutdowns in the history of U.S. Government occasioned because of the inability of Democrats and Republicans to reach an agreement on balancing the budget.

After that experience came an election, and the American people, I thought, were given one of the clearest choices in our history—on one side, the Dole and Gingrich approach, and on the other side the Clinton-Gore approach and that supported by many of us as Democrats.

I think those were two sharply contrasting views of the world, and I expected the American electorate to speak in one voice and say, given this fork in the road, this is the course we want to travel.

The American people made a decision in the election last November, and they decided they wanted both. They wanted to preserve the Democratic leadership in the White House with the President, but they wanted to preserve Republican leadership in Congress.

Now this odd couple comes together, a Republican Congress and a Democratic President, trying to divine exactly what is the message sent by the American people. I think the message is easy to divine, and here is what I think it is. Balance the budget. Be fiscally responsible. But do it in a way that does not harm the most important programs to American families.

I do not think that is an unreasonable request, and I think it reflects where most Americans stand when they look to our future. Now the President has stepped forward and met his share of the burden. He has produced a budget which comes to balance by 2002, a budget which makes cuts and makes changes that he believes and I believe will reach balance without cutting important programs, and the President adds a safety valve. If he is wrong, if 5 or 6 years from now he has guessed wrong and we end up out of balance, the President has a trigger mechanism that comes in and makes an across-the-board cut to reach balance. Even the Congressional Budget Office, which has not been friendly to many Democratic proposals recently, has had to concede that is a way of balancing the budget. It is a trigger mechanism which will, in

fact, make certain that the budget comes to balance.

So the President put his proposal on the table, and if you follow recent history, in the natural course of events it is now the turn of the Republican leadership in Congress to come forward with their proposal. As was said by my friend from North Dakota, after viewing for weeks stacks of budget books that were viewed with derision by those who supported a constitutional amendment, we cannot find a single sheaf of paper on the Republican side suggesting how they will reach a balanced budget.

The reason? They have painted themselves in a corner. They find themselves in an impossible position. They have overpromised on tax cuts for wealthy people, even more than in the Contract With America, and they cannot figure out how to pay for it and balance the budget. So they have stepped back, removed themselves from the fray, and have basically said to the President, give us another budget now. You gave us one. Let us see a second one.

I am sorry, but the legislation that we have passed involving the budget and the history of these institutions suggests the President has met his responsibility and now it is the responsibility of the Republican leadership to come forward. They understand that if they are going to protect and preserve the tax cuts they have called for, it will force even deeper cuts in Medicare, even deeper cuts in college student loans, even deeper cuts in environmental protection than they suggested 2 years ago. They are in that corner and do not know the way out.

Let me suggest there is a way out. Reduce these tax cuts to those the President has targeted to help working families, make certain they are tax cuts we can afford, make certain as well that we preserve basic programs like college student loans and environmental protection. Let us work together in a bipartisan fashion to chart a course for Medicare that will bring it not only solvency but stability for years to come, and we can come up with this balanced budget. But it is time for the Republican leadership to step forward and to meet their responsibility.

Mr. DODD. Will my colleague yield?

Mr. DURBIN. I will be happy to yield to my colleague from Connecticut.

Mr. DODD. I thank my colleague for yielding. I wanted to make some of the same points. I see my colleague from California here as well.

There has been a lot of discussion about budgets, Mr. President. There has been an additional request now that the President submit yet another budget. Let me just suggest that I think the reception of the President's budget was, initially, encouraging. Our Republican colleagues can be commended for not declaring it ''dead on arrival,'' as we have seen all too often in past budgets. But as has been pointed out, year in and year out there is a dual responsibility not only for the executive branch to submit budgets, but also for those of us in the coequal branch of Government, the legislative branch of Government, which has control over the purse strings, to respond. We must respond in a way that gives the American public an opportunity, one, to either endorse what the President has suggested or, two, to offer alternatives that can be identified and seen so comparisons can be made.

I hope at this juncture the majority here would demonstrate leadership. The Budget Act requires that budgets be sent to the full Congress; that we then submit a budget, have our own budget here, that either duplicates the President or offers some alternatives so that we can then debate out the process and move in the direction that I think all of us have endorsed regardless of where anyone stood on the proposed constitutional amendment. I didn't hear a single Member of this body indicate anything but strong support for achieving a balanced budget as soon as possible, hopefully by the year 2002, for all of the very obvious reasons that the distinguished Senator from West Virginia and others articulated during that lengthy debate. Our colleague from Illinois has already pointed out—and these charts here, I think, give some indication of what we are looking at—the tax breaks that are being proposed. They are actually even larger than last year's proposals.

There are Members who endorse last year's proposals and I presume are in favor of having even larger ones. But I think the American public ought to know what the implications are. As it is right now, over the next 5 years we will be looking, here, at additional tax breaks that are relatively large even over the first 5 years, but then move up considerably over a 10-year period. That ought to be a concern to everyone here. Because, obviously, if we find ourselves again in a deficit situation, even a larger one than we were in the past 10 years, then we will be right back again debating, I presume, constitutional amendments and the like. So we have an obligation to be fiscally responsible.

Mr. DURBIN. Will the Senator yield on that point?

Mr. DODD. Of course. The Senator has the floor.

Mr. DURBIN. Naturally, every politician wants to propose a tax cut. Is there anything that draws more applause in a town meeting than the line that ''we want to cut your taxes''?

Mr. DODD. Of course not.

Mr. DURBIN. But think of what happened when Senator Dole proposed a substantial tax cut as the keystone of his campaign. It fell flat. The American people are skeptical. They want to make sure we keep our eye on the ball, and we have to move toward balancing the budget. Tax cuts are important, but if they are at the expense of balancing the budget, or at the expense of important programs, the American people say, ''Wait.''

Mr. DODD. My colleague is absolutely correct. They not only say ''wait,'' but they also ask the basic question that we all have to ask. If I were to stand here before you and suggest spending increases of $200.5 billion in the first 5 years, and spending increases of $525.8 billion over 10 years, the words would not be out of my mouth before one of my colleagues, either on this side or the other side, would ask me the very fundamental question, the steely-eyed question we are all asked to address today of, ''Senator, how do you intend to pay for this?'' And, if you cannot answer that threshold question, then you have to go back to the drawing boards.

All we are suggesting here is to put our constituencies and the American public on notice of what we are looking at here, that comparing these numbers over the next 10 years, the requests are even larger than they were before, and that we ought to be asking that question, without getting into the specificity of particular tax proposals here, how do we pay for them so we do not find ourselves in the situation that we have been placed in over the last 10 or 15 years with huge deficits?

Let me draw my colleagues' attention as well to this next chart which lays it out exactly. These numbers, by the way, are prepared by the Congressional Budget Office and the Joint Tax Committee. They are not prepared by some partisan group. This is a nonpartisan analysis, a bipartisan analysis. It says, if you took these tax cuts and carried them out to the year 2007, given the baseline deficits already projected, that you are looking at these huge new deficits. This year it is about $120 billion. But if unchecked and unpaid for, those deficits rise to $348 billion, exceeding by almost $50 billion the high-water mark for deficits in the last year, 4 years ago, of $290 billion. So those deficits continue to climb. By the year 2007, or before, we will be right back in the situation we were before. So, I draw the attention of my colleagues to that because I think it needs to be addressed.

How do you pay for these? Again, Members can offer their own solutions. But we are not talking about small change here. These are huge items. Obviously, if you look at the budget, where are the big ticket items that could pay for those kinds of proposals? It has been suggested that Medicare, Social Security, health, education, training, veterans, agriculture, infrastructure—these are the big ticket items, particularly up in this part of the bracket, the Medicare, Social Security, natural resources, health and education. Those are the larger items—veterans as well. Defense could fall into this area, obviously. So we ought to be addressing those issues that are before us.

So we raise this today because we think it is important that we engage in

this debate. We are a legislative body. It is deliberate, it is slow, it can be ponderous. But we are trying to prepare, now, a budget, in the wake of the proposed constitutional amendment to try to get us into balance, to keep those interest rates down so businesses can grow and expand and hire people. We have enjoyed 6 years of sustained economic growth now, in no small measure because we collectively have made progress. And I will not engage in the finger-pointing about who deserves credit or who is responsible—but the fact of the matter is, we have brought those deficits down, now, from $290 billion to $120 billion, actually down to $107 billion at one point. And we ought to be doing everything in our power to see to it we continue on that glidepath so those interest rates do not spike up again, costing American families and this Nation the burdens those increases would bring.

So we are suggesting here today, let us begin work on these. Making a request of the President on a daily basis or hourly basis, ''submit yet another budget, yet another budget, yet another budget'' is not productive. We bear the responsibility as legislators, those who control the purse strings, to respond to the budget the President has sent to us, either by rejecting it and submitting our own, or by proposing, in a clear way for the American public to see, exactly what the priorities will be and how you will pay for them.

Whether it is a spending increase or a tax expenditure, the American public wants to know the simple answer to the question: How do you intend to pay for this? So we are here today to urge our colleagues, who are in the position to most specifically respond to these matters, that in the coming days, rather than spending time by issuing press releases challenging the President to submit yet another budget, to fulfill our constitutional obligations here and to step forward and explain to the American public exactly what our proposals are.

Let me just conclude by saying there are a number of these tax cut proposals that are being suggested which I support. I am not opposed to them. Just as there are spending proposals of which I am in favor. But whether it is a spending proposal I am in favor of or a tax cut I am in favor of, the same question must be asked of either point: How do you pay for them?

So, whether it is capital gains tax cuts, estate tax cuts, or child care credits—there are all sorts of things people are proposing. Whatever it is, what the bulk of it is, the question must be raised: How do you pay for it? If, in fact, these tax cut proposals, as some have suggested, would drive us back into the very situation we found ourselves in only a few short years ago, then I think we have to meet our responsibility, that has not yet been met, of following our legislative mandates and responsibilities.

With that, I see my colleague from California here. I will leave these charts here for her to peruse, and for others who may want to come over and take a look at them. I know she shares similar concerns and thoughts, coming from the largest State in our Union, a State which has contributed much to the general welfare and health of our country. Obviously, whether you live in a small State like mine, Connecticut, or a large State like California, people on the respective coasts and everyone in between in this country want to know the answers to these questions.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, before the Senator from Connecticut leaves the floor, I just wanted to thank him, because we are really running into some statutory deadlines here, and, as he pointed out, because we do sit on the Budget Committee together, these are not just written down for fun. They are serious.

By April 1, the Budget Committee is statutorily required to vote out a budget. On April 15, the Congress is statutorily required to vote out a budget. We, on this side of the aisle, do not control the agenda around here. That is one very strong power of the majority. And believe me, we are sad that we do not have the ability to move an agenda, because if we did, we would have this budget on the floor today. We would be debating it.

Why do I say that? It is because the budget of the United States of America is, in fact, the priorities of this Nation. What we spend on really says to us what we are about as a country. Do we invest in education? The President in his budget says yes.

Do we make sure that our seniors are protected from deep, deep cuts in Medicare and Social Security? Yes, we care. The President cares.

Does the President think we should do more to clean up the toxic waste sites and enforce environmental laws? Yes, he does.

Does he think we ought to invest in NIH, the National Institutes of Health, so we can find cures for diseases, be it breast cancer or prostate cancer or Alzheimer's or scleroderma, all of these things which cry out for attention? The President says yes.

The President says we should put more police on streets into community policing. That is all in his budget.

A budget reflects the priorities of a nation. It tells the country who we are, what we think is most important, and, by the way, all in the context of a balanced budget, so certified by the Congressional Budget Office. So the President has put forward his effort. It is certified by the Congressional Budget Office to balance in 5 years. We have it in writing. We have the letter.

Now we are saying to our Republican friends who control this—they have 55 Senators, we have 45; they are in charge—that it is their responsibility now to bring to the Budget Committee their budget. They do not like the President's budget. They have criticized the President's budget. They have done it day after day. Where is their budget? They are playing hide and seek with their budget, and I think it is time for show and tell. Show us your budget. Where are your priorities?

We only know one thing from Republicans. We know that they want to institute a huge tax cut. The President has a tax cut proposal, and it is modest. It is $98 billion over 5 years. That is what it costs, and it is paid for. What does he do? He calls for tax relief to help middle-income Americans. He calls for a $500 tax credit for dependent children, a $10,000 deduction for post-secondary education, and a proposal to allow married taxpayers to exclude from capital gains taxes up to $500,000 in gains from selling a home. Single taxpayers could exclude up to $250,000. This would exempt about 99 percent of home sales from capital gains taxes. These are the President's tax proposals.

The Republicans have said they want to do $200 billion of tax-cut proposals. So we are saying, ''How are you going to pay for it? Where are your priorities?''

There are two ways to do it in the Budget Committee. One way is for the Republicans to offer their own budget. They have talked for weeks about a balanced budget amendment to the Constitution. Where is their balanced budget? They want an amendment to the Constitution, but where is their actual budget? They don't have it. We don't know what it is. We only know they want to cut taxes over 5 years by $200 billion, over 10 years by $500 billion. Are they going to go back to the big cuts in Medicare, big cuts in education that we fought off last year? Remember? The Government shut down over these very proposals because President Clinton and the Democrats in Congress said, ''Absolutely not, we're not going to do that to benefit the very wealthy.''

A recent study shows that the top 1 percent of taxpayers would get an average tax break of more than $21,000, and that is extraordinary—the top 1 percent.

Mr. President, I reiterate that right now, the Senate has only 7 working days prior to the April 1 deadline for the Budget Committee to bring a budget to the floor—7 working days—and the Budget Committee, on which I am proud to serve, does not even have a markup scheduled. Why is this? The President put his budget forward. The CBO has certified that it does reach balance in 5 years. June O'Neill signed the letter. I ask unanimous consent to have that letter printed in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 4, 1997.

Hon. FRANK R. LAUTENBERG,
Ranking Member, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR SENATOR: You asked whether the alternative set of policies proposed by the President in the event that Congressional Budget Office projections are used in the budget process would achieve unified budget balance in fiscal year 2002.

As we described in our March 3 preliminary analysis of the President's 1998 budgetary proposals. ''the alternative policies proposed by the President were designed to fill exactly any size deficit hole that CBO might project under the basic policies.''

I hope that this answer meets your needs.

Sincerely,

JUNE E. O'NEILL.

Mrs. BOXER. Mr. President, the President has submitted a balanced budget. In that balanced budget, he protects Medicare and he protects Social Security. He moves forward with an investment and commitment in education and the environment and health research and transportation and putting more community police on the streets. This is a good budget, and if the Republicans don't like it—and I don't expect them to like it, that is why there is a difference in the parties here, we know we have different priorities—let them come forward with a budget instead of playing hide and seek.

We only know one thing they want, and that is tax breaks to the very wealthy. They have put that out there. The President calls for $98 billion of tax cuts over a 5-year period. Those are targeted to the middle class so that when you sell your home, you will not have to pay capital gains taxes; so if you send your child to college, you can write off $10,000; so if you have children, you can exercise tax credits. These are modest tax breaks for the middle class.

The Republicans, on the other hand, have a tax break that is so huge that it is going to cost $200 billion. A recent study shows the top 1 percent of taxpayers would get an average tax break of more than $21,000 while 99 percent of the rest of us do not get that benefit. So it seems to me we are going back to the battle that we had last year when the Government shut down.

But this is even worse. They will not show us their budget. Where is it? We know the tax cut part. Where is the spending part? Where are we going to get the money to balance in the year 2002 to pay for those tax cuts? Are you going to do what you did the last time, take $200 billion out of Medicare? I hope not. That brought the Government to a shutdown.

So I just am very confused. I can understand why my Republican colleagues would not like the President's budget. I can understand that. Frankly, I think the budget the President put forward is an excellent product, and it makes the investments we need to make while protecting our priorities. It has tax breaks for the middle class. It balances by 2002. I think it is a budget that the American people will get behind. But I know that my Republican colleagues criticize everything this President does, and they are going to find some things in that budget they do not like. It is fair. It is absolutely fair for them.

But I will tell you what is unfair. It is unfair for them to point the finger at this President, by the way, and tell him to go back and redo it. That is what they are telling him to do. ''Go back and do a second budget,'' they say, when they have not even put a first budget forward. Let us see their first budget. Let us see their first budget. Maybe if they do a first budget, they will have some authority to say they want a second budget from the President.

But the President has put his best case forward, certified by the CBO to balance, that protects Medicare, protects Medicaid, invests in our children, invests in the environment, invests in health research, puts more cops on the beat. And it is being ridiculed and criticized, and they say, go back and do it all again. Look, it is irresponsible at this point that we do not have a markup of a budget.

If they do not want to produce a budget, I have another scenario. Let them take the President's budget, which they do not like, and amend it.

If they want to make the tax cuts bigger, make the tax cuts bigger. Offer an amendment to make the tax cuts bigger, and show us how you are going to pay for it.

You want to cut education? Have the guts to do it. Write an amendment. Tell the American people you do not think it is a priority.

You want to cut out Environmental Protection Agency enforcement? Have the guts to offer an amendment.

You want to spend less on health research, transportation? That is fine. That is your right. But what I do not think is your right is to criticize and point fingers at the President, tell him he has to go back and write a new budget before you even put your budget out there, all but your tax cuts—all but your tax cuts.

Well, that is the easy part, folks. I love to talk about the tax cuts in the President's budget because I have to think they are very helpful to our society. But at the same time we have to make some tough choices in the budget, some tough choices all the way across the board. And that is what the President has done.

So we have 7 working days to meet the April 1 deadline for the Budget Committee. We have only 14 working days before the deadline for final congressional passage. And the Republicans have no budget, or if they have a budget, it is in somebody's pocket or it is in some back room. It has not been brought out yet. I just think we are asking for trouble. We are going to miss these deadlines and are not going to do our work.

As I said when I listened to the debate on the balanced budget amendment, I believed that people on both sides of that issue wanted to balance the budget. They had disagreements over whether you need to put it in the Constitution, but I surely believed once we disposed of that issue, we voted on it, we would get to the hard business of balancing the budget. But it is awfully difficult to do it when the only one who has put out a balanced budget is President Clinton, and the other side is poking holes at it, pointing fingers at it, telling him to go back and do it again. They have yet to come out with a budget. This is not a level playing field around here. It just does not make sense. It is not fair. And I think the American people will understand.

There is a lot of time around here to dedicate yourself to lots of other issues—finger pointing and all the rest on campaign contributions and all of that. And I say, campaign finance reform is very important. We ought to bring that to the floor, too. That would probably be a real step forward for the American people. Bring forward the budget debate, bring forward the debate on campaign finance reform, two issues that are important to the country. But I do not see either of these headed for the Senate floor. I think that is most unfortunate.

There is lots of time for other things, but not the things that I believe are very pressing matters. Certainly the most pressing is the budget, because the budget is what our priorities are about.

When you sit down with the family and go over the monthly expenditures, you make some very important decisions, don't you? If we buy a new car, how much do we need to set aside for that car payment? Gee, maybe we should put that off a year and do something else. Maybe it is time that the family took a family vacation. So you decide to put off the new car, take the family vacation. We make these decisions in our families.

The American family needs to make its decisions, and it is called a budget. It is where we make the very important decisions. How much do we need to defend this country against all enemies foreign and domestic? How much do we need to get our children ready for that work force?

Today, we had a wonderful east-west initiative, a very bipartisan initiative. It included Senator HATCH, Senator FAIRCLOTH, Senator KENNEDY, Senator MURRAY and myself; Massachusetts, California, Utah, Washington State, and North Carolina. This was a great bipartisan initiative. It is about job creation, and it is about our working together to make sure that in this country we make the investments we need in new technologies, we make the investments we need in education, we make the investments we need at the FDA so new drug approvals move swiftly. These are the issues that Republicans and Democrats alike came together around today.

I will tell you, if we do not get moving on a budget, Mr. President, if we do not come together as Republicans and Democrats and work together, we are just going to come to a dead stop because out in the real world they meet deadlines—they meet deadlines.

If you have a new product and you have to get it out to the marketplace, you better not have delays, because if you have delays in getting that product out to market, you can go bankrupt.

Well, around here, statutory deadlines do not seem to mean much. Maybe I am wrong. Maybe my budget chairman right now is preparing to offer the Republican budget. He will lay it down next to the Democratic Clinton budget. We will look at the similarities. We will join hands. We will look at the differences. We will fight those out. We will look at the tax cuts. We will come together and move on.

But I would say—and the reason several of us came over here today to talk about this—that time is moving, the clock is ticking. We have not seen the budget. We know what your tax cuts are. Where are your cuts? What are your priorities?

I just hope that we can get back to why we were sent here. I mean, everybody said after this election it is time to put behind the rancor. But I think there is rancor when you point the finger at the President, in spite of the fact that the CBO said his budget balances, and tell him first, it does not balance, and second, do it again, when you have not even put your product on the table, except for your tax cuts, which benefit 1 percent, the top 1 percent of the people in this country instead of the middle class.

We have a lot of work to do. I look forward to seeing the Republican budget, finding those areas of agreement, working on those areas of disagreement, getting this budget down to the floor by the statutory deadline and moving forward.

Mr. President, I have the honor of not only serving on the Budget Committee but serving on the Appropriations Committee. This is, really, an extraordinary opportunity for the Senator from California to have both those assignments. I have an opportunity to debate the large priorities and then get it down to within those priorities—what is the most important investment to make, and in the context of a balanced budget, I might add. And I voted for several of those, one that Senator CONRAD wrote, and one that former Senator Bill Bradley wrote.

I am ready to make those tough choices. I like to believe my colleagues on the other side of the aisle are ready to make those tough choices. We should come together. The clock is ticking. So, we should do it, Mr. President. I hope we will back off this finger pointing at the White House. I hope we will look at this President's budget. I hope the Republicans will present their budget and we proceed to mark it up and proceed down the path of bipartisan cooperation so this country has a budget which is, in fact, our priorities.

Thank you, Mr. President.

(Disturbance in the Visitors' Galleries.)

The PRESIDING OFFICER. The galleries will refrain from any demonstration of clapping, please.

The Senator from West Virginia.

Mr. BYRD. I thank the Chair for calling the attention of the Senate rules to the galleries.

UNANIMOUS-CONSENT REQUEST—PERMISSION FOR COMMITTEE TO MEET

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, March 12, for the purpose of conducting a full committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider S. 104, to amend the Nuclear Waste Policy Act of 1982.

Mrs. BOXER. Mr. President, I object on behalf of two Senators.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, if I could be further heard on this, and I will be relatively brief, I must say, I think this objection is, at the very least, very unfortunate. It has been my understanding that we are operating in good faith with respect to the confirmation of Mr. Peña and the markup of the nuclear waste bill.

I have made a special effort to get this nomination up this morning. We had a lot of communication with the ranking member, the chairman and other Members interested in the confirmation of the Secretary of Energy designee, with the understanding, clearly, that the nuclear waste bill could go forward.

Since this objection has now been raised, the Energy Committee cannot complete its business with respect to reporting out the nuclear waste bill today. It is my understanding they will reconvene tomorrow at 9:30 in order to take action on this very important nuclear waste bill.

I say again, I have been trying to be cooperative in trying to move nominations. I worked with those who had objections in the committee. I helped work out a process where the chairman could schedule this nominee for a vote, and then I worked with the other objections we had on this side of the aisle from the Senator from Minnesota, Senator GRAMS. He was able to make his remarks this morning.

We agreed that we would have a vote at 12:30, or quarter to 1, I believe, now, all this under the assumption that we were working in good faith. Now we have an objection to the committee meeting to report out a bill which has overwhelming support of the full Senate and will have overwhelming support in the committee.

This is not a good sign, but it is just one of many bad signs that we are seeing, in my view, from the standpoint of being able to work together for the good of the country. So it is a very unfortunate decision, and it will not be without consequences. I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, as the majority leader knows, every Senator has a right to make such an objection, and two of our Senators decided to exercise their right. I think that has to be put into context that every Senator is sent here primarily to represent his or her constituency in his or her own State.

I don't think the majority leader would suggest that Senators do not have the right to protect their constituency. I wanted to make that point because two Senators, who believe that this is not in the best interest of their State, had asked us to exercise their full and given rights as Senators to object to this meeting.

Mr. BYRD. Mr. President, I understand that the Senate will vote at 12:45.

The PRESIDING OFFICER. That is correct.

Mr. BYRD. Mr. President, I ask unanimous consent I may speak until 12:45 as if in executive session.

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

NOMINATION OF FEDERICO PEÑA TO BE SECRETARY OF ENERGY

Mr. BYRD. Mr. President, I wish to voice my support for the nomination of Federico Peña to be Secretary of Energy during President Clinton's second term in office.

Mr. Peña served ably as Secretary of Transportation during the first Clinton Administration, and I look forward to working with him as he assumes new responsibilities at the Department of Energy. The challenges at DOE are vast, and Mr. Peña's management skills and ability to work with different groups should prove very useful in responding to the complex issues which are the responsibility of the Department of Energy.

Prior to joining the Clinton Administration, Mr. Peña served as Mayor of Denver from 1983 to 1991, and as a Colorado legislator. During his tenure as mayor, Mr. Peña played an active role in reviving the Denver economy from its mid-1980s decline through a series of bold initiatives. At a time when major new international airports were not being built in this country, he gained approval for one of the largest and most technological advanced airports in the world. As Secretary of Transportation, Mr. Peña proudly participated in the dedication of Denver International Airport in February, 1995.

While he served as Secretary of Transportation, I worked closely with

Secretary Peña regarding the transportation issues in my home state of West Virginia. He now moves to a department that has responsibility for a different set of issues, but issues that are very important to the current and future economic prosperity of my state. Coal is not only a major economic and employment influence in West Virginia, but coal is a critical component of our national energy picture. At the present time, and projected into the future, fossil fuels remain the dominant source for our energy supply picture. At present, fossil fuels supply 85 percent of our energy requirements. Coal is the source of 55 percent of our nation's electricity. So policies that affect coal and the role of fossil fuels in our energy picture are of great interest—not just to the states that are the source of these fuels but also to the nation as a whole because of the potential for significant disruption if abrupt changes are recommended without giving the economy a chance to prepare and adjust.

As Ranking Minority Member of the Senate Appropriations Committee, I look forward to working with Secretary-designate Peña on our energy policy issues. In addition to serving as the Ranking Member on the Interior Appropriations Subcommittee, I also serve on the Energy and Water Development Subcommittee—both of which have jurisdiction over parts of the DOE budget. At a time of constrained budgets and pressure to downsize the Federal workforce, we must also be attentive to the realities of our energy supply picture. Thus, I have been, and will continue to be, supportive of investments in technology development that will contribute to our using and producing energy more efficiently, as well as producing energy in more environmentally-sensitive ways. The Department of Energy has a visible physical presence in West Virginia at the Federal Energy Technology Center facility in Morgantown, which employs some 550 persons directly and under contract. I look forward to working with Mr. Peña to ensure a continued future for this important part of our Federal technical infrastructure.

There is a need within the Administration for a strong voice on behalf of fossil energy, and particularly coal, and I believe Mr. Peña is capable of meeting this challenge. I wish him well in his new job, and urge my colleagues to support his confirmation. I yield the floor.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent we extend for 2 minutes the debate.

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

The Senator may proceed for 2 minutes.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, I want to say I do support the nomination of Secretary Peña. However, I think it is very important that this new Secretary take the opportunity to set an energy policy in this country that says to the American people that energy self-sufficiency is our goal. We should be able to create energy through our own natural resources, not only to create jobs in America, but also to make sure that our country is strong with energy self-sufficiency.

I am going to work with Senator JOHN BREAUX, my cochair of the Oil and Gas Caucus, to try to make sure that we take the duplication of regulation off of our oil and gas industry. Where State regulators are able to handle the issues, we should let it happen at the State level rather than the Federal Government duplicating the regulations which become costly and burdensome to our oil and gas industry. Why not put that money into new capital creations, to create new jobs in our country, rather than going through more bureaucratic morass that so hampers our businesses?

I also want to give incentives, incentives to drill and explore for our own natural resources, especially marginal drilling that is more expensive. Why not give incentives so we can create the jobs in America and also create energy resources for our country that would make us more able to be sufficient?

Mr. President, it is very important that the new Secretary come with the full support of the Senate. I hope that he will be committed to a strong energy policy for our country and that he will also take seriously the requirement that we work for the new alternative MOX fuels that will, I hope, come from the nuclear weapons that we are in the process of dismantling. I hope he will take the opportunity to visit Pantex in Amarillo to see what can be done with this great MOX fuel opportunity, to use the aging nuclear weapons in our arsenal.

In supporting this nomination, I would like to briefly discuss two issues of importance to my State of Texas and the Nation.

Mr. President, a healthy and competitive oil and gas industry—capable of producing adequate and affordable energy supplies—is crucially important to the U.S. economy and to the welfare of the American people. This is especially the case at a time when U.S. companies and workers face growing competition in the global economy.

As cochairman, of the Congressional Oil and Gas Caucus, I am concerned that U.S. policy, taken as a whole, has overtly encouraged increasing oil imports over expanding domestic production. I look forward to working with Secretary Peña to reverse this trend and to create conditions that foster a competitive and healthy oil and gas industry.

This year, I will be working with my colleagues in the House and Senate to continue our goal of reducing or eliminating redundant or unnecessary regulations on this industry. For example, there are many regulatory requirements to address the same concern imposed at both the Statese co- and Federal level. Where possible, we should eliminate one level of identical regulations, which have destroyed jobs, raised consumer prices, and sent American business to foreign countries. I look forward to working with Secretary Peña on these objectives.

I believe in most cases the State regulations should be given the greater deference.

I will also be working with my colleagues to provide tax incentives which encourage oil and gas drilling and production, especially for marginal wells and formations which are difficult to develop.

I know all the members of the Congressional Oil and Gas Caucus look forward to working with Secretary Peña on these issues and to ensure that Government policies which affect the oil and gas industry are the result of sound and informed decision making.

Mr. President, I would like to turn briefly to a second and final issue of concern to Texans and the Nation—the continued transformation of our Nation's nuclear weapons complex and the important work being performed at he Pantex Plant near Amarillo, TX.

Our victory in the cold war signaled the end of the arms race, but it has focused our current efforts on arms reductions. A benefit from these reductions is the potential energy source of special nuclear materials from dismantled weapons.

Just a few months ago, Department of Energy officials announced their intention to process excess plutonium into mixed-oxide, or MOX, fuel for use in commercial nuclear reactors.

Pantex has been the Nation's premiere nuclear weapons production site since 1951. Today, it is the only authorized site to assemble and disassemble weapons. Currently, the plant stores all the plutonium removed from dismantled weapons.

The 3,400 workers at Pantex played a key role in our cold war victory and their expertise in safety and security handling and storing plutonium should not be ignored as the Department searches for a MOX fuel fabrication site. The excellent safety record, cost savings and efficiencies established at Pantex over the last 40 years make it the ideal candidate for new DOE work.

As DOE proceeds with its assessments of potential sites, I invite Secretary Peña to visit Pantex so he can see firsthand the world class facilities and professionals available to the Department of Energy near Amarillo and in the Texas Panhandle.

I also ask Secretary Peña to take a close look at the safety and reliability of our nuclear stockpile. I am concerned that with an end to our nuclear testing, computer modeling alone will not be sufficient to maintain our deterrent nuclear capability. I hope that together with the Secretary of Defense, Secretary Peña will take a close look at how we manage and maintain this critical capability.

I look forward to working with Secretary Peña on these and other important issues. The next Secretary of Energy has a great opportunity to give our country an energy policy that values energy sufficiency for our country.

I thank you for this opportunity to speak on behalf of Secretary Peña. I yield the floor.

Mr. DOMENICI. Mr. President, I ask unanimous consent to speak for 30 seconds.

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

Mr. DOMENICI. Regarding soon-to-be-confirmed Secretary of Energy Peña, I want to tell the Senate I know him and his family very well, in particular his wife, who went to school with my children. We are good friends. I do not support him on that basis only. I think he is ready to undertake this very difficult job. I wish him well.

I think we can work together to make the Department of Energy a better department under his administration. I look forward to working to that end. I yield the floor.

EXECUTIVE SESSION

NOMINATION OF FEDERICO PENA, OF COLORADO, TO BE SECRETARY OF ENERGY

The PRESIDING OFFICER. Under the previous order the Senate will now go into executive session and proceed to vote on the Peña nomination.

Mrs. HUTCHISON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Federico Peña, of Colorado, to be Secretary of Energy? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. ROBERTS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 1, as follows:

[Rollcall Vote No. 30 Ex.]

YEAS—99

Abraham	Coats	Glenn
Akaka	Cochran	Gorton
Allard	Collins	Graham
Ashcroft	Conrad	Gramm
Baucus	Coverdell	Grassley
Bennett	Craig	Gregg
Biden	D'Amato	Hagel
Bingaman	Daschle	Harkin
Bond	DeWine	Hatch
Boxer	Dodd	Helms
Breaux	Domenici	Hollings
Brownback	Dorgan	Hutchinson
Bryan	Durbin	Hutchison
Bumpers	Enzi	Inhofe
Burns	Faircloth	Inouye
Byrd	Feingold	Jeffords
Campbell	Feinstein	Johnson
Chafee	Ford	Kempthorne
Cleland	Frist	Kennedy
Kerrey	Moseley-Braun	Smith, Bob
Kerry	Moynihan	Smith, Gordon H.
Kohl	Murkowski	Snowe
Kyl	Murray	Specter
Landrieu	Nickles	Stevens
Lautenberg	Reed	Thomas
Leahy	Reid	Thompson
Levin	Robb	Thurmond
Lieberman	Roberts	Torricelli
Lott	Rockefeller	Warner
Lugar	Roth	Wellstone
Mack	Santorum	Wyden
McCain	Sarbanes	
McConnell	Sessions	
Mikulski	Shelby	

NAYS—1

Grams

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

CAMPAIGN FINANCE AMENDMENT TO THE CONSTITUTION

Mr. HOLLINGS. Mr. President, in accordance with the unanimous-consent agreement, I call up Senate Joint Resolution 18 on behalf of myself, Mr. SPECTER, Mr. DASCHLE, Mr. BYRD, Mrs. BOXER, Mr. BRYAN, Mr. BIDEN, Mrs. FEINSTEIN, Mr. REED, Mr. REID, Mr. CONRAD, Mr. DORGAN, Mr. FORD, and Mr. HARKIN, and ask the clerk to report.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of Senate Joint Resolution 18, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 18) proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

The Senate proceeded to consider the joint resolution.

Mr. HOLLINGS. Mr. President, in a line, what we say is that the Congress is hereby authorized to regulate or control expenditures in Federal elections.

Let me say that I come now to this particular subject of a constitutional amendment, which we have been on for over 10 years, with some hope, because I noticed on yesterday, Mr. President, we had a fit of conscience. We were about to pass a resolution that said Congress was only going to look at illegal contributions and not at improper ones, and, finally, in a fit of conscience, the Congress, particularly here in the Senate, decided that was not going to fly. It would appear to be, if we took that course, a coverup whereby we did not want to get into soft money and all of these other extravaganzas, legal as they are, says the Supreme Court, but as improper as can be.

That is what is causing the headlines and the consternation and the money chase that we read in the headlines and news stories. We had a fit of conscience when we passed the 1974 act. This act came about due to the untoward activity in the 1967 and 1971 Presidential races. In the 1967 race, President Nixon had designated Maurice Stans, later the Secretary of Commerce, to collect the money.

And I will never forget; he came to the State of South Carolina, and he told our textile friends, ''your fair share is $350,000,'' almost like the United Fund or Community Chest. Well, I had been their Governor and everything else and had never gotten $350,000 out of the textile industry, and they were all my friends. But the ten of them, at $35,000 apiece, got up the money, and more than that. There were other large contributions, including one of $2 million from Chicago.

The fact was, after President Nixon took office, Treasury Secretary John Connally went to the President and said, ''Mr. President, you have got a lot of good support and you have not even met these individuals much less thanked them. Why not come down to the ranch and we will put on a barbecue and you can meet and thank them.'' President Nixon said, ''fine business,'' and they did. But as they turned into the weekend ranch barbecue on the Connally Ranch in Texas, there was a big Brinks truck. Dick Tuck, the prankster from the Kennedy campaign, had stationed a truck with signs out there. A picture of it was taken. And we in Washington, Republican and Democrat, said, ''heavens above, the Government's up for sale.'' Thereafter, you had the extremes of Watergate, which everyone is familiar with. So, in 1974 we had a fit of conscience. Yes, everybody thought they had advantages with respect to getting the money. They had gotten here on the ground rules as they then appeared, and said ''Why change? I can operate as the rules are.''

But, with that fit of conscience, we came and passed the 1974 act. I want to remind everyone that this was a very deliberate, bipartisan effort at the time. It set spending limits on campaigns, limited candidates' personal spending on their own behalf, limited expenditures by independent persons or groups for or against candidates, set voluntary spending limits as a condition for receiving public funding, set disclosure requirements for campaign spending and receipts, set limits on contributions for individuals and political committees, and created the Federal Election Commission.

When you hear the debates, some of the new Members will come on the floor talking about what we really need is disclosure. That is what we have, still, under that 1974 act. I am required to record every dollar in and out with both the Secretary of the Senate on the one hand and the secretary of state back in the capital of my State, Columbia, SC, on the other. We have complete disclosure. You cannot take cash.

I had always thought it was illegal to take a contribution on Government property. And we thought we had soft money and independent contributions regulated.

But, in Buckley versus Valeo they stood the original intent of the Congress on its head. It is this original intent of limited expenditures in Federal elections that our constitutional amendment is offered, in a bipartisan fashion, with the distinguished Senator from Pennsylvania, Senator SPECTER, and myself in the lead, along with the strong support of those I have enumerated.

Now, back to the fit of conscience. I initiated this particular approach, in frustration, over 10 years ago, after realizing, like a dog chasing its tail, we were not getting anywhere. We had voluntariness prescribed by giving certain amounts of money if you voluntarily limited. There was free TV. You had public financing. You had all the different little tidbits of the different bills that have come around.

Necessarily, I support them for the simple reason I am looking for votes. I am looking to finally get a concurrent majority of 67 Senators, so I do not want to turn off any of these sponsors, even though I know there are constitutional questions under the Buckley versus Valeo decision. But the real opposition is not the freedom of speech under the first amendment in the Bill of Rights to the Constitution. The real opposition, if you please, is a small group among us Senators who feel like this money is a tremendous advantage and they are not going to give it up.

I know where the opposition lies. It is in the very thought that we are not spending enough. As was said in the debates here on the floor: ''On Kibbles and Bits cat and dog food we spend $4 billion; why don't we spend $4 billion on national elections?'' So I hope we can flush those who really believe this to come up and debate this idea on its merits.

They will come under the cover of the freedom of speech. It is very interesting that what we have under consideration is paid speech, not free speech. Heavens above, we have all the free speech that you can think of.

I remember for 20 years in politics we had more or less a one-party system in my State. We would go around stump speaking, as we call it, from county to county. In some of the larger counties several speeches were made. Each of the candidates would come and get up on the stump and say what they stood for. The battle was not in the financial arena; the battle was in the political arena. It was not who had the most money but who had the better ideas, the better initiatives, the better vision, the better programs. But they have tried, following the Buckley decision, to equate just exactly that. What you pay for is free.

It amuses me when they come up here and read the Washington Post editorials. Go down to the Washington Post and say, ''Now I want some of that free speech. I would like about a quarter page of that free speech, or a half page of that free speech you just editorialized about.'' And they will say, ''Son, bug off. There is nothing free down here in this newspaper. You are going to have to pay for it, and you are going to have to pay for it under our rules and our regulations and our limits.'' The very crowd editorializing about free speech is the very crowd that is demanding their pay—paid speech. So let us not come here with an adulteration of the first amendment.

As Judge J. S. Wright stated in the Yale Law Journal, ''Nothing in the first amendment commits us to the dogma that money is speech.'' That was their finding. But, unfortunately, the Supreme Court found that you should have total freedom with respect to spending, speech, and politics. But when it came to the contributions, the court's Buckley decision amended them. They may come now and say the first amendment has never been amended in 200 years. They are very authoritative, but Buckley versus Valeo amended the first amendment. It limited speech of those who contribute.

What did Chief Justice Burger say about that? I will quote from the Buckley versus Valeo dissent of the Chief Justice.

> The Court's attempt to distinguish the communications inherent in political contributions from speech aspects of political expenditures simply will not wash.

That was Chief Justice Burger. And, as everybody with common sense knows, here was the original intent. Here were the big ads. Here were the big contributors. Here was all the cash and the corruptive influence of large amounts of money. And after Congress acted in a bipartisan fashion in 1974, here came the United States Supreme Court, in a 5-to-4 decision, if you please, and by a 1-vote margin, with this distortion, this more or less amendment of the first amendment.

Certainly it is an amendment with respect to contributors' speech. If I am a contributor and I want to contribute to the distinguished Presiding Officer, I am limited in my speech, my political expression. I can only give him $1,000 in his primary and $1,000 in his general election. That is the limit in Buckley versus Valeo, amending, if you please, the first amendment to the Constitution of the United States.

We act as if, Mr. President, there is some sanctimony or sanctified position of the first amendment, and, of course, the Senator would agree in a breath that there should be. We should really approach amending the Constitution of the United States with trepidation. I know some of the arguments are: Wait a minute, the President's got one on victims rights, and others have one on prayer in school. Somebody else has a constitutional amendment about the flag. Someone else has another constitutional amendment. This is an exception, already written in the Constitution and recognized in the Constitution in the 24th amendment, the influence of money on political expression, the influence of money on the freedom of political speech.

I have to emulate the distinguished leader from West Virginia, the Honorable Senator ROBERT BYRD, who says he carries his contract up here in his left-hand pocket, and I find that is a pretty good habit.

Let me read amendment 24, section 1:

> The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.
>
> Section 2. The Congress shall have power to enforce this article by appropriate legislation.

So they said, if you are going to put a financial burden on the voter that he can't participate in the freedom of political expression because of a tax, that is unconstitutional, and we have expressed already in that 24th amendment our abhorrence of the financial influence and corruption, so to speak, upon political expression.

In a sense, it gives us one man, one vote. The poorest of the poor can cancel out the richest of the rich. I can take Bill Gates and say, ''Ha-ha, I vote the other way,'' and his vote is gone. I can take Steve Forbes and say, ''Ah, yeah, you can pay your own $35 million,'' or whatever it was, ''to get in the race at the last minute and mess up Bob Dole.'' I better not get off on too candid a delivery here this afternoon. But, in any event, Steve Forbes cannot only buy a vote, he can buy several States in the primaries. He has proven that. But when it comes down to one vote, I can cancel him. That is the greatness of our democracy, our republic form of Government.

Here we are coming around and talking totally out of mystery and nonsense about the unlimited freedom of speech, that it has never been amended in 200 years. I want the Senator from Kentucky to come, because we are going to read those amendments. One, obviously, is with respect to public safety. You can't walk into a theater and shout, ''Fire.'' That is a limit on your freedom of speech and an amendment of the first amendment.

You have the exemption for national security with respect to disclosing secrets of the Government itself. Senator MOYNIHAN just sent around a book this thick about secrets and classifications and everything else. Perhaps the distinguished Senator is correct, we ought to do away with at least half of them, because when you see that book, you say, ''We are overwhelmed now with the so-called classified, the so-called eyes only, the so-called top secret.''

Although we have the best of the best intelligence systems, we didn't even know about the fall of the wall. It happened, and we all got the news within 24 hours. The intelligence community S2175—and

I was on the Intelligence Committee at the time—had nothing to say. We were talking about all the other extraneous things, but nothing about the greatest happening, in a sense, in the last generation of our time.

So we have the exception, too, for fighting words, where they would provoke retaliation or cause retaliation. We know about that one.

We know about the exception for obscenity. In fact, the FCC has been given the authority—we had the seven or eight little dirty words on a radio station out on the west coast, and that decision, Pacifica, went all the way up to the U.S. Supreme Court, and we found out that, yes, the Federal Communications Commission, the entity and agency of the executive branch, the administrative body, could determine whether or not it was a violation on the public airwaves of obscene talk and speech, and that is limited. We said it could be limited. We legislated that it could be limited.

False and deceptive advertising. If you want to come up to just 2 weeks ago, Mr. President, they had the buffer zone—I hate to raise the question of abortion—but by legislation, they put a buffer zone around these abortion clinics, and those who demonstrate and say, ''Wait a minute, we have the freedom of speech,'' the Supreme Court ruled 2 weeks ago, ''No, you don't, not in that buffer zone, keep your mouth shut, stay out of that zone, your freedom of speech is limited.''

Mr. President, I certainly want to hear from the distinguished Senator from Nevada. He has been a strong supporter and leader in this particular cause, and he has other commitments. So, at the present time, I yield the floor.

Mr. BRYAN. Mr. President, I thank my good friend for his courtesy and his most generous remarks and to say, again, as I have on previous occasions, that I am very pleased to be a supporter of this constitutional amendment that he has authored each and every Congress that I have been here since 1989. I believe what we are discussing today is central to the issue of meaningful campaign reform, and I want to publicly commend him for his leadership and express my admiration for him and my conviction that I share with him that this is the essence of what we need to do.

Let me just say that I believe that the most corrosive force in our political culture today, and what lies at the heart of many problems in our political system, is the amount of money required to run a campaign for elective office. Money has become the dominant factor in deciding who runs, who wins and, too often, who has the influence and power in the halls of Government.

Mr. President, I don't say that with a partisan vein. That is true with respect to the system that we are all a part of—Democrats, Republicans and Independents alike.

Every year, the expense of campaigning increases, and the pressure to seek financial support, wherever it can be found, intensifies. Clearly, good people are trapped in a system where the amount of money needed to run a campaign can overshadow their views and the issues. Too often, candidates are forced to spend as much time raising money as going out and meeting the voters or to develop responsible solutions to the critical issues that face our society.

It is a fact that all of us would acknowledge that every night here in Washington someone has a political fundraiser, either a Democrat or a Republican running for office, running for reelection.

And much like an ever-escalating arms race, the cost of Senate campaigns have increased sixfold over the last 20 years, from $609,100 in 1976, to $3.6 million in 1996.

The average cost for a winning House candidate during that same period of time increased from $87,000 in 1976, to $661,000 in 1996.

And between 1992 and 1996, fundraising by political parties increased 73 percent.

Simply put, Mr. President, there is too much money in the political process.

Mr. President, the recently concluded Presidential and congressional campaigns were the most costly ever in American political history, with combined amounts of more than $2 billion. The two parties raised $263.5 million in soft money in the 1996 campaign, almost three times the amount raised in the 1992 election.

Unless the rules are changed, candidates and their parties will continue to pursue the money chase and the amount of money involved in future campaigns will continue to grow exponentially.

Mr. President, I might make an aside here, if the distinguished primary sponsor has a moment for me to expand for just a moment.

Mr. HOLLINGS. Sure.

Mr. BRYAN. And I say that we all lament the declining participation in the political electoral process in America. The 1996 election turnout was said to be the lowest since 1920. I would offer this as at least a significant contributing factor. There is no question the folks back home are pretty upset with those of us who serve in the Congress. I believe that that is their thought, seeing each party and each of us who are part of this system—I want to be clear, Mr. President, I include myself as being part of this system—who are forced to go out there and raise these inordinate, scandalous amounts of money to be competitive—to be competitive.

In the State of Nevada, it was about $3.5 million for my last campaign for reelection to the U.S. Senate. They see this. And I think it has engendered a sense of public cynicism that all of this money that is involved—I believe in the public mind, they frequently link the big money, the big contributors to the political system that we have today. And because most of them are not in the category of being big money contributors, they have been turned off. The system no longer works for them, the system is no longer responsive to their needs, is their perception.

So, as a result, I hear good people, Democrats and Republicans alike, in increasing and in alarming numbers saying, ''I'm not going to vote. I'm not going to vote.'' I do not agree with that proposition and get into spirited discussions. ''What difference does my vote make? Look, the folks who have got the money, they're the ones who really control the electoral process in America today. Why should I get involved?'' And I must say, as we see these campaign expenditures continue to mount, I believe that we provide the evidence for their rising levels of cynicism.

I was a young man in the State legislature in the 1970's, and the centerpiece to the Watergate reform was, as the distinguished junior Senator from South Carolina has pointed out, the concept of controlling and limiting the amount of money that is spent in running for office.

The other provisions which continue to survive—individual campaign contribution limits and the Federal Election Commission disclosures, the distinction between soft money and hard money—which are still very much a part of the political environment, have survived, to some extent, successive legal challenges in the courts.

But the centerpiece, limiting the amount of money spent for running for office, has essentially been eviscerated by the Buckley versus Valeo decision. I was in the legislature and responding to some of the reforms that came out of the Watergate Congress. We adopted, in the State of Nevada, a series of campaign limitations. Those, too, fell by the wayside by the Supreme Court's decision in the Buckley versus Valeo case in 1976, which I believe to be an ill-considered decision, but which, as everybody in this Chamber knows, essentially equated political expenditures on behalf of the individual candidate as being tantamount to free speech, and any attempt to limit the amount of money that a candidate can spend is constitutionally infirm.

I must say, recent decisions in the Court, and the recent Colorado decision, give us no hope to believe that the Court is about to reconsider its position. It is my humble opinion that the Colorado case has made matters even more difficult and has continued to shred what vestiges remain of a comprehensive and, I think, carefully thought-out campaign finance reform legislation in the aftermath of the Watergate.

Amending the Constitution is not something that should be undertaken lightly. That admonition is frequently given by our colleagues. And they are

right. We ought not just to do that. We ought not to think of the Constitution as a rough draft that we can improve upon with a wholesale series of amendments. I agree with that admonition.

But I would say, Mr. President, with great respect, that our forefathers could never have anticipated the consequences of the electoral system they put in place, with all of its checks and balances and with the genius that we all revere, Democrat and Republican alike, that this has increasingly become a money chase. So it seems to me we have two choices: To either do nothing and to allow a situation which I believe to be appalling to get measurably worse, or we can take corrective action.

The American people want us to take corrective action. The American people do not fully understand that it is the Court's decision itself that prevents us from legislative action to impose a limit on the amount of money as candidates we spend in running for the Congress and in other elective offices in America.

I believe one of the most important steps we can take to restore public confidence in our political process is to pass the amendment, which I am proud to cosponsor with my friend and colleague from South Carolina, and to give the Congress and to give State legislatures power that they thought that they possessed in the 1970's and to impose limitations on the amount of money that is spent in running for public office.

Individuals who want to run for Congress and other elective offices ought to be able to run on the basis of the ideas that they represent, the vitality that they bring to the process, not as is so often the case, ''Can I raise $3 million or $4 million or $10 million or, in some instances, $20 million?''

Unless we can find a way to limit the amount of money spent on Federal campaigns and place a greater emphasis on getting support from the people back home that we represent, we will fall short of real reform. Any serious reform proposal must start with the constitutional amendment to allow the States and Congress to craft measures that would take Government out of the pockets of the special interests and back in the hands of the American people who we represent.

Mr. President, I am not unmindful of the fact that our task is difficult. Many of our colleagues do not agree. But I must say that as I talk with my own constituents, I think there is an overwhelming interest across a broad spectrum, Republican, Democrat, liberal and conservative, to do something about this political process that we are all a part of.

In the Nevada legislature this year there is a proposal that will require further disclosure on the amount of campaign contributions. That, so far, the Supreme Court has said is legal, and that enjoys bipartisan support and is likely to pass overwhelmingly.

A ballot proposition on the Nevada ballot this past fall which sought to further limit the amounts of individual campaign contributions in statewide and local races passed by 71 percent.

I understand if you ask people about things that concern them most in life, they are not going to list campaign finance reform. They are interested in crime, in schools, in drugs, and those kinds of issues, which I understand. But I have yet to be in an audience of any size in which you ask people about this system that we are part of, and they do not say, ''I hope that you will do something to reform it. Campaign finance reform is something that you should undertake.'' They understand, as do each of us in this Chamber, it will not come about without bipartisan support.

Mr. President, let me again commend my friend and colleague, who has really been the laboring force on behalf of this constitutional amendment, for his courage and tenacity and, I think, the wisdom of his proposal. I am proud to support in this Congress, as I have previous Congresses, such a constitutional amendment.

I thank him for his courtesy in allowing me to speak, as I need to return to a committee hearing.

Mr. HOLLINGS. The distinguished Senator from Nevada made a very valuable contribution to the consideration of this all-important initiative.

Our democracy has cancer. It has to be excised. As I explained in my opening remarks, and as has been emphasized by the distinguished Senator from Nevada, all of these little things that come about—whether you get the money from the State, whether you get the money from bundling, soft money, hard money, voluntarism, free TV—just go around and everybody has an eye on it. But if you put a limit, as the 1974 act said, of so much per registered voter, then you have stopped, once and for all, that problem, because with disclosure you can see exactly what you have on top of the table.

I remember in one of the debates we had with the distinguished then-Senator from Louisiana, Senator Russell Long, and we both agreed that if I appeared, by my disclosure, to get a substantial sum of contributors from the textile industry, call me the textile Senator. There it is. I defend it. I frankly brag about it. If he gets the contributions all from the oil industry and is known as the oil Senator, so be it. The distinguished Presiding Officer, the farm Senator, the agriculture Senator, because his leading talent has been in that field over the years.

But by disclosure you can see it, and by the limit you cut out all of the shenanigans of the soft money, hard money, bundling and all of the roundabout end course taken to get around the law.

This amendment, Mr. President, is absolutely neutral. My friend from Kentucky, Senator MCCONNELL, who has been the leader in opposition, can still prevail under the amendment. The amendment says Congress is authorized to limit. It does not say limit; it does not say not to limit. It just gives the authority to Congress to act so that when we do get out here, we can have a majority vote so without going through the legal hurdles and delay and put off that we have been going through now for 30 years. That is why I say a constitutional amendment is our only recourse.

I got into a debate on this in 1967 when we passed an act. It is now 1997. We have been trying to get our hands around this problem of campaign finance without a constitutional amendment. Having made the good college try now over the many, many years and listened to all the others, and analyzed as they put up McCain-Feingold and the many other fine initiatives, you can look at the Supreme Court, particularly in the Colorado case, not just the Buckley case, and you can say you are wasting your time. The voluntarism we know in politics means temporary. You saw this in the race up in Massachusetts. They voluntarily said they would have a limit. They got down to the wire and that limit went out of the window.

What we are trying to do is give everybody back their freedom of speech. Namely, that I may not be extinguished by money. When I say that I say that advisedly. I know the mechanics of political campaigns, and when you have an opponent with $100,000 and I have $1 million, all I need do is just lay low. He only has $100,000 and I know that he wants to wait until October when the people finally turn their interest to the general election in November. Say he is only in print, in polls, and what have you, he spent over $25,000 and you cannot get a good poll for less than $26,000 or $27,000, but he only has $50,000 to $75,000 left, and then I let go, come October 10. That is 3 to 4 weeks leading into the campaign, and I have yard signs, billboards, newspapers, TV, radio for the farmer in the early morning, I have early morning driving-to-work radio, I have radio for the college students. I know how to tailor make with my million bucks, and I can tell you by November 1, after 3 weeks of that, my opponent's family has said what is the matter? Why are you not answering? Are you not interested anymore?

I have, through wealth, taken away his speech. I know that, you know that, that is the reality, the political game. That is what we are talking about, making it so that you cannot take away that freedom of speech, so that you can reinstill the meaning of the first amendment. It was adult rated by the five-vote majority against the four minority in Buckley versus Valeo.

We will see what the Court said and go to some of the expressions, Mr. President. Here is not what politician HOLLINGS said, but what a Supreme Court Chief Justice says, ''The Court's result does violence to the intent of

Congress.'' Can I say that again for all those who are listening? That is exactly the belief of this Senator. I am not saying because I need money or want money or I think I have a financial advantage or whatever it is.

Incidentally, I can get on to the point of incumbency. We just swore in some 15 new Senators about 6 or 8 weeks ago. All my incumbents, friends I used to sit around with, are just about gone. I know it is less than 10 years average in the House of Representatives, and I think it is exactly that on the Senate side. What did incumbent minority assistant leader Senator WENDELL FORD of Kentucky say just the day before yesterday about money? He said, ''I neither have the time nor the inclination to collect that $14,000 to $20,000.'' He has to get $5 million in Kentucky. I think he mentioned $100,000. But he said ''Look, in order to qualify as a candidate, I have to defend my incumbency role, and my incumbency role involves thousands of votes.'' I can say to the other side of the aisle, I have been in the game. They are very clever. They know how to put up and force-feed votes on very, very, controversial amendments or subjects.

How do you explain in this day and age in a 30-second sound bite, a particular vote? You take 5 minutes, and you can go down to WRC, right here in Washington, with all the money they talk about, or freedom of speech as they call it, with the wealth of Bill Gates, and say I want to buy an hour on the eve of the election, the night before the election. They will tell him to bug off, it is not for sale. It is limited. It is paid speech.

Free speech—I am trying to reinstill a freedom of speech among those who are financially limited so we make certain that our democracy is not imperiled.

I read again what Chief Justice Burger said. ''The Court's result does violence to the intent of Congress.'' He is exactly right. I was there in 1974.

> In the comprehensive scheme of campaign finance, the Court's result does violence to the intent of Congress. By dissecting bit by bit and casting off vital parts, the Court fails to recognize the whole of this act is greater than the sum of its parts. Congress intended to regulate all aspects of Federal campaign finances but what remains after today's holding leaves no more than a shadow of what Congress contemplated.

Now, I cannot say it any better. That is exactly what we had in mind, to limit the spending. And that is exactly what they did not do. They limited the contributions on the premise that it gave the appearance of corruption, or was corruption itself, but not the expenditures. Let's see what Byron Raymond White, the Associate Justice said:

> Congress was plainly of the view that these expenditures also have corruptive potential, but the Court strikes down the provision, strangely enough, claiming more insight as to what may improperly influence candidates than is possessed by the majority of Congress that passed this bill and the President who signed it. Those supporting the bill undeniably included many seasoned professionals who have been deeply involved in the elective processes and who have viewed them at close range over many years. It would make little sense to me—and apparently made none to Congress—to limit the amounts an individual may give to a candidate or spend with his approval, but fail to limit the amounts that could be spent on his behalf.

There, again, I could not say it better. That was Justice Byron White.

I quote him further:

> The judgment of Congress was that reasonably effective campaigns could be conducted within the limits established by the act and that the communicative efforts of these campaigns would not seriously suffer. In this posture (section 264 of the case) there is no sound basis for invalidating the expenditure limitations so long as a purpose is served or is legitimately and sufficiently substantial, which, in my view, they are.

We might get into the debate, Mr. President, about the word ''reasonable.'' That word appears, if you please, because of the suggestion by the commission on the constitutional system. They wanted ''reasonable'' limits. I think they were right. I am going back to the Court's decision, trying to aim the gun barrel down the constitutionality of the better constitutional thought in these dissenting opinions.

> Expenditure ceilings reinforce the contribution limits and help eradicate the hazard of corruption.

That is exactly what common sense would indicate. Here is a court finding that expenditures do not contribute at all to any kind of corruption whatsoever and, therefore, spend to the ceilings. We will have a chart here and put it up and show you how, as the Senator from Nevada said, a Senate race used to be. In 1980, it was about $1 million. By 1986, it was $2 million. By 1990, it was $3 million. By 1994, the average one was $4 million. So it keeps going up, up and away. Expenditures in the Presidential race are up around $670 million. It has gone through the roof.

Now, Mr. President, I will quote further Justice White:

> I have little doubt that, in addition, limiting the total that can be spent will ease the candidate's understandable obsession with fundraising and so free him and his staff to communicate in more places and ways connected with the fundraising function. There is nothing objectionable, and indeed it seems to me a weighty interest in favor of the provision, in the attempt to insulate the political expression of Federal candidates from the influence inevitably exerted by the endless job of raising increasingly large sums of money. I regret that the Court has returned them all to the treadmill.

Here, this was written 20 years ago. How pathetic. ''Treadmill.'' When I was first here in the U.S. Senate, from time to time we would rearrange the fundraisers in accordance with the schedule that we had. You would not dare go up to a leader on either side of the aisle and say: Mr. Leader, I hope we can get a window, or whatever it is, because I have a fundraiser. He would look at you and—if nothing else, I guess it was unethical. They ought to refer that to the Ethics Committee. But we have given up on that now. It is like the tail is wagging the dog. It is now turned around, and we schedule the Senate around the fundraising schedules—what 20 years ago Justice White called the treadmill. You are just constantly having a fundraiser to get on TV, to have a fundraiser to get on TV, to have a fundraiser to get on TV; all paid speech, not free. I haven't seen anything free yet out of that TV crowd. They will charge you for it one way or the other.

I will quote Justice Marshall, and then I will yield. I see that my colleague is prepared to comment. Justice Marshall said:

> It would appear to follow that the candidate with a substantial personal fortune at his disposal is off to a significant head start. Of course, the less wealthy candidate can potentially overcome the disparity and resources through the contributions from others. But ability to generate contributions may itself depend upon a showing of a financial base for the campaign or some demonstration of preexisting support, which in turn is facilitated by expenditures of substantial personal sums. Thus, the wealthy candidate's immediate access to a substantial personal fortune may give him an initial advantage that his less wealthy opponent can never overcome. And even if the advantage can be overcome, the perception that personal wealth wins elections may not only discourage potential candidates without significant personal wealth from entering the political arena, but also undermine public confidence in the integrity of the electoral process.

And here we continue and oppose, willy-nilly, any effort, really, to excise this cancer.

I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, this is a very important debate, which I always enjoy with my distinguished colleague from South Carolina, who fully admits that the various campaign finance reform bills we have tried to pass here in the last few years are unconstitutional. He is right, and I commend him for his observation.

That having been stated, clearly, the only way you can do the kinds of reform bills that have been proposed around here in the last 10 years is to amend the Constitution—amend the first amendment for the first time in history, to give the Government the power to control the speech of individuals, groups, candidates, and parties. The American Civil Liberties Union calls that a recipe for repression. It clearly is, and I am happy today that we are finally having the debate on this amendment, which is indeed a recipe for repression.

I see my good friend, the Senator from Kansas, here, who is anxious to speak on this. I yield to the Senator from Kansas.

Mr. ROBERTS. Mr. President, I come to this issue not only as a Member of

the Senate, but also as a former newspaperman. So when we get to the freedom-of-speech issue, I have some pretty strong feelings. In saying that, I want to make it abundantly clear—very clear—that I do not, in any way, question the intent of the supporters, but I do question their practical effect.

When I was presiding, I listened intently to the distinguished Senator from South Carolina, whom I respect. I was very interested in his comments with regard to the kind of political debate that he would like to go back to, that I would like to go back to. He calls it a stump speech. In South Carolina, it is a stump speech. My wife is from South Carolina. Many times I have listened to the distinguished Senators from South Carolina. It is a privilege to hear them discuss the issues—old-style campaigning and politics, grassroots politics. In Kansas we call it ''listening tours.'' I had the privilege before serving in this body to be in the lower body. I represented 66 counties. I went on a listening tour every August. It took about 5,000 miles and about 3 weeks. That is the old style of discussing the issues for people where they come to the courthouse and the sale barn or the Rotary Club. And we would discuss the issues. I enjoyed that. The Senator from South Carolina is a master. That is why the people doubtless send him back to represent that outstanding State.

In entering this debate I am reminded that America has been here before. It seems to me that our task today is a moral and ethical and philosophical exploration of free speech, and its role in the political affairs of mankind. It is that serious. It is that encompassing.

''Tyranny, like Hell, is not easily conquered,'' said the patriot Thomas Paine in ''Common Sense.''

This resolution—not the intent, but this resolution—in terms of practical effect is tyranny. Adopt it and wonder whether ''Common Sense'' could exist in our time in terms of public distribution and dissemination and understanding.

This resolution is tyranny of the worst kind: Government tyranny. Adopt it and wonder whether ''The Federalist Papers,'' written by James Madison and John Jay to influence voters in New York to adopt a new Constitution, could, in fact, exist in our time.

Listen carefully to this resolution where Congress and the States are given unlimited power to set limits. Limits on what? Limits on ''* * * the amount of contributions that may be accepted by, and the amount of expenditures that may be made by, in support of, or in opposition to a candidate for nomination for election to, or for election to * * *'' Federal, State, and local offices.

Now my colleagues, I urge you. Do not be misled. The debate today is not about elections. It is not about campaign finance reform. We are all for that, more especially in regard to public disclosure, as the distinguished Senator from South Carolina certainly has described in his remarks. It is not about Republicans, or Democrats, or what party controls the Congress. That is not what it is about.

It is, rather, about the most basic right of individuals guaranteed by our Constitution—the right of free speech, the right written first, the right without which no other right can long exist.

Listen carefully again to the language of the first amendment, which we proposed to change:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people to peaceably assemble, and to petition the government for a redress of grievances.

My colleagues, those words have magic. They are among the most important accomplishments of mankind. Democracy is an experiment in progress. Yet, the rights guaranteed in the first amendment have stood for more than 200 years. Seldom have legislative assaults on the first amendment been so far-reaching and so onerous as the resolution that we debate today.

Columnist George Will has called this effort more dangerous than the infamous Alien and Sedition Acts passed in 1798. Those laws placed Government controls on specific kinds of speech. This resolution proposes general Government controls on both the quantity and the quality of political speech.

The Alien and Sedition Acts were passed by a young country that had adopted, but did not fully appreciate, the first amendment rights of free speech. They were passed because some in the Government didn't like what some of its citizens were saying about politicians, politics, and Government.

Like we are today, some in the Government were worried, of course, about the national security. But it is instructive to note that Government's attempt to limit free speech is like walking in a swamp—your good intentions are tugged and pulled simply from all sides.

Abigail Adams, for example, urged passage of the acts to deal with Benjamin Franklin Bache. He was an editor who had referred to her husband as ''old, querulous, bald''—I can sympathize with that—''blind, crippled, toothless.''

He was arrested but died before he could be prosecuted, according to historians Jean Folkerts and Dwight Teeter in their book, Voices of a Nation.

Twenty-five persons were charged under the sedition laws. Included was one unlucky customer in a Newark tavern who staggered into the sunlight to make a negative comment about John Adams' anatomy as the President's carriage passed by.

Only after the rights of American citizens to speak freely were trampled by their Government did our young country come to appreciate the real meaning of the first amendment.

James Madison and Thomas Jefferson objected to the attack on free speech with their Virginia and Kentucky resolutions.

Madison presented the importance of free speech to democratic government. His argument has great relevance to our discussion today as he drew the connection between free speech and elections.

''Let it be recollected, lastly, that the right of electing members of the government constitutes more particularly the essence of a free and responsible government. The value and efficacy of this right depends on the knowledge of the comparative merits and demerits of the candidates for public trust; and on the equal freedom, consequently of examining and discussing these merits and demerits of the candidates respectively.''

That is the essence of free political speech. That is the essence of the philosophy advanced by the great philosophers like John Milton, John Locke, John Stuart Mill: The consent of a marketplace of ideas based on unfettered speech and thought.

Mill argued that people could trade their false notions for true ones only if they could hear the true ones. And he denounced all government attempts to censure expression.

One of America's great jurists, Louis Brandeis, warned us to ''be most on guard to protect liberty when the Government's purposes are beneficent * * *''

We could substitute ''reform'' for ''beneficent.''

''* * * the greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding.''

Well, the advocates of this resolution want us to believe that the need for Congress to limit campaign spending is so great that the first amendment's rights are secondary. Well, first let me lay to rest any notion that virtually everybody in this distinguished body is somehow against campaign reform. It is the definition of campaign reform in the practical effect that is exceedingly important. But the proponents of this legislation further argue that limits on campaign spending are really not limits on speech at all. I think that is the point that was made by the distinguished Senator from South Carolina.

The Supreme Court, in its Buckley decision, dispensed with that argument in this way: Yes. It was a 5-to-4 vote. Yes. I know it is controversial. But listen.

''A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached.

I can go to 66 counties or 105 counties in Kansas, and I can meet with every

farmer, businessman, any member of a civic group, and I can discuss the issues. And when I am done, I have probably touched 1 percent of the populace.

This decision by the Supreme Court certainly applies.

''This is because,'' and I am quoting again, ''virtually every means of communicating ideas in today's mass society requires the expenditure of money.''

I wish it was not so but that is the case.

''The distribution of the humblest handbill or leaflet entails printing, paper, and circulation costs. Speeches and rallies generally necessitate hiring a hall and publicizing the event.''

''The electorate's increasing dependence on television, radio''—and I am quoting again from the Buckley decision—''and other mass media for news and information has made these expensive modes of communication indispensable instruments of effective political speech.''

Now, in Kansas, Mr. President, a full-page advertisement in the Topeka Capital Journal costs $4,400. One 30-second television ad to reach across the State costs more than $33,000. Too much? Well, I would think it would be too much. Of course, if you are the publisher of the Capital Journal, or the advertising manager, or the same in regard to the TV station and you look at your costs and the comparative costs of what is happening in today's mass communications, it might not be too much. That is the going rate. I do not think we can legislate that rate. Even speech via the Internet or the Postal Service requires the spending of resources.

Now, suppose we adopt this resolution and that it is ratified by the States. What will we tell the Kansas business owner who wishes to petition his Government either for a redress of any kind of a grievance or to criticize a candidate or to urge the election of another candidate? Will we say that free political speech is only a half-page of advertisement? In our infinite wisdom as incumbents in office, will we say free speech only applies to 15 seconds at one TV station?

Mr. MCCONNELL. Will the Senator yield?

Mr. ROBERTS. I would be delighted to yield to the distinguished Senator.

Mr. MCCONNELL. Reading from the Hollings amendment, it says, ''A State''—this is referring to the power given to the States. Same power to the Federal Government. ''A State shall have the power to set reasonable limits.'' I say to my good friend, the Senator from Kansas, put another way, the Government would decide how much speech is reasonable. Is that the interpretation of my good friend?

Mr. ROBERTS. The incumbents of the Government, whether it be State, I suppose county, or in the Congress of the United States, would decide what is appropriate in terms of spending limits not only for themselves but for their challengers.

Mr. MCCONNELL. Will the Senator yield for a further question?

Mr. ROBERTS. I would be delighted to yield.

Mr. MCCONNELL. So it would not be inconceivable then that all of us in the Senate and House might decide that what is a reasonable amount of speech for a challenger could be $5,000 in the next election.

Mr. ROBERTS. That might be a little harsh.

Mr. MCCONNELL. We have total power to do that under the amendment.

Mr. ROBERTS. That is correct.

Mr. MCCONNELL. I say to my good friend from Kansas, if the candidates in the next election in a typical race were limited to spending $5,000, who does my good friend from Kansas think would win?

Mr. ROBERTS. I think probably the incumbent would have an edge.

Mr. MCCONNELL. Just might. So the Government here has the power to determine how much speech there may be. I thank my good friend from Kansas.

Mr. ROBERTS. I thank the Senator from Kentucky for his contribution and his leadership.

If this resolution is adopted, what will we tell the local citizens group working to elect a new mayor or a city council? Will we say that free speech extends no further than the classified advertisements? Remember, we have full-page ads costing x and we have 30-second television ads costing x but you put a limit on it: Sorry, no TV. Maybe it will get on the news, maybe not.

The Supreme Court in Buckley put it this way: ''Being free to engage in unlimited public expression subject to a ceiling on expenditures is like being free to drive an automobile as far and as often as one desires on a single tank of gasoline.'' You can't get there from here to Kansas on a single tank of gasoline—whether it is traveling the State or in regards to any kind of expression in regard to any kind of politics or any kind of campaigning.

The tyranny of this resolution, like tyranny forever, is based on a false assumption that somehow we have too much, too much political speech and it should be limited. How much political speech in a democracy is too much?

Last year, millions of Americans gave $2.6 billion to fill 476 offices. Again, columnist George Will points out they still had enough left over to spend $4.5 billion on potato chips. We spent more on yogurt in this year than we spent on political discourse, discussing the great issues of the day. Or put another way, one Super Bowl ad could finance two campaigns for Congress. One Super Bowl ad, 2½ districts in the Congress. How much is enough? I submit we need more political speech, not less. And further, what will be the chilling impact of this resolution on citizen involvement in the election and the governmental process?

The Senator from Nevada said people are sick and tired of politics and business as usual and they are not choosing to vote. I submit it is not because we need to give more power to the Federal Election Commission and limit political debate. The problem is, in my view, that too many candidates do not speak out on the issues in candor and say they are for something that identifies with the individual who is going to vote.

Our democracy survives solely on the consent of the governed. That is pretty basic. That consent is given as long as the governed have confidence in the men and women they elect to public office.

We have in place a number of filters through which candidates must be sifted to ensure those who survive receive a consensus. These filters give the electorate opportunities to eliminate candidates, many candidates who aspire to public office but quite frankly, judged in the eyes of the public, are not serious candidates, they sift out those who cannot attract a consensus. We do this in order that our form of government can so long exist.

I want to ask the question. There is a feeling here in this body that Senators feel put upon that they have to sit, hopefully in another office, and raise campaign funds. My word, what a terrible chore. What a condescending, elitist point of view, that we should be free of asking people for their trust and their support, their investment in good government, their partnership in good faith so we can shine the light of truth in the darkness and discuss these issues free from that terrible burden. What a terrible burden.

Is a candidate's ability to attract campaign funds—let me repeat this. Is a candidate's ability to attract campaign funds any less important to this process than his or her ability to attract votes? How can a candidate expect to get the consent of the governed if he or she cannot attract their support in funds to wage a campaign?

Make no mistake. Our debate today is important. It is about freedom. Said the distinguished Hugo Black: ''There are grim reminders all around this world that the distance between individual liberty and firing squads is not always as far as it seems.''

The great men and women who debated this issue before us arrived at a simple but eloquent conclusion—to limit political speech is to limit and lose freedom. We are called again to reach this same conclusion. I urge rejection of the resolution. Said the statesman George Mason: ''No free Government, or the blessings of liberty, can be preserved to any people, but by frequent recurrence to fundamental principles.''

First amendment freedoms are fundamental principles. Let us preserve the blessings of liberty.

I thank the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I thank my distinguished colleague from

Kansas for an excellent speech. I ask him if he has just one more moment here before he leaves the floor?

Mr. ROBERTS. I will be delighted to respond.

Mr. McCONNELL. I say to my friend from Kansas, in looking at the Hollings amendment, in addition to giving to the Government the power to control the speech of candidates, as we just discussed in our earlier colloquy, which could be, presumably, $5,000, which would certainly guarantee the election of every incumbent, I would also ask my good friend how he would interpret the following power given to the Government. It says the Government could limit the amount of expenditures that may be made ''by''—I assume that is the candidate—''in support of the candidate, or in opposition to the candidate.''

Now, let me ask my good friend from Kansas, since we would be making the rules here in Congress, and since we would be given the permission to make these rules since this is an amendment to the first amendment of the Constitution of the United States for the first time in history, I ask my good friend from Kansas, might it not be a shrewd move on the part of all incumbents to say that those in support of or in opposition to a candidate cannot speak at all?

Mr. ROBERTS. I really had not thought of that proposal because it is so farfetched from democracy as we know it and participation in the election process as we know it. It could happen. It could happen. I have confidence it would not happen, but, then, one never knows.

Could I ask the distinguished Senator a question? And that is this: Right now, in the campaign process, we have regular contributions. As the distinguished Senator from South Carolina has pointed out, there are limits in terms of giving; in terms of individuals it is $1,000 an individual, et cetera. And he uses that as a reference point from which to control the total spending.

But in the real world, what we have found, more specifically in this last election cycle, those regular contributions are reported. If there is one thing I agree very strongly with the Senator from South Carolina on, it is we need full public disclosure. He referred to Steve Forbes. As a matter of fact, he was very candid with regard to Mr. Forbes' candidacy, and what happened to my dear friend and former senior Senator from Kansas, Bob Dole, in his campaign. So, public disclosure, I think, is very important. I think the American people are six jumps ahead of the whole process. If they discover where the money comes from and the amount of money spent, they make the appropriate decision.

But we have other contributions. We have independent expenditures, and in the Colorado case it is very clear where the court is. So here is the challenger and the incumbent limited in terms of spending, and then in comes a ''independent expenditure,'' which we all know in some cases are not quite so independent.

Then, second, we have other expenditures. They are called ''educational ads.''

How on Earth do we control those expenditures with the campaign limits envisioned in many of the alleged campaign reform bills? I can tell you, we have colleagues who subscribe to State campaign limits, only to find we have these other contributions coming in, these other expenditures, and, frankly, they were beaten about the head and shoulders so much in the last part of the campaign, they had to violate that campaign limit or they would have been defeated, paying a fine, filling out paperwork. It is a very unfair system. I do not see anything in this particular endeavor that would prevent that.

That is a long question for the Senator to answer.

Mr. McCONNELL. I would say to my friend from Kansas, most of us in the political arena do not like independent expenditures. But the court has made it quite clear that it is constitutionally protected speech. No matter how much we do not like it when people criticize us, these individuals and groups have a constitutional right to engage in these independent expenditures. As a result of the Colorado case, parties do as well.

In looking at the Hollings amendment, it seems to me that Congress would be given the power to completely shut up these groups. They could say, ''No longer can you speak at all.'' That way, we would be able to silence all of these people who do not like what we stand for, totally—totally—under this. If Congress is given the power to control the amount of expenditures that may be made ''by''—I assume that is the candidate—''in support of,'' referring to outside groups, or ''in opposition to,'' referring to outside groups, why, by golly, under this amendment we could shut them up entirely. Our lives would be a lot easier. We could just limit spending in the campaign to about $5,000, eliminate all the speech of these outside groups. Boy, you would never have any turnover here, would you?

Mr. ROBERTS. If I could ask one other question of the Senator, I think an additional two questions that people should be asking are: Who decides? Who decides what the limit is?

Mr. McCONNELL. We do.

Mr. ROBERTS. That is the incumbency, with all due respect. And second, who is going to enforce all this? We are going to need a SWAT team down at the Federal Election Commission.

Mr. McCONNELL. If I may say to my friend, I often say the FEC would soon be the size of the rest of the administration. There would be battalions of auditors and lawyers crawling all over the books, not just of candidates for public office but every organized group out in America seeking to express itself in the course of the campaign. They would be crawling all over them. Let some little group in Kansas utter a peep in the next race against Senator ROBERTS, and the FEC could come down on them like a house of bricks saying, ''Shut up. Congress has said you don't get to speak. You don't get to say how you feel in the election—or any other time. Shut up.''

All of that is possible under this amendment, to amend the first amendment for the first time in history, to give this Congress the power to quiet the voices; quiet the voices, not just of Members of Congress and the people who may oppose them, but anybody else who may oppose it, any individual, any group, anybody. We could shut them all up. And in what way would America be better for that?

Mr. ROBERTS. I thank the Senator for his contribution and again would only summarize by saying that we could get at much of the problem here with real campaign reform legislation that centers on public disclosure. I repeat my remarks that I think the American people are six jumps ahead of the process here. It has been my experience, if they know how much money is being spent and where the money is coming from, they make a pretty good decision. Candidates cannot—well, in some cases it might work —but in most cases they cannot buy elections. It works against them. I will put my money on the free press and free speech and public disclosure, and I urge rejection of this resolution.

I thank the Senator for yielding.

Mr. McCONNELL. Mr. President, once again I thank the distinguished Senator from Kansas for an outstanding speech. I appreciate his contribution to this debate.

The question before us, as I have said, as we all know, is whether to amend the first amendment for the first time in history to give to the Government the power to control the political discourse in this country across the board; the political speech of candidates, political speech of individuals, the political speech of groups—all of this, because we have concluded that there is too much political discourse in this country.

Senator ROBERTS mentioned, and others are familiar with, some of the statistics. Of all the commercials run in the previous year, 1 percent of them were about politics; 1 percent of them. The notion that we have an excessive amount of political discussion in this country is absurd on its face. It is absurd on its face.

The good thing about the debate that we are having is it is an honest debate. The Hollings amendment concedes that there is very little you can do, consistent with the first amendment, in the campaign finance reform field that the Supreme Court will not strike down. The measure most commonly referred to by the reformers, the McCain-Feingold proposal, is unconstitutional at least 12 different ways. It would be dead on arrival in the Federal courts.

At least this debate helps sum up what is really needed if Senators believe that there is too much political discussion in our country.

It should not be surprising, Mr. President, that this amendment has almost no constituents. Common Cause, the group most often thought of when you think of the subject of campaign finance reform, opposes this constitutional amendment. The Washington Post, which writes a story on these kinds of issues virtually daily, opposes this amendment. The New York Times opposes this amendment. The American Civil Liberties Union opposes this amendment.

In short, even the proponents of some kind of effort to restrict the speech of people who are involved in the American political process look at this particular effort to carve a big hunk out of the first amendment for the first time in history as an overreaching and ill-advised step in the wrong direction.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter I received from the ACLU dated March 6, 1997, in opposition to the constitutional amendment.

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

AMERICAN CIVIL LIBERTIES UNION,
WASHINGTON NATIONAL OFFICE,
Washington, DC, March 6, 1997.

DEAR SENATOR: The American Civil Liberties Union strongly opposes S.J. Res. 18, the proposed constitutional amendment that permits Congress and the states to enact laws regulating federal campaign expenditures and contributions.

Whatever one's position may be on campaign finance reform and how best to achieve it, a constitutional amendment of the kind here proposed is not the solution. Amending the First Amendment for the first time in our history in the way that S.J. Res. 18 proposes would challenge all pre-existing First Amendment jurisprudence and would give to Congress and the states unprecedented, sweeping and undefined authority to restrict speech protected by the First Amendment since 1791.

Because it is vague and over-broad, S.J. Res. 18 would give Congress a virtual ''blank check'' to enact any legislation that may abridge a vast array of free speech and free association rights that we now enjoy. In addition, this measure should be opposed because it provides no guarantee that Congress or the states will have the political will, after the amendment's adoption, to enact legislation that will correct the problems in our current electoral system. This amendment misleads the American people because it tells them that only if they sacrifice their First Amendment rights, will Congress correct the problems in our system. Not only is this too high a price to demand in the name of reform, it is unwise to promise the American people such an unlikely outcome.

Rather than assuring that the electoral processes will be improved, a constitutional amendment merely places new state and federal campaign finance law beyond the reach of First Amendment jurisprudence. All Congress and the states would have to demonstrate is that its laws were ''reasonable.'' ''Reasonable'' laws do not necessarily solve the problems of those who are harmed by or locked out of the electoral process on the basis of their third party status, lack of wealth or non-incumbency. The First Amendment properly prevents the government from being arbitrary when making these distinctions, but S.J. Res. 18 would enable the Congress to set limitations on expenditures and contributions notwithstanding current constitutional understandings.

Once S.J. Res. 18 is adopted, Congress and local governments could easily further distort the political process in numerous ways. Congress and state governments could pass new laws that operate to the detriment of dark-horse and third party candidates. For example, with the intention of creating a ''level playing field'' Congress could establish equal contribution and expenditure limits that would ultimately operate to the benefit of incumbents who generally have a higher name recognition than their opponents, and who are often able to do more with less funding. Thus, rather than assure fair and free elections, the proposal would enable those in power to perpetuate their own power and incumbency advantage to the disadvantage of those who would challenge the status quo.

S.J. Res. 18 would also give Congress and every state legislature the power, heretofore denied by the First Amendment, to regulate the most protected function of the press—editorializing. Print outlets such as newspapers and magazines, broadcasters, Internet publishers and cable operators would be vulnerable to severe regulation of editorial content by the government. A candidate-centered editorial, as well as op-ed articles or commentary printed at the publisher's expense are more certainly expenditures in support of or in opposition to particular political candidates. The amendment, as its words make apparent, would authorize Congress to set reasonable limits on the expenditures by the media during campaigns, when not strictly reporting the news. Such a result would be intolerable in a society that cherishes the free press.

Even if Congress exempted the press from the amendment, what rational basis would it use to distinguish between certain kinds of speech? For example, why would it be justified for Congress to allow a newspaper publisher to run unlimited editorials on behalf of a candidate, but to make it unlawful for a wealthy individual to purchase an unlimited number of billboards for the same candidate? Likewise, why would it be permissible for a major weekly news magazine to run an unlimited number of editorials opposing a candidate, but impermissible for the candidate or his supporters to raise or spend enough money to purchase advertisements in the same publication? At what point is a journal or magazine that is published by an advocacy group different from a major daily newspaper, when it comes to the endorsement of candidates for federal office? Should one type of media outlet be given broader free expression privileges than the other? Should national media outlets have to abide by fifty different state and local standards for expenditures? These are questions that Congress has not adequately addressed or answered.

Moreover, the proposed amendment appears to reach not only expenditures by candidates or their agents but also the truly independent expenditures by individual citizens and groups—the very kind of speech that the First Amendment was designed to protect.

If Congress or the states want to change our campaign finance system, then it need not throw out the First Amendment in order to do so. Congress can adopt meaningful federal campaign finance reform measures without abrogating the First Amendment and without contravening the Supreme Court's decision in *Buckley* v. *Valeo.* Some of these reform measures include: public financing for all legally qualified candidates—financing that serves as a floor, not a ceiling for campaign expenditures; extending the franking privilege to all legally qualified candidates; providing assistance in some form for broadcast advertising through vouchers or reduced advertising rates; improving the resources for the FEC so that it can provide timely disclosure of contributions and expenditures; and providing vouchers for travel.

Rather than argue for these proposals, many members of Congress continue to propose unconstitutional measures, such as the McCain/Feingold bill that are limit-driven methods of campaign finance reform that place campaign regulation on a collision course with the First Amendment. Before Senators vote to eliminate certain first Amendment rights, the ACLU urges the Congress to consider other legislative options, and to give these alternatives its considered review through the hearing process.

The ACLU urges Senators to oppose S.J. Res. 18.

Sincerely,

LAURA W. MURPHY.

Mr. MCCONNELL. Also, I ask unanimous consent that a Washington Post editorial of Monday, December 2, 1996, in opposition to the constitutional amendment, be printed in the RECORD.

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

WRONG WAY ON CAMPAIGN FINANCE

Campaign finance reform is hard in part because it so quickly bumps up against the First Amendment. To keep offices and officeholders from being bought, proponents seek to limit what candidates for office can raise and spend. That's reasonable enough, except that the Supreme Court has ruled—we think correctly—that the giving and spending of campaign funds is a form of political speech, and the Constitution is pretty explicit about that sort of thing. ''Congress shall make no law * * * abridging the freedom of speech'' is the majestic sentence. So however laudable the goal, you end up having to regulate lightly and indirectly in this area, which means you are almost bound to achieve an imperfect result.

As a way out of this dilemma, Senate Minority Leader Tom Daschle added his name the other day to the list of those who say the Constitution should be amended to permit the regulation of campaign spending. He wasn't just trying to duck the issue by raising it to a higher level as some would-be amenders have in the past. Rather, his argument is that you can't win the war without the weapons, which in the case of campaign finance means the power not just to create incentives to limit spending but to impose spending limits directly.

But that's what everyone who wants to put an asterisk after the First Amendment says: We have a war to fight that we can win only if given the power to suppress. It's a terrible precedent even if in a virtuous cause, and of course, it is always in a virtuous cause. The people who want a flag-burning amendment think of themselves as defenders of civic virtue too. These amendments are always for the one cause only. Just this once, the supporters say. But having punched the one hole, you make it impossible to argue on principle against punching the next. The question becomes not whether you have exceptions to the free speech clause, but which ones?

Nor is it clear that an amendment would solve the problem. It would offer a means but not the will. The system we have is a system

that benefits incumbents. That's one of the reasons we continue to have it, and future incumbents are no more likely to want to junk it than is the current crop.

The campaign finance issue tends to wax and wane, depending on how obscene the fund-raising was, or seemed, in the last election. The last election being what it was, Congress is under a fair amount of pressure to toughen the law. The Democrats doubtless feel it most, thanks to the revelations of suspect fund-raising on the part of the president's campaign, though the Republicans have their own sins to answer for—not least their long record of resistance to reform. with all respect to Mr. Daschle, a constitutional amendment will solve none of this.

The American political system is never going to be sanitized nor, given the civic cost of the regulations that would be required (even assuming that a definition of the sanitary state could be agreed upon), should that be anyone's goal. Rather, the goal should be simply to moderate the role of money in determining elections and of course the policies to which the elections lead. The right approach remains the same: Give candidates some of the money they need to run, but exact in return a promise to limit their spending. And then enforce the promise. Private money would still be spent, but at a genuine and greater distance from the candidates themselves. It wouldn't be a perfect world, and that would be its virtue as well as a flaw.

Mr. MCCONNELL. Senator ROBERTS referred to the recent George Will column entitled ''Government Gag,'' which appeared in the Washington Post of February 13, 1997. I ask unanimous consent that that also be printed in the RECORD.

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

GOVERNMENT GAG

To promote the fair and effective functioning of the democratic process, Congress, with respect to elections for federal office, and States, for all other elections, including initiatives and referenda, may adopt reasonable regulations of funds expended, including contributions, to influence the outcome of elections, provided that such regulations do not impair the right of the public to a full and free discussion of all issues and do not prevent any candidate for elected office from amassing the resources necessary for effective advocacy.

Such governments may reasonably define which expenditures are deemed to be for the purpose of influencing elections, so long as such definition does not interfere with the right of the people fully to debate issues.

No regulation adopted under this authority may regulate the content of any expression of opinion or communication.—Proposed amendment to the Constitution

Like the imperturbable Sir Francis Drake, who did not allow the Spanish Armada's arrival off England to interrupt a game of bowling, supposed friends of the First Amendment are showing notable sang-froid in the face of ominous developments. Freedom of speech is today under more serious attack than at any time in at least the last 199 years—since enactment of the Alien and Sedition Acts. Actually, today's threat, launched in the name of political hygiene, is graver than that posed by those acts, for three reasons.

First, the 1798 acts, by which Federalists attempted to suppress criticism of the government they then controlled, were bound to perish with fluctuations in the balance of partisan forces. Today's attack on free speech advances under a bland bipartisan banner of cleanliness.

Second, the 1798 acts restricted certain categories of political speech and activities, defined, albeit quite broadly, by content and objectives. Today's enemies of the First Amendment aim to abridge the right of free political speech generally. It is not any particular content but the quantity of political speech they find objectionable.

Third, the 1798 acts had expiration dates and were allowed to expire. However, if today's speech-restrictors put in place their structure of restriction (see above), its anti-constitutional premise and program probably will be permanent.

Its premise is that Americans engage in too much communication of political advocacy, and that government—that is, incumbents in elective offices—should be trusted to decide and enforce the correct amount. This attempt to put the exercise of the most elemental civil right under government regulation is the most fundamental principle of the nation's Founders.

The principle is that limited government must be limited especially severely concerning regulation of the rights most essential to an open society. Thus the First Amendment says ''Congress shall make no law * * * abridging the freedom of speech,'' not ''Congress may abridge the freedom of speech with such laws as Congress considers reasonable.''

The text of the proposed amendment comes from Rep. Richard Gephardt, House minority leader, who has the courage of his alarming convictions when he says: ''What we have is two important values in conflict: freedom of speech and our desire for healthy campaigns in a healthy democracy. You can't have both.''

However, he also says: ''I know this is a serious step to amend the First Amendment. * * * But * * * this is not an effort to diminish free speech.'' Nonsense. Otherwise Gephardt would not acknowledge that the First Amendment is an impediment.

The reformers' problem is the Supreme Court, which has affirmed the obvious: Restrictions on the means of making speech heard, including spending for the dissemination of political advocacy, are restrictions on speech. It would be absurd to say, for example: ''Congress shall make no law abridging the right to place one's views before the public in advertisements or on billboards but Congress can abridge—reasonably, of course—the right to spend for such things.''

Insincerity oozes from the text of the proposed amendment. When Congress, emancipated from the First Amendment's restrictions, weaves its web of restraints on political communication, it will do so to promote its understanding of what is the ''fair'' and ''effective'' functioning of democracy, and ''effective'' advocacy. Yet all this regulation will be consistent with ''the right of the people fully to debate issues,'' and with ''full and free discussion of all issues''—as the political class chooses to define ''full'' and ''free'' and the ''issues.''

In 1588 England was saved not just by Drake but by luck—the ''Protestant wind'' that dispersed the Armada. Perhaps today the strangely silent friends of freedom—why are not editorial pages erupting against the proposed vandalism against the Bill of Rights?—are counting on some similar intervention to forestall today's ''reformers,'' who aim not just to water the wine of freedom but to regulate the consumption of free speech.

Mr. MCCONNELL. Mr. President, a couple of years ago, George Will, in his Newsweek column, wrote an article in opposition to the constitutional amendment. The headline is, ''So, We Talk Too Much?''

The Supreme Court's two-word opinion of the Senate's reform bill may be, ''Good grief.''

I ask unanimous consent that that also be printed in the RECORD.

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

[From Newsweek, June 28, 1993]

SO, WE TALK TOO MUCH?

(By George Will)

Washington's political class and its journalistic echoes are celebrating Senate passage, on a mostly party-line vote, of a ''reform'' that constitutes the boldest attack on freedom of speech since enactment of the Alien and Sedition Acts of 1798. The campaign finance bill would ration political speech. Fortunately, it is so flagrantly unconstitutional that the Supreme Court will fling it back across First Street, N.E., with a two-word opinion: ''Good grief!''

The reformers begin, as their ilk usually does, with a thumping but unargued certitude: campaigns involve ''too much'' money. (In 1992 congressional races involved a sum equal to 40 percent of what Americans spent on yogurt. Given the government's increasing intrusiveness and capacity to do harm, it is arguable that we spend too little on the dissemination of political discourse.) But reformers eager to limit spending have a problem: mandatory spending limits are unconstitutional. The Supreme Court acknowledges that the First Amendment protects ''the indispensable conditions for meaningful communication,'' which includes spending for the dissemination of speech. The reformers' impossible task is to gin up ''incentives'' powerful enough to coerce candidates into accepting limits that can be labeled ''voluntary.''

The Senate bill's original incentive was public financing, coupled with various punishments for privately financed candidates who choose not to sell their First Amendment rights for taxpayers' dollars and who exceed the government's stipulated ration of permissible spending/speech. Most taxpayers detest public financing. (''Food stamps for politicians,'' says Sen. Mitch McConnell, the Kentucky Republican who will lead the constitutional challenge if anything like this bill becomes law.) So the bill was changed—and made even more grossly unconstitutional. Now it limits public funding to candidates whose opponents spend/speak in excess of government limits. The funds for the subsidy are to come from taxing, at the top corporate rate, all contributions to the candidate who has chosen to exercise his free speech rights with private funding. So 35 percent of people's contributions to a privately funded candidate would be expropriated and given to his opponent. This is part of the punishment system designed to produce ''voluntary'' acceptance of spending limits.

But the Court says the government cannot require people ''to pay a tax for the exercise of that which the First Amendment has made a high constitutional privilege.'' The Court says that the ''power to tax the exercise of a right is the power to control or suppress the exercise of its enjoyment'' and is ''as potent as the power of censorship.''

Sen. Fritz Hollings, the South Carolina Democrat, is a passionate advocate of spending limits but at least has the gumption to attack the First Amendment frontally. The Senate bill amounts, he says candidly, to ''coercing people to accept spending limits while pretending it is voluntary.'' Because ''everyone knows what we are doing is unconstitutional,'' he proposes to make coercion constitutional. He would withdraw First

Amendment protection from the most important speech—political discourse. And the Senate has adopted (52–43) his resolution urging Congress to send to the states this constitutional amendment: Congress and the states ''shall have power to set reasonable limits on campaign expenditures by, in support of, or in opposition to any candidate in any primary or other election'' for federal, state or local office.

Hollings claims—you have to admire his brass—that carving this huge hole in the First Amendment would be ''a big boost to free speech.'' But by ''free'' he means ''fair,'' and by ''fair'' he means equal amounts of speech—the permissible amounts to be decided by incumbents in Congress and state legislatures. Note also the power to limit spending not only ''by'' but even ''in support of, or in opposition to'' candidates. The 52 senators who voted for this included many who three years ago stoutly (and rightly) opposed carving out even a small exception to First Amendment protections in order to ban flag-burning. But now these incumbents want to empower incumbents to hack away at the Bill of Rights in order to shrink the permissible amount of political discourse.

Government micromanagement: The Senate bill would ban or limit spending by political action committees. It would require privately funded candidates to say in their broadcast advertisements that ''the candidate has not agreed to voluntary campaign limits.'' (This speech regulation is grossly unconstitutional because it favors a particular point of view, and because the Court has held that the First Amendment protects the freedom to choose ''both what to say and what not to say.'') All this government micromanagement of political speech is supposed to usher in the reign of ''fairness (as incumbents define it, of course).

Incumbents can live happily with spending limits. Incumbents will write the limits, perhaps not altogether altruistically. And spending is the way challengers can combat incumbents' advantages such as name recognition, access to media and franked mail. Besides, the most important and plentiful money spent for political purposes is dispensed entirely by incumbents. It is called the federal budget—$1.5 trillion this year and rising. Federal spending (along with myriad regulations and subsidizing activities such as protectionist measures) often is vote-buying.

It is instructive that when the Senate voted to empower government to ration political speech, and even endorse amending the First Amendment, there was no outcry from journalists. Most of them are liberals and so are disposed to like government regulation of (other people's) lives. Besides, journalists know that government rationing of political speech by candidates will enlarge the importance of journalists' unlimited speech.

The Senate bill's premise is that there is ''too much'' political speech and some is by undesirable elements (PACs), so government control is needed to make the nation's political speech healthier. Our governments cannot balance their budgets or even suppress the gunfire in America's (potholed) streets. It would be seemly if politicians would get on with such basic tasks, rather than with the mischief of making mincemeat of the First Amendment.

Mr. MCCONNELL. Finally, Mr. President, in terms of insertions into the RECORD, I ask unanimous consent that a letter dated March 12, by Common Cause, opposing the constitutional amendment which is before us, be printed in the RECORD.

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

COMMON CAUSE,
Washington, DC, March 12, 1997.

DEAR SENATOR: The Senate is expected to vote later this week on a proposed constitutional amendment to provide Congress with the ability to impose mandatory limits on campaign spending, thus overriding a portion of the Supreme Court's 1976 decision in Buckley versus Valeo.

Common Cause opposes the constitutional amendment because it will serve as a diversionary tactic that could prevent Congress from passing campaign finance reform this year. We believe that a constitutional amendment is not necessary in order to achieve meaningful and comprehensive reform.

Under existing Supreme Court doctrine, Congress has significant scope to enact tough and effective campaign finance reform consistent with the Court's interpretation of the First Amendment in Buckley.

The McCain-Feingold bill, S.25, provides for significant reform within the framework of the Buckley decision. The legislation would: ban soft money; provide reduced postage rates and free or reduced cost television time as incentives for congressional candidates to agree to restrain their spending; close loopholes related to independent expenditures and campaign ads that masquerade as ''issue advocacy''; reduce the influence of special-interest political action committee (PAC) money; strengthen disclosure and enforcement.

A recent letter to Senators McCain and Feingold from constitutional scholar Burt Neuborne, the Legal Director of the Brennan Center for Justice and a past National Legal Director of the ACLU, sets forth the case that the McCain-Feingold bill is constitutional. Professor Neuborne finds that the key provisions of the bill are within the Court's existing interpretation of the First Amendment, and he thus demonstrates that a constitutional amendment is not necessary to enact reform.

Professor Neuborne concludes that the voluntary spending limits the McCain-Feingold bill are consistent with the Supreme Court's ruling in Buckley. He further concludes that ''Congress possesses clear power to close the soft money loophole by restricting the source and size of contributions to political parties. . . .'' He also concludes that efforts to close loopholes relating to independent expenditures and so-called ''issue ads'' are also within Congress' existing authority.

It is, therefore, not necessary to amend the Constitution in order to enact meaningful campaign finance reform. Congress has the power, consistent with the First Amendment, to enact comprehensive reform by statute.

A constitutional amendment for campaign finance reform should not be used as a way to delay reform legislation. Typically, amending the Constitution takes years. After both Houses of Congress adopt an amendment by a two-thirds vote, it has to be approved by three-quarters of the state legislatures. Even then, the Congress would still have to take up enacting legislation. This is a lengthy and arduous process.

Congress needs to act now to address the growing scandal in the campaign finance system. Congress can act now—and constitutionally—to adopt major reforms. Congress need not and should not start a reform process that will take years to complete by pursuing campaign finance reform through a constitutional amendment. Instead, the Senate should focus its efforts on enacting S.25, comprehensive bipartisan legislation that represents real reform. It is balanced, fair, and should be enacted this year to ensure meaningful reform of the way congressional elections are financed.

Sincerely,

ANN MCBRIDE,
President.

Mr. MCCONNELL. Mr. President, the question before us, the resolution by the junior Senator from South Carolina to amend the Constitution, grounds the campaign finance debate right where it needs to be and where it is, in the first amendment. That is where this debate should be centered. Lest anyone outside of the Senate construe this as an endorsement, I hasten to clarify that I regard this proposal as totally abhorrent. However, this is a debate we needed to have. This is an important discussion which clarifies that the campaign finance issue is really about political speech and about participation in our democracy. That is what this is about. That is the whole discussion.

In an effort to pave the way for restrictive legislation, such as the McCain-Feingold campaign finance bill, the amendment before us would amend the Constitution to grant Congress and the States the power to ''set reasonable limits on the amount of contributions that may be accepted by, and the amount of expenditures that may be made by, or in support of, or in opposition to, a candidate.''

When Senator ROBERTS was here a few minutes ago, we talked about just what that means. Clearly, this amendment would give incumbent Members of Congress the ability to make it impossible to lose, short of some commission of a felony or some outrageous act on the part of an incumbent that brought total disfavor upon his or her head in their constituency. It would give to the Congress the power to totally mug, muzzle, shut up critics out in our constituencies who may have organized together. In fact, about the only group it leaves untouched are our friends in the gallery, the press, who would have enhanced power as a result of an effort to shut up everybody else. If you are going to go down this route, some would even advocate telling the press how much they can criticize us.

While we are messing with the first amendment, if we wanted to make it totally impossible for us to be defeated, why not, in addition to shutting up our challengers in the next election and muzzling all of the groups outside that may or may not like what we do, let's just go on and trash some of the rest of the first amendment. We can get rid of those nasty editorials that all of us despise, put some restrictions on those pesky little reporters who tend to point out our shortcomings, as they see them.

In short, there is no end to how much of this speech we could contain if we really wanted to do it. I mean, it is a short step, it seems to me, from amending the first amendment to give the Government the power to shut up its critics in a campaign to giving the Congress the power to shut up its critics in the gallery, and pretty soon, of

course, the first amendment doesn't have any resemblance whatsoever to what it has today.

This amendment that we are debating applies to Federal, State, and local elections. Any future Congress would have a free hand to regulate, restrict, or even prohibit any activity which is perceived by the Government—perceived by the Government—to constitute an expenditure by, in support of, or in opposition to a candidate.

Mr. President, the words are few; their ramifications are simply stunning. Quite simply, this amendment empowers future Congresses to severely restrict—I would argue eliminate—the universe of political spending/speech which is deemed by Congress or some Government bureaucracy to effect an election. Candidate spending, independent expenditures, even issue advocacy by private citizens and groups, all of it could be muzzled under this amendment.

Senate Joint Resolution 18, which is the amendment before us, is a blank check for a Congress 10, 50, 100 years from now, or maybe tomorrow, the day after this is approved, to gag American citizens, candidates, groups, and parties. They could do it with a Constitution altered by this resolution. And some call this reform.

Mr. President, maybe some people believe that the 105th Congress or the 106th Congress would not do much damage with the power granted by this resolution, but I ask our friends on the left: Are you confident that some Republican-controlled Congress in the future with a 60-plus majority, with a Republican in the White House, will not seize the occasion to limit political activities by liberal-leaning groups, labor unions, the media, and others? Would you not like the Court to be able to stop such an effort on the grounds that it violated the first amendment?

My conservative friends, I ask you: Are you not relieved the Supreme Court was able to strike down the draconian restrictions on independent expenditures in campaigns in the 1978 campaign finance law?

I say to my conservative friends: Are you confident that liberal Democrats would never be in a position to enact into law a regulatory scheme on campaign finance that restricts your ability to communicate while leaving the media and labor unions unfettered and even more powerful than they already are? All of that, Mr. President, would be possible under this amendment.

No campaign finance bill will pass this or any Congress that was not drafted and amended by people fully cognizant of the partisan implications. That is why it is so important to have the impartial reasoning of the Supreme Court. The Supreme Court is the backstop. It saves the country from legislative excess, ignorance, and mischief.

Having said that, it doesn't mean I agree with all the Supreme Court's decisions or I will not scrutinize Supreme Court nominees, but I do recognize that the Court, be it of liberal or conservative leaning—it is interesting to note in the Buckley case there were many liberals on the Court at that time. The Court was much more liberal than it is now when the Buckley case was rendered, a very sound decision, which the Court has only expanded in the direction of more permissible speech during the years, including the Colorado case last summer.

The Court is an essential check on legislative and executive branches. This amendment seeks to take the Court out of the picture where campaign finance is concerned so that those who desire campaign spending limits and restrictions on independent expenditures and issue advocacy will not be inconvenienced, will not be inconvenienced by Court action such as the Buckley decision.

The Supreme Court got in the way. The Supreme Court got in the way and said you cannot do that, that it is impermissible for the Government to dole out political speech to candidates, individuals, or groups.

Revolting as the Clinton reelection team's fundraising practices were, or anybody else's, they do not justify restricting the rights of law-abiding American citizens in the future to participate in politics and spend as much as they want on their own campaigns for office. American democracy should not be diminished because a 1996 reelection effort violated current laws and flouted commonsense decency out of a ruthless, ruthless desperation to get reelected or some self-righteousness that their success was essential to the country, that the ends justified even illegal and unethical means.

Freedom should not be negotiable because one political party or other benefits disproportionately at a given point in time from some form of political speech or participation. Nor should freedom, Mr. President, be dialed back—dialed back—because some level of campaign spending violates somebody's notion of what is proper. The future should not be made to suffer so that some may appear to atone for misdeeds in the present or impose on the country their own view of what is an appropriate level of campaign spending.

Mr. President, God bless their souls, the Founding Fathers had the wisdom and the courage to construct the Constitution of the United States. Though I have much admiration for my colleagues in this Senate, I do not think we have the collective wisdom to improve upon the first amendment ratified by the States in 1791.

The amendment says:

> Congress shall make no law [no law] respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The critical part is ''abridging the freedom of speech.'' That is what the Buckley case is about. And that is what this amendment seeks to revise.

Mr. President, reflecting upon the formulation of the Constitution, De Tocqueville observed in the 19th century that:

> The course of time always gives birth to different interests, and sanctions different principles, among the same people; and when a general constitution is to be established, these interests and principles are so many natural obstacles to the rigorous application of any political system with all its consequences. The early stages of national existence are the only periods at which it is possible to make legislation strictly logical; and when we perceive a nation in the enjoyment of this advantage, we should not hastily conclude that it is wise, but only remember that it is young.

I would contend that our Nation 200 years ago was both young and its leaders wise. I have also considered the environment in which the Founding Fathers toiled, free of the harsh glare of our modern media, unfettered by the influence of present-day polling, and blissfully unacquainted with grassroots lobbying machines.

Absent those factors, I suspect much in the legislation in this body, most especially campaign finance reform, would have a different outcome. Then again, we did not have to face down the Red Coats, and I am confident that the confluence of greatness which gave us the Constitution would have done so by candlelight or klieg lights.

The first amendment has served our Nation well for over 200 years. If this Senate will resist the temptation to scale it back, it can serve our descendants for 200 years more. The first amendment's speech protections are a legacy we are extremely fortunate to have inherited. It is the one we most certainly ought to bequeath, in turn, to generations to come.

The first amendment is America's premier political reform. It is at the heart of the campaign finance debate. This is not just my view. It is the opinion of the U.S. Supreme Court and the American Civil Liberties Union—America's specialists on the first amendment. As the Court stated in the 1976 Buckley case:

> The first amendment denies government the power to determine that spending to promote one's political views is wasteful, excessive or unwise.

That gets right to the heart of it. The first amendment prohibits the Government from determining ''that spending to promote one's political views is wasteful, excessive or unwise.'' In other words, when it comes to our political speech, we can be wasteful, we can be excessive and we can be unwise, and it is none of the Government's business.

> In the free society ordained by our Constitution it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.

So the proponents of this amendment look at that decision and say we need

to cut a niche out of the first amendment and hand over to the Government the power to determine what is reasonable speech. In short, they could determine that no speech was reasonable under this amendment.

The Court has been clear and consistent on campaign finance, stating further in Buckley:

> A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. This is because virtually every means of communicating ideas in today's mass society requires the expenditure of money.

It just does. The Court observed that even ''distribution of the humblest handbill'' costs money. Further, the Court stated that the electorate's increasing dependence on television and radio for news and information makes ''these expensive modes of communication indispensable [the Court said ''indispensable″] instruments of effective political speech.''

''Indispensable.'' Under this amendment there would be nothing to keep the Congress from saying you do not get to use television at all—at all.

Quite simply, the Government may no more ration the political speech of an American citizen via campaign spending regulations than it can tell the Washington Post how many newspapers it may distribute or how many hours a day CNN may broadcast. Nor can the Government dictate the content of campaign ads, just as it cannot control the content of television news programs.

Mr. President, there is no reason sufficient to justify, in the eyes of the Court, campaign spending limits. Not to alleviate the appearance of corruption: The Court held there is ''nothing invidious, improper or unhealthy'' in campaigns spending money to communicate—nothing. Not to stem the growth in campaign spending. Again, the Court was clear:

> . . . the mere growth in the cost of federal election campaigns in and of itself provides no basis [no basis] for governmental restrictions on the quantity of campaign spending. . .

And not to level the political playing field, a notion flatly rejected by the Court in Buckley.

> . . . the concept that the government . . .

This is in response to the level playing field argument, Mr. President. In the Buckley case the Court said:

> . . . the concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment.

''Wholly foreign.''

So, Mr. President, the Government cannot, by congressional edict or regulatory fiat, impede or impair the ability of candidates, groups, individuals or parties to communicate with the electorate. Nor can Congress, as the American Civil Liberties Union has observed, coerce what it cannot command. In other words, spending limits that are voluntary in name only, such as in the McCain-Feingold bill, would have in the Court a half-life of an ice cube on a sun-baked Constitution Avenue on the 4th of July. That is about how long that would last.

There is nothing in Buckley, or any subsequent Supreme Court decision, upon this to pin hope that McCain-Feingold or any similarly coercive bills would be upheld. Buckley was not an aberration. In fact, the Court is increasingly of a deregulatory mind on campaign finance, as evidenced by last June's Colorado decision allowing the political parties to make independent expenditures.

Now, some seek to nullify the Court, and thereby pave the way for bills like McCain-Feingold, by amending the first amendment, and that is the issue before us—amending the first amendment for the first time in two centuries and thus make the unconstitutional, constitutional. They would rewrite the first amendment, a frontal assault on American freedom that the ACLU has characterized as ''a recipe for repression.''

That is what is before the Senate today. What is before us today has no constituency. Common Cause is against it. The New York Times is against it. The Washington Post is against it. The ACLU is against it. Importantly, an overwhelming number of Senators will be against it.

I personally recoil at the prospect of a Constitution so altered, while I relish the debate itself. This is an honest debate because it shows what you have to do to carve a big hunk out of the first amendment, if you will try to achieve the result that some are trying to achieve. This is an honest debate. It draws a clear line between those like myself who look on last year's record election spending as illustrative of a robust national debate over the future of the Nation, and those who believe you cannot have both freedom of speech and a healthy democracy.

Looking upon the first amendment as an impediment to reform, rather than reform, itself steers even well-intentioned reformers on a path of Government regulation, restriction, and even prohibition of fundamental political freedoms. A myopic determination to restrict campaign spending can result, as it has today, in an effort to essentially repeal the first amendment's protection of political speech. That is what is before the Senate today.

The Court stated in the 1937 case Palko versus Connecticut that freedom of speech ''is the matrix, the indispensable condition, of nearly every other form of freedom.''

Whatever one believes about the current state of campaign finance or the validity of the Buckley decision, surely it is not cause to carve out of the first amendment fundamental protection for core political speech by American citizens. The first amendment was borne of extraordinary people in an extraordinary time. Let us not diminish that freedom, 200 years later, out of frustration with Court decisions.

The campaign finance reform debate is necessarily difficult. It is difficult because the ramifications of any significant change in this area are serious. A ban on soft money, for instance, will have serious repercussions, because—like it or not—the political parties do some good things. For one, they are the only entity in the system that will support challengers without regard to ideology.

The Democratic Party committees support challengers—pro-choice or pro-life, or pro-gun control or con-gun control, you name the issue and they have supported candidates of their side. In the case of the Democratic committee, because they are Democrats; in the case of the Republicans, because they are Republicans.

Our criteria is, first and foremost, a candidate's party affiliation. Then we consider their ability and the availability of money to help their candidates. The political party's helping challengers is often all that stands between an incumbent having real competition and not just a coronation on election day.

Much is said about independent expenditures and issue advocacy. The truth is, politicians hate independent expenditures because by definition they are out of our control. We do not get to control them. A group that thinks your reelection is the most important goal may make independent expenditures that are intended to help you but, in fact, inject into the election an issue you wish was not going to be discussed. In other words, a group can love you to death with independent expenditures. That is why politicians would like to have complete control of elections. That is what they would be given under this amendment—complete control.

Mr. President, the candidates do not own the elections. They are the people's elections, not the candidates. They are the people's elections to influence through independent expenditures, issues advocacy, and through the support of candidates and political parties of their choosing. These reform bills would take elections away from private citizens, groups, and parties and hand them over, exclusively, to the candidates and to the media.

Issue advocacy is a recent addition to the reform lexicon. Some reformers profess to be horrified by all the issue advocacy that occurred last year because—news flash—they affected the election. They decry issue advocacy as another loophole that has been blasted through allowing groups to circumvent campaign finance restrictions.

A funny thing about citizens, groups, and parties who wish to make themselves heard in a democracy: They always seem to find a way around Government speech roadblocks.

If Congress ever does impose Government regulations on issue advocacy

and the courts do not strike them down, the first amendment will be a hollow shell. Soft money limits, independent expenditure limits, issue advocacy regulations, spending limits, PAC limits—these are all euphemisms for speech limits.

Under this amendment before the Senate—by carving out a huge chunk of the first amendment—Congress could succeed in imposing all of these speech limits. America would then spend less on elections. Elections would be quieter, politics—at least, on the surface—would be more civil because dissent would be tightly regulated by this Congress and incumbents would be less bothered by fundraising. And we will have gutted American democracy.

Mr. President, I am confident this amendment is not going to be approved. I hope it will be rejected overwhelmingly. It is one of the most frightening proposals we have had before this body in the 13 years I have been here. The first amendment should be the touchstone of reform, and the Buckley case, its guide.

Within those parameters, we could enact bipartisan reform to strengthen, rather than diminish, our democracy. I hope at some point that is what we will be doing.

The PRESIDING OFFICER (Mrs. COLLINS). The Senator from South Carolina.

PRIVILEGE OF THE FLOOR

Mr. HOLLINGS. Madam President, I ask unanimous consent that Maury Lane be permitted privileges of the floor during the consideration of Senate Joint Resolution 18.

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

Mr. HOLLINGS. Madam President, there were certain statements made that I am sure should be corrected immediately. I ask unanimous consent the statement in support of overturning Buckley versus Valeo, some 50 law professors from the various schools, be printed in the RECORD.

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

STATEMENT IN SUPPORT OF OVERTURNING BUCKLEY VERSUS VALEO

In its 1976 decision. Buckley v. Valeo, the United States Supreme Court held that limiting political expenditures by law is an unconstitutional denial of free speech in violation of the First Amendment.

We believe that the Buckley decision is wrong and should be overturned. The decision did not declare a valuable principle that we should hesitate to challenge. On the contrary, it misunderstood not only what free speech really is but what it really means for free people to govern themselves.

We the undersigned call for the reconsideration and reversal of the Buckley decision.

Bruce Ackerman, Professor of Law and Political Science, Yale Law School
Ellen Aprill, Professor, Loyola Law School
Peter Arenella, Professor of Law, UCLA Law School
Robert Aronson, Professor of Law, University of Washington Law School
Robert Benson, Professor of Law, Loyola Law School
Steve Bachmann, General Counsel, ACORN
Gary L. Blasi, Professor of Law, UCLA Law School
John Bonifaz, Executive Director, National Voting Rights Institute
Richard M. Buxbaum, Dean of International and Areas Studies, Boalt Hall Law School
John Calmore, Professor of Law, Loyola Law School
Erwin Chemerinsky, Professor of Law, University of Southern California Law School
Joshua Cohen, Professor of Political Science, Massachusetts Institution of Technology
James W. Doig, Professor, Woodrow Wilson School, Dept. of Politics, Princeton University
Ronald Dworkin, Professor of Law, New York University School of Law
Roger Findley, Professor of Law, Loyola Law School
Catherine Fisk, Professor of Law, Loyola Law School
Edward B. Foley, Associate Professor, Ohio State University College of Law
Milton S. Gwirtzman, member, Senior Advisory Board, Institute of Politics, John F. Kennedy School of Government, Harvard University
Richard L. Hasen, Assistant Professor of Law, Chicago-Kent College of Law
Roland Homet, Principal, Public Purpose Presentation
Lisa Ikemoto, Professor of Law, Loyola Law School
Gregory C. Keating, Professor of Law, University of Southern California Law School
Stephen Loffredo, Associate Professor of Law, CUNY Law School
Harry Lonsdale, Founder, Campaign for Democracy
Karl Manheim, Professor of Law, Loyola Law School
Frank Michelman, Professor, Harvard Law School
Ralph Nader, Center for the Study of Responsive Law
Burt Neuborne, Professor of Law, New York University School of Law
John Nockleby, Professor of Law, Loyola Law School
H. Jefferson Powell, Professor of Law, Duke University Law School
William Quigley, Associate Professor, Loyola University School of Law
Jamin Raskin, Associate Dean, American University Washington College of Law
John Rawls, University Professor, emeritus, Harvard University
Clifford Rechtschaffen, Professor of Law, Golden Gate University School of Law
Joel Rogers, Professor of Law, Political Science and Sociology, University of Wisconsin-Madison
E. Joshua Rosenkranz, Executive Director, Brennan Center for Justice at New York University School of Law
Thomas M. Scanlon, Jr., Professor of Philosophy, Harvard University
Whitney North Seymour Jr., former U.S. Attorney, Southern District of New York
W. David Slawson, Professor of Law, University of Southern California Law School
Rayman L. Solomon, Associate Dean, Northwestern University School of Law
Peter Tiersma, Professor of Law, Loyola Law School
Georgene Vairo, Professor of Law, Loyola Law School
Jim Wheaton, Founder, First Amendment Project
Louis Wolcher, Professor of Law, University of Washington School of Law

Mr. HOLLINGS. Madam President, I ask unanimous consent that the 24 State attorneys general also asking for reversal of Buckley versus Valeo be printed in the RECORD.

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

TWENTY-FOUR STATE ATTORNEYS GENERAL ISSUE CALL FOR THE REVERSAL OF BUCKLEY VERSUS VALEO

DES MOINES, IOWA—The attorneys general for twenty-four states released a joint statement Tuesday calling for the reversal of a 1976 Supreme Court decision which struck down mandatory campaign spending limits on free speech grounds. The attorneys general statement comes amidst a growing national debate about the validity of that court ruling; *Buckley v. Valeo.*

Former U.S. Senator Bill Bradley has denounced the decision and has helped lead the recent push in the U.S. Congress for a constitutional amendment to allow for mandatory spending limits in federal elections. The City of Cincinnati is litigating the first direct court challenge to the ruling, defending an ordinance passed in 1995 by the City Council which sets limits in city council races. And, in late October 1996, a group of prominent constitutional scholars from around the nation signed a statement calling for the reversal of Buckley.

The attorneys general statement reads as follows:

''Over two decades ago, the United States Supreme Court, in *Buckley v. Valeo,* 424 U.S. 1 (1976), declared mandatory campaign expenditure limits unconstitutional on First Amendment grounds. We, the undersigned state attorneys general, believe the time has come for that holding to be revisited and reversed.

''U.S. Supreme Court Justice Louis Brandeis once wrote '[I]n cases involving the Federal Constitution, where correction through legislative action is practically impossible, this court has often overruled its earlier decisions. The court bows to the lessons of experience and the force of better reasoning * * *' *Burnet v. Coronado Oil & Gas Co.,* 285 U.S. 393, 406–408 (1932) (Brandeis, J., dissenting).

''As state attorneys general—many of us elected—we believe the experience of campaigns teaches the lesson that unlimited campaign spending threatens the integrity of the election process. As the chief legal officers of our respective states, we believe that the force of better reasoning compels the conclusion that it is the absence of limits on campaign expenditures—not the restrictions—which strike 'at the core of our electoral process and of the First Amendment freedoms.' *Buckley v. Valeo,* 424 U.S. 1, 39 (1976) (quoting *Williams v. Rhodes,* 393 U.S. 23, 32 (1968).''

The United States has witnessed a more than a 700% increase in the cost of federal elections since the *Buckley* ruling. The presidential and congressional campaigns combined spent more than $2 billion this past election cycle, making the 1996 elections the costliest ever in U.S. history.

Iowa Attorney General Tom Miller, Nevada Attorney General Frankie Sue Del Papa, Arizona Attorney General Grant Woods, and the National Voting Rights Institute of Boston initiated Tuesday's statement. The Institute is a non-profit organization engaged in constitutional challenges across the country to the current campaign finance system. The Institute serves as special counsel for the City of Cincinnati in its challenge to *Buckley,* now in federal district court in Cincinnati and due for its first court hearing on January 31.

''*Buckley* stands today as a barrier to American democracy,'' says Attorney General Del Papa. ''As state attorneys general,

we are committed to helping remove that barrier.'' Del Papa says the twenty-four state attorneys general will seek to play an active role in efforts to reverse the *Buckley* decision, including the submission of friend-of-the-court briefs in emerging court cases which address the ruling.

''Maybe it wasn't clear in 1976, but it is clear today that financing of campaigns has gotten totally out of control,'' says Iowa Attorney General Tom Miller. ''The state has a compelling interest in bringing campaign finances back under control and protecting the integrity of the electoral process.''

Arizona Attorney General Grant Woods adds, ''I believe that it is a major stretch to say that the First Amendment requires that no restrictions be placed on individual campaign spending. The practical results, where millionaires dominate the process to the detriment of nearly everyone who cannot compete financially, have perverted the electoral process in America.''

The full listing of signatories is as follows:

Attorney General Grant Woods of Arizona (R)
Attorney General Richard Blumenthal of Connecticut (D)
Attorney General Robert Butterworth of Florida (D)
Attorney General Alan G. Lance of Idaho (R)
Attorney General Tom Miller of Iowa (D)
Attorney General Carla J. Stovall of Kansas (R)
Attorney General Albert B. Chandler III of Kentucky (D)
Attorney General Andrew Ketterer of Maine (D)
Attorney General Scott Harshbarger of Massachusetts (D)
Attorney General Frank Kelley of Michigan (D)
Attorney General Hubert H. Humphrey of Minnesota (D)
Attorney General Mike Moore of Mississippi (D)
Attorney General Joseph P. Mazurek of Montana (D)
Attorney General Frankie Sue Del Papa of Nevada (D)
Attorney General Jeff Howard of New Hampshire (R)
Attorney General Tom Udall of New Mexico (D)
Attorney General Heidi Heitkamp of North Dakota (D)
Attorney General Drew Edmondson of Oklahoma (D)
Attorney General Charles W. Burson of Tennessee (D)
Attorney General Jan Graham of Utah (D)
Attorney General Wallace Malley of Vermont (R)
Attorney General Darrel V. McGraw of West Virginia (D)
Attorney General Christine O. Gregoire of Washington (D)
Attorney General James Doyle of Wisconsin (D)

Mr. HOLLINGS. Madam President, I ask unanimous consent to have printed in the RECORD the rollcall of May 1993, of the majority of the U.S. Senate expressing the sense of the Senate that the Congress should be empowered constitutionally, the Constitution should be amended to authorize the Congress to regulate or control expenditures in Federal elections.

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

ROLLCALL VOTE No. 129, MAY 27, 1993

YEAS (52)

Democrats (46 or 85%): Akaka, Biden, Bingaman, Boren, Bradley, Breaux, Bryan, Bumpers, Byrd, Campbell, Conrad, Daschle, DeConcini, Dodd, Dorgan, Exon, Feingold, Feinstein, Ford, Glenn, Graham, Harkin, Hollings, Inouye, Johnston, Kennedy, Kerry, Lautenberg, Levin, Lieberman, Mathews, Metzenbaum, Mitchell, Moseley-Braun, Murray, Nunn, Pryor, Reid, Riegle, Robb, Sarbanes, Sasser, Shelby, Simon, Wellstone, Wofford.

Republicans (6 or 15%): D'Amato, Hatfield, Kassebaum, Pressler, Roth, Specter.

NAYS (43)

Democrats (8 or 15%): Boxer, Kerrey, Kohl, Leahy, Mikulski, Moynihan, Pell, Rockefeller.

Republicans (35 or 85%): Bennett, Bond, Brown, Burns, Chafee, Coats, Cochran, Cohen, Coverdell, Craig, Danforth, Dole, Domenici, Durenberger, Faircloth, Gorton, Gramm, Grassley, Gregg, Helms, Jeffords, Kempthorne, Lott, Lugar, Mack, McCain, McConnell, Murkowski, Nickles, Packwood, Simpson, Smith, Stevens, Wallop, Warner.

NOT VOTING (5)

Democrats (3): Baucus, Heflin, Krueger.
Republicans (2): Hatch, Thurmond.

Mr. HOLLINGS. I thank the distinguished Chair.

When you sit up limply and say there is no constituency for this, the constituency is building. There is no question about that.

It is bipartisan. It is very clever in trying to say that the Hollings resolution is the Hollings-Specter, when it is bipartisan. They will talk with conviction that McCain-Feingold is bipartisan, but not Hollings-Specter. The fact of the matter is, Madam President, that we had a news conference—we have had various ones over the 10-year period—and hardly anyone attended. On yesterday, the room was overflowing, in the context that they realize now that after all the endeavors made to try to reconcile this situation, the only route left for us now to correct this cancer that imperils our democracy is authority for the Congress to act.

Now, they, in sanctimony, stand and talk about Buckley versus Valeo, and in the same breath, ''200 years,'' ''the first amendment,'' ''loopholes,'' ''let's don't have a loophole or gut out the first amendment''— my opponent is very erudite, a very learned Senator, and he has been working on this particular subject for quite some time, and he has to know that Buckley versus Valeo does exactly that.

Buckley versus Valeo limited the speech, the first amendment rights, of contributors. Say I make a contribution to the Senator from Utah for only $1,000 in the primary and $1,000 in the general election; my freedom of speech has gutted a hole in the first amendment by Buckley versus Valeo, because my freedom of speech to contribute and participate has already been limited by Congress, of all people, and upheld by the U.S. Supreme Court. I gave example after example of the safety measures with respect to not being able to shout ''fire'' in a theater. I went to the national security. I went to the obscenity provisions. I wish I had the time and disposition here this afternoon to put in Laurence Tribe's restatement of the freedom of speech, and you would have a powerful grasp of what is in order and what is not in order. You can bet your boots that this has been building.

In 1993, we had a sense-of-the-Senate resolution, and a majority of the U.S. Senate said that they should have a constitutional amendment, such as is here now introduced. The Senator comes and limply says, ''I have Common Cause, the Washington Post, the New York Times, and the ACLU, and the Senator from South Carolina has no constituency.'' We have the constituency. We know about the newspapers. They don't want to recognize the fact that we are talking about ''paid'' speech in this constitutional amendment—expenditures—not ''free'' speech. ''Limit the amount of contributions that may be accepted by and the amount of expenditures that may be made by''—expenditures for speech, paid speech, not free speech.

A State shall have the power to set reasonable limits on the amount of expenditures made. So they don't have to go to the straw man. I got interested in the straw man. They said Congress could come around and limit you to $5,000 in a campaign and get rid of all of these groups. I hadn't thought of that. That would probably be a pretty good idea, because we know all the groups are really not interested, except in beating those candidates, getting over them.

Our colleagues on the other side of the aisle very cleverly got out in Saturday's Washington Post—I will have to get a copy of that article about all of these different groups. You wonder where their names come from. I remember one out in California, with some spurious name, and they found out that Philip Morris, the tobacco folks, were behind it. Upon that being discovered, they said they had to take credit for that particular group. But you have them all bouncing up and down. The gimmick today is to get a group for ''free Government,'' or for ''free speech,'' or ''for clean politics,'' or anything that sounds pretty. You will find out that it is politically motivated by either national party.

I can tell you, our national groups are there and they are really ruining the political process. But the Senator from South Carolina just says ''expenditures.'' Once you limit the expenditures, you can get those groups, you can get the bundling, you can get the soft money, you can get the direct money, you can get whatever you are going to get. If you have the wrong kind of support, then your opponent is going to be quick to point it out and expose it because you have disclosure. That's what we had in the 1974 act, and that's what we must continue.

But this has to do with expenditures and paid speech. Of all people to really talk—let me comment, Madam President, about the limits of speech. We know that there is good reason to limit speech. The U.S. Senate, the U.S.

House of Representatives, the U.S. Congress knows better than any that you must limit speech in order to get a good product. Over on the House side, you are given, under the rule, 1 minute or 3 minutes, and over here, we have bragged about the unlimited speech. But the fact of the matter is that we can cut off the filibuster, and we further limit it. Rather than the two-thirds—you need the accepted large majority of a 60-vote majority to limit the speech, cut it off.

I was at a committee hearing and we had a 5-minute rule. We accept that. So all the Senators limit speech. You are not allowed to stand up and say: Wait a minute, the first amendment, we can't gut a hole in this first amendment for the first time in 200 years.

That is hogwash. Buckley versus Valeo limits speech—the very authority that the opposition uses here to maintain and oppose the joint resolution to amend the Constitution, so that we can reinstill the freedom of speech that is robbed by way of financial power from an individual trying to express himself. That is the nature of the campaign financing now.

As I explained earlier, you could take an individual with $100,000 and me with $1 million. I can tell you that any candidate who is going to start anywhere to get recognition, he is going to spend half of his money on polls. Then he is going to come in in October with $50,000 for TV. I will have a million, and I will squash him; I can tell you that right now. I could come in there and take over the airwaves and billboards and newspapers, and radio at various times, for the various groups, and his family will wonder why he is not interested in his campaign. He is not interested for the simple reason that he is not financially capable of responding. That is what Buckley versus Valeo provides.

That is why Chief Justice Burger, in the dissenting opinion, said this differing of contributions, where it can be limited from expenditures, which cannot be limited, ''simply won't wash.'' That is Chief Justice Burger's expression. You can go right on down the various comments I have given. But them there is the same argument, the same straw man, what the Congress might do. They assume the actions of Congress. That is why we put ''reasonable limits.''

They talk about, I think, the ACLU. I could not get the copies of the other ones just inserted into the RECORD, but I have the ACLU letter. It says, reasonable limits is vague and overbroad.

That is why we said ''reasonable'' because of the straw men that have been erected back in all of these elections. They could limit here, they could do this, or they could do that. We assume that the Congress is going to be reasonable and that the Congress and the courts are not going to stand for any egregious conduct on the part of the Congress that would do as they threaten this particular constitutional amendment would. These straw men that they put up and knock down: Who is going to enforce? We are going to have to put a SWAT team down there, and everything else of that kind. And that, oh, horrors, this applies not only to the Federal but the States and the local elections.

Madam President, I can tell you that the State elections are included because they requested the Senator from South Carolina that they be included. There is no question in my mind that this would be ratified in the 1998 elections in November of next year; no question. I will bet anybody on it. You come and put this before the American people. They have been denied the right by the Senator from Kentucky and others who come around and try to erect straw men talking about 200 years of freedom of speech, when the very authority, the Supreme Court, already has in Buckley versus Valeo. But they said, ''please include State elections.'' I have already inserted the statement of the States' attorney generals in the RECORD. There is a driving force that this Congress has prohibited now for the last 10 years because we put it in. We have had a majority vote. The majority of the Senators themselves expressed the sense of the Senate. They now say that the majority of the Senate is not any constituency. I don't know of a better constituency, if I can get the 67. That is what we need; not just the majority. If I can get the 67, we would really be in a good state.

The Washington Post says we should have limits on advertising, but a constitutional amendment is a bad idea. ''It would be an exception to the free speech clause.'' Oh, no. It is an exception to the paid speech clause. ''And once that clause is free for one purpose, who is to say how many others may follow?'' That is a misgiving. That is a concern. That is a concern in this Senator's mind. It was after 10 years was wasted—from 1976 to 1987. We tried all of these things and got nowhere that you could see, by the way the Court was talking, and particularly now with the Colorado decision. There is no question in my mind that the Court is not going to reverse Buckley versus Valeo. They have pretty well thrown all caution out of the window, and said, ''So long as it is not coordinated, these separate groups can come in and come to the national parties,'' and, by Jove, they spend the money, and, obviously, it is going to be to the benefit of this particular candidate.

That is what we call soft money. It has adulterated the process so that I have business friends at fundraisers when that occurred that said, ''My heavens, Senator. I gave the $1,000, and I am willing to give the second $1,000. But I am getting calls on the phone now to raise $100,000. What in the world? They are calling and asking for $50,000 and $100,000, and so forth, for soft money to give to the party.'' They say that you will benefit from it. They might under oath say something differently. But everybody knows what the national parties are doing, and that is why we have this investigation going on.

It says here again in that particular Washington Post editorial that ''The Congress may enact laws regulating the amounts of contributions and expenditures intended to affect elections in Federal offices. But that is much too vague.'' It says ''vague.'' I do not think it is vague at all. I think it has worked out in accordance with the wording of the Buckley versus Valeo decision. It is not vague at all—not as the ACLU would state it, and not my good friend George Will. We have his particular comments. That is the gentleman who believes that we ought to have term limits for Senators but not for editorial writers. I think we ought to have term limits for these editorial writers. It is sort of getting boring. You can look at the name, and you pass over it because you know what is going to be written. They are hired hands for a particular viewpoint, and on and on again.

I am quoting from the editorial by George Will:

''Hollings claims—and you have to admire his brass—that carving this huge hole in the first amendment''—that is where they get the ''carving,'' the pejorative expressions without any real substantive argument—''would be a big boost to free speech.''

Mr. Will says there isn't any question that ''by 'free' I mean 'fair.'" No; I mean ''free.'' I do not mean ''paid speech.'' I mean what I say: ''Free speech.'' By limiting contributions you have come in and stated that they are going to have a corruptive influence and that is why contributions need to be limited. If that is the case, most assuredly the amount of spending, not just the contributions, in campaigns is most corrupt.

When Mr. Will refers to ''amounts of speech,'' he means the permissible amounts to be decided by incumbents in Congress and State legislatures. Well, when he says ''incumbents in Congress'', he is speaking in the pejorative again because he doesn't like incumbents. He just likes incumbent news editorialists but not incumbent Congressmen or incumbent Senators.

Will continues, ''Note also the power to limit spending not only by but even in support of or in opposition to candidates.''

That is exactly right.

''The 32 Senators who voted for this include many who 3 years ago stoutly opposed carving out a small exception to the first amendment protections in order to ban flag burning.''

I am going to come back to that. He jogs my memory.

''But now these incumbents want'' —that is the third time he has used ''incumbent'' in this passage—''to hack away at the Bill of Rights'' —this is not to hack away at the Bill of Rights; we are trying to restore the Bill of Rights freedom of speech for the impoverished individual in this country in order to strengthen the permissible amount.

''Government micromanagement,'' Will says. Well, that is exactly what Buckley versus Valeo sustains. It says you can only give $1,000. A PAC, no matter how large the organization, can only give $5,000. We had individuals at the time we passed this in 1974 giving $500,000, giving $1 million, and giving $2 million in cash. Now we know with the Colorado decision and the investigation that will ensue, that we all voted for yesterday, that we are back to the millions, the $500,000, the $100,000 contributions. It destroys the confidence of the people in their representative government. They think ''representative.'' It is, by gosh, bought-and-paid-for government. Whoever has the money is going to control.

Going back to the Will writings,

> Government micromanagement: The Senate bill would ban or limit spending by political action committees. It will require privately funded candidates to say in their broadcast advertisements that the candidates have not agreed to voluntary campaign limits.

Well, that is not in any Hollings joint resolution whatsoever.

''All this Government micromanagement of political speech is supposed to usher in the reign of 'fairness' as incumbents define it, of course.'' Here is a strawman. Vote against incumbents. If you read this, get rid of the incumbents. He is back to term limits again. Let me read the next paragraph.

''Incumbents,'' it starts off—this is the sixth time in 10 lines that he has used the word ''incumbents.'' He knows how to get a drumbeat going. ''Incumbents can live happily with spending limits. Incumbents will write the limits, perhaps not altogether altruistically, and spending is the way challengers can combat incumbents advantages such as name recognition, access to media and franked mail. Besides, the most important and plentiful money spent for political purposes is dispensed entirely by incumbents. It is called the Federal budget—$1.5 trillion and rising * * * Federal spending often is vote buying.''

Now, he even blames us for passing a budget, and he calls that political. Why can't we get a vote on the budget? We have been here since January. It is the middle of March. We cannot even get the Republicans to put up a budget. I remember back on December 18, 1994, on ''Meet The Press,'' they had Mr. GINGRICH and Mr. KASICH and Mr. DOMENICI, the two budget chairmen and the Speaker, and they said we are going to have three budgets. We do not care about the President. We are going to pass them and he is going to sign them or else, that the President is irrelevant.

That was the argument in the first part of 1995. They came on on ''Meet The Press'' and they had three budgets. Now I cannot get one of them. But George Will says it is a political document and an advantage to the incumbents. The incumbents do not think so. Nobody wants to support any budget because nobody wants to pay for it. It is not complicated at all. But so much for the Mr. ACLU and Mr. George Will and Mr. Washington Post and Mr. New York Times.

I want these gentlemen talking about free speech to go to the New York Times and say I want a half-page. See how free it is. Go to the Washington Post and say I want a quarter-page, I want to put this ad in here. There is nothing free about it.

From time to time they will take an editorial, but they will have to review it and like it or else they will not take it. I can tell you that, because I have been trying to point out one that has been refused for many years as to the matter of now having to spend $1 billion a day just on interest costs on the national debt. It amounts, in essence, because you add it to the debt, to increasing taxes $1 billion a day. We are on that particular treadmill of a $1 billion-a-day increase in taxes.

The American people have no idea of it. They have no idea that the deficits for the past 15 years on an average have been $277 billion. It has been $277 billion in Government that we are giving them but we are not willing to pay for. But the American public, depending on the free press, does not know that because the free press does not report that.

And back now to their so-called freedom of speech and first amendments, you are not going to get any freedom of speech there at all. It will be ratified by the States. It is not the first time, in all candor, for the strawman that they have been proposing here. But let me read this that was stated in ''Politics and Money'' by Elizabeth Drew. I quote:

> Until the problem of money is dealt with, it is unrealistic to expect the political process to improve in any other respect. It is not relevant whether every candidate who spends more than his opponent wins, though in races that are otherwise close this tends to be the case. What matters is what the chasing of money does to the candidates and to the victor's subsequent behavior. The candidate's desperation for money and the desire to effect public policy provide a mutual opportunity. The issue is not how much is spent on elections but the way the money is obtained. The point is what raising money, not simply spending it, does to the political process. It is not just that the legislative product is bent or stymied. It is not just that well armed interests have a head start over the rest of the citizenry, for that often is not even a contest. It is not even relevant what interest happens to be winning. What is relevant is what the whole thing is doing to the democratic process. What is at stake is the idea of representative Government, the soul of this country.

That is 15 years ago now, Madam President, by the distinguished writer Elizabeth Drew in ''Politics and Money.''

I think that is what we have to get our media to have, is that fit of conscience developed that we saw developed on the floor of the Senate on yesterday afternoon. In that fit of conscience, we got together in a unanimous vote, a unanimous vote—one Senator abstained under the rules, but the other 99 Senators, Republican and Democrat, Conservative and Liberal, all joined in to not only investigate the illegal but the improper.

Now, there was a little band over there that fought that. They fought Chairman THOMPSON's idea that he was going after not only the illegal but the improper. Under the Klieglight of the free press, not the paid or the expenditures but the free press and the free speech, not the paid speech, under the free press and the free speech, they realized that it was going to be tremendously embarrassing, appear as a coverup.

That is the kind of fit of conscience that must be developed if we are really going to come to grips with this cancer on the body politic. As Justice Jackson says, ''The Constitution is not a suicide compact.'' We do not have to look at the Constitution in a casual way, but we do not have to look upon it as having any relation to this particular predicament. The Founding Fathers had no idea of television. They had no idea of the expense. They had no idea of the time. They had no idea of the effort. They had no idea of the corruption. There is no better word for the process than what is demanded now, as you can see, is going up, up and away. As Justice Byron ''Whizzer'' White said, ''We are going on a treadmill and you can see its direction.'' All election spending back in 1976—I have it all here estimated—was only $540 million. Now, by 1996, in 20 years, it has gone up 641 percent, to $4 billion.

Necessarily, the newspapers who are looking for these paid ads are going to say, ''free press, free press.'' No: Paid speech. ''Free speech, free speech,'' they will caterwaul. The truth of the matter is, we are talking about expenditures, and paid speech. There it is. It is going up, up, and away. I do not know how we are ever going to get a grip on that unless we give Congress the authority.

Once again, I emphasize not what, ipso facto, will happen under these straw men that the Senator from Kentucky puts up. I have no idea of those things he talked about, of limiting the campaign to $5,000, and only the incumbents could run, and do away with all the committees and everything else of that kind. He just arranged a hall of horrors with respect to an amendment. It simply does just exactly what that 24th amendment did when they found the freedom of speech, namely the most solemn act of political speech, voting, was adulterated by money, namely a poll tax. The Congress came immediately back in the 24th amendment to the Constitution and said thou shalt not exact a poll tax or any other kind of tax, as a financial burden on that vote.

Here, now, we have a financial burden on the entire political process. The decision is not being made in the political marketplace, the marketplace of

ideas and vision and programs. The decision is being made in the financial marketplace. And then we go around and ask each other, why don't the people have more confidence in the Congress and the Government up here in Washington?

I see my colleague is momentarily wanting to speak. Madam President, I thank the Senators for listening and I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Madam President, I appreciate the opportunity to visit on this subject. My mind goes back to a little history lesson, which many probably know but I would like to rehearse, just as a background for this.

The Constitution was written primarily by one man, James Madison. After it went through the convention in Philadelphia, James Madison went back home to Virginia to campaign for its ratification.

Ratification of the Constitution really depended on two States. Yes, it required that it be ratified by three-fourths of the States, but if New York and Virginia had not ratified, it would not have mattered if every other State did because those were the two dominant States in the confederacy and without their ratification and joining the new federation, created by the Constitution, the country would not have survived.

So, Madison's role in getting ratification by Virginia was as important to the survival of the Constitution as his role in writing it. He had a significant opponent in the State of Virginia, arguably the most popular and powerful political figure in that State, five times, I believe, Governor of that State, a man named Patrick Henry. Patrick Henry took the stump in opposition to the Constitution, put his full prestige and oratorical powers behind the forces that were in opposition, and his reason was, among others, that the Constitution did not include a list—or, in 18th century language, a bill—of rights.

It is not necessary, said Madison in the debates, because the rights of the individuals of this new country, created by this Constitution, are all implied in the Constitution itself. They do not need to be listed. If they are listed, they will be limited only to those rights on the list. So the best thing we can do, said Madison, is ratify the Constitution as it stands, rather than talk about a list or Bill of Rights.

Patrick Henry wasn't buying it. And he was powerful enough in the State of Virginia, that he could have blocked ratification of the Constitution by virtue of his political power. Well, Madison being the practical politician he was, as well as the theoretician, said to the voters of Virginia: I'll make a deal with you. If you will ratify this Constitution, I will run for Congress and in my first term as a Member of the House of Representatives, I will propose a Bill of Rights. And Madison prevailed in that debate, Virginia ratified the Constitution, it became the basic document upon which this country was built, and Madison was true to his political promises. He came to the House of Representatives and Representative James Madison of Virginia proposed 12 amendments to the Constitution, every one of them outlining rights of individuals. Ten of those were adopted and have come to be known as the Bill of Rights.

As a historical footnote, the 11th one that was lost to history for over 200 years got discovered a few years ago and ratified. So that the so-called Madison amendment now, which was No. 11 of his 12 listed amendments to the Constitution, as the Bill of Rights, is now also part of the Constitution. The 12th one is gone and deserves to be gone, it is so tied to that period of time it has no relevance to us today and nobody wants to revive it.

The first of those amendments offered by Representative Madison was, of course, the amendment outlining freedom of speech, freedom of religion, freedom to petition the Government for redress of your grievances. That is his generation's term for lobbying, Madam President—lobbying is a protected, constitutionally recognized activity that is a key part of our democracy. I like to remind people of that, as they stand up and talk about the evils of lobbying. Heaven help us if the day ever comes when citizens are denied the right to petition the Government for redress of their grievances or are told that they cannot hire an advocate more articulate than they are, to do it for them. That would diminish our constitutional rights.

That is all in that first of those amendments offered by Madison. Patrick Henry lost the battle in terms of the ratification, but this country owes Patrick Henry a tremendous debt of gratitude for his forcing James Madison into that political deal and putting down on paper those rights that we have listed for us in the Bill of Rights.

What does that have to do with this debate? What does that have to do with this discussion about campaign finance reform? I stand here, not as a lawyer, but I hope as one who can read the English language and one who has made something of a study of the Constitution throughout his life. I put myself in the context of that debate between Madison and Henry, and I say: Mr. Henry, would you be satisfied with the reassurance of the following words:

> Congress shall have the power to set reasonable limits on the amount of contributions that may be accepted by, and the amount of expenditures that may be made by, in support of, or in opposition to, a candidate for nomination for election to, or for election to, Federal office.

I think Mr. Henry would say, ''I will accept James Madison's assurances that all of our rights are, by implication, in the Constitution, before I will accept the notion that Congress has the right to set reasonable limits on what people do in support of or in opposition to a candidate.''

Now, it is presumptuous of me to try to put words in Patrick Henry's mouth. I don't think any of us in this body is a good enough orator to make that attempt. But I, for one, feel that the spirit of Patrick Henry says we have to be a whole lot more specific than this, if we are going to amend the fundamental document that stands as the basis of this Nation.

Mr. McCONNELL. Will the Senator yield for a question?

Mr. BENNETT. I will be happy to yield.

Mr. McCONNELL. Given the general anxiety that candidates for public office experience when independent expenditures, constitutionally protected speech, is directed for or against us, could my friend from Utah not envision a situation in which the Congress would conclude that there should be none, no expenditures in support of, or in opposition to, a candidate? Might not the Congress, in its wisdom, conclude that it was reasonable to have no such expressions by outsiders in the course of the campaign under this amendment?

Mr. BENNETT. As I read the language of this amendment, the determination of what is reasonable and what is not reasonable is left to the Congress. And under those circumstances, I can see a Congress of incumbents deciding that it was eminently reasonable not to allow anyone to oppose them.

Indeed, if I may quote, to the Senator from Kentucky the rationale currently being given by the White House for the excesses to which they went in extracting expenditures which now have had to be returned in the millions of dollars. Their rationale was that they were facing the possibility that the Republicans would win the election, and that that possibility was so overwhelmingly devastating to the future of the country that they had no choice but to go to the absolute limits of propriety and, on occasion, beyond in order to prevent that from happening.

If someone believes that is reasonable, certainly I agree with the implications of the question from the Senator from Kentucky that Members of Congress might agree that it is reasonable to put such low limits on the amount that could be spent in opposition to an incumbent that, in fact, the net result would be zero in support.

Mr. McCONNELL. I ask my good friend from Utah, might not the Congress, full of incumbents, by arguing that the expenditure of money is such a tainting thing in our democracy, conclude that maybe there should be a $10,000 or a $20,000 limit on expenditures by candidates in the next election, thereby virtually guaranteeing the reelection of every one of these incumbents?

Mr. BENNETT. I agree completely that the Congress might do that. Now, to be honest, I would have to say to my

friend from Kentucky, the outcry that would arise from the press, the groups who watch what we do, would be very, very severe if Congress were to do that, and they would scream that that was not reasonable and would demand that the limit be raised.

But you would create, in that circumstance, a political thicket, to use a phrase that the Supreme Court, I understand, has used on occasion, wherein the threads of intelligent debate would be lost completely. You would spend all of your time in that election arguing whether a $5,000 limit or a $10,000 limit or a $100,000 limit, or wherever it might be, was the right limit, and you would never spend your time talking about the important issues facing your country.

Frankly, we are in a microcosm of that right now. We are arguing about the things that get in the way, I think, of more substantive issues.

Mr. McCONNELL. If the Senator will yield, I wonder if the press would argue for more spending. They seem to believe—most of them—that spending is a tainting thing in our democracy. To the extent the campaigns are, basically, out of business, in terms of their own expenditures, to convey their own message to their own constituencies, would that not enhance the power of the press enormously?

Mr. BENNETT. I think it would enhance the power of the press enormously, but I say this to my friend from Kentucky. If we had those kinds of limits, I think the people on the editorial page would begin to hear from the people on the business page, or, that is, on the management side of the paper, saying Congress has just prevented us from selling ads to anybody on any public issue—and there is very significant revenue connected with this—and we think you editorial writers ought to ease up to the point where we can begin to get some of the advertising dollars back that we used to have.

In that circumstance, I agree with my friend from South Carolina, that as a practical matter in a campaign, this speech is not monetarily free. I draw a distinction between ''monetarily free'' and ''philosophically free.'' I believe when I buy an ad in a newspaper, as the purchaser of that space, I am, therefore, philosophically free to say whatever I want. Indeed, I have heard radio ads where, in advance of the ad, the radio commentator has come on and said, ''The ad you are about to hear contains language which this radio station is forbidden to broadcast under normal circumstances, but it is a political ad, and, therefore, the station cannot censor it in any way,'' and people are warned that the ad they are about to hear comes under the freedom of political candidates to say whatever they want.

The ad then used words that, in fact, the station would never otherwise allow. I can say, the candidate who purchased the ad got about 2 percent of the vote, but he was out for the shock value, and he got it in the State of California. Then after the ad was run, the station announcer came back, once again, to disclaim any connection with this but to say we had no choice, since this was a political speech, to allow it to go forward untrammeled and unchanged.

If you want free speech, the Senator from South Carolina is right, in today's world, you have to buy space on the media in order to have it, but if we put limits on the amount of money that can be spent, the net effect of that is to destroy my right to have free speech and to turn the debate over to the commentators who have access to the airwaves and the newsprint without any limitation.

Mr. McCONNELL. One final question for my friend from Utah, following up on the observations he astutely made about the transfer of power to the media when you mandate less speech by the candidates and by groups in support of candidates. Might it not then be the next step for Congress to conclude that since now the press has all the power, that maybe we ought to amend the first amendment a little further and give the Congress the power to maybe say how many hours a day a station may broadcast, because we might conclude that they were engaging in an excessive amount of discussion of our issues, or we might conclude that the circulation of a newspaper might be limited to a certain number, because there was an excessive amount of news out there, an excessive amount of discourse about daily events?

That is also part of the first amendment, is it not, and that is also part of the discourse that goes on in this free society. That would be potentially the next step, might it not?

Mr. BENNETT. Certainly it would be a logical extension of the reasoning behind this. I agree with my friend from Kentucky that would be the case.

My friend from Kentucky raises another issue with respect to the language of this amendment, when it refers to expenditures that may be made in support of, or in opposition to, a candidate.

Let us suppose this circumstance, Madam President. Let us suppose that a corporation—we will call it the ABC Corporation so as to not taint any existing company—purchases half an hour of television time for a news broadcast; in other words, it becomes the sponsor of ''The McConnell-Bennett Hour,'' assuming for just a moment that both my friend from Kentucky and I have concluded our service in the Senate honorably and are looking to extend our careers in the public arena. And McConnell-Bennett, sponsored by the ABC Corp., has a half-hour news show.

In that, McConnell proceeds to say nice things about the Senator from Texas, who has joined us on the floor. And the Senator from Texas has an opponent who immediately calls the network and says, by putting ''The McConnell-Bennett Hour'' on, the ABC Corp. has made an expenditure in support of the Senator from Texas. If the ABC Corp. would just pull their support and sponsorship of that program, MCCONNELL would not have the opportunity to say all those nice things about GRAMM. And GRAMM's opponent says the expenditures made by the ABC Corp. in sponsoring that program are in violation of the Constitution.

If this sounds somewhat silly, Madam President, it is because it is.

I yield to my friend from Kentucky.

Mr. MCCONNELL. I thank the Senator, and think the Senator from Texas would be interested in this as well.

The ACLU, in a letter to me dated March 6, says that this language before us may well give the Congress the power to interfere with editorializing in newspapers. Let me just read this observation for my colleagues and for those who are interested.

> Senate Joint Resolution 18 [referring to the resolution before us] would also give Congress and every state legislature the power, heretofore denied by the First Amendment, to regulate the most protected function of the press—editorializing. Print outlets such as newspapers and magazines, broadcasters, Internet publishers and cable operators would be vulnerable to severe regulation of editorial content by the government. A candidate-centered editorial, as well as op-ed articles or commentary printed at the publisher's expense are most certainly expenditures in support of or in opposition to particular political candidates. The amendment, as its words make apparent, would authorize Congress to set reasonable limits on the expenditures by the media during campaigns, when not strictly reporting the news. Such a result would be intolerable in a society that cherishes the free press.

So what we have here, America's experts on the first amendment—sometimes we agree with them; sometimes we do not—but clearly America's experts on the first amendment, the ACLU, say that this amendment before us gives the Congress, us, the power to control editorial comment in this country.

Mr. BENNETT. If I may, Madam President. I have just thought of an example that I think is a real-life example and not one of the theoretical examples we have been talking about.

I hope I am not offending anyone to say that the new magazine called the Weekly Standard, in my opinion, is not making any money. I know enough about the business world to look at the number of ads in the Weekly Standard and know what it costs to produce the Weekly Standard to say that the Weekly Standard is at the moment a loser financially.

I also know enough about the business world to know that Rupert Murdoch, who is funding the Weekly Standard, hopes that that will change. I know that he is not doing this strictly out of the goodness of his heart. And he has sound past history behind him.

Sports Illustrated, published by Time magazine, did not make any money for

years and years and years while it built a constituency for its product. It is now, I understand, the most profitable publication Time magazine has. Undoubtedly, Rupert Murdoch is hoping for a similar track record for the Weekly Standard. But as of now, the Weekly Standard is not making any money.

Anyone who reads the editorials of the Weekly Standard knows that it is in support of candidates for nomination for office. And Rupert Murdoch is bankrolling it. He is bankrolling it with corporate funds. These are not his personal dollars. He is bankrolling that magazine with corporate funds.

Suppose we pass this amendment and put limits on candidates to the point where they felt they could not get their message out, and a candidate then went, under cover of night, to Rupert Murdoch's office and said, ''Rupert, I am in terrible trouble. Will you please editorialize in the Weekly Standard on my behalf and reprint 400,000 copies and send them as promotional issues to every voter in my home State?''—a corporate contribution made in the name of seeking circulation improvement. It is not an unreasonable scenario.

And the point that it illustrates is the point that the Senator from Kentucky has made since the day I walked in this Chamber and heard him address this issue. And that is this: Somehow, some way, somewhere the inventive American mind will find a way to spend money on political campaigns no matter what we do. Somehow, somewhere—I love his analogy: Like putting jello on a rock, the thing will find someplace else to go.

It seems to me, if we want free, honest, open, fair, direct elections, we should focus on the issue of disclosure rather than limits, because the limits have proven time and again throughout our history never to work.

We talk about how terrible this present situation is. Madam President, I lived through the Watergate era. Indeed, I lived through the Watergate era much closer to the Watergate scandal than I wanted to be.

When I ran for the Senate in 1992, the entire campaign against me mounted by my Democratic opponent was that I was somehow tainted by my association with all of the figures in Watergate. And there are still occasions when I am in these parades on the Fourth of July in the rural towns of Utah where people who are not my political friends holler out, ''Hey, Watergate'' at me hoping the taint will still stick. FRED THOMPSON and I are probably the two Members of this body who know more about Watergate from a personal inside experience than anybody.

Virtually the entire system that we have right now was constructed in response to Watergate. And we were promised at the time it was constructed in a way that it would solve all of our problems. We were promised that with the creation of political action committees, special interest money would disappear. We were promised that with limitations on individuals, we would get democracy like we have never seen it before in campaigns. We were promised that everything would go away if we would just simply adopt these reforms in the name of clean elections.

Twenty years later, what do we hear? From the same people who made those promises, we are told if we adopt this constitutional amendment all will be wonderful, everything will now suddenly take on a rosy hue and there will be no corruption in American politics again.

Madam President, I did not believe them then. And I do not believe them now. And I think the track record of the last 20 years indicates that I was right not to believe them then. I hope we do not have a track record for any of us to find out from actual experience that we should believe them now.

Let me conclude with a personal experience. Everybody always says, no, you should not tell your personal stories. But this is a story I know the best.

I looked at all of the proposals for campaign reform that were around when I ran. And I realized very quickly they were designed for one purpose—to protect incumbents. Of course, you want to have a spending limit if you are an incumbent. The challenger cannot take you on if there is a spending limit. I ran against an incumbent Congressman.

What did that mean? That meant when he put out a press release, the taxpayers paid for it because he had a press Secretary that was on his congressional staff. When I put out a press release, I had to pay somebody out of campaign funds in order to write it and disseminate it.

When he went to see someone in the home State after traveling to Washington, the taxpayers paid for it because he had a travel allowance. When I came to Washington to try to see somebody to raise some money for myself, I had to pay for it myself out of my campaign funds because I did not have any travel allowance. And so on down the list.

Plus the fact, he had all those years of being invited to Rotary clubs and Kiwanis clubs and Lions clubs to be the speaker. I have been involved with trying to line up speakers for clubs. You are always delighted when you can get someone like a Congressman to come talk to you. I had not been to any of those clubs. None of them was interested in talking to me.

So you know what I had to do, Madam President, in order to get anybody to listen to me in that campaign? I had to buy them lunch. When I filed my FEC report, I had $86,000 for food. Because the only way I could get anybody to listen to me: I bought them lunch, I bought them breakfast, I bought them dinner. They would come with no intention of voting for me, but they wanted the free meal. I just hoped if I could get in the room long enough and talk to them, maybe I could pry a few of them away.

I started out in that first campaign for the Republican nomination, and there were four of us running for the Republican nomination. One candidate was at 56 percent, in first place. I was at 3 percent, in fourth place, and there was a 4-point margin of error, so I could possibly have been minus 1.

Would the incumbents have loved a spending limit faced with the opportunity that BOB BENNETT might challenge him? Absolutely, absolutely. And a spending limit would be marvelous because then I could not spend all that money for lunch because I simply could not have done it.

Now, I have said facetiously to some of my Republican friends around here, look, we were opposed to this when we were in the minority. Now that we are in the majority, why are we not for it, because it will return our incumbents and hold the other side down, because their challengers cannot beat us. I am afraid I am not that cynical. I still remember what it is like to be a challenger and the recognition that if we are going to have free and open elections, we have to give the challengers the opportunities to take on the incumbents, and the opportunities to take on the incumbents on the part of the challenger means that the challengers have to have the opportunity to raise the money to pay for the press secretary that the taxpayer pays for for the incumbents, to pay for the travel budget that the taxpayer pays for for the incumbents, to pay for the lunches so they can get in before the audience, that the incumbents get for free. If we put this limit on and say we are going to hold everybody to the same limit, we have just automatically said we are going to take care of the incumbents.

The only thing that makes any sense to me in terms of campaign finance reform is to increase the level of disclosure, not put any limits, recognizing the reality of what the Senator from Kentucky says, that the money will find a way to be spent. The more limits you put on it, the more you make sure it is the rascals who survive and the naive who get caught. The only way you will get the naive, the fellow who has not figured out all of the ins and outs, who has not worked his way through all of the labyrinth and opportunity to serve in public office is to remove the ins and outs and wipe away the labyrinth.

I am sure we will have more to say on this as it goes on. I see my friend from Texas has something to say, as he always does. I will listen with interest, as I always do.

I will leave it at this, Mr. President, but I will return at some future point. I end this as I began.

Patrick Henry was right when he said, you nail it down, you put it on paper, and you make it very clear.

James Madison was right when he caved in to Patrick Henry on that argument, and did it in writing, the Bill of Rights, instead of accepting the assurances that everything would be OK.

I cannot accept the assurance that Congress will automatically come up with what is the right definition of reasonable. I cannot accept the assurance that expenditures made in support of or opposition to a candidate will be reasonably handled by the Congress. I cannot support putting that kind of language into the Constitution of the United States and thereby creating a circumstance of uncertainty over which lawyers will argue for the next 200 years.

I was part of the majority that defeated this amendment the last time it came up. I will be part of what I hope will be the majority that defeats it this time. I yield the floor.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The Chair recognizes the very honorable and distinguished Senator from Texas.

Mr. GRAMM. Thank you, Mr. President. I begin my discussion of the resolution before the Senate by reading two things. The first thing I will read is the first amendment to the Constitution. I will then read a statement made by the principal proponent of this amendment as it has evolved through the legislative process, the distinguished minority leader of the House of Representatives, Richard Gephardt. And then I will discuss the fact that for the first time in the debate on campaign finance reform, for the first time ever, we are debating the real issue.

To this point, as is often so true, even in this greatest of deliberative bodies on the planet, we have not really debated the underlying issue, because often either one side or both sides of an argument has an incentive to cloud the real issue so that people do not understand.

The one thing that I am very thankful for, and that I want to congratulate our colleague from South Carolina for in proposing this amendment, is that for the first time in the debate on campaign finance reform, we are finally debating the real issue that is being contested here—I rejoice in having this opportunity to debate.

I will debate the issue a little, then I want to talk about the underlying issue, and then I will say something about our distinguished colleague from Kentucky.

The first amendment to the Constitution, which has been memorized by most schoolchildren in our country, is one of the most recognizable part of the Constitution, and says the following thing:

> Amendment I. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of people peaceably to assemble, and to petition the Government for a redress of grievances.

That is the first amendment to the Constitution of the United States, and that is the massive thorn in the side, the impediment, and the giant mountain that serves as a barrier to those who want to reform American campaigns to limit the ability of people to raise and spend money. It is this impediment that they face which makes it impossible, without trampling this amendment into constitutional dust, to achieve what they want.

Today, we are debating this issue in a proposal to amend the Constitution and to amend, in particular, the free speech clause of the first amendment.

Now, I want to next read a quote from the distinguished minority leader of the House, Richard Gephardt. This is a quote where Mr. Gephardt is talking about his amendment. He says:

> What we have is two important values in direct conflict: freedom of speech and our desire for healthy campaigns in a healthy democracy. You can't have both.

Now, let me read that again: ''What we have is two important values in direct conflict: freedom of speech and our desire for healthy campaigns in a healthy democracy. You can't have both.''

Now, Mr. President, I wish the Founding Fathers could have heard that statement and could have realized that the distinguished leader of the Democratic Party in the House of Representatives, in setting out what he views as desired healthy campaigns and desired healthy democracy, believes that free speech must die for these healthy campaigns to occur. This logic would have rightly been rejected by every single Founding Father. I know it because when they wrote the Constitution and when the first Congress adopted the Bill of Rights, they picked one amendment to be first, and that amendment is very clear: ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech * * *''

Now, why this amendment is so important, why this debate is so critical to the debate on campaign finance reform is that, for the first time, we are now discussing the real issue: Do you believe in freedom of speech or not? I do. Therefore, I am opposed to this amendment, and I am opposed to what is posing as campaign finance reform. Or do you believe that Government ought to be given the power to circumscribe free speech to achieve the Government's decision of what, in essence, good elections are? That is what the issue is. For the first time in this long, convoluted debate, we are really now down to that key issue.

I hope and I believe that we are going to reject this amendment and that we are going to say, once and for all, that we believe in free speech. In fact, how can you have genuine elections without free speech? Ultimately, the speech that our Founding Fathers were most concerned about was political speech. Yet, we have an amendment before us that would amend the Constitution and that would limit free speech in the name of—to go back to Leader GEPHARDT's language—''promoting healthy campaigns in a healthy democracy.''

Mr. President, what Mr. GEPHARDT wants to do, and what proponents of this amendment want to do, is to limit free speech because they want to change the balance of power in the political process. Those who believe that the first amendment is a sacred part of the Constitution have to reject this amendment out of hand—and I do. And I believe the majority will as well.

But let me go one step deeper into the process to try to at least give my view as to what this whole debate is about. If you went out in the public, which is reading all of these stories written by all these groups who are promoting various ideas about campaign finance reform, I think what the American people would be saying is that they are concerned that too many groups exert too much control over Government and they would like to fix it. Well, it is interesting, because the Framers of this document, the Constitution, were concerned about exactly the same thing. But maybe because their world was simpler than ours, maybe because their vision was clearer than ours, they understood that the solution to bad speech or ineffective speech or speech you disagree with is not limiting speech, but opening speech up and guaranteeing free speech.

Now, here is the problem. People are worried about interest groups influencing the Government. But, let me go back one more basic step. What is it about Government that people want to influence? Well, what it is about Government that people want to influence is that Government does things that are very valuable. Government sets the price of things. Government runs programs where we set interest rates, where we set rents, where we set the price of commodities, where we impose regulations that benefit some people and hurt others. Government is a major player in the economy as a setter of prices and regulations that accumulate and destroy fortunes. So people want to influence Government.

The second reason people want to influence Government is that Government spends a lot of money and people want part of it.

A third reason people want to influence Government is they care about it. They care about the future of their children. They love their country, and they have philosophies that they believe in. They have a vital interest in their children and grandchildren and they take seriously either their obligations as a citizen, defined in the Constitution, or the biblical admonition, ''Render unto Caesar what is Caesar's.''

Now, nobody wants to limit the third kind of influence, I don't think. If somebody loves America and they want to be involved, or if somebody believes our colleague from North Carolina is the next Thomas Jefferson and they want to support him because they believe in him, nobody in this debate

claims they want to interfere with that right.

It has always amazed me that never once in the campaign debate has anybody proposed eliminating the power that people are trying to affect by engaging in campaigns. If we are worried that milk producers are going to give money to candidates to raise the price of milk, why not stop having the Government set the price of milk? Then, if milk producers are involved in the debate, you do not have to worry about why they are involved. They are involved because they care and they have opinions and they have an interest in the country.

If we are worried that people are wanting to sleep in the Lincoln bedroom or go to a coffee with the President because they want a contract from HUD, and we think that is the wrong use of political power, why not get HUD out of the contract business? Why do we not mandate competitive bidding? Why not eliminate all of this discretion? If we are worried that people want a contract or a benefit or something, why do we not go after that power and eliminate it? That is what the Founders would have said we should do, yet nowhere is that being proposed.

What is being proposed, then, is not eliminating all the reasons people want to influence the Government for their own benefit, but what is proposed is changing who is allowed to intervene in that debate. The basic argument, which on its face is a self-contradiction, always seems to be that we want to limit the ability of citizens to contribute to the candidate of their choice so that this candidate can express his views.

I have heard nobody object to the AFL–CIO endorsing a candidate, which is worth millions of votes nationally, is worth hundreds of thousands of volunteers, and has the monetary equivalent of millions of dollars. Nobody says there is anything wrong with that. Nobody says that there is something wrong with the teacher's union, the National Education Association, endorsing the President and putting thousands of teachers into phone banks and doing all kinds of letters to their members to promote the President.

But there is an effort to single out one particular type of involvement, and that involvement is where a person puts up their time, talent, and especially their money to support a candidate. There is somehow supposed to be something wrong with somebody writing a check to support their local candidate or their State candidate or their national candidate. But notice that if we ban contributions completely so that nobody could spend any money and so that the only people who would have the ability to communicate would be big, powerful organizations like the AFL–CIO, organizations that are able to manipulate the media—like environmental groups or Ralph Nader—people who are rich enough to own newspapers, and people who were simply influential enough to command attention for their ideas. I have a constituent, Ross Perot, who is worth over a billion dollars. When you are worth over a billion dollars, people listen to what you have to say.

But the point is that this effort to limit the ability of free people to contribute does not eliminate what people do not like about the system; it simply makes other groups more powerful.

I would like to establish a principle which I think it is made very clear by this proposed amendment. What we are seeing here is an effort not to eliminate political power, but to redistribute it. Limiting the ability of people to raise money or contribute money or spend money would clearly eliminate part of the competition in the battle for ideas in America. But it would leave all the other competitive groups in place and would clearly tilt the balance of power.

What is really being said here is that something pretty fundamental has happened in America. It is really the confluence of two forces, and if I were on the other side of this political debate, it would scare me to death. No. 1, people don't write small checks, by and large, to Democrats. I have had the great honor of heading up the National Republican Senatorial Committee, where we had a power that our Democratic colleagues never had. We could send out a letter to millions of people and we could get hundreds of thousands of people to write us checks for $25, $50, or $75. Never was there a day while I was chairman of the National Republican Senatorial Committee when the Democrats average donor did not give somewhere between 3 and 10 times as much, in terms of the amount of money, as our average donor. The plain truth is, if your agenda is more government, more taxes, and less freedom, you have a hard time sending out a fundraising letter and getting people to give. You have to let them sleep in the Lincoln Bedroom. You have to hold meetings with them. You have to make them believe they might be getting something for it. So, obviously, if you are on the losing end of this battle of free speech, you want to limit free speech.

The other force that is coming to bear in this confluence is that Reconstruction is over. Reconstruction in the South ended in 1994 when we elected a Republican majority of House Members, Senators, and Governors from the Old South. It is hard to believe that the Civil War and Reconstruction took that long to work its way through the system. But it did, and it is forever changed.

So what we are really seeing here—and, unfortunately, it is aided and abetted by those who want the change to occur because it makes them more powerful—is an effort to change the political landscape of America to give more power to editorial writers, to unions, to teachers, to groups that can manipulate the media, and to take power away from working men and women who are willing to voluntarily contribute their time, their talent, and their money.

Unfortunately, the people who give report cards on this debate and write nasty editorials about our dear colleague from Kentucky are editorial writers who are probably the biggest beneficiaries of this proposed amendment. After all, if we are limited in our ability to either spend our own money or to raise money from other people and then spend it, then editorial writers become very, very important. On the other hand, if you have the ability to raise money and to tell your story, they become far less important. As I have said to those friends that I have had in meetings with editorial boards, ''Endorse my opponent on the editorial page, and write a good story about me on the front page.'' Editorial endorsements are not nearly so important when people can engage in free exercise of free speech.

The issue here is freedom. You either believe in it or you don't. And I do. I have never bought, and I will never buy, the logic that somehow, if you have 88,000 people in your State who have contributed to your Senate campaign, which I do, that somehow we ought to have a law that says we can allow up to 50,000 people to contribute, but when we reach the point of that 50,000th person that has contributed, the 50,001st person will not be allowed to participate. I totally and absolutely reject that. The whole purpose of this amendment is to limit the free speech of that last person because Congress is going to decide who will have power, who will exercise it, and how that power will be exercised.

The founders of this nation, in this debate, would rejected this proposal. They would have said that if you are worried about Congress setting the price of a product, and you are worried that people will give money to politicians to try to get a higher price to benefit themselves and line their pockets, then take the power to set prices away from Congress. If you are worried about construction contracting, eliminate the discretion in giving contracts and limit the number of contracts that Government is engaged in. But do not limit the ability of people to speak and to express their opinion.

I think it is interesting to note—and it is not a debate that I want to get involved in, but I think it is interesting to note—that in the amendment before us, when the amendment says that it gives Congress the power ''to limit the amount of expenditures,'' it is pretty clear that this is very, very broad language. That language could be interpreted, it seems to me, to mean something far more than the authors of this amendment intended.

The authors of this amendment intend to limit one particular kind of free speech; that is, free speech by a candidate and by that candidate's supporters. They clearly do not intend to

eliminate free speech by editorial writers, by unions, or by whomever else. But the point is that this amendment is probably so broad that ultimately it could mean the limitation of that free speech as well.

We have to make a choice as to what we are for. I submit that it is very tempting, in looking at these bills, to say, ''What benefits me?'' And it is very easy for me to devise a campaign finance reform system that benefits me. In fact, I think it is easy for any of us to do that. It might well benefit me to limit contributions because then someone running against me would have no real opportunity to get the kind of exposure I am getting by speaking on television right now with millions of people watching C–SPAN. But I think we have to take a longer view of what these changes are going to mean to people, 20 years from now, who are going to be standing right here where we are standing today.

Limiting free speech is not in America's interest. This is a very bad amendment. The intentions of it are basically founded on the principle that free speech and healthy democracy are in conflict. Free speech and healthy democracy can never be in conflict because when free speech dies, democracy dies. If dead democracy is healthy democracy, then you would view that as a good thing. But I do not view it as a good thing.

The final point on the amendment: We have voted on this as an amendment to the balanced budget amendment. I believe that we have touched on it with other issues. But today this is a freestanding proposed amendment to the Constitution of the United States. I hope some of the people who voted for it, as a way of making it harder for us to pass the balanced budget amendment, will today vote against it on the merits. I know no simpler way of defining what it is about than to quote its author when he said, as I have already read two previous times, ''What we have is two important values in direct conflict, freedom of speech and our desire for healthy campaigns in a healthy democracy. You can't have both.'' If that is the choice—and it is the choice —do we not choose free speech? Do we not believe in the end, to quote a biblical admonition, ''Ye shall know the truth, and the truth shall set you free''?

Before I yield the floor, I want to say something about our colleague from Kentucky, Senator MCCONNELL.

These issues are very difficult issues. It is not very popular to get into a discussion about these issues, and there is one Member of the Senate who, more than anybody else, has been willing to stand up on these issues, and his leadership and his courage have become fundamental to protecting our constitutional rights.

I just want to say to my colleague from Kentucky that there are millions of Americans who will never know your name, who will never know what you have done, and certainly there are hundreds of editorial writers who will castigate you for it. But I want to tell you in the opinion of one of your colleagues, you have earned our great and permanent appreciation for the courage you have shown on these kinds of issues in standing up for our fundamental constitutional rights. And you have certainly earned our admiration and affection for doing it. Millions of people who will never know your name, will never know about this debate, are beneficiaries of the great leadership you have provided.

I wanted to say that on the floor of the Senate because I believe it.

I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. MCCONNELL. I thank my friend from Texas for his brilliant discourse on the potential damaging effects of this amendment. I thank him deeply for his comments about my work on this first amendment issue. He has been a steadfast ally throughout this debate, and I appreciate very much his being there when we all needed the Senator to be there when we needed to protect the first amendment.

Mr. President, the Senator from Wyoming is here patiently waiting to address the body, and I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Wyoming, Mr. ENZI.

Mr. ENZI. I thank the Chair.

I am pleased to be here today and have an opportunity to address Senate Joint Resolution 18, the proposed constitutional amendment to limit campaign contributions and expenditures. I am a freshman Senator. I came through an election last fall and have a number of things I would like to see addressed on campaign reform, but I have to say that I do not think a constitutional amendment is the right forum for beginning that debate.

This attempt to exclude core political speech from the first amendment's protection is a terrible assault on one of the very cornerstones of American representative democracy, the freedom of private citizens to participate in the public forum of political discourse through freedom of speech.

This constitutional amendment is dangerous both in its design and its broad and sweeping scope. This expansive amendment would grant Congress the future power to prohibit independent citizens from distributing leaflets, writing editorials, producing independent commercials, and/or handing out voter guides if Congress finds these measures to be ''in support of or in opposition to a candidate for Federal office.'' This is precisely the kind of Government intrusion our Founders feared when they drafted and adopted the first amendment to the Constitution. The first amendment was designed to protect citizens against the dangers of a tyrannical Federal Government. It was adopted because our Founders rightly realized that there are some freedoms that are so intrinsic to the nature of a representative democracy that they must be protected from the momentary wishes of a majority in the Federal Congress.

When asked what use the Bill of Rights served in our popular Government, James Madison explained, ''The political truths declared in that solemn manner acquire by degrees the character of fundamental maxims of free Government, and as they become incorporated with the national sentiment, counteract the impulses of interest and passion.'' In other words, it was to protect against such impulses as those now suggested by many of the would-be reformers that the founders drafted the first amendment's protection of speech in broad and unequivocal terms. ''Congress shall pass no law abridging the freedom of speech.''

A brief analysis of the effects of this amendment should terrify even the most ardent reformers. A few examples should show the chilling effect this amendment could have on political freedom of speech. This amendment gives Congress the power to set limits on the amount of expenditures that may be made in support of or in opposition to a candidate for Federal office.

I will start with the worst example first. Suppose that one party again gains control of both Houses of Congress and the Presidency. In order to maintain its monopoly on Government, this Congress could pass a law limiting the expenditures of congressional challengers to $5,000. What sort of possibility would this give any challenger. Such a proposal would all but guarantee a perpetual Congress of incumbents. As outlandish as such a proposal sounds on its face, it would be legal under this amendment.

Again, even the freedom of the press could fall under the vast scope of this amendment. Let us consider a proposal which would prohibit any editorial against a candidate or a group of candidates. Such a law could well be passed under this amendment if Congress decides that such editorials are expenditures by the newspaper ''in opposition to'' a candidate for Federal office. Congress could have the power to limit or even prohibit press reports for or against a particular candidate since expenditures must be made to print and distribute a newspaper or broadcast a television or radio news report.

Finally, let us consider the case where a private citizen wishes to write an editorial or hand out leaflets in favor of a particular candidate or his or her positions. Again, this amendment would give Congress the power to prohibit such activities. Expenditures must be made to write and publish editorials or hand out handbills. Congress could pass a law outlawing such expenditures in support of candidates if it so desired. This amendment would have a drastic and dangerous impact on the free discussion of ideas in this country.

Newspapers also might not come under the law but we might come under an expenditure law, so they could write things about the candidate to which they may now not be able to respond in light of not having sufficient funds within the limited amounts.

Proponents of this constitutional amendment have accepted as their first premise in the campaign reform debate that the first amendment to our Constitution is incompatible with a healthy electoral process. One of the original House sponsors of this gutting of the first amendment proclaimed unabashedly: ''What we have is two important values in direct conflict: freedom of speech and our desire for healthy campaigns in a healthy Democracy. You can't have both.''

This remarkable confession by one of the leading reformers is as startling for its boldness as it is for its inaccuracy. We should beware of any campaign reform which can only be achieved by destroying the first amendment. This false conflict between free speech and democracy was rejected by our Founding Fathers, and it should be rejected by the Members of this Senate. Our Founding Fathers rightly understood that it is precisely the unhindered protection of freedom and open political speech that makes democracy possible.

I find it fascinating that in the 2 months I have been honored to serve in this deliberative body we have debated now two proposed constitutional amendments. These two amendments could not be more opposed in their purpose or their effect. The balanced budget constitutional amendment, of which I was a proud cosponsor, would have placed constitutional limits on Congress' power to squander away our children's economic future. Senate Joint Resolution 18 would give Congress expansive and unprecedented new powers of prohibiting core political speech. The balanced budget amendment would have limited the Congress' power by restricting its ability to spend money it does not have. Senate Joint Resolution 18 would constitutionally expand Congress' power to regulate the speech of candidates, businesses, private citizens, and perhaps the press and media.

I support the balanced budget constitutional amendment because I believe that by forcing Congress to live within its means, we give our States, our communities and, most important, our families more freedom to make the decisions which most affect their lives and their futures. I have to oppose this constitutional amendment because it would grant Federal and State governments the power to stifle one of the most basic political freedoms: the freedom of individual citizens to express themselves freely and without restraint in the public forum.

I urge my colleagues to join me in affirming the time-honored wisdom of the first amendment of the Constitution by rejecting Senate Joint Resolution 18.

I yield the floor.

Mr. MCCONNELL. Mr. President, I thank the distinguished junior Senator from Wyoming for his very articulate, knowledgeable speech in support of the first amendment. He has made an important contribution to this debate, and I am very much appreciative, as are my colleagues who feel this is a step in the wrong direction. I very much appreciate his contribution.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Nebraska.

Mr. HAGEL. Mr. President, I rise today in opposition to the constitutional amendment offered by my distinguished colleague from South Carolina. Allow me to say how much I respect my friend Senator HOLLINGS and the years of service he has given to this great body and to America. During this time he has seen more than his share of scandals and has surely grown tired of and frustrated with what seems to be almost daily revelations of political wrongdoing. My argument is not with the Senator's motives or his quest for a better campaign finance system. I think we all agree with that. My argument is with this particular solution.

In many ways it could not be more fitting for this body to begin the important debate over campaign finance reform than with this proposed constitutional amendment. As my colleague Senator ENZI said, by proposing a constitutional amendment, my distinguished colleague from South Carolina concedes what many who support restricting political speech fail to recognize: that denying an American citizen his or her constitutional right to contribute to a candidate of choice requires a fundamental rewriting of our country's most sacred document, our Constitution.

I hope that my colleagues who support this measure will take pause and recognize the significance of what they intend to do. In particular, I hope that my colleagues who support this measure will realize, as Senator ENZI noted, the irony of the fact that less than 2 weeks ago this body killed a constitutional amendment that would have ensured our citizens and future generations a balanced Federal budget. Now, some of my colleagues wish to pass a constitutional amendment that would restrict one of our most basic constitutional rights—freedom of speech.

The people know that we do not need to amend our Constitution, we need to amend our ways. We need to amend ourselves.

Mr. President, I, like all of my colleagues, am concerned about corruption in our political system. And I believe this Congress will find ways to improve upon our campaign finance system. But, like corruption in any organization or system, it is the people who are corrupt, not the system. Why do we blame the system and excuse the violators?

Where is the outrage with those who subvert the system and deliberately break the rules and laws already in place?

The fact is, we already have campaign finance laws. We have a Federal Election Commission to enforce those laws. We do not need to continually add more layers of laws, regulations, and bureaucracy and pass those off to the American people as solutions to the problem. We need to deal severely with those who break the law and violate the trust and confidence the people have placed in them. We need to make certain those who seek public office and their campaign teams follow the current law and we need full and complete disclosure of all campaign receipts and expenditures for and against candidates, by candidates' campaigns, and by all political bodies.

I do not believe we need to pass a constitutional amendment restricting the rights of our citizens. We need to focus on individual violations of current law. We need to focus on individual conduct and behavior, individual responsibility and accountability. I have often said to my colleagues, if each of us in public office conducted our campaigns—every aspect of our campaigns—in a manner that our constituents could be proud of, then we would not be engaged in this debate about campaign finance reform.

I listened with interest to the political posturing and spins of the White House over the weekend and was amused but, more honestly, dismayed by what seemed to be an attitude of the end justifying the means. As the Wall Street Journal rightly noted in an editorial yesterday:

> Public life . . . is about mainly one thing—the law—the rules that all consent to abide by and enforce so that life can be civil.

The role of a public servant, Mr. President, is to protect the laws and make sure they are being followed for the good of society. Our role is not to bend, mold, stretch or interpret the law to our own benefit or arrogantly disregard it in order to achieve a goal of our own making that we may find more noble than others. That is not what we are about.

If it seems that we have heard this all before it's because we have. Senator HOLLINGS knows that. That is why Senator HOLLINGS has taken the floor, trying to resolve this issue. For decades, we have debated important social issues such as crime and welfare, and that violations of our laws were really not the responsibility of individuals—it was the system that we needed to fix. Individual accountability really was not very important. Life was unfair. ''If we truly want to find a solution to all of our problems,'' many argued ''then we should glide over individual responsibility and focus on how we can change the system.'' More laws, more rules, more regulation.

Where is the outrage with men and women who have gained the public trust but violated it by not being held to the highest ethical and moral standards? What we are too often lacking is

leadership and doing the right thing. We have the laws, we have the regulations, we have the enforcement mechanism. But we do not always have leaders who do the right thing.

Mr. President, have we so lowered our standards and expectations in politics and society that the only way we can think to curtail individual wrongdoing is by amending the constitution? I refuse to accept that. I think we are better than that. This country, this society, our people are better than that.

Where is the outrage over individuals who break the law and refuse to take responsibility for their actions? Where are the voices demanding personal responsibility and accountability? I believe that for too long we have been creating a society less dependent on the voluntary rule of good behavior by the citizen than on the oppressive mandate of Government.

We must not be swayed by the emotion of the moment, or the pundits and politicians who would rather lead us down a dangerous path of restricting everyone's rights than have the courage to just do the right thing. The proposed constitutional amendment before us today would be an enormous step in the wrong direction for a society that has already become too dependent on regulation and procedure, and too little influenced by the behavior of its individual citizens.

The goal of meaningful campaign finance reform should be to involve more people in the political process—not to curtail their constitutional rights.

More than two centuries ago, the Framers of our Constitution set out to build a nation dedicated to government by consent of the governed. That Constitution draws its power from only one source: ''We the people.''

For two centuries, we the people have shaped this Nation and made it great.

For two centuries, we the people have chosen our leaders from among ourselves and have held them to the highest standards.

For two centuries, we the people have taken responsibility for the Federal Government of the United States of America.

I sought the privilege to serve in the U.S. Senate with some of my distinguished colleagues like Senator HOLLINGS, because I want to take power and authority away from the Government and return it to the people. I cannot support any proposal that seeks to limit the ability of the people to speak—and takes the power to shape our public debate away from the public and gives it to the Government. That is what this debate is about.

In Buckley versus Valeo, the Supreme Court ruled that the debate about campaign finances is about the fundamental role of the people in our democratic society. The Court wrote:

> In the free society ordained by our Constitution, it is not the government, but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.

Mr. President, the system has not failed us. Our problems stem from a failure of leadership. I am outraged, not by the system, but by the deplorable conduct of those few men and women who abuse it. That is what outrages the American people.

Before we reform the Constitution, we should first look at how we might reform ourselves.

I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I thank the distinguished Senator from Nebraska for his very important contribution to this debate. He is, indeed, correct: What we have before us is an effort to amend the first amendment for the first time in the history of this country to give to the Government the power to control the speech of individuals, groups, candidates and parties. In short, a complete takeover of political discourse in this country by the Government.

I thank the Senator from Nebraska for his important contribution to this debate. This amendment needs to be defeated, and defeated soundly, in the name of protecting the first amendment. I am sure the Senator from Nebraska is as pleased as I am that even the reform group, Common Cause, is against this. Even the Washington Post is against this. Even the New York Times is against this. I mean, even the reformers think this is a bad idea. So this should be rejected and rejected firmly.

The good thing about this debate is it finally focuses the campaign finance debate where it needs to be focused. This is all about political speech. I thank the Senator from Nebraska for his important contribution.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I thank the distinguished Chair for his friendship, even though we don't agree on a particular point, and particularly my friend from Nebraska. There is no question that if he and I could handle this particular problem—like he says, we would have to amend our ways and he and I can amend our ways immediately—we wouldn't have the problem that confronts us.

The Senator from Nebraska did have a comment that was encouraging to me. He said let's not be swayed by the emotion of the moment. I think that is the only way we are going to get something done, is get an emotion of the moment, a fit of conscience, like you saw on the floor of the U.S. Senate yesterday afternoon. We had the emotion of the moment when we realized that it was a total fraud and farce to just investigate illegal activities. The Justice Department is there and fully aware and fully performing the investigation of illegal activities. Ours in the legislative branch is to investigate the improper activities and see what laws we can do to rectify that situation, particularly soft money.

Some who have been on the floor today are the leading opponents of soft money, and that brings me right to the opening statement of the distinguished occupant of the Chair. He said the constitutional amendment is not the way to begin the debate on campaign finance reform. I agree. That is not the way to begin the debate on campaign finance reform. But the distinguished Senator should understand that we began this debate in 1966. The Congress adopted public financing for Presidential elections.

Then, in 1967, we repealed the public financing for Presidential elections.

In 1971, we had the passage of the Federal Election Campaign Act, and by 1974, we passed, which is the major act of today, the amendments to the Federal Election Campaign Act.

In 1976, again we had the amendment of the Federal Election Campaign Act.

In 1985, we had the Boren-Goldwater amendment that changed the contribution limits and eliminated the PAC bundling. But, Mr. President, that was tabled back at that particular time.

In 1986, we had the Boren-Goldwater amendment adopted.

In 1988, we had nine votes on the motion to instruct the Sergeant at Arms to request attendance while trying to get a vote on S. 2. In fact, I think it was at that time we even had to arrest Senators. We are not just beginning the debate on campaign finance reform. We had to arrest Senators and everybody else to try to get a vote. But in 1988, we had a Hollings constitutional amendment to limit campaign expenditures. We had to finally file cloture, and that failed by a vote of 53 to 37.

In 1989, we had S. 139, comprehensive reform, which passed the Senate but never made it out of the conference.

In 1991, we had S. 3. We did pass comprehensive reform of campaign financing, and President Bush vetoed it.

In 1993, we had the Hollings sense of the Senate that Congress should adopt a constitutional amendment limiting campaign expenditures.

In 1993, we had a majority of the Senate vote for it—not the Washington Post, not the New York Times, not the Common Cause crowd or the ACLU group, but the U.S. Senators, the representatives of the people who have been in the game and know it best. The majority said that we ought to have a constitutional amendment limiting campaign expenditures.

In 1993, we had S. 3, comprehensive reform, pass the Senate, but it never made it out of the conference.

I say to our distinguished Presiding Officer, in 1995, again, we had the Hollings constitutional amendment to

limit campaign expenditures offered to the balanced budget amendment, but that was tabled by a majority of the Senate on a vote of 52 to 45, and they had a real chance to do it.

Then, in 1995, we passed the sense-of-the-Senate amendment to address campaign finance reform during the 104th Congress, sort of urging us along. We finally are going to get to it. And, in 1996, cloture on the McCain-Feingold campaign finance reform failed by a vote of 54 to 46.

Mr. President, you are right, a constitutional amendment is not the way to start, but after 30 years of everything that we could get out of Common Cause and the Washington Post and all of those disparate groups like the ACLU, it is time, I hope, that, as the Senator said, that we get swayed by the emotion of the moment, that we get a sort of fit of conscience so that we can really act here and realize that if we don't, we really are in the hands of the Philistines with this Supreme Court.

Read this one. Colorado Republican Federal Campaign Committee versus the Federal Election Commission:

> Before the Colorado Republican Party selected its 1986 senatorial candidate, its Federal Campaign Committee (Colorado Party), the petitioner here, bought radio advertisements attacking the Democratic Party's likely candidate.

That is not the candidate that is likely. They are ahead of the curve.

> The Federal Election Commission brought suit charging that the Colorado party had violated the party expenditure provision of the Federal Election Campaign Act of 1971 which imposes dollar limits upon political party expenditures in connection with the general election campaign of a congressional candidate.
>
> The Colorado party defended, in part, by claiming that the expenditure limitations violated the first amendment as applied to its advertisements, and filed a counterclaim seeking to raise a facial challenge to the Provision as a whole.
>
> The district court interpreted the ''in connection with'' language narrowly and held that the Provision did not cover the expenditure at issue. It therefore entered summary judgment for the Colorado party, dismissing the counterclaim as moot.
>
> In ordering judgement for the FEC, the Court of Appeals adopted a somewhat broader interpretation of the Provision which it said both covered this expenditure and satisfied the Constitution.

So the judgment was vacated and the case was remanded. But Judge Breyer, joined by Justices O'Connor and Souter, concluded that the first amendment prohibits the application of the party expenditure provision, not the kind of expenditure at issue here, an expenditure that the political party has made independently without coordination of any candidate.

That has thrown open the door. That is the soft money. That is the headlines. That is the debate. That is the grinding the Government to a halt. They talk about closing down the Government in Washington. Well, we very actively closed it down with that Colorado decision, because you can see the headlines. ''The Poor Party Had to Rent the Lincoln Bedroom to Get Money.'' Anything they could do to get money, for Heaven's sake.

If you can believe the distinguished Senator from Texas coming on the floor, and if you are convinced that the Republicans are the small givers and the Democrats are the big givers, that the Republican Party is the party of the poor and the Democratic Party is the party of the rich, you will believe that the world is flat. This is just flat nonsense.

I mean, come on. They come in here with all this erudition and quote something about a gentleman over on the House side stating that there are two important values: The freedom of speech and our desire for a healthy campaign and a healthy democracy. And you cannot have both. And the free speech must die in order to have a healthy democracy. Nobody believes that, including the gentleman on the House side. I can tell you that here and now.

The Senator from Texas says, ''Do you believe in free speech or not? That is the question.'' We all believe in free speech. And we go about this with trepidation. Only after 30 years and all the initiatives and arresting the Members and cloture votes after cloture votes, and, yes, coming back to the people in a sense of that is what we need do, that is what we need do. And then when we start to do it, we come on the floor of the U.S. Senate and talk about Patrick Henry and freedom of speech and everything else.

This has to do with whether or not you believe in limits on campaign spending. Every one of you believes in limits of the free speech of political contributions. That is the Buckley versus Valeo decision. None of these speakers coming up here opposing this particular initiative have come forward and said, ''Oh, wait a minute. Let's take the limits off on contributions.'' They would not have the unmitigated gall to say that because they know that the evil here is too much money.

If you are going to take the limits off on the contributions and everything else, we are gone as a republic, you are not going to decide anything in the marketplace of ideas. It is all going to be in the financial marketplace. The very idea that we had, the intent of the national Congress, in 1974 was that you cannot buy the office. Under the Buckley versus Valeo decision, now coupled with this Colorado soft money nonsense, you must buy the office.

What did the Senator from Kentucky say, as to withdrawing from running again, on the day before yesterday? That he resented the idea of having to get up all that kind of money. What did the Senator from Ohio say? The same thing. We who have been in it and everything else—I resent it, you resent it.

It is time now that we act. And do not give us this Patrick Henry. The Senator from Utah was quoting Patrick Henry. And the Senator from Texas followed him, and he said about free speech, ''You bet your boots, Patrick Henry had free speech in the campaign.'' There was not any radio to buy. There was not any TV to buy. There was not any political consultant to buy. There was not any money to get out the vote to buy.

You can go on down the list of all the things. That is when the Constitution had free speech. But as J. Skelly Wright stated—and I want to get that right—J. Skelly Wright, the eminent jurist, he said here, Judge Wright in the Yale Law Journal—and I quote:

> ''Nothing in the first amendment commits us to the dogma that speech is money.''

We are not talking about what is free. We are talking about what is expensive, what is paid for. They know it. You know it. I know it. You have all the free speech you want.

When they talk about the newspapers, you can take the present law. They raise these straw men again and again and again. The Senator from Utah, he got up and said that the Congress could come back and put such low limits on candidates that only the incumbents would prevail, that we incumbents would come in here and Congress might decide not to let anyone oppose them by putting just a limit of $100. Now where have you heard such a thing?

None of this is in the Senator from South Carolina's constitutional amendment. The Senator from North Dakota, the Senator from Pennsylvania—it is bipartisan. I could go on down the list of none of that nonsense of the straw men that could happen. I am going to give one example and then yield to my distinguished colleague.

I know what can happen under the present law because I had it happen to me. The Senator from Texas ran that campaign against me in 1992. And we will get to some issues there in a minute. Since he acknowledged he had that experience, I want to tell you about his experience and what he charged falsely.

But getting right to the point, right before we were going to vote, the week before the election day—they are very clever. They had, first, the Wall Street Journal come out with three articles. The Wall Street Journal has never mentioned me before or since. They could care less about HOLLINGS from South Carolina. But they had three spitball articles in there about the right to work and how I was against business.

They even had coordinated it with the London Economist with ''Quits for Fritz.'' Robert Novak, he came on Saturday night in ''Capitol Gang.'' And he said it is also, ''Quits for Fritz,'' ''The white-headed Senator from South Carolina will bite the dust.'' Well, I am here.

But if you want to use their logic, I would sue Dow Jones. I would sue the Wall Street Journal, that they own, for coming in and making a contribution to my opponent under the present law. Now everybody knows that is out of the question. The press is going to have freedom of the press, and we all defend it.

But under the silly roundabout analysis they give in erecting these straw men on the floor—and I think even the distinguished Senator from Wyoming said that while they did not think newspapers were covered, newspapers could write, but you would not have the money to rebut it. You see the dilemma of the Senator from South Carolina. That is exactly the way it was. I did not have the money to rebut it. I had to let it go the last weekend, going right into that election. There was not any way to buy time to rebut it. There was not any way to answer it at all.

We have that under the present law. But if you limit, as we intended back in 1974, spending as well as expenditures, then all this bundling, soft money and everything else, comes under control because you have to disclose, you have a limited amount. We will still exercise free speech, get out and hustle, like I used to do in the early days of my political career.

I ran for the legislature on $100. I went all over the county and I shook hands and saw everybody. I lucked out. I was elected. I was almost elected by free speech. So I enjoy free speech. When it is so expensive that all you can to is collect money to get on TV to collect money to get on TV to collect money to get on TV, all as expressed by Justice Byron White in the dissenting opinion of Buckley versus Valeo, ''put the Congress back on a treadmill.'' That is his expression, and so aptly expressed. You can see exactly what we have.

Mr. President, I yield the floor to my distinguished colleague. I appreciate his leadership on this floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I rise to support the initiative offered today by the Senator from South Carolina. I do not very often come to the floor supporting constitutional amendments. I think we ought to change the Constitution very rarely.

I think the Supreme Court has made an error here in the Buckley versus Valeo decision. It was a decision by one vote in the Supreme Court, and the decision stands logic on its head. The Supreme Court said it is perfectly constitutional to limit campaign contributions but it is not constitutional to limit campaign spending. Limiting campaign spending, they say, is an abridgement of free speech. I have no idea how the Supreme Court can conceive a logic like that that says it is fine to limit campaign contributions, but you cannot limit spending. We ought to be able to have reasonable spending limits in campaigns.

The Senator from South Carolina brings an initiative to the floor that is the first initiative, in my judgment, in this Congress that says let's reform our campaign finance system in this country. If you need evidence that that needs doing, pick up any paper and go to any page in the last 6 weeks. If you still need evidence, it means you cannot read. All around us there is evidence that we must reform this campaign finance system.

Will Rogers once said something that is probably appropriate to quote in this Chamber, a Chamber that used to have spittoons between every desk, he said, ''When there is no place left to spit, you either have to swallow your tobacco juice or change with the times.'' We either have people willing to vote for this and change with the times, understanding this is necessary and it is necessary now, or I hope they will sit around here and swallow their tobacco juice, because if you still believe campaign finance reform is not necessary, if you still believe, as some do, that there is not enough spending in campaigns and we ought to spend more, and there are people here who believe that, then you are sadly off track with what the American people know about American politics.

I want to refer to a chart. The chart shows spending since 1992. Wages have gone up 13 percent since 1992. Spending on education has increased 17 percent since 1992. So in 4 years, 1992 to 1996, wages in America went up 13 percent, spending on education went up 17 percent, and spending on politics in our country went up 73 percent, 73 percent.

There are people still in this Congress who say and have said repeatedly there is not enough spending in American politics. I have no idea what part of the world you would look in order to find their head. How on Earth can you decide with the kind of political inflation we have seen, where the spending on politics in America outstrips by multiples the spending on other things, how on Earth can you conclude there is not enough spending in politics? The fact is there is too much spending in politics.

Now, we could change that by ourselves. We do not need changes to the Constitution. In 1992, the election that Senator HOLLINGS was speaking of, I was running for the Senate in 1992. I said to my opponent, let us provide in North Dakota the most unusual campaign in America. I was already an incumbent, a Member of the House of Representatives, so I said I am better known than you are, but let me make you a deal. I said I will propose this. Let us decide between the two of us not to do any advertising—no television, no newspapers, no radio, no advertising at all, neither of us. We pledge to do that, and instead pool our money, and from September 1, Labor Day, to the election day in November, let us, once a week, buy prime time television statewide in North Dakota, pool our money, pay half the costs, each of us. We come to this, 1 hour, each week, prime time, with no notes, no handlers, just us, and no moderator, and we spend an hour a week on prime time television, the two of us, telling North Dakotans why we are running for public office, what we believe in, what our passion is, what we believe is necessary for the future of this country. At the end of those 8 weeks you will be as well-known as I am, because I am an incumbent, I am already well-known, you will be as well-known as I am. Prime time, an hour a week, 8 weeks, we could simulcast throughout the State, and at the end of the 8 weeks, North Dakota would have the most unique campaign in the country. No slash and burn 30-second ads, none. There would only have been 8 hours of debate between two people who desired to hold public office and who told the people why they aspire to be able to be given this public trust, why they wanted to hold public office, what their dreams were for the future of this country, what their vision was in public policy changes for America's future.

It would have been the most unique campaign in the country. I regret my opponent said no. I do not know why he said no. He said no. It was a mistake on his part. I am here, so I can say it was a mistake on his part. I think it would have been a better campaign for him and for me had he accepted it, and certainly a better campaign for North Dakotans. But he chose to run the kind of campaign that I had to respond to with 30-second ads here and 30-second ads there, and those are not very informative.

Despite the fact that we have these techniques in the 30-second ads, I might say to my friend, the Senator from South Carolina, I introduced a bill dealing with that in the Congress, the 30-second ads. Do you know that in political spending, a substantial amount of the money in all campaigns goes to television. The law requires that the television stations provide the lowest rate that they provide for their commercial advertisers, the lowest rate for political advertising. So I suggested that we require that the law say that the lowest rate for political advertising will only apply to commercials that are at least 1 minute in length, and only commercials in which the candidate appears on the commercial—75 percent of the commercial. Get rid of the slash and burn 30-second ads, no more of the anonymous voices with slash and burn negatives. I think that is the right incentive, but that is a different subject for a different date.

My point is, there is no one I think who can credibly argue that we are not spending enough in politics. Clearly, political spending is mushrooming in this country. What shall we or could we do about it? The Senator from South Carolina offers a solution. His solution is one that says let us provide that with the right approach we could reasonably limit campaign expenditures. The Supreme Court has said that

is unconstitutional. The Senator from South Carolina says, well, change the Constitution. We should never approach that easily or quickly, but I am with him. Frankly, I guess I would like to see us go to the Supreme Court a second time, and say will you not correct the error you made the first time? I think there might be a chance of getting that done because it was a decision by one vote.

In any event, I think that one of the solutions for campaign finance reform is to limit campaign spending. Is that an inhibition of free speech? Is it an inhibition of free speech to tell somebody who has $100 million, ''You can't spend $30 million buying a seat someplace''? Is that what the Framers of the Constitution decided democracy was about—to make some money, ante up to the trough, and plunk down $30 million and buy a seat? I don't think so. I don't think that's what the method of selecting people who serve in representative government was envisioned to be by the Framers of our Constitution.

This is the first effort to say to my colleagues: Do you believe in campaign finance reform, or don't you? Campaign finance reform. Boy, if we need more discussion about that, then this must be an empty well; this must be a pit without a bottom.

I want to describe what we have had on campaign finance reform in a decade. We have had 6,700 pages of hearings, 3,300 floor speeches, 2,700 pages of Congressional Research Service reports, 113 Senate votes, 522 witnesses, 49 days of testimony, 29 different sets of hearings by 8 different congressional committees, 17 filibusters, 8 cloture votes on one bill alone, and one Senator arrested and dragged to the floor of the Senate. I wasn't here at that point, but I assume Senator HOLLINGS was and could describe in remarkable detail whoever was dragged to the floor. And there were 15 reports issued by 6 different congressional committees.

Now, given that history, can we find some Senators who say we are not ready and it is not time for campaign finance reform? The honest answer, by some, is: Let's not have any reform. Some would say: Let's decide there ought to be more money spent. Let's make campaigning a commercial product. Let's have campaigns compete with Rolaids, dog food, gasoline, and automobiles, in terms of consumer preference. Whoever has the most money can advertise the most.

But the Senator from South Carolina has raised, for most of this afternoon, the right questions. We can spend forever now, talking about what happened in the past. We will and we should. There isn't anything about campaign finance abuses that ought not be investigated if there are reasonable and credible claims of abuses. The FBI is investigating some questions. The Justice Department is investigating some questions. Yesterday, we decided—and I voted for it, as did the Senator from South Carolina—that a committee ought to investigate some of these questions.

There are some serious questions about foreign countries intending to influence American elections that ought to be investigated, and they will be. The American people deserve to know that is the case. But the American people deserve more than just a look back. The American people deserve a Congress that is going to look ahead and say, how do we respond to this question of galloping inflation in campaign finance spending? The galloping inflation of a campaign system that seems almost out of control—spending more and more and more money in State after State, in district after district. There are a hundred reasons to prevent something, and it is easy to do.

The Senator from South Carolina had the job this afternoon of coming and supporting an affirmative proposition, the first proposition on the floor of the Senate to respond to campaign finance reform. I think it was Mark Twain who was asked once to be a participant in a debate. He said, ''Of course, I will be happy to debate, provided I get to take the negative side.'' He was told, ''But you have not asked what the subject was.'' And he said, ''The subject doesn't matter. You don't need any preparation to be on the negative side.''

That is pretty much true with any debate. The easiest proposition in the world is to be on the negative side. Senator HOLLINGS brings to the floor a proposition that is very simple. This proposition is that what is wrong with campaigns in American politics today is too much money is spent. There is too much money around. This is not a democracy that was on the auction block, for sale.

The framers of our Constitution did not envision that representative government was part of a bidding process. We have tried, in a number of different ways, to propose that we have reasonable limits that competitors in this political system would agree to, and we have discovered that the Supreme Court says those limits are unconstitutional. As much as I disagree with the Supreme Court, their decision stands. The Senator from South Carolina now says, let us alter that by making the change he proposes. Does it infringe on free speech? I don't think so. Would it hurt our political system? No, it would help our political system. Would it restore the confidence of the American people in this system? I think so. Would it do the right thing in trying to propose some sensible spending limits that are enforceable? Sure.

Now, we can turn this down, and there may be the votes to do that. But the question everyone ought to ask for those who turn this down is, what next? If you decide this is not the way, then what is the way? Or do you like things just as they are? Do you find recreational reading about campaigns, about the political system in our country, up to its neck in money, do you find that interesting and fun to read about? Or do you really believe that there are ways for us to make some sense out of campaign finance reform in a way that would improve this system?

We had campaign finance reform over 20 years ago, in the 1970's, and it worked for awhile. I think there are people on all sides of the political spectrum who have stretched that and distorted it and discolored it in dozens of ways and found loopholes and hired the best minds to figure out how you jump the fence and get under the fence and through the fence, and the 1970's reforms don't work anymore. So the question will be, should we reform this system now? Or should we just let this roll along and decide it is just fine?

The American people know the answer to that. The American people understand that things are not just fine. The American people support campaign finance reform. This is the first bill and the first opportunity Members of the Senate will have to say: I want to stand up for campaign finance reform.

I ask those who say ''no'' to this, then what? Do you believe the current system works? If you do, you can fit in a mighty small phone booth with all the rest of the American people who believe as you do. If you believe this system is broken and needs to be repaired, if you believe this ought to be fixed, that we ought to stand up for our political system and for its future health, then I think this is a reasonable approach to decide that spending limits make sense. I intend to vote for it. I was pleased to cosponsor the initiative offered by the Senator from South Carolina.

I yield the floor.

Mr. HOLLINGS. Mr. President, I understand that we are about to close debate for this afternoon. Let me thank the distinguished Senator from North Dakota, because he put the issue involved in a very calm and succinct fashion. What we have done here was done with tremendous caution. We haven't come and said, ''Here is the solution.'' We have come and said, ''Here is the authority to solve it.'' Now, they bring in these red herrings and everything about the freedom of speech. We are not disturbing the freedom of speech at all. We would not disturb the freedom of speech, except for Buckley versus Valeo, which did put a hole in that first amendment, as they use that expression.

They say we are limiting the freedom of speech for the political contributor. He can only give so much. If that is what it is, if money is the expression, then that group is limited. But the real evil in causing our dilemma here over the past 30 years, particularly with this Colorado decision now that puts a premium on buying the office by the national parties, if we don't act now to at least have the authority, we don't say in this amendment that the distinguished Senator from Kentucky is

right. We don't say that the distinguished Senator from Kentucky is wrong. He may later on, with the authority, prevail. They might increase spending. Like I say, we are not spending more on yogurt and Crackerjacks, and whatever else they had around here. I have forgotten the things they brought up. I would not have dared to stand up as a candidate and say I spent $86,000 for food. I could not hope to get elected in South Carolina buying $86,000 worth of lunches. That, perhaps, points to the dilemma.

The public that I represent and have worked with over the years really is asking and begging. That is why they included the States.

Mr. President, we know that, as in warfare, he who controls the air controls the battlefield. In politics, he who controls the airwaves controls the campaign. That is where all the money is. That is what we are trying to limit. But I do not say that by voting for this that you limit. I only say that by voting for this you give constitutional authority because you see the extremes of the Supreme Court—it is the ''Extreme Court of the United States''—when they come with the Buckley versus Valeo distortion. It is the ''Extreme Court of the United States'' that comes with Colorado Republican Federal Campaign Committee against the Federal Election Commission.

So, right to the point, we are saying that we can amend this Constitution, that the last five of six amendments dealt with elections, that certainly the weight of money as qualifying a vote was constitutionally outlawed in the 24th amendment. We ought to outlaw extreme and expensive expenditures in this. That would be the 28th amendment, I think. They approved these particular amendments in 18.1 months, which was the average. We know we can get this approved next year in 1998, and we will be on the road to really getting campaign finance reform.

This is the acid test. Do you believe in limiting, or do you not believe in limiting? We are talking about expenditure of paid speech—not free speech. It does not affect free speech whatever. You don't affect it under the Constitution. We wouldn't dare try to affect it under the Constitution. And, of course, after the 30 years and all of the debates in three Congresses having given us a majority here in the U.S. Senate saying we believe in a constitutional amendment and let's see if we can at least get that majority, they are really coming now and are so opposed to McCain-Feingold and are so opposed to any campaign finance reform as to vote this down. Then we will know exactly where they stand.

I thank my distinguished colleague from Kentucky. I appreciate the debate this afternoon.

I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that there now be a 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. Mr. President, at the close of business yesterday, Tuesday, March 11, the Federal debt stood at $5,357,359,481,153.10.

One year ago, March 11, 1996, the Federal debt stood at $5,017,404,000,000.

Five years ago, March 11, 1992, the Federal debt stood at $3,848,675,000,000.

Ten years ago, March 11, 1987, the Federal debt stood at $2,249,369,000,000.

Fifteen years ago, March 11, 1982, the Federal debt stood at $1,048,663,000,000 which reflects a debt increase of more than $4 trillion ($4,308,696,481,153.10) during the past 15 years.

NOMINATION OF FEDERICO PEÑA

Mr. KYL. Mr. President, today, I voted in favor of Federico Peña to be the new Secretary of Energy for the Clinton administration in the sincere hope that he will be able to provide the Department of Energy with the leadership and direction it needs to provide the proper stewardship of our national energy and security needs in the 21st century.

I have addressed the Energy and Natural Resources Committee with my grave concerns about the current direction of the Department of Energy, especially with respect to the maintenance and stewardship of our nuclear weapons complex. I wish to use this forum, and the occasion of the Senate vote on Federico Peña, to restate my concerns and to reiterate my hope that the current trend at the Department of Energy will be reversed.

Of particular concern has been former Secretary Hazel O'Leary's technically insupportable insistence that the United States can both maintain a credible nuclear deterrent and permanently forego nuclear testing. What is more, her lack of familiarity with the critical work of the Nation's nuclear weapons laboratories appears to have emboldened her to exert immense pressure on their directors to abandon the labs' longstanding view that the nuclear stockpile cannot be certified without periodic underground testing.

Indeed, the nuclear weapons complex that the next Secretary of Energy will inherit from former Secretary Hazel O'Leary is a shadow of its former self, thanks in no small measure to a Clinton administration policy which the distinguished chairman of the House National Security Committee, Representatives FLOYD SPENCE, has called erosion by design. In releasing a study of this reckless policy on October 30, 1996, Representative SPENCE observed that:

''The past four years have witnessed the dramatic decline of the U.S. nuclear weapons complex and the uniquely skilled workforce that is responsible for maintaining our nuclear deterrent. The Administration's laissez-faire approach to stewardship of the nuclear stockpile, within the broader context of its support for a Comprehensive Test Ban Treaty, is clearly threatening the Nation's long-term ability to maintain a safe and reliable nuclear stockpile. * * * In my mind, it's no longer a question of the Administration's ''benign neglect' of our Nation's nuclear forces, but instead, a compelling case can be made that is a matter of 'erosion by design.''

Mr. President, I share the concerns expressed in Representative SPENCE's study about the implications of the Clinton-O'Leary program for denuclearizing the United States. In this regard, two portions of the Spence report deserve special attention.

Stockpile stewardship:

The Clinton Administration's Stockpile Stewardship and Management Program [SSMP] entails significant technological risks and uncertainties. Certification that U.S. nuclear weapons are safe and reliable—in the context of a Comprehensive Test Ban Treaty—depends on developing highly advanced scientific diagnostic tools that do not yet exist and may not work as advertised. Funding shortfalls, legal challenges and other problems are almost certain to continue to impede progress in achieving the program's ambitious goals, and raise serious doubts about the ability of the program to serve as an effective substitute for nuclear testing. The Administration's commitment to implementing the SSMP and, more broadly, to maintaining the U.S. nuclear stockpile is called into question by DOE's failure to adequately fund the SSMP and to conduct important experiments.

Dismantling the DOE weapons complex:

Unprecedented reductions and disruptive reorganizations in the nuclear weapons scientific and industrial base have compromised the ability to maintain a safe and reliable nuclear stockpile. The cessation of nuclear-related production and manufacturing activities has resulted in the loss of thousands of jobs and critical capabilities * * *. DOE still lacks concrete plans for resuming the production of tritium * * *. Unlike Russia or China, the United States no longer retains the capacity for large-scale plutonium ''pit'' production and DOE's plans to reconstitute such a capacity may be inadequate.

INFORMATION AND PHYSICAL SECURITY PROBLEMS

Yet another alarming legacy of former Secretary O'Leary's tenure as Secretary of Energy could be the repercussions of her determination to declassify some of the Nation's most closely held information. As a result, efforts by unfriendly nations—and perhaps subnational groups—bent on acquiring nuclear weapons capabilities have been afforded undesirable insights into designs, developmental experiences and vulnerabilities of U.S. nuclear devices.

Of particular concern is the fact that data concerning the precise quantities

and whereabouts of U.S. weapons grade material have been made public, potentially greatly increasing the risk of terrorist operations aimed at stealing or exposing Americans to attack with such materials. Incredibly, Clinton administration budgets have significantly reduced the funding available for securing and protecting such sites.

In fact, the 1997 Energy Department annual report on the Status of Safeguards and Security concluded that there is a $157 million shortfall in these accounts. Ironically, that almost exactly equals the amount contributed by the Department of Energy to the so-called cooperative treaty reduction, or Nunn-Lugar, program that is being spent ostensibly to improve the safety and security of former Soviet nuclear weapons and materials.

THE CUBAN NUCLEAR DANGER

Last but not least in this illustrative listing of the challenges facing the next Secretary of Energy is another nuclear issue confronting this Nation—the prospect that one or both of the two defective nuclear reactors being built by Fidel Castro in Juragua, Cuba, will be brought online and then fail catastrophically. Should that happen, millions of Americans living downwind could be exposed to lethal levels of radioactive fallout.

On September 11, 1995, Secretary O'Leary confirmed this danger in a letter to the distinguished chairman of the Foreign Relations Committee, Senator HELMS. She wrote:

> If construction [of these reactors] were resumed and the reactors completed, their poor construction and lack of regulatory oversight, and uncertainties about the qualification and experience of its operators would pose serious safety risks. Written answers accompanying the O'Leary letter in response to questions posed by Senator HELMS about the Cuban nuclear program cited the following concerns: ''the quality of civil construction, the condition of critical reactor components, the regulatory structure and nuclear operating base, the plant staff training programs and industrial infrastructure in Cuba required to support operation and maintenance of nuclear power plants.''

The O'Leary Energy Department even went so far as to state:

> If a poorly designed, defectively constructed nuclear reactor began operation in Cuba, there would be an unacceptably high possibility that a large accidental release of radioactive material would occur. Dependent on the meteorological conditions at the time of a major accident, people on the U.S. mainland could be exposed to significant airborne (radioactive) contamination.

In response to questions I posed to Secretary Peña during his confirmation hearing before this committee, I have been advised that he subscribes to the positions taken in the September 1995 O'Leary letter to Senator HELMS. The trouble is that Mrs. O'Leary took no perceptible steps to address the menace posed by Castro's nuclear project.

This may have been due to the Department's view, as evidenced in some of the answers to Senator HELMS' questions, that the Soviet VVER–440 (Model 318) design might prove to be safe, after all—notwithstanding the fact that one has never been constructed or operated before. Alternatively, Mrs. O'Leary may have been satisfied, as suggested by other answers, that the levels of radiation from a Cuban meltdown would only contaminate the U.S. food supply—not directly harm the American people. Yet another explanation could be the O'Leary team's evident willingness to accept Russian claims that the Juragua reactors are designed to withstand seismic shocks up to 7 on the Richter scale. The response to Senator HELMS that Mr. Peña has endorsed did not take note of the fact that there was a 7.0 magnitude quake in the nearby Caribbean Plate in 1995.

Mr. President, I am concerned that Fidel Castro's nuclear ambitions could pose a significant threat to the United States. Others who have warned of this danger include: the General Accounting Office, the House International Relations Subcommittee on the Western Hemisphere, NBC News and several Cuban defectors who had first-hand experience with the dismal quality control and safety aspects of the Juragua project. It is astounding—and unacceptable—that preventing such a danger from materializing is not a top priority for the leadership of the Department of Energy and the executive branch more generally.

CONCLUSION

I would conclude by recommending to Secretary Peña that he carefully study, and try to emulate, the leadership of the first Secretary of Energy, James Schlesinger. Dr. Schlesinger brought to his position extraordinary experience and first-hand knowledge of the national security dimensions of the job. As a former chairman of the Atomic Energy Commission, Director of Central Intelligence and Secretary of Defense and by dint of his work in the private sector at the RAND and Mitre Corp., he was exceptionally well equipped to address the nuclear weapons-related issues of the day.

It was largely to Dr. Schlesinger's credit that the antinuclear agenda of an earlier Democratic administration did not result in an ill-advised Comprehensive Test Ban. Secretary Schlesinger saw to it that the best professional advice—not the politically correct or coerced assertions—of those charged with certifying the Nation's nuclear arsenal were presented faithfully to the President and the Congress. It was clear that the considered judgment of the directors of the nuclear weapons laboratories and other responsible experts was that a small number of low-yield tests would be required each year to avoid reaching the point where confident weapon certification was no longer possible.

As a result, the case was convincingly made that such tests were the essential last step in the scientific process—the experimental validation of the hypothesis that our weapons would work as designed. It was documented that many of the problems that appeared sooner or later in one-third of all designs deployed would never have been discovered if testing has not continued after the weapons were deployed. And it was established that without periodic testing, it would be impossible over time to retain the skilled design physicists and engineers responsible for daily judgments about the Nation's nuclear weapons. In the face of these compelling arguments, President Carter ultimately abandoned the idea of a zero-yield Comprehensive Test Ban.

We are now confronted with another President committed to a zero-yield CTB. Indeed, the Senate will shortly be asked to consider such a treaty negotiated by the Clinton administration. I believe it is imperative, as the debate on the CTBT gets underway, that the next Secretary of Energy provide his subordinates in the Department and its laboratories with the same opportunity for honest, unpoliticized analysis and testimony as was afforded by Dr. Schlesinger nearly 20 years ago.

I am hopeful that Secretary Peña will take these comments as they are meant—as an illustrative list of issues which must have his attention. I also hope he will understand the importance of these national security matters to Members of Congress and that Federico Peña will ensure that an environment is recreated in the Department of Energy in which national security responsibilities and rigorous scientific practice are given primacy over dubious arms control agendas and wishful thinking.

If the vote today were on the Clinton energy policy, it would be a resounding ''no.'' Mr Peña is not an architect of the policy—yet. It is my hope that when Mr. Peña next appears before us he will demonstrate a willingness to lead and not be an apologist for a continued failed policy.

PARTIAL BIRTH ABORTION

Mr. ABRAHAM. Mr. President, I rise to address recent revelations concerning partial birth abortion. I also rise to draw my colleagues' attention to the letter sent to President Clinton by a group of American Roman Catholic leaders and read this past Sunday by Cardinal Adam Maida at the Blessed Sacrament Cathedral in Detroit. That letter urged the President to ensure respect for all human rights—including those of the unborn—and called our attention to the misinformation distributed by some of those defending partial birth abortion.

Mr. President, the abortion issue has been a difficult and divisive one for this country. But the unfortunate procedure of partial birth abortion need not be. The vast majority of Americans, even those who do not share my

own strongly pro-life convictions, oppose partial birth abortion. This overwhelming opposition helped produce legislation during the last Congress that would have banned that morally troubling procedure. Unfortunately, that legislation was vetoed by President Clinton. Now it turns out that that veto was based in part on inaccurate information.

Mr. President, those who sought to defend partial birth abortion did so on the grounds that it was rare, undertaken only in cases of severe fetal deformity and strictly a late-term procedure. These arguments served to make the procedure seem less morally troubling to some in the pro-choice camp. But it turns out that these supposedly mitigating factors do not exist. Ron Fitzsimmons, executive director of the National Coalition of Abortion Providers, is quoted in the February 26 New York Times as saying that he ''lied through [his] teeth'' in making each of these claims.

It turns out, Mr. President, that literally thousands of partial birth abortions are performed in this country every year. It also turns out that the vast majority of these regrettable procedures are undertaken voluntarily—aborting perfectly healthy unborn children. And it turns out that partial birth abortions are being carried out on mothers in their second trimester of pregnancy.

I know that abortion is an issue that raises troubling issues for many people. I know that I cannot help but take a strong pro-life position, because of my faith and because of my own personal experiences. My experience, having witnessed the births of my three children and having just had a nephew born 12 weeks premature, tells me that the loss of an unborn life is a great tragedy. My nephew was born during a time in his mother's pregnancy when many unborn children are still subject to partial birth abortion.

I know that not everyone shares the pro-life position. But in my view it is clear that any reservations about restricting abortion need not and should not apply to partial birth abortion. The fact that the defenders of this procedure felt it necessary to mislead the public, Members of this body and the President, shows how little support their position really commands. Regardless of where one stands in the broader abortion debate, then, all of us should be able to see partial birth abortion for what it is: an unjustifiable and wholly unnecessary tragedy.

Mr. President, it is my sincere hope that we will return as quickly as possible to the issue of partial birth abortion. It is also my hope that my colleagues will keep in mind this incident as they consider the factors supposedly mitigating this unfortunate procedure, and vote to end it once and for all.

Mr. President, I ask unanimous consent that an article from the Detroit News appear in the RECORD at this point.

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

[From the Detroit News, Mar. 10, 1997]

IN DETROIT: MAIDA, OTHER CARDINALS URGE BAN ON PARTIAL-BIRTH ABORTIONS

(By Oralandar Brand-Williams)

Cardinal Adam Maida urged President Clinton to reconsider a ban on partial-birth abortions during a public reading Sunday of a letter sent to the president by a group of U.S. Roman Catholic leaders.

''The public learned that partial-birth abortions are performed not a few hundred times a year, but thousands of times each year,'' Maida said during mass at Blessed Sacrament Cathedral in Detroit.

Last April, Clinton vetoed a bill that would have banned the controversial procedure in which a fetus is partially extracted, feet-first, from the birth canal. The brain is then suctioned out.

Critics call the procedure infanticide.

Congress failed to override Clinton's veto.

The letter to Clinton was also read Sunday by the six other American cardinals who also lead archidioceses in the United States and the head of the U.S. Conference of Catholic Bishops. All signed the letter with Maida, which Clinton received Friday.

''Mr. President, you are in a unique position to ensure respect for all human rights, including the right to me which is denied to infants who are brutally killed in partial-birth abortion,'' urged the letter.

The letter asks Clinton to acknowledge that he was misled about partial-birth abortion, and urges him to ask Congress to pass a bill banning them. The letter also seeks a pledge that Clinton will sign it into law.

Two weeks ago, Ron Fizsimmons, executive director of the National Coalition of Abortion Providers, said he intentionally misled the public in previous remarks about the procedure. Fitzsimmons said he feared that if the truth were known about the frequency of partial-birth abortions, it would damage the cause of abortion rights.

Blessed Sacrament parishioner Canary Erving of Highland Park said she supports Madia's efforts to get a ban on partial-birth abortions.

''It's important that we keep our children,'' Erving said. ''If you have to have it and give it away, it's better than destroying the life.''

DR. ERNEST S. GRIFFITH

Mr. WARNER. Mr. President, I rise today to pay tribute to the father of the Congressional Research Service, Dr. Ernest S. Griffith, who recently passed away at the age of 100.

Dr. Griffith came to the Legislative Reference Service—now the Congressional Research Service—in 1940, at a time when the U.S. political landscape was dominated largely by the executive branch. Legislation was enacted based on information provided by the President, with little opportunity for independent research and analysis by the Congress. Indeed, with an average of only two or three personal assistants per Member and a mere handful of committee staff, Members of Congress had nowhere to turn for accurate, reliable research and analysis. Nowhere, that is, until Ernest Griffith assumed the reins of the Legislative Reference Service.

Fueled by his belief that ''the Congress of the United States is the world's best hope of representative government,'' Dr. Griffith dedicated himself to transforming the fledgling LRS into a vital source of objective, nonpartisan information and analysis for Members of Congress and their staffs. He recruited experts in disciplines ranging from tax policy to transportation, and greatly expanded the services offered by the LRS. He also appointed senior specialists who, under the terms of the Legislative Reorganization Act of 1946, could be called upon by congressional committees at a moment's notice to work on important legislative initiatives. These senior specialists laid the foundation for our modern legislative information infrastructure, and, in so doing, with others enabled the legislative branch to re-assert itself as the Nation's first branch of Government.

When asked to describe his greatest achievement as the Director of the LRS, Dr. Griffith once responded: ''I think I am proudest of the fact that we have operated independently of the executive branch in a technical age.'' Mr. President, I too am proud of Dr. Griffith's achievement in this area. It is something of which we should all be proud.

Dr. Griffith left the LRS in 1958 to become the founding dean of the American University School of International Service. A Rhodes scholar, he received his undergraduate education at Hamilton College and his Ph.D. from Oxford University. He taught economics at Princeton and government at Harvard, and was the undergraduate dean at Syracuse University before moving to Washington in 1935.

Among his many academic distinctions, Dr. Griffith was a Fulbright visiting professor at Oxford. He also lectured at New York, Birmingham, and Manchester Universities, Swarthmore College, the University of Oslo, and the University College of Swansea. He was visiting professor at the International Christian University and Rykko University in Japan, and lectured on American Government in Turkey and Brazil. He was professor of American Government at Alice Lloyd College in Kentucky in his middle eighties.

In his spare time, Dr. Griffith taught Sunday school and served as a delegate to the Third World Council of Churches. He founded the Pioneers, a forerunner of the Cub Scouts, and chaired the Council of Social Agencies, a predecessor of the United Way. He chaired the policy board of an inter-university training center for Peace Corps volunteers, was vice president of the American Political Science Association and president of the National Academy of Economics and Political Science. He climbed mountains into his nineties.

Mr. President, it is with great sadness that we bid farewell to Ernest Griffith, who was memorialized last Saturday at the Metropolitan Memorial United Methodist Church here in Washington. He was a pioneering public servant, a brilliant student of

American Government, and a true friend to the community around him. He will be sorely missed—not only by his children, grandchildren, and great-grandchildren, but also by us.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:32 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 5. Joint resolution waiving certain provisions of the Trade Act of 1974 relating to the appointment of the United States Trade Representative.

The message also announced that the Speaker appoints the following Members of the House to the Joint Economic Committee: Mr. STARK, Mr. HAMILTON, Mr. HINCHEY, and Mrs. MALONEY.

The message also announced that the House has passed to the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 63. An act to designate the reservoir created by Trinity Dam in the Central Valley project, California, as ''Trinity Lake.''

H.R. 649. An act to amend sections of the Department of Energy Organization Act that are obsolete or inconsistent with other statutes and to repeal a related section of the Federal Energy Administration Act of 1974.

H.R. 651. An act to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes.

H.R. 652. An act to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes.

H.R. 709. An act to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes.

H.R. 750. An act to support the autonomous governance of Hong Kong after its revision to the People's Republic of China.

H.R. 914. An act to make certain technical corrections in the Higher Education Act of 1965 relating to graduation data disclosures.

H.J. Res. 32. Joint resolution to consent certain amendments enacted by the Legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920.

The message also announced that the House agrees to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 16. Concurrent resolution concerning the urgent need to improve the living standards of those South Asians living in the Ganges and the Brahmaputra River Basin.

ENROLLED JOINT RESOLUTION SIGNED

At 6:05 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S.J. Res. 5. Joint resolution waiving certain provisions of the Trade Act of 1974 relating to the appointment of the United States Trade Representative.

Under the authority of the order of the Senate of January 7, 1997, the enrolled joint resolution was signed subsequently, during the adjournment of the Senate, by the President pro tempore [Mr. THURMOND].

MEASURES REFERRED

The following bill, previously received from the House of Representatives for the concurrence of the Senate, was read the first and second times by unanimous consent and referred ad indicated:

H.R. 497. An Act to repeal the Federal charter of Group Hospitalization and Medical Services, Inc., and for other purposes; to the Committee on Government Affairs.

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 63. An Act to designate the reservoir created by Trinity Dam in the Central Valley project, California, as ''Trinity Lake''; to the Committee on Energy and Natural Resources.

H.R. 649. An Act to amend sections of the Department of Energy Organization Act that are obsolete or inconsistent with other statutes and to repeal a related section of the Federal Energy Administration Act of 1974; to the Committee on Energy and Natural Resources; to the Committee on Energy and Natural Resources.

H.R. 651. An Act to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 652. An Act to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 709. An Act to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 750. An Act to support the autonomous governance of Hong Kong after its reversion to the People's Republic of China; to the Committee on Foreign Relations.

H.R. 914. An Act to make certain technical corrections in the Higher Education Act of 1965 relating to graduation data disclosures; to the Committee on Labor and Human Resources.

The following Joint Resolution was read the first and second times by unanimous consent and referred as indicated:

H.J. Res. 32. Joint resolution to consent certain amendments enacted by the Legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Energy and Natural Resources.

The following resolution was read and referred as indicated:

H. Con. Res. 16. Concurrent resolution concerning the urgent need to improve the living standards of those South Asians living in the Ganges and the Brahmaputra River Basin; to the Committee on Foreign Relations.

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–1387. A communication from the Acting Secretary of Energy, transmitting a draft of proposed legislation entitled ''The Energy and Conservation Act Amendments of 1997''; to the Committee on Energy and Natural Resources.

EC–1388. A communication from the Administrator of the Federal Highway Administration, transmitting, pursuant to law, a status report relative to the Intermodal Surface Transportation Efficiency Act; to the Committee on Environment and Public Works.

EC–1389. A communication from the General Counsel of the Department of Defense, transmitting, pursuant to law, a notice concerning the National Guard; to the Committee on Armed Services.

EC–1390. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, notice of a cost comparison; to the Committee on Armed Services.

EC–1391. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of a violation of the Antideficiency Act; to the Committee on Appropriations.

EC–1392. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 94–01; to the Committee on Appropriations.

EC–1393. A communication from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule relative to single-employer plans, received on March 11, 1997; to the Committee on Labor and Human Resources.

EC–1394. A communication from the Assistant Secretary of Employment Standards, Department of Labor, transmitting, pursuant to law, the report of a rule relative to migrant and season agricultural worker, (RIN1215–AA93) received on March 11, 1997; to the Committee on Labor and Human Resources.

EC–1395. A communication from the Director of Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of 53 rules including 1 rule relative to food labeling, received on March 11, 1997; to the Committee on Labor and Human Resources.

EC–1396. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule relative to reduction in force, (RIN3206–AH64) received on March 11, 1997; to the Committee on Governmental Affairs.

EC–1397. A communication from the Deputy Associate Administrator for Acquisition Policy, Office of Governmentwide Policy, General Services Administration, transmitting, pursuant to law, the report of fifteen rules including one rule relative to federal acquisition, received on March 11, 1997; to the Committee on Governmental Affairs.

EC–1398. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of certification and relative justifications; to the Committee on Foreign Affairs.

EC–1399. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Procedure 97–21, received on March 10, 1997; to the Committee on Finance.

EC–1400. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Ruling 97–15, received on March 11, 1997; to the Committee on Finance.

EC–1401. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals dated March 1, 1997, referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Armed Services, to the Committee on Banking, Housing, and Urban Affairs, to the Committee on Energy and Natural Resources, to the Committee on Finance, to the Committee on Foreign Relations, to the Committee on Governmental Affairs and to the Committee on the Judiciary.

EC–1402. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of a rule received on March 11, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1403. A communication from the Office of the Under Secretary of Commerce for Oceans and Atmosphere, transmitting, pursuant to law, a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska'' received on March 11, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1404. A communication from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, two rules including a rule entitled ''Summer Flounder Fishery'' (RIN0648–XX76AI65) received on March 11, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1405. A communication from the Chairman of the National Endowment For the Humanities, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1406. A communication from the Archivist of the United States, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1407. A communication from the Executive Director of the Neighborhood Reinvestment Corporation, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

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–41. A resolution adopted by the Senate of the Legislature of the State of Michigan; to the Committee on Governmental Affairs.

SENATE RESOLUTION NO. 18

Whereas, in spite of the constitutional recognition of the authority of states, Congress, using its authority to regulate commerce among the states, has repeatedly preempted state laws. Congressional actions affecting state laws involve many issues, including health, transportation, communications, banking, environment, and civil justice. These actions have reduced the states' ability to respond to local needs; and

Whereas, more than half of all federal laws preempting states have been enacted by Congress since 1969. This trend has intensified an erosion of state power that leaves an essential part of our constitutional structure—federalism—standing precariously; and

Whereas, the United States Constitution anticipates that our American federalism will allow differences among state laws. This structure expects people to seek change through their own state legislative bodies without federal legislators from other states imposing national laws; and

Whereas, the relationship between the states and the federal government established in the ''Supreme Law of the Land'' is predicated on the states having genuine authority and powers not usurped at the federal level; and

Whereas, less federal preemption means states can act as laboratories for democracy and act on novel social and economic policies without risk to the entire nation; and

Whereas, during the 104th Congress, our federal lawmakers considered legislation to provide specific mechanisms to help protect the authority of the states. This legislation, known as ''The Tenth Amendment Enforcement Act of 1996,'' would have set in place mechanisms for all three branches of the federal government to follow. For example, the legislative branch would be required to include a statement of constitutional authority and an expression of intent. The executive branch agencies would be curbed from exceeding their authority. The judicial branch would defer to state laws where Congress is not clear in its intent to preempt; and

Whereas, legislation like the Tenth Amendment Enforcement Act of 1996 addresses fundamental issues of federalism and is timely and needed. Now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation to provide for the enforcement of the Tenth Amendment to the United States Constitution; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Adopted by the Senate, February 26, 1997.

POM–42. A Joint Resolution adopted by the Legislature of the State of Wyoming; to the Committee on the Judiciary.

JOINT RESOLUTION NO. 2

Whereas, the annual federal budget has not been balanced since 1969, and the federal public debt is now more than five trillion dollars or twenty thousand dollars for every man, woman, and child in America; and

Whereas, continued deficit spending demonstrates an unwillingness or inability of both the federal executive and legislative branches to spend no more than available revenues; and

Whereas, fiscal irresponsibility at the federal level is lowering our standard of living, destroying jobs, and endangering economic opportunity now and for the next generation; and

Whereas, the federal government's unlimited ability to borrow raises questions about fundamental principles and responsibilities of government, with potentially profound consequences for the nation and its People, making it an appropriate subject for limitation by the Constitution of the United States; and

Whereas, the Constitution of the United States vests the ultimate responsibility to approve or disapprove constitutional amendments with the People, as repesented by their elected State Legislatures; and opposition by a small minority repeatedly has thwarted the will of the People that a Balanced Budget Amendment to the Constitution should be submitted to the States for ratification; and

Whereas, the Legislature of the State of Wyoming prefers that a constitutional convention not be called to address this issue and the implementation of this resolution by Congress will effectively eliminate the necessity for such a convention: Now, therefore, be it

Resolved by the members of the Legislature of the State of Wyoming, That the Congress of the United States expeditiously pass, and propose to the Legislatures of the several States for ratification, an amendment to the Constitution of the United States requiring in the absence of a natinoal emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; be it further

Resolved, That the Secretary of State transmit copies of this resolution to the President of the United States Senate, the Speaker of the House of Representatives of the United States, each Member of the Wyoming Congressional Delegation, and the Secretary of State and the presiding officers of both Houses of the Legislatures of each of the other States in the Union.

POM–43. A resolution adopted by the Senate of the Legislature of the State of Michigan; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 14

Whereas, the continuing practice of annual budget deficits has severely hampered our nation's economy. In the years since Congress and the President last provided a balanced federal budget in 1969, our country's debt has skyrocketed. As a result, we must direct badly needed tax dollars to paying interest on our debt instead of utilizing tax dollars to their fullest capability and, ultimately, reducing the tax burden facing our citizens and businesses; and

Whereas, there are a host of benefits to our country to be gained from a balanced budget constitutional amendment. With less demand on credit, interest rates would decline. This would enable individuals to attain worthwhile goals for themselves and their families. Money for homes, cars, and higher education would be more readily available. With the added potential for investment, businesses could expand to provide more and better jobs. Many of the budgetary questions that cloud our future would be answered as we channel funds to far more rewarding endeavors than paying interest on a continual escalation of debt; and

Whereas, the American people, who are accustomed to their state and local governments throughout almost the entire country having to balance their annual budgets, are in favor of similar responsibility in the federal government: Now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to pass and submit to the states for ratification a proposed amendment to the Constitution of the United States to require a balanced federal budget with Social Security and Medicare removed from consideration so long as the funds in those programs are guaranteed and are not used to offset, or otherwise be made to serve as collateral for, debt expenditure elsewhere in the federal budget; and be it further

Resolved, That we urge that the proposed balanced budget amendment provide for line item veto for cutting appropriations as measures to achieve a balanced budget; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation. Adopted by the Senate, February 27, 1997.

POM–44. A concurrent resolution adopted by the House of the Legislature of the State of South Dakota; to the Committee on Rules and Administration.

HOUSE CONCURRENT RESOLUTION NO. 1006

Whereas, the expenditures for election campaigns for Congress have been rising each election year; and

Whereas, the State of South Dakota just experienced an election campaign for the position of United States Senator where the candidates spent eight million dollars on campaign expenses and bombarded our citizens with campaign advertisements for a year prior to the election; and

Whereas, despite the huge cost of this election in South Dakota, it is a mere drop in the bucket when compared to similar elections in more heavily populated states; and

Whereas, the increasing cost of Congressional elections has led to a never-ending solicitation by candidates for contributions from businesses, political action committees, and individuals; and

Whereas, these high campaign expenditures and the corresponding need for campaign contributions has given the voters of the State of South Dakota and the nation the perception that campaign contributions buy influence in Congress; and

Whereas, these expenditures and contributions tarnish the image of representative government and fuel voter apathy; and

Whereas, the Congress must pass meaningful election finance campaign reform to help restore voter confidence in our federal election process: Now, therefore, be it

Resolved, by the House of Representatives of the Seventy-Second Legislature of the State of South Dakota, the Senate concurring therein, That the Congress of the United States pass election campaign finance reform which would call for campaign expenditure limits on each candidate for the United States House of Representatives and on each candidate for the United States Senate; and be it further

Resolved, That the Congress of the United States should also provide in such legislation for campaign limits on in-kind contributions for each candidate for the United States House of Representatives and for each candidate for the United States Senate; and be it further

Resolved, That copies of this Resolution be transmitted to the President of the United States Senate, the Speaker of the House of Representatives of the United States, and each Member of the South Dakota Congressional Delegation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DODD:

S. 426. A bill to amend the Higher Education Act of 1965 to adjust the needs analysis to protect more of a student's earnings; to the Committee on Labor and Human Resources.

By Mr. THOMAS (for himself and Mr. SHELBY):

S. 427. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for lobbying expenses in connection with State legislation; to the Committee on Finance.

By Mr. KOHL (for himself, Mrs. BOXER, Mr. DURBIN, and Mr. CHAFEE):

S. 428. A bill to amend chapter 44 of title 18, United States Code, to improve the safety of handguns; to the Committee on the Judiciary.

By Mr. GRASSLEY:

S. 429. A bill to amend the Internal Revenue Code of 1986 to allow certain cash rent farm landlords to deduct soil and water conservation expenditures; to the Committee on Finance.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 430. A bill to amend the Act of June 20, 1910, to protect the permanent trust funds of the State of New Mexico from erosion due to inflation and modify the basis on which distributions are made from those funds; to the Committee on Energy and Natural Resources.

By Mr. MURKOWSKI (for himself, Mr. STEVENS, Mr. GORTON, Mr. BURNS, Mr. CRAIG, Mr. KEMPTHORNE, and Mr. SMITH):

S. 431. A bill to amend title 28, United States Code, to divide the ninth judicial circuit of the United States into two circuits, and for other purposes; to the Committee on the Judiciary.

By Mr. ABRAHAM (for himself, Mr. LIEBERMAN, Mr. DEWINE, Mr. HUTCHINSON, and Mr. COATS):

S. 432. A bill to amend the Internal Revenue Code of 1986 to allow the designation of renewal communities, and for other purposes; to the Committee on Finance.

By Mr. BROWNBACK (for himself, Mr. KYL, Mr. ALLARD, Mr. COATS, Mr. ENZI, Mr. HAGEL, and Mr. SESSIONS):

S. 433. A bill to require Congress and the President to fulfill their Constitutional duty to take personal responsibility for Federal laws; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN (for himself and Mr. BYRD):

S. 434. A bill to amend the Internal Revenue Code of 1986 to correct the treatment of tax-exempt financing of professional sports facilities.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD:

S. 426. A bill to amend the Higher Education Act of 1965 to adjust the needs analysis to protect more of a student's earnings; to the Committee on Labor and Human Resources.

THE BETTER FINANCIAL AID FOR WORKING STUDENTS ACT OF 1997

Mr. DODD. Mr. President, I rise here this morning to introduce a piece of legislation which I have entitled the Better Financial Aid for Working Students Act of 1997. At the appropriate time here, Mr. President, I will send the bill to the desk and ask that it be referred to the appropriate committee. But let me take a few minutes, if I can, to explain what I am trying to do with this proposal.

This legislation is designed, Mr. President, to assist America's working students to cope with the growing financial burdens of a college education. One hardly even needs to use the words ''growing financial burden.'' It is to state the obvious.

There is not a family in America that does not have children in school or going on to college or who have already been there that does not appreciate what a significant burden the cost of a higher education is in our country.

For the parents of college-aged children, of course, this is a trying time of year, not only for the parents, but for those who are anticipating going on to higher education. These parents and students are today anxiously awaiting the acceptance letters or rejection letters from our Nation's colleges and universities around the country.

However, for the vast majority of families, beyond waiting for an acceptance or rejection letter in March and April from institutions they have applied to, the biggest concern is not whether they are going to get into college or into a community college or into a university; the biggest question, the biggest challenge facing these families is: How are we going to pay for this? If they get in, how are we possibly going to finance this incredible burden that we see increasing all the time?

In fact, Mr. President, I think this week or maybe the past week one of our national magazines—I believe it was Time magazine—has a special issue out on the cost of higher education. It is their cover story. I commend them for it. I believe it was Time, I apologize if it was another periodical. But it is at an appropriate point with these acceptance and rejection letters coming to seniors in high school and others who have been out of school for some time but anxious to get back in.

So I am stating again the obvious. This is a time of some anxiety. But I would argue, the greatest anxiety is not ''whether or not I'm going to be able to go on to a higher educational opportunity,'' but rather, ''How am I possibly going to afford this? How are we going to afford this so our children or myself will be able to acquire the skills and educational levels that are going to be necessary for us to succeed or for my children to succeed in the future?''

That is why the letter they await, Mr. President, with the most anxiety, of course, is the financial aid letter. Working families understand as well as anyone that a college education has never been more important than it is today.

Thirty years ago, Mr. President, a high school diploma could get you a

good job, not the best job, but you would get a good job. You could raise a family. You could buy a home. You could have a good life, retire with a decent level of financial security.

I suspect that the Presiding Officer, his family, my family, certainly we saw that in case after case in our communities, whether it was Arkansas or Connecticut. Today, both of us understand that whether it is Arkansas or Connecticut, that is just not the case any longer.

Even though you need a high school diploma today, you have to have even more education if you are going to fit into the economy of the 21st century. Presently, the mean income of a high school graduate in the United States is $18,700 a year; that's the mean income. That would be barely enough to sustain a working family. In fact, if you have a family of four, $18,700 just doesn't do it today; I don't care where you live in the United States. But with a bachelor's degree, earnings nearly double, to $32,600 a year. So that additional 4 years can make a fantastic and huge difference in an individual's ability to provide for themselves and their families.

As you might anticipate, Mr. President, the higher the education, the greater the financial benefits. On average, a holder of a professional degree earns more than $74,500 a year. But making the college opportunity a reality for our children, and for those adults who are going on to higher education, is important beyond simply individual earnings. That is obviously a benefit. But beyond the dollars and cents, beyond the ability of individuals to earn a higher salary, there are benefits to the economy as a whole. According to a new Wall Street Journal survey, Mr. President, two-thirds of academic economists agree that the right Government policies in education would provide a needed shot in the arm to the American economy. The fact is, in today's global economy, higher education is vital if we are to maintain our international competitiveness and to keep our economy strong.

Since the passage of the GI bill, Mr. President—which millions of Americans are familiar with—there may be those who are retired today who remember, after coming out of World War II or the Korean conflict, what a difference the GI bill meant to them. There was a significant debate that many may recall about whether or not we could afford to pay for the GI bill.

I think in today's dollars, Mr. President, the GI bill—if we tried to adopt something like it today, in 1997—would amount to about $9,000 for every single student who took advantage of it. Obviously, the bulk of them took advantage of it in the late forties and fifties, the generation that came out of World War II and Korea. But can you imagine that, today, if you and I were to stand on the floor of the U.S. Senate and be advocates for something like $9,000 for every eligible person who wanted to go on to a higher education? There is no way in the world we could pass anything like that—not to mention finding the resources to pay for it.

So it was a remarkable accomplishment, with all the debt we had at the end of World War II and Korea that hadn't been paid off at that particular time. There was a collective understanding of the value to the country beyond the individual benefit of having a generation that could never, ever have thought about affording a higher education. We, as a country, at the national level, said, let's see if we can't come up and find some resources to help these people who could not afford to go on to school, so they have the resources to do it. I think it is fascinating to note the analysis of how that has worked out. There was an analysis not long ago, Mr. President, that said that, for every dollar spent on the GI bill, the Nation reaped a benefit of $7 in additional revenues—a 7-to-1 ratio. So as expensive as it was, our country as a whole benefited tremendously beyond the obvious individual benefits that those men—primarily men, but men and women—who were recipients of the GI bill received. The country as a whole was a tremendous beneficiary of that program.

At any rate, from this very first effort in higher education—on to policies today—the hallmark of the Federal Government's role in education is not to set aside the curricula in our higher education institutions, or be involved in the workings of these institutions; our role is to try and come up with creative ways to help students and families afford the financial burden of a higher education.

Today, Mr. President, student assistance is determined by a complicated analysis of family and student assets and earnings. I am destined to make my colleagues' eyes glaze over if I try to explain it on the Senate floor, but suffice it to say, it is a rather significant morass of various loans, grants, and other forms of assistance. However, what must remain crystal clear is that, for millions of Americans, college is not simply a time of tranquil learning and weekend parties or weekend gatherings on campuses. For many college students today, Mr. President—if not most—full and part-time work is a fundamental part of their college education.

This bill that I am introducing this morning would help protect these students and ensure that when considering students' financial needs, work is rewarding. Today, Mr. President, under current law, $1,750 of a student's earning from work is shielded when determining need for financial aid. Beyond that initial $1,750, students' earnings are assessed at a rate of 50 percent.

The proposal I have for us to consider would double that amount, from $1,750 to $3,500, which we would shield, so those students would not have to allocate 50 percent of every dollar over $1,750 to their higher education. It would establish a graduated assessment, from $3,500 to $5,000, which would be assessed at 35 percent, and anything over $5,000 in earnings would be assessed at the 50 percent that today is assessed at $1,750. I don't know exactly when, Mr. President, the $1,750 was set aside. It may have been when the number of students that were actually working to pay for their education was relatively small and that work may have been something that people did to acquire some independent financial means to take care of their daily needs.

But as I would say again, no matter where you live in the country, most of our students today are on loans and are out working. College isn't a 4-year deal where you go straight through anymore. You have to have some work experience. This would allow them—since many are paying their own rent, buying their own food, paying for their own transportation—by raising the $1,750 to $3,500, graduated up to $5,000, this would allow them to retain more of that income that they need for their legitimate expenses, before assessing it at a high level that would deprive them of that ability.

Again, this is not going to be a panacea for everything students need, but I think it is realistic. We are going to consider major reforms in the Higher Education Act. I anticipate and hope that this bill might be a part of that proposal. This legislation would ensure that the efforts of these families will be rewarded; work would be rewarded and encouraged. However, this effort should not stand alone, Mr. President. Clearly, there are other groups who may require changes, and other groups of legislation that may require changes. Specifically, I think we need to be sure that single students—particularly those with children—are not penalized because they are forced to work in order to pay for their education.

The bill I am introducing today is, I think, an important first step. In my view, it will guarantee that low-income students receive the financial aid they so urgently need. I look forward to working on this legislation with my colleagues on both sides of the aisle here. I put it out for people's consideration. They may have some ideas to moderate it one way or another.

Again, I think that given the common interest and common concern about higher education and how we can at least lighten the burdens of those out there trying to get that education and also holding down jobs, I encourage my colleagues' attention to this proposal.

With that, I send the bill to the desk and ask that it be referred to the appropriate committee.

The PRESIDING OFFICER. The bill will be referred to the appropriate committee.

By Mr. THOMAS (for himself and Mr. SHELBY):

S. 427. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for lobbying expenses in connection with State legislation; to the Committee on Finance.

LEGISLATION TO EXEMPT LOBBYING AT THE STATE LEVEL

● Mr. THOMAS. Mr. President, today I am introducing legislation, along with my colleague Senator SHELBY, that exempts expenses incurred to address legislation at the State level from the current law provision that denies this deduction. This change would give lobbying at the State level the same tax deductible treatment currently given to expenses incurred to lobby at the local level.

The provisions of this bill will allow businesses to once again deduct legitimate expenses they incur at the State level to respond to legislative proposals that can affect their livelihood and even their very existence. I ask my colleagues to join us in cosponsoring this important legislation.

As part of the Budget Reconciliation Act of 1993, Congress approved a proposal recommended by President Clinton to deny the deductibility of expenses incurred to influence legislation. As passed, the bill creates a ''lobbying tax'' by denying a business tax deduction for legitimate expenses incurred to influence legislation at both the State and Federal level. In addition, expenses incurred to influence the official actions of certain Executive branch officials are not deductible. Expenses incurred to influence the legislative actions of local governments, however, are exempt from the lobbying tax.

When the deductibility for lobbying expenses was partially repealed in 1993, the debate centered on lobbying at the Federal level. The fact that lobbying to influence legislative actions at the local level is exempt indicates that the 1993 change did not intend to cover all lobbying activities. Lobbying at the State level was not part of the debate, even though it was included in the final legislation that was approved by Congress.

At the State level, there is more active business participation at all levels of the legislative process. This is partly because State legislatures have smaller staffs and meet less frequently than Congress. In most States, the job of State legislator is part time. Additionally, many Governors appoint ''blue ribbon commissions'' and other advisory groups to recommend legislative solutions to problems peculiar to a specific State. These advisory groups depend on input from members of the business, professional, and agricultural community knowledgeable about particular issues. The recordkeeping requirements and tax penalties associated with the lobbying tax discourages and penalizes this participation.

The denial of a deduction for legitimate business expense incurred to lobby at the State level is an unwarranted intrusion of the Federal government on the activity of State governments. While many of the reasons to restore this deduction at the State level can also apply to lobbying at the Federal level, this additional intergovernmental argument emphasizes the need to extend the current exemption from the lobbying tax at the local level to lobbying at the State level.

Perhaps one of the best reasons for restoring the deductibility of State lobbying expenses is the paperwork burden that this law has placed on many businesses and organizations. This is especially true for the many State trade associations, most of whom are small operations and not equipped to comply with the pages and pages of confusing Federal regulations implementing this law. Compliance is both time consuming and complicated, and detracts from the legitimate and necessary work and services they perform for their members, who are primarily small businesses and who depend on these associations to look after their interests.

This bill is very simple. It restores the deductibility of business expenses incurred for activities to influence legislation at the State level, and gives them the same treatment that exists under current law for similar activities at the local level. It is good legislation, it deserves your support, and it should be enacted into law.●

By Mr. KOHL (for himself, Mrs. BOXER, Mr. DURBIN and Mr. CHAFFE):

S. 428. A bill to amend chapter 44 of title 18, United States Code, to improve the safety of handguns; to the Committee on the Judiciary.

THE CHILD SAFETY LOCK ACT OF 1997

● Mr. KOHL. Mr. President, today I introduce an important piece of legislation, The Child Safety Lock Act of 1997. Our measure will save thousands of children's lives by curtailing the senseless deaths that occur when improperly stored and unlocked handguns come within the reach of children. Let me tell you about the tragic death of 4 year-old Dylan Pierce of Eaton, WI, which illustrates why we need this law.

Last August, Dylan and his 8-year-old brother Cody stumbled upon an unlocked cabinet while their parents were at work. The cabinet contained a .357-magnum handgun and several rifles. Although the boys' parents told them not to play with the guns, the children were naturally curious. The boys loaded the handgun with ammunition that was kept separate from the guns and began playing with the loaded handgun. While Dylan was handling the gun, it fired, shooting him in the head. Dylan was instantly killed by the bullet. Now, the lives of this family are forever changed, forever damaged.

Unfortunately, statistics show that the Pierce family's tragedy represents part of an everincreasing trend in the United States. Currently, children in the United States are 12 times as likely to die because of a firearm than children in the other 25 largest industrialized countries. Even more startling, the Centers for Disease Control recently reported that nearly 1.2 million latch-key children alone have access to loaded firearms. These figures become even more disturbing when you account for the tragedies that could have been prevented by safety locks.

And while most gun owners properly store their firearms, the sad fact is that a substantial number do not, leaving their guns loaded and within the reach of children.

Mr. President, children's natural curiosity should not lead to their unnatural deaths. We need to ensure that young people who stumble upon handguns do not meet the same fate as Dylan Pierce or the many other children who have died or been injured in handgun accidents. This legislation is especially necessary as long as some adults continue to carelessly store their guns, and in places where children may reach them. Preventing these tragic accidents is the sole purpose of the Child Safety Lock Act.

Our legislation is simple, effective and straightforward. First, it requires that whenever a handgun is sold, a child safety device—or trigger lock—is also sold. These devices vary in form, but the most common resemble a padlock that wraps around the gun trigger and immobilizes it. Trigger locks are already used by thousands of responsible gun owners to protect their firearms from unauthorized use, and they can be purchased in virtually any gun store for less than ten dollars.

Second, the measure requires that a warning be enclosed with the purchase of every firearm. This warning serves as a wake up call to make gun owners aware of the risks associated with improper storage, and it also makes them aware of potential state civil and criminal penalties for failing to use child safety devices.

Mr. President, this bill is not a panacea, but it will help prevent the tragic accidents and deaths associated with unauthorized, unlocked firearms. And it will help ensure that American children do not die as a result of adult carelessness. President Clinton challenged us to enact child safety lock legislation in his State of the Union Address: Today we respond to his challenge.

Senators BOXER, DURBIN, and CHAFEE join me as cosponsors of this bipartisan bill. We ask our other colleagues to join as well.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 428

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 ''Child Safety Lock Act of 1997''.

SEC. 2. HANDGUN SAFETY.

(a) DEFINITION OF LOCKING DEVICE.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(34) The term 'locking device' means—

''(A) a device that, if installed on a firearm and secured by means of a key or a mechanically-, electronically-, or electromechanically-operated combination lock, prevents the firearm from being discharged without first deactivating or removing the device by means of a key or mechanically-, electronically-, or electromechanically-operated combination lock; or

''(B) a locking mechanism incorporated into the design of a firearm that prevents discharge of the firearm by any person who does not have access to the key or other device designed to unlock the mechanism and thereby allow discharge of the firearm.''.

(b) UNLAWFUL ACTS.—Section 922 of title 18, United States Code, is amended by inserting after subsection (x) the following:

''(y) LOCKING DEVICES AND WARNINGS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), beginning 90 days after the date of enactment of the Child Safety Lock Act of 1997, it shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun—

''(A) to any person other than a licensed manufacturer, licensed importer, or licensed dealer, unless the transferee is provided with a locking device for that handgun; or

''(B) to any person, unless the handgun is accompanied by the following warning, which shall appear in conspicuous and legible type in capital letters, and which shall be printed on a label affixed to the gun and on a separate sheet of paper included within the packaging enclosing the handgun:

'' 'THE USE OF A LOCKING DEVICE OR SAFETY LOCK IS ONLY ONE ASPECT OF RESPONSIBLE FIREARM STORAGE. FIREARMS SHOULD BE STORED UNLOADED AND LOCKED IN A LOCATION THAT IS BOTH SEPARATE FROM THEIR AMMUNITION AND INACCESSIBLE TO CHILDREN. 'FAILURE TO PROPERLY LOCK AND STORE YOUR FIREARM MAY RESULT IN CIVIL OR CRIMINAL LIABILITY UNDER STATE LAW. IN ADDITION, FEDERAL LAW PROHIBITS THE POSSESSION OF A HANDGUN BY A MINOR IN MOST CIRCUMSTANCES.'

''(2) EXCEPTIONS.—Paragraph (1) does not apply to—

''(A) the—

''(i) manufacture for, transfer to, or possession by, the United States or a State or a department or agency of the United States, or a State or a department, agency, or political subdivision of a State, of a handgun; or

''(iii) the transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a handgun for law enforcement purposes (whether on or off-duty); or

''(B) the transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a handgun for purposes of law enforcement (whether on or off-duty).''.

(c) CIVIL PENALTIES.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking ''or (f)'' and inserting ''(f), or (p)''; and

(2) by adding at the end the following:

''(p) PENALTIES RELATING TO LOCKING DEVICES AND WARNINGS.—

''(1) IN GENERAL.—

''(A) SUSPENSION OR REVOCATION OF LICENSE; CIVIL PENALTIES.—With respect to each violation of subparagraph (A) or (B) of section 922(y)(1) by a licensee, the Secretary may, after notice and opportunity for hearing—

''(i) suspend or revoke any license issued to the licensee under this chapter; or

''(ii) subject the licensee to a civil penalty in an amount equal to not more than $10,000.

''(B) REVIEW.—An action of the Secretary under this paragraph may be reviewed only as provided in section 923(f).

''(2) ADMINISTRATIVE REMEDIES.—The suspension or revocation of a license or the imposition of a civil penalty under paragraph (1) does not preclude any administrative remedy that is otherwise available to the Secretary.''.●

By Mr. GRASSLEY:

S. 429. A bill to amend the Internal Revenue Code of 1986 to allow certain cash rent farm landlords to deduct soil and water conservation expenditures; to the Committee on Finance.

TAX LEGISLATION

Mr. GRASSLEY. Mr. President, I introduce important tax legislation to improve our Nation's soil conservation and water quality. This measure will extend the conservation expense income tax deduction to farmers who improve soil and water conservation and need to rent that farmland to family members on a cash basis. This legislation builds upon an existing and successful income tax provision that applies to similar improvements on sharecrop rentals. I encourage my colleagues to cosponsor this legislation and thereby endorse an environmental tax policy that uniformly encourages conservation improvements on our Nation's farms.

Across all of our Nation's farmland, 4 out of 5 acres rely on private landowners and tenants to care for the natural resources. Even though all farmers should be encouraged to become good stewards of the land, current tax policy does not provide incentives to encourage all private landowners and tenants to make conservation improvements that are consistent with good environmental policy. On the one hand, farm landlords operating on a sharecrop basis are rewarded with an income tax deduction for soil and water conservation improvements. However, cash rent landlords who make the same conservation improvements are denied a similar income tax deduction. My legislation will eliminate this inequality.

Mr. President, 43 percent of our Nation's farmland is rented. Of that farmland, 35 percent is rented on a sharecrop basis, and 65 percent is rented on a cash basis. Sharecrop rentals are arrangements where landlords typically contribute the real estate and improvements, and tenants contribute the labor. Cash rentals are also arrangements where landlords usually contribute the real estate and improvements. However, the landlords also contribute labor since these agreements exist many times within a family farm environment.

To further compare, sharecrop landlords may deduct certain costs paid or incurred for the treatment or moving of earth for soil and water conservation, including the leveling, conditioning, grading, and terracing of farmland. Likewise, sharecrop landlords may also deduct costs incurred to build and maintain drainage ditches and earthen dams. Cash rentals, however, are not provided a tax deduction even though they practice similar conservation methods. In other words, though the substance of these rentals is similar, the tax treatment of conservation expenses is vastly different.

Mr. President, it may surprise you to know that many family farmers are cash rent landlords. The life cycle of a family farm is one where aging parents gradually pass the family farm to their sons or daughters. In many cases, because the children cannot initially afford to purchase the family farms from their parents, a parent-child business relationship often starts out as a rental. Sometimes it is a sharecrop rental, other times they agree to a cash rent relationship.

Unfortunately, our tax and environmental policy toward these two relationships remains irrational. If a landlord sharecrops with a stranger, then that landlord can deduct conservation expenditures. However, if a widowed farm wife cash rents farmland to her daughter and watches over the grandchildren while the daughter works the crops in the field, the grandmother cannot deduct conservation expenditures. Similarly, a retired father who cash rents to his son and provides labor assistance during harvest is likewise denied a conservation tax deduction.

I believe that our tax policy should encourage and reward sound soil conservation practices regardless of the situation of the farmers. At a minimum, our tax policy should reward family farmers who make long term soil conservation improvements to any of their farmland. In fact, these sound conservation practices have already aided many farmers in reducing our level of soil erosion. The USDA reported in its 1992 Natural Resources Inventory that soil erosion has decreased by 1 billion tons annually. The USDA attributes one half of that decrease to improved conservation efforts by farmers. Nonetheless, our Nation's tax policy requires that family farmers on a cash rent basis bear much of the expense of this successful environmental policy. My legislation fixes this problem. Surely, it will yield even further soil and water conservation of our nation's most valuable nonrenewable resource: farmland.

I encourage all of my colleagues to cosponsor this important legislation.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 430. A bill to amend the act of June 20, 1910, to protect trust funds of the State of New Mexico from erosion due to inflation and modify the basis on which distributions are made from those funds; to the Committee on Energy and Natural Resources.

THE NEW MEXICO STATEHOOD AND ENABLING ACT AMENDMENTS OF 1997

Mr. DOMENICI. Mr. President, I introduce legislation to amend the New Mexico Enabling Act of 1910. I am pleased to have as a cosponsor, my colleague from New Mexico, Senator BINGAMAN. I am also very pleased that identical legislation is being introduced today in the House by New Mexico's Representatives SKEEN and SCHIFF.

Mr. President, the Enabling Act of 1910 provided the people of the New Mexico with the authority to convene a State constitutional convention and to organize a State government. As was the case with almost every State west of the Mississippi River, New Mexico was also granted certain public domain lands to be held in trust for the purposes of supporting the State's public educational institutions.

The New Mexico State Land Commissioner's office has a proud history of producing sustained revenues from these State trust lands. These revenues have served the public schools of our State as they were intended, by providing for investments in a permanent fund. Mandates for managing the trust lands to sustain the permanent fund, as well as the control of and distributions from the fund are a part of our State constitution. In order to amend the constitutional mandates related to the State trust lands and the permanent fund, the Enabling Act requires that Congress give its consent to the amendments. Today, we begin the process of allowing New Mexico greater flexibility for investment, and protection of the permanent fund from the effects of inflation.

In New Mexico, the State Investment Council is charged with managing our State's permanent fund. The council is currently constrained by constitutional mandate, and the Enabling Act, from making certain types of investments that would have provided millions of additional dollars for our State's educational institutions over the past 20 years. Additionally, they are currently required to distribute, on an annual basis, the dividends and income from the permanent fund, regardless of the impacts of inflation on the value of its assets. This requirement has also cost the beneficiaries through periodic market value erosion of the fund's assets.

Mr. President, the voters of New Mexico have spoken. On November 5, 1996, 67 percent approved amendments to our State constitution that will improve the situation. These amendments give the State Investment Council the necessary flexibility to prudently invest the assets of the permanent fund. Additionally, they restrict the distribution of revenues to a fixed percentage of a rolling 5-year average market value of those assets.

This proposal has broad bipartisan support in our State legislature, and from our Governor, Gary Johnson. At this point, I ask unanimous consent to submit for the record a letter of support signed by Governor Johnson, and the bipartisan leadership of the New Mexico House of Representatives and Senate.

Mr President, the bill I am introducing today does two things. First, it amends the enabling act of 1910, so that it will be consistent with the investment flexibility and permanent fund protection clauses of the amendments to our State constitution, already approved by the voters of New Mexico. Second, it provides the legal requirement of congressional consent to the amendments, so that they can be implemented by our State government. Combined with the State constitutional amendments approved this past November, this bill will provide our State Investment Council with the authority to greatly improve their investment strategies, bringing them to par with the vast majority of other public and private endowed fund management authorities.

In closing, Mr. President, I urge my colleagues to support this important legislation for the State of New Mexico, and I ask unanimous consent that the text of the bill be printed for the RECORD.

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

S. 430

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

SECTION 1. PERMANENT TRUST FUNDS OF THE STATE OF NEW MEXICO.

(a) SHORT TITLE.—This Act may be cited as the ''New Mexico Statehood and Enabling Act Amendments of 1997''.

(b) INVESTMENT OF AND DISTRIBUTIONS FROM PERMANENT TRUST FUNDS.—The Act of June 20, 1910 (36 Stat. 557, chapter 310), is amended—

(1) in the proviso in the second paragraph of section 7, by striking ''the income therefrom only to be used'' and inserting ''distributions from which shall be made in accordance with the first paragraph of section 10 and shall be used'';

(2) in section 9, by striking ''the interest of which only shall be expended'' and inserting ''distributions from which shall be made in accordance with the first paragraph of section 10 and shall be expended''; and

(3) in the first paragraph of section 10, by adding at the end the following: ''The trust funds, including all interest, dividends, other income, and appreciation in the market value of assets of the funds shall be prudently invested on a total rate of return basis. Distributions from the trust funds shall be made as provided in Article 12, Section 7 of the Constitution of the State of New Mexico.''.

(c) CONSENT OF CONGRESS.—Congress consents to the amendments to the Constitution of the State of New Mexico proposed by Senate Joint Resolution 2 of the 42nd Legislature of the State of New Mexico, Second Session, 1996, entitled ''A Joint Resolution proposing amendments to Article 8, Section 10 and Article 12, Sections 2, 4 and 7 of the Constitution of New Mexico to protect the State's permanent funds against inflation by limiting distributions to a percentage of each fund's market value and by modifying certain investment restrictions to allow optimal diversification of investments'', approved by the voters of the State of New Mexico on November 5, 1996.

OFFICE OF THE GOVERNOR,
STATE CAPITOL,
Santa Fe, NM, February 24, 1997.

U.S. Senator PETE V. DOMENICI,
Federal Place,
Santa Fe, NM.

DEAR SENATOR DOMENICI: We hereby respectfully request the U.S. Congress amend the Enabling Act for New Mexico. This Amendment is necessary to protect the fund from inflation and to reduce risk by diversifying investments and establishing a distribution formula similar to that used by most other endowments. The Legislature and 67% of the voters from New Mexico voted in favor of amending Article 12, Sections 2, 4 and 7 of the New Mexico Constitution to accomplish these objectives. Since these funds are derived from Federal land granted to the State under the Enabling Act of 1910, it is necessary to obtain the consent of the U.S. Congress before the Amendment can be implemented. The Amendment can be implemented without any cost to the Federal Government.

The Amendment changes the method of making distributions to the institutional beneficiaries (primarily public schools, universities and other public institutions) to one based on a fixed percentage (4.7%) of the five-year average market value of the funds, instead of one based solely on interest and dividend income. This method of making distributions should ensure that the fund will grow with inflation, therefore protecting the fund for future generations.

Anything you can do to expedite the process of amending the Enabling Act so that we can invest the State's Permanent Funds more professionally and implement the new distribution formula will be sincerely appreciated.

Thank you for your help and support of this request.

Very truly yours,
GARY E. JOHNSON,
Governor.
RAYMOND G. SANCHEZ,
Speaker of the House of Representatives.
KIP W. NICELY,
Minority Leader of the House of Representatives.
MANNY M. ARAGON,
Pro Tempore, of the Senate.
RAYMOND KYSAR,
Minority Leader of the Senate.

By Mr. MURKOWSKI (for himself, Mr. STEVENS, Mr. GORTON, Mr. BURNS, Mr. CRAIG, Mr. KEMPTHORNE, and Mr. SMITH of Oregon):

S. 431. A bill to amend title 28, United States Code, to divide the ninth judicial circuit of the United States into two circuits, and for other purposes; to the Committee on the Judiciary.

THE NINTH CIRCUIT COURT OF APPEALS REORGANIZATION ACT OF 1997

Mr. MURKOWSKI. Mr. President, today I am pleased to be joined by my colleagues, Senators STEVENS, GORTON, BURNS, CRAIG, KEMPTHORNE, and Senator SMITH of Oregon, in introducing the Ninth Circuit Court of Appeals Reorganization Act of 1997.

Our legislation will create a new twelfth circuit comprised of Alaska, Washington, Oregon, Idaho, and Montana. This legislation will ease the current burdens of the ninth circuit, as well as effectively create a new northwest circuit that is historically, economically, culturally, and philosophically united.

Mr. President, one look at the contours of the ninth circuit reveals the need for this reorganization. Stretching from the Arctic Circle to the Mexican border, past the tropics of Hawaii and across the international dateline to Guam and the Marianna Islands, by any means of measurement, the ninth circuit is the largest of all U.S. circuit courts of appeal.

There is also no denying the ninth circuit's mammoth caseload. It serves a population of more than 45 million people, well over one-third more than the next largest circuit.

Last year, the ninth circuit had an astounding 7,146 new filings.

By 2010, the Census Bureau estimates that the ninth circuit's population will be more than 63 million—a 40-percent increase in just 13 years, which inevitably will create an even more daunting caseload.

We believe that this legislation is long overdue. Because of its size, the entire appellate process in the ninth circuit is the second slowest in the Nation. As former Chief Judge Wallace of the ninth circuit stated: ''It takes about 4 months longer to complete an appeal in our court as compared to the national median time.'' Mr. President, what this means is that while the national median time for filing a notice of appeal to final disposition is 315 days, the ninth circuit median time is 1 year and 2 months.

Furthermore, the massive size of the ninth circuit often results in a decrease in the ability to keep abreast of legal developments within its own jurisdiction. This unwieldy caseload creates an inconsistency in constitutional interpretation. In fact, ninth circuit cases have an extraordinarily high reversal rate by the Supreme Court. During the Supreme Court's 1994–95 session, the Supreme Court overturned 82 percent of the ninth circuit cases heard by the Court. This lack of constitutional consistency discourages settlements and leads to unnecessary litigation.

Mr. President, the legislation I am introducing is not novel. Since the day the circuit was founded, over a century ago, there were discussions of a split. Nearly a quarter century ago, in 1973, the Congressional Commission on the Revision of the Federal Court of Appellate System recommended that the ninth circuit be divided.

Additionally, the American Bar Association has adopted a resolution expressing the benefits of dividing the ninth district.

Since 1983, Senator GORTON and many others in this Chamber have initiated legislation to split the circuit.

There have been Senate hearings. In December 1995, Senator HATCH stated in a committee report that:

> The legislative history, in conjunction with available statistics and research concerning the Ninth Circuit, provides an ample record for an informed decision at this point as to whether to divide the Ninth Circuit . . . Upon careful consideration the time has indeed come.

Furthermore, splitting a circuit to respond to caseload and population growth is by no means unprecedented. Congress divided the original eighth circuit to create the tenth circuit in 1929, and divided the former fifth circuit to create the 11th circuit in 1980.

The legislation that I and my colleagues introduce today is the sensible reorganization of the ninth circuit. The new ninth circuit would embrace California, Nevada, Arizona, Hawaii, and the U.S. territories. And the new 12th circuit would be comprised solely of States in the Northwest region. Most importantly, this split would respect the economic, historical, cultural, and legal ties which exist between the States involved.

Mr. President, no one court can effectively exercise its power in an area that extends from the Arctic Circle to the tropics. The legislation introduction today will create a regional commonality which will lead to greater consistency and dependency in legal decisions.

Mr. President, we have waited long enough. The 45 million residents of the ninth circuit are the persons that suffer. Many wait years before cases are heard and decided, prompting many to forego the entire appellate process. In brief, the ninth circuit has become a circuit where justice is not swift and not always served.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 431

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 ''Ninth Circuit Court of Appeals Reorganization Act of 1997''.

SEC. 2. NUMBER AND COMPOSITION OF CIRCUITS.

Section 41 of title 28, United States Code, is amended—

(1) in the matter before the table, by striking ''thirteen'' and inserting ''fourteen'';

(2) in the table, by striking the item relating to the ninth circuit and inserting the following new item:

''Ninth ..... Arizona, California, Hawaii, Nevada, Guam, Northern Mariana Islands.'';

and

(3) between the last 2 items of the table, by inserting the following new item:

''Twelfth ..... Alaska, Idaho, Montana, Oregon, Washington.''.

SEC. 3. NUMBER OF CIRCUIT JUDGES.

The table in section 44(a) of title 28, United States Code, is amended—

(1) by striking the item relating to the ninth circuit and inserting the following new item:

''Ninth ..... 19'';

and

(2) by inserting between the last 2 items at the end thereof the following new item:

''Twelfth ..... 7''.

SEC. 4. PLACES OF CIRCUIT COURT.

The table in section 48 of title 28, United States Code, is amended—

(1) by striking the item relating to the ninth circuit and inserting the following new item:

''Ninth ..... San Francisco, Los Angeles.'';

and

(2) by inserting between the last 2 items at the end thereof the following new item:

''Twelfth ..... Portland, Seattle.''.

SEC. 5. ASSIGNMENT OF CIRCUIT JUDGES.

Each circuit judge in regular active service of the former ninth circuit whose official station on the day before the effective date of this Act—

(1) is in Arizona, California, Hawaii, Nevada, Guam, or the Northern Mariana Islands is assigned as a circuit judge of the new ninth circuit; and

(2) is in Alaska, Idaho, Montana, Oregon, or Washington is assigned as a circuit judge of the twelfth circuit.

SEC. 6. ELECTION OF ASSIGNMENT BY SENIOR JUDGES.

Each judge who is a senior judge of the former ninth circuit on the day before the effective date of this Act may elect to be assigned to the new ninth circuit or to the twelfth circuit and shall notify the Director of the Administrative Office of the United States Courts of such election.

SEC. 7. SENIORITY OF JUDGES.

The seniority of each judge—

(1) who is assigned under section 5 of this Act; or

(2) who elects to be assigned under section 6 of this Act;

shall run from the date of commission of such judge as a judge of the former ninth circuit.

SEC. 8. APPLICATION TO CASES.

The provisions of the following paragraphs of this section apply to any case in which, on the day before the effective date of this Act, an appeal or other proceeding has been filed with the former ninth circuit:

(1) If the matter has been submitted for decision, further proceedings in respect of the matter shall be had in the same manner and with the same effect as if this Act had not been enacted.

(2) If the matter has not been submitted for decision, the appeal or proceeding, together with the original papers, printed records, and record entries duly certified, shall, by appropriate orders, be transferred to the court to which it would have gone had this Act been in full force and effect at the time such appeal was taken or other proceeding commenced, and further proceedings in respect of the case shall be had in the same manner and with the same effect as if the appeal or other proceeding had been filed in such court.

(3) A petition for rehearing or a petition for rehearing en banc in a matter decided before the effective date of this Act, or submitted before the effective date of this Act and decided on or after the effective date as provided in paragraph (1) of this section, shall be treated in the same manner and with the same effect as though this Act had not been enacted. If a petition for rehearing en banc is granted, the matter shall be reheard by a court comprised as though this Act had not been enacted.

SEC. 9. DEFINITIONS.

For purposes of this Act, the term—

(1) ''former ninth circuit'' means the ninth judicial circuit of the United States as in existence on the day before the effective date of this Act;

(2) ''new ninth circuit'' means the ninth judicial circuit of the United States established by the amendment made by section 2(2) of this Act; and

(3) ''twelfth circuit'' means the twelfth judicial circuit of the United States established by the amendment made by section 2(3) of this Act.

SEC. 10. ADMINISTRATION.

The court of appeals for the ninth circuit as constituted on the day before the effective date of this Act may take such administrative action as may be required to carry out this Act. Such court shall cease to exist for administrative purposes on July 1, 1999.

SEC. 11. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective on October 1, 1997.

By Mr. ABRAHAM (for himself, Mr. LIEBERMAN, Mr. DEWINE, Mr. HUTCHINSON, and Mr. COATS):

S. 432. A bill to amend the Internal Revenue Code of 1986 to allow the designation of renewal communities, and for other purposes; to the Committee on Finance.

THE AMERICAN COMMUNITY RENEWAL ACT OF 1997

● Mr. ABRAHAM. Mr. President, today, I am proud to join colleagues on both sides of the Capitol and both sides of the aisle in introducing the American Community Renewal Act of 1997. This legislation addresses the social and economic pathologies currently besetting this country. It helps bring back economic growth and the sense of community we need to maintain safe streets, strong families, and vibrant neighborhoods. And it does so be bridging the gap between tax policies designed to stimulate economic growth and social policies designed to strengthen our moral fabric.

This bipartisan, bicameral bill has the support of members from diverse States and diverse political perspectives. Here in the Senate, I am joined by Senators LIEBERMAN, DEWINE, HUTCHINSON of Arkansas, and COATS. Meanwhile, Congressmen WATTS, FLAKE, and TALENT are introducing a similar bill in the House of Representatives.

Mr. President, the tragedy of broken homes, drugs, violence, and welfare dependency is so prevalent that some Americans accept it as normal. But broken families are not normal, and neither is the hopelessness that lies at the root of community decay. We can and must work to renew our distressed communities, both for the sake of the people living there and for all Americans.

We spent $5.4 trillion on the War on Poverty, yet today's poverty rate is essentially the same as it was in 1966. The problem was not our good intentions. Nor was it that community decay is an unbeatable adversary. Rather, the problem with the war on poverty was that it looked toward Washington rather than to the communities themselves.

Mr. President, the Washington knows best approach is a recipe for disaster. Washington can neither end poverty nor give people the habits of hard work, civility, and personal responsibility necessary for community renewal. But Washington can do something. It can remove barriers and free entrepreneurs and community leaders to reconstruct the fundamental institutions, beliefs, and practices upon which any health community must rely.

Which leaders are we talking about? People like Indianapolis Mayor Steve Goldsmith, who is working with local groups like the Indianapolis Housing Project and Westside Cooperative Organization. Together they are cutting redtape and encouraging community development. They are revitalizing neighborhoods that previously had been written off.

In Detroit, Mayor Archer's clean sweep program last year brought together over 20,000 volunteers in and around that city, along with dozens of local community organizations. Their efforts resulted in the removal of over 300,000 bags of trash from our city. Community pride was harnessed, and developed, in this worthwhile endeavor.

These are the kinds of cooperative efforts that can revitalize our distressed communities. Such efforts lie behind the American Community Renewal Act of 1997. By replacing barriers with incentives, this legislation aims to increase private investment, strengthen family ties, and effectively fight drugs abuse by reintegrating faith-based institutions into the public life of our distressed areas. Building on the pioneering legislation sponsored by then-Congressman Jack Kemp in the 1970's, it will create 100 community renewal zones with targeted, pro-growth tax and regulatory relief, housing assistance and provisions encouraging savings, education and investment.

A community must meet several criteria to qualify. First, its residents must have incomes well below the average while at least a fifth fall below the poverty line. Other measures such as unemployment levels and eligibility for certain Federal assistance programs are also considered.

Second, the community must bring to the table its own package of incentives including lower taxes, increased local services, a crime reduction strategy, and fewer economic regulations. Mr. President, part of rejecting the Washington knows best philosophy is acknowledging that not all barriers to economic and social growth come from the Federal Government.

This legislation calls on local governments to do their part. In return for these concessions, Mr. President, the community will receive a number of powerful benefits designed to encourage new businesses, job creation, and economic growth.

First, we eliminate the capital gains tax for the sale of any renewal property or business held for at lest 5 years, we increase the expensing allowance for small businesses for those who locate in the zone, and we target low-income workers with a 20-percent wage credit if they are hired by a renewal community business.

Next, we target additional capital at renewal communities by allowing banks to receive Community Reinvestment Act credit for investments in, or loans to, community groups within the zone. The idea is that these groups would then provide loans to local small businesses and residents.

Finally, we target environmental blight by providing tax incentives for cleaning up of old commercial and industrial properties located within the renewal communities. There are tens of thousands of these so-called brownfields across the country, Mr. President, and in many communities they represent the No. 1 obstacle to redevelopment and economic growth. Providing these tax breaks eliminates a barrier to investment in our renewal communities as it helps preserve undeveloped lands inside and outside these communities. For every brownfield that gets cleaned and reused, a greenfield is preserved.

Important as they are, however, investment and job creation incentives are not enough. That is why the Community Renewal Act also targets families and organizations. For families living within renewal communities, the bill provides new opportunities for saving, owning a home, and sending their children to the school of their choice.

The bill provides renewal zone residents with family development accounts. These super-IRA's will encourage low-income families to save part of their income by making the deposits—up to $2,000 per year—deductible and the withdrawals tax free if used for purposes like buying a house or meeting educational expenses.

The bill also provides for the sale of unoccupied or substandard local HUD homes and housing projects to community development corporations. This provision increases housing opportunities for low-income families, helping them stay together, invest in their homes, and care for their neighborhoods by making them stakeholders in renewal communities.

Finally, there is an opportunity scholarship program. This means-tested program allows low-income parents to send their children to the school they think best.

Our bill also targets community organizations for assistance. As has been noted previously, for every social problem we face, there is an organization out there that is addressing that problem. This legislation's goal is to stimulate and encourage those organizations in their work.

In San Antonio, Pastor Freddie Garcia runs Victory Fellowship. This faith based drug rehabilitation program has saved thousands of addicts in some of the city's toughest neighborhoods. Victory Fellowship offers addicts a safe haven, a chance to recover, job training, and a chance for addicts to provide for themselves and their families and 13,000 people have been helped there, with a success rate of over 80 percent. But, because Victory Fellowship is faith based, it has not received any Federal help. Also because it is faith based, no one receiving Federal assistance is allowed to go there.

Mr. President, the American Community Renewal Act would allow local, faith based substance abuse treatment centers like Pastor Garica's to receive Federal assistance. It does so without endangering the independence of the Victory Fellowship and other centers doing similar work, and it does so without forcing religious doctrine upon those who seek assistance.

And, finally, this legislation stimulates charitable giving in all American communities by creating a new charity tax credit for private donations to qualified charities. Mr. President, back in 1986, Congress eliminated the charitable deduction for families who do not itemize. This change in the Tax Code hurt the ability of charities to attract private support. To correct this problem, this new credit would be available to all families, even those who do not itemize. To keep the cost reasonable, we have capped qualified donations for taxpayers who must also personally volunteer at the recipient charity. Nevertheless, we believe this provision will provide taxpayers with a powerful incentive to add their hard-earned money to the war on poverty and drugs.

Mr. President, the American Community Renewal Act places its faith in individuals, organizations, and communities all across America to address our social and economic ills. It does so by bridging the gap between economic and social policy, and the gap between traditionally Republican and Democratic solutions. I am glad to have joined hands with my colleagues to move this initiative forward, and I look forward to seeing this legislation enacted into law this Congress.

Mr. president, I ask unanimous consent that a detailed summary of the American Community Renewal Act be printed in the RECORD.

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

THE AMERICAN COMMUNITY RENEWAL ACT OF 1997—OUTLINE

This legislation focuses on three broad themes: moral and family renewal, personal economic empowerment, and fostering private charity. Our bill allows for up to 100 ''Renewal Communities'' to be established on a competitive basis in both urban and rural areas. To be designated a Renewal Community, state and local governments would have to work together with neighborhood groups to relax zoning, housing, tax, and business rules and regulations.

TITLE 1: DESIGNATION AND EVALUATION OF RENEWAL COMMUNITIES

Establish up to 100 Renewal Communities along the following guidelines:

(1) The Secretary of Housing and Urban Development has the authority to designate these ''renewal communities,'' 25 percent of which must be in rural areas. Designations would be effective for seven years.

(2) Areas nominated would have to meet certain criteria and would be ranked on the degree to which they exceeded these criteria. The criteria are as follows: (a) have an unemployment rate of at least 1½ times the national rate; (b) have a poverty rate of at least 20 percent; and (c) at least 70 percent of the households in the area have incomes below 80 percent of the median income of households in the metropolitan statistical area.

Nominated areas also would have to meet certain population criteria. These requirements are: (1) the areas must be within the jurisdiction of local governments; (2) the boundary must be continuous; and (3) if it is in a metropolitan statistical area, the population, based on the most recent census data, must be at least 4,000 (1,000 in the case of rural areas) or be entirely within an Indian reservation.

(3) Within four months of enactment, the Secretary of Housing and Urban Development would be required to issue regulations to: (1) establish the procedures for nominating areas; (2) determine the parameters relating to the size and population characteristics of ''renewal communities;'' and (3) the manner in which nominated areas will be evaluated based on the eligibility criteria.

(4) The Secretary of Housing and Urban Development could not designate an area a ''renewal community'' unless: (1) the local governments and the state have the authority to nominate an area; (2) agree to the requirements on state and local governments (described below); and (3) provide assurances that these commitments will be fulfilled; and (4) the Secretary of Housing and Urban Development determines that the information furnished is reasonably accurate.

(5) Before being considered for ''renewal community'' status, state and local governments must enter into a written contract with neighborhoods organizations to do at least five of the following: (1) reduce taxrates and fees within the ''renewal community;'' (2) increase the level of efficiency of local services within the renewal community; (3) crime reduction strategies; (4) actions to reduce, remove, simplify, or streamline governmental requirements applying within the renewal community; (5) involve private entities in providing social services; (6) allow for state and local income tax benefits for fees paid or accrued for services performed by a nongovernmental entity but which formerly had been performed by government; and (7) allow the gift (or sale at below fair market value) of surplus realty (land, homes, commercial or industrial structures) in the ''renewal community'' to neighborhoods organizations, community development corporations, or private companies.

Communities would receive credit for past activities with respect to these activities.

(6) In addition, before being considered for ''renewal community'' status, state and local governments must agree to suspend or otherwise not enforce the following types of restrictions on entry into business or occupations: (1) licensing requirements for occupations that do not ordinarily require a professional degree; (2) zoning restrictions on home-based businesses that do not create a public nuisance; (3). permit requirements for street vendors that do not create a public nuisance; (4). zoning or other restrictions that impeded the formation of schools or child care centers; or (5). franchises or other restrictions on competition for businesses providing public services, including but not limited to taxicabs, jitneys, cable television, or trash hauling. State and local authorities may apply such regulations of businesses and occupations within the ''renewal communities'' as are necessary and well-tailored to protect public health, safety, or order.

(7) State and local governments must agree to participate in the low-income scholarship program provided for in Title IV of this bill.

(8) With respect to existing Empowerment Zones and Enterprise Communities, the first 50 designations of Renewal Communities will be offered to existing zones on a first come, first serve basis.

TITLE II: ECONOMIC EMPOWERMENT AND TAX ADVANTAGES

The tax benefits for Renewal Communities are substantial. The tax incentives are as follows:

(1) A 100 percent exclusion from capital gains for certain qualified Renewal Community assets held for more than five years;

(2) An additional $35,000 of expensing under IRS Code Section 179 for qualified Renewal Community enterprises;

(3) A work opportunity tax credit to offset the cost of hiring individuals who are either on Temporary Assistance for Needy Families (TANF), are considered high-risk youth, or are in need of some type of vocational rehabilitation. The maximum credit can be up to $3,000 of first-year wages. The credit only applies to businesses located within the Renewal Community over a seven year period.

(4) A commercial revitalization tax credit for the renovation and rehabilitation of qualified, non-residential buildings located within a Renewal Community. The credit is worth up to 20% of the cost of renovation of 5% a year for ten years;

(5) Permits taxpayers to expense costs incurred in the abatement of environmental contaminants located within a Renewal Community.

Provides Family Development Accounts for the working poor residing in ''renewal communities'' along the following guidelines:

(1) As an incentive for low-income working families to save, EITC recipients would be able to put a portion of their credit into a savings account and be rewarded with a federal match. The intent of this section is to provide low-income working families an incentive to accumulate assets and help achieve economic self-sufficiency. Withdrawals from these accounts, known as Family Development Accounts, would be tax-free for the purchase of a home, post-secondary education, emergency healthcare costs or the creation of a small business. Contributions to the account would be limited to $2,000 in unmatched income for a one year period.

(2) These FDA accounts may be matched by public and private funds to help low-income families build family assets and become independent from government programs. Matches could be provided by local churches, service organizations, corporations, foundations, and state or local governments. A federal match of this money would also be deposited into the Family Development Account in at least 25 ''renewal communities.'' The funds for these demonstration programs will come from the $1 billion extra Social Service Block Grant program created in the 1993 enterprise zone bill.

Provide a new tax credit for charitable giving to private organizations which aid the poor along the following guidelines:

(1) The credit would equal 75 percent of the value of donations to qualified charities. The maximum gift for which such credit would be claimed would be $100 for a single filer ($200 for a joint-filing household). This credit would only be active for a three year period. In order to be eligible for the credit, the filer must have completed at least 10 hours of volunteer service for the designated organization over a one year period.

(2) In order for the credit to be claimed, the charity which receives the gift: (a). must be predominately involved in the provision of services to persons whose annual incomes do not exceed 185 percent of poverty; (b). must allocate at least 70 percent of its total expenditures to direct services to low-income persons.

TITLE III: LOW-INCOME EDUCATIONAL OPPORTUNITY SCHOLARSHIP PROGRAM

Establish an educational choice scholarship program in each ''renewal community'' along the following guidelines:

(1) Parents of children who receive assistance under this program will be free to choose the school which their children will attend from a wide range of types of schools, including: alternative public schools, charter schools, private schools, and private religious schools.

(2) Funds under the program may be used (a). to cover the reasonable cost of transportation to alternative public schools or (b). to provide scholarships to pay for tuition and reasonable transportation costs to private, and private religious schools.

(3) Each locality will determine the value of scholarships for children in their locality. The maximum value of the scholarship shall not exceed the per capita cost of educating children in a public school in the locality. The scholarship shall have a minimum value which shall not fall below the lesser of: (a). 66 percent of the per capita costs of educating children in the public schools in the locality; or (b). the normal tuition charged by the private school.

(4) A parent shall be able to redeem a scholarship at any private or private religious school within the locality which meets the health and educational standards for private schools within the locality which existed as of January 1, 1996. All schools which receive these scholarships shall comply with the antidiscrimination provision of Section 601 of Title VI of the Civil Rights Act of 1964 and may not discriminate on the basis of race.

(5) The locality may not prohibit parents from using scholarships to pay for tuition in religious schools and may not discriminate in any way against parents who choose to place their child in a religious school. The Senate version of the bill ensures that state and local funds are not used for scholarships where it is prohibited by state law or state constitution.

(6) Education funds under this act shall be provided into two tiers: Tier I funds shall be based on the number of school-age children with family incomes below 185 percent of poverty; Tier II funds shall be based on the level of private and public contribution to scholarships in the locality.

The level of Tier I funds, which each community shall receive, shall be pro-rated based on the number of school-age children in families residing in the community with incomes below 185 percent of poverty relative to the total number of such children in all localities eligible for funding. 80 percent of the funds shall be dedicated to Tier I.

Tier II funds shall equal 20 percent of all education funds under this Act and shall be proportional to the level of contribution to scholarships from non-federal funds (public or private) within the locality.

(7) No individual shall be entitled to scholarships. A locality shall allocate scholarships and transportation aid to eligible parents who apply for aid on a first-come, first-served basis or through another mechanism of selection determined by the locality which does not discriminate on the basis of the type of school selected by the parent.

(8) If the funds allocated to a locality under this act exceed the total expenditures on transportation aid and scholarships in a locality in a given year, the locality may use the surplus funds to provide for the education of low-income children within the public school system.

TITLE IV: FAITH-BASED SERVICE PROVIDER EMPOWERMENT AND HOMEOWNERSHIP

The act would empower neighbhorhood groups, including religious institutions, who want to provide drug treatment and drug counseling activities in the following manner:

(1) Modifies existing drug counseling and drug rehabilitation programs. A state may provide drug counseling and drug rehabilitation services through contracts with religious organizations or other private organizations; or may provide beneficiaries with vouchers or certificates which are redeemable for services provided by such organizations.

(2) Funds may be used for drug counseling and rehabilitation programs which have a religious content and character, as long as the beneficiary is able to choose among a range of service providers, including those which are religious in character. Such use of funds shall conform to the Supreme Courts interpretation of the Establishment Clause as provided in Mueller v. Allen and Witters v. Department of Services for the Blind.

(3) No beneficiary shall be required to participate in a service or program which is religious in character. In all cases beneficiaries shall be given the option of selecting services from a non-religious provider.

(4) Except as provided in #3 above, neither the federal government nor a state receiving funds may discriminate against an organization which seeks to provide services or be a contractor on the basis that the organization has a religious character.

(5) States would be required to undertake a review of credentialing requirements for drug rehabilitation programs. The goal of this review would be to improve efficiency and effectiveness of programs by reducing credentialing requirements.

More low-income families will have the opportunity to buy their first home through the Renewal Community home-ownership provisions. These measures provide for the sale of unoccupied or substandard homes and housing projects located within Renewal Communities and owned by HUD to community development corporations.

Finally, the bill would encourage bank lending within ''renewal communities.'' The bill amends section 804 of the Community Reinvestment Act of 1977 and allows financial institutions to receive CRA credit for investments in, loans to, or other ventures with community development financial institutions as defined by the Bank Enterprise Act of 1991 and which are located within ''renewal communities.''●

● Mr. LIEBERMAN. Mr. President, from the time I came to the Senate in 1989, I have been proud to advocate enterprise zones for America's troubled neighborhoods. I think this issue is at the heart of the whole question of what America must do to redeem the promise of economic opportunity for all Americans. I was pleased to work with Jack Kemp on this issue when he was Secretary of HUD, for the past 2 years with Senator ABRAHAM, and now with Representatives WATTS, FLAKE, and TALENT.

We all believe that not enough is being done to empower those people who live, work, and want to start businesses in our poorest urban and rural areas of the country. Any response to the economic distress in urban and rural areas which does not include a mechanism to attract businesses and jobs back to these areas is a response that is destined to fail.

We took a step toward empowering poor Americans and identifying and helping impoverished communities by passing 1993 legislation creating empowerment zones and enterprise communities in more than 100 neighborhoods across the country. With the passage of that legislation, Congress recognized something that our States have acknowledged for many years: Government loses the war on poverty when it fights alone. What we really need to do is figure out a way to pull the people and the places with little or no stake in our economic system, into our system. We need to answer ''yes'' to the question posed by Paul Pryde, coauthor of ''Black Entrepreneurship in America.'' That question is, ''Can we make the market work for the discouraged, isolated and frequently embittered underclass?''

We can, and need, to answer, ''yes.'' The 1993 legislation marked a fundamental change in urban policy, by recognizing that American business can and must play a role in revitalizing poor neighborhoods. Indeed, American business involvement is essential if we are to break the cycle of poverty and the related ills confronting too many cities and rural areas today—crime, drug abuse, illiteracy, and unemployment.

The 1993 breakthrough was a good start, but we did not go far enough. That's why I am pleased to join with my colleague, Senator SPENCER ABRAHAM, on a bipartisan basis, in announcing the American Community Renewal Act of 1997. We want to help economically distressed urban and rural areas by creating 100 community renewal zones, including current empowerment zones and enterprise communities created by OBRA 1993, and additional communities meeting poverty and local commitment criteria. Specifically, these zones must have a 20 percent or more poverty rate, unemployment of at least 15 percent the national rate, and at least 70 percent of households with incomes below 80 percent median household income. Renewal communities will commit to reducing barriers to business, such as reductions in local taxes and fees, elimination of State and local sales tax, and waiver of local and State occupational licensing regulations except for those specifically needed to protect health and safety.

This legislation will offer targeted, pro-growth tax and regulatory relief to encourage private sector job creation and economic activity in impoverished areas. To enhance business and community partnerships, we have included provisions to facilitate additional housing opportunities, encourage savings, and offer additional education and investment opportunities. The CRA credit will facilitate additional investment and lending to community development financial institutions, and family development accounts will encourage low-income families to save part of their income or EITC refund. Family development account funds will be deductible for tax purposes and can be withdrawn tax-free if used for qualified purposes. Family and community

ties will be strengthened through new private investment opportunities and expanded access to drug treatment in these communities.

We cannot give up on our inner cities and impoverished areas. Government, itself, cannot revitalize these areas. Communities must be strengthened through expanded economic opportunities, jobs, and private sector development in people's own local neighborhoods. Only then, can our communities save themselves from the vicious cycle of poverty and prepare our children for the future. Local partnerships and the commitment of business and communities to improving the economy of our poorest areas will provide the cornerstone of the future.

Through limited government involvement, enhanced personal responsibility, and the economic freedom of business to grow and develop, poor communities can become players in our Nation's economy. The American Community Renewal Act helps poor Americans of all backgrounds pursue happiness, and escape from the trap of poverty that defines too many of their lives today.●

By Mr. BROWNBACK (for himself, Mr. KYL, Mr. ALLARD, Mr. COATS, Mr. ENZI, Mr. HAGEL, and Mr. SESSIONS):

S. 433. A bill to require Congress and the President to fulfill their Constitutional duty to take personal responsibility for Federal laws; to the Committee on Governmental Affairs.

THE CONGRESSIONAL RESPONSIBILITY ACT OF 1997

● Mr. BROWNBACK. Mr. President, I introduce a piece of legislation that is being cosponsored by five of my colleagues. This legislation is the Congressional Responsibility Act of 1997.

But first of all I would like to recognize the tremendous work of Congressman J.D. HAYWORTH in pushing this legislation during the last Congress. As leader of the Constitutional Caucus J.D. has worked hard to return to Congress its constitutionally granted authority over the lawmaking process, and it is a privilege to be able to work with him on this legislation during the 105th. Congressman J.D. HAYWORTH will introduce the Congressional Responsibility Act of 1997 along with 30 of his House colleagues in the U.S. House of Representatives later today.

I believe the Congressional Responsibility Act of 1997 will provide a powerful tool in returning to Congress the constitutional responsibility it has abdicated for much of this century to unaccountable executive branch bureaucrats.

Ultimately this bill is about returning the constitutional responsibility of Congress back to the Congress.

Article I, section 1 of the Constitution states, ''All legislative powers herein granted shall be vested in a Congress.''

I believe that for too long Congress has ignored this provision by purposely writing excessively broad laws that are left not to Congress for interpretation but instead to unaccountable bureaucrats. As it stands now; Congress writes a law, an executive branch agency then interprets the law and promulgates regulations, and then the agency enforces the regulation. The agency in effect becomes both the maker and the enforcer of law.

This is wrong.

I agree with Madison, who wrote in the Federalist Papers that the consolidation of power into one branch of government is tyrannical.

This type of consolidation separates the American people from the process of lawmaking by separating the Congress from the promulgation of rules and regulations.

Taxation without representation was the charge levied at the British Government at the birth of our country. I believe a new charge levied at our own Government is regulation without representation. I believe it is a charge that we must answer.

The American people have a right to be heard in the lawmaking process; and we have a constitutional responsibility to make the law. Congress cannot and must not continue to carelessly delegate its authority away to executive branch agencies. In fact, it must take back that which it has already given away.

We must be responsible.

My bill will make us responsible. The Congressional Responsibility Act of 1997 will force Congress to vote on the rules and regulations promulgated by executive branch agencies before the rules and regulations can take effect.

Some will argue that this process will place an increased burden on the Congress who, they argue, already has little enough time to consider all the issues that come before it. This is an understandable concern.

The obvious answer is that regardless of the time burden it is still our constitutional responsibility to oversee the lawmaking process.

But our bill does address some of these concerns. For example, our bill will require Congress to vote on every proposed rule or regulation in an expedited manner, unless a majority of Members vote to send it through the normal legislative process. Under the expedited procedure the majority leader of both Houses, by request, must submit a bill comprised of the text of the regulation for consideration. The bill must then come before the respective Chamber for a vote within 60 days with debate limited to 1 hour and not amendable. If the bill is sent through the normal legislative process it is amendable. If the bill is not introduced the regulation is effectively killed. Congress must act for the regulation to take effect.

It is our responsibility to represent our constituents, to create a better Government, and to ensure the integrity of our democracy by always striving to give those who don't have a voice, a voice. It is our duty—it is what we were sent here to do.

Constitutional experts from across the country have expressed their strong support for this legislation.

Judge Robert Bork and Stephen Breyer have both expressed support for this issue. As well Professor David Schoenbrod at New York Law School and Professor Marci Hamilton at Cardozo have written letters strongly recommending that we adopt this bill and reassert our constitutional responsibility over the creation of laws. KU law professors Henry Butler and Steve McCallister have signed on as well. Professor John Hart Eli of the University of Miami has endorsed this bill as well.

This is a bipartisan concept that has, in the past, enjoyed the support of people like Senator Bill Bradley, and Nadine Strossen, president of the ACLU. Judge Robert Bork has expressed his support for this concept as well.

It is my sincere hope that Congress will act as it ought to act and in so doing pass the Congressional Responsibility Act of 1997 and once and for all return to Congress the authority it should have never given away.

I urge speedy consideration of this timely and vitally important piece of legislation.●

● Mr. HAGEL. Mr. President, I rise today as an original cosponsor of the Congressional Responsibility Act. I commend my distinguished colleague from Kansas, Senator BROWNBACK, for his leadership on this matter.

This legislation is an important step toward restoring the intent of our Constitution's framers that Congress—not the executive branch—makes the law. For too long, unelected bureaucrats in Federal departments and agencies have issued rules and regulations that have the force of law but that have never been deliberated by the people's elected representatives in Congress. That's not democracy. That's not accountability. America is not supposed to work that way.

We all know stories of Federal regulations run amok. We know of rules that make no sense, of regulations whose costs far outweigh their benefits, of rules that either don't solve the problem or prove worse than doing nothing at all.

Time and again, these senseless regulations hurt real people—people who expect accountability from their Government. Regulations have become one of the largest burdens on America's small businesses, farmers, ranchers, and private property owners. If Americans are to maintain faith in our democracy, the onslaught of regulation must be stopped.

Of course, Congress is not perfect either—but at least we are accountable to the people. That is why the Framers intended that Congress would make laws, and the executive branch would only carry them out. Regulatory agencies should interpret the laws passed by Congress—not make laws of their

own. That is why we need to restore the Constitution's intended separation of powers.

This legislation would do just that. It would prevent any Federal regulation from taking effect until Congress votes on it. In essence, it transforms the Federal regulators into Federal advisors—suggesting regulations that Congress may or may not approve.

Last year, Congress enacted the Congressional Review Act, which permitted Congress to review major Federal regulations. That was an important first step. This legislation we are introducing today goes a step beyond that—it requires Congress to approve all federal regulations. If Congress does not approve, the regulators cannot regulate.

Mr. President, this bill is an important tool to return accountability to the regulatory process. This is about cutting Government and renewing the basic principle of our democracy—that the people, through their elected representatives, control the Government, and not the other way around.

I am proud to be an original cosponsor of this legislation, and I urge all of my colleagues to support it.●

By Mr. MOYNIHAN (for himself and Mr. BYRD):

S. 434. A bill to amend the Internal Revenue Code of 1986 to correct the treatment of tax-exempt financing of professional sports facilities; to the Committee on Finance.

THE STOP TAX-EXEMPT ARENA DEBT ISSUANCE ACT

● Mr. MOYNIHAN. Mr. President, today I am introducing legislation to prohibit the use of tax-exempt financing for professional sports stadiums, the Stop Tax-exempt Arena Debt Issuance Act [STADIA], with one modification.

The bill I introduce today is identical to S. 122, the previously introduced version of the STADIA bill, in all respects save one. The new version, rather than generally applying to bonds issued on or after the date of first committee action, as specified in S. 122, will be effective generally for bonds issued on or after the date of enactment.

On February 27, during the floor debate regarding the reinstatement of the airport and airway trust fund taxes, the senior Senator from Pennsylvania, Senator SPECTER, raised an objection to the majority leader's request that the aviation tax bill be taken up and passed. Senator SPECTER's objection was based on his concerns about the effective date of S. 122. In view of the importance of the aviation tax legislation, which is critical to the funding of air safety measures, I agreed to revised the effective date of my bill. Senator SPECTER then withdrew his objection to passage of the aviation tax legislation, which the Senate proceeded to pass by unanimous consent.●

ADDITIONAL COSPONSORS

S. 25

At the request of Mr. FEINGOLD, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 25, a bill to reform the financing of Federal elections.

S. 66

At the request of Mr. HATCH, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 66, a bill to amend the Internal Revenue Code of 1986 to encourage capital formation through reductions in taxes on capital gains, and for other purposes.

S. 114

At the request of Mr. INOUYE, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 114, a bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 222

At the request of Mr. DOMENICI, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 222, a bill to establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies.

S. 323

At the request of Mr. SHELBY, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 323, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States.

S. 368

At the request of Mr. BOND, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 368, a bill to prohibit the use of Federal funds for human cloning research.

S. 375

At the request of Mr. MCCAIN, the names of the Senator from Kansas [Mr. BROWNBACK], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 375, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

SENATE RESOLUTION 59

At the request of Mr. KENNEDY, the names of the Senator from Michigan [Mr. ABRAHAM], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Mississippi [Mr. COCHRAN], the Senator from Utah [Mr. BENNETT], the Senator from Georgia [Mr. COVERDELL], the Senator from Delaware [Mr. BIDEN], the Senator from Connecticut [Mr. DODD], the Senator from California [Mrs. BOXER], the Senator from West Virginia [Mr. BYRD], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Massachusetts [Mr. KERRY], the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Hawaii [Mr. AKAKA], the Senator from Iowa [Mr. GRASSLEY], the Senator from Vermont [Mr. JEFFORDS], the Senator from North Dakota [Mr. CONRAD], the Senator from Georgia [Mr. CLELAND], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Utah [Mr. HATCH], the Senator from South Dakota [Mr. DASCHLE], the Senator from Ohio [Mr. DEWINE], the Senator from Nevada [Mr. BRYAN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Delaware [Mr. ROTH], the Senator from North Dakota [Mr. DORGAN], the Senator from Illinois [Mr. DURBIN], the Senator from California [Mrs. FEINSTEIN], the Senator from Kentucky [Mr. FORD], the Senator from Ohio [Mr. GLENN], the Senator from Florida [Mr. GRAHAM], the Senator from Hawaii [Mr. INOUYE], the Senator from Louisiana [Ms. LANDRIEU], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Vermont [Mr. LEAHY], the Senator from Michigan [Mr. LEVIN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Maryland [Ms. MIKULSKI], the Senator from Washington [Mrs. MURRAY], the Senator from Rhode Island [Mr. REED], the Senator from Nevada [Mr. REID], the Senator from Maryland [Mr. SARBANES], the Senator from New Jersey [Mr. TORRICELLI], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Senate Resolution 59, a resolution designating the month of March of each year as ''Irish American Heritage Month.''

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that the hearing scheduled before the full Energy and Natural Resources Committee to receive testimony regarding S. 417, a bill ''to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002,'' S. 416, a bill ''to amend the Energy Policy and Conservation Act to extend the expiration dates of existing authorities and enhance U.S. participation in the energy emergency program of the International Energy Agency,'' and S. 186, a bill ''to amend the Energy Policy and Conservation Act with respect to purchases from the Strategic Petroleum Reserve by entities in the insular areas of the United States and for other purposes,'' has been postponed.

The hearing was scheduled to take place on Tuesday, March 18, 1997, at

9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC, and will be reschedule later.

For further information, please call Karen Hunsicker, counsel (202) 224–3543 or Betty Nevitt, staff assistant at (202) 224–0765.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS AND THE COMMITTEE ON INDIAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, March 12, 1997, at 2:30 p.m. in room 106 of the Dirksen Senate Building with the Committee of Banking, Housing, and Urban Affairs to conduct a joint oversight hearing on Indian housing programs operated by the Department of Housing and Urban Development [HUD].

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on March 12, 1997, at 2 p.m. on universal service.

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

COMMITTEE ON FINANCE

Mr. LOTT. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, March 12, 1997, beginning at 10 a.m. in room 215 Dirksen.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a Public Health and Safety Subcommittee Hearing on Scientific Discoveries in Cloning: Challenges for public policy, during the session of the Senate on Wednesday, March 12, 1997, at 9:30 a.m.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, March 12, 1997 beginning at 9:30 a.m. until business is completed, to hold an oversight hearing on the operations of the Smithsonian Institution, the Woodrow Wilson Center for International Scholars, and the John F. Kennedy Center for the Performing Arts.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 12, 1997 at 9 a.m. to hold an open hearing on the Nomination of Anthony Lake to be Director of Central Intelligence.

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

SUBCOMMITTEE ON AIRLAND FORCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces be authorized to meet on Wednesday, March 12, 1997, at 10 a.m. in open session, to receive testimony on the Defense authorization request for fiscal year 1998 and the future years Defense Program.

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

SUBCOMMITTEE ON PERSONNEL

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet on Wednesday, March 12, 1997, at 2 p.m. in open session, to receive testimony on Department of Defense policies pertaining to military compensation and quality of life programs in review of the Defense authorization request for fiscal year 1998 and the future years Defense program.

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

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, EXPORT AND TRADE PROMOTION

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Export and Trade Promotion of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 12, 1997, at 10 a.m. to hold a hearing.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet at 2 p.m. on Wednesday, March 12, 1997 to receive testimony on U.S. National Security Space Programs and Policies and the Department of Defense budget request for fiscal year 1998 and the future years Defense program.

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

SUBCOMMITTEE ON WESTERN HEMISPHERE, PEACE CORPS, NARCOTICS AND TERRORISM

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 12, 1997, at 1 p.m. to hold a briefing, and at 2 p.m. to hold a hearing.

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

ADDITIONAL STATEMENTS

REVERSAL RATE OF THE NINTH CIRCUIT COURT OF APPEALS

● Mr. KYL. Mr. President, I rise to make a few remarks concerning the Ninth Circuit Court of Appeals and the Senate's role in confirming judges.

The ninth circuit is enormous. It spans nine states and two territories covering 1.4 million square miles. It serves a population of more than 45 million people; the next largest, the sixth circuit, serves fewer than 29 million people, and every other Federal circuit serves fewer than 24 million. By 2010, the Census Bureau estimates that the population of the ninth circuit will be more than 63 million—a 40-percent increase in just 15 years. Given the demographic trends in our country, it is clear that the population of the States in the ninth circuit, and thus the caseload of the Federal judiciary sitting in those States, will continue to increase at a rate significantly ahead of most other regions of the country.

To serve its enormous population, the ninth circuit already has 28 judgeships, making it by far the largest circuit—and, in fact, larger than the first U.S. Senate. The next largest circuit, the fifth circuit, has 17 judgeships, while the first circuit has six and the seventh and eighth each have 11. The average number of judgeships in the Federal circuits other than the ninth is 12.6. Further, the ninth circuit has requested an additional nine judgeships, which would take it to 37 active judges, in addition to senior judges.

Unfortunately, too often the decisions reached by this circuit have had to be reversed on appeal. According to statistics published in the National Law Journal, in the last six terms of the U.S. Supreme Court—from the 1990–91 term to the 1995–96 term—the Supreme Court reversal rate for the ninth circuit was 73 percent, 69 of 94 cases were reversed. The average reversal rate for the other circuits was 61 percent, 268 of 442. And so far this term, the high court has overturned 10 of the 11 ninth circuit cases it has reviewed. Since circuit judges are simply supposed to apply the law enunciated by the Supreme Court, the obvious question is why the ninth circuit gets it wrong almost three-fourths of the time the Supreme Court reviews its decisions.

Consider, for example, the 11 decisions handed down by the Supreme Court on February 18 and 19. Three of the eleven decisions reviewed ninth circuit cases. In all three cases, the ninth circuit was in conflict with other circuits. In fact, in one case, the ninth circuit disagreed with five other circuits. In all three cases, the Supreme Court unanimously reversed the ninth circuit.

Such decisive reversals are not an aberration. Most recently, on March 3, in a unanimous decision by Justice Ginsburg, the Supreme Court reversed an

en banc ninth circuit decision that Arizona could not require State employees to speak only English on the job. The Supreme Court ordered a State employee's challenge to Arizona's English-only constitutional amendment to be dismissed as moot because the worker resigned 7 years ago. The high court castigated the ninth circuit. As the New York Times, March 4, 1997, stated, ''Justice Ginsburg was pointed in her criticism of how * * * the Ninth Circuit * * * handled this case.'' For example, Justice Ginsburg wrote, ''The ninth circuit had no warrant to proceed as it did.'' Previous opinions have been even more damning.

The Supreme Court is able to review only a small number of the ninth circuit's decisions. Thus, in all but a tiny fraction of cases, the ninth circuit is the court of last resort for more than 45 million Americans. To have so many subject to a circuit that so often errs should concern us.

Some have attributed the ninth circuit reversal rate to the unwieldy size of the bench. Others point to a history of judicial activism, sometimes in pursuit of political results. I suspect there is more than one reason for the problem. Whatever the case, the Senate will need to be especially sensitive to this problem when it provides its advise and consent on nominations to fill court vacancies. The nominees will need to demonstrate exceptional ability and objectivity. The Senate will obviously have an easier time evaluating candidates who have a record on a lower court bench. Such records are often good indications of whether a judge is—or is likely to be—a judicial activist, and whether he or she is frequently reversed. Nominees who do not have a judicial background or who have a more political background may be more difficult to evaluate.

As President Clinton noted in response to Senator Dole's criticism—of ''activist'' judges—in the last campaign, the Senate has as much responsibility as the President for those who end up being confirmed. We need to take that responsibility seriously —among other things, to begin the process of reducing the reversal rate of our largest circuit.●

DIVERSIFIED INTERGENERATIONAL CARE, INC.

● Mr. LIEBERMAN. Mr. President, I rise today to honor Diversified Intergenerational Care, Inc., in recognition of the grand opening of their facility at the West Haven Medical Center on March 21, 1997. This facility, which is the first of its kind in the Nation, will provide child care services and care for the mildly ill and elderly.

The sole principals of the company, Scott L. Shafer and Bernard L. Ginsberg, were able to make this facility a reality through a lease they were awarded by the Department of Veterans Affairs. They were selected for the Department's enhanced-use lease through a highly competitive process involving companies nationwide.

Diversified Intergenerational Care, Inc., considers it an honor to work with the Department of Veterans Affairs. They intend to continue their partnership by developing other intergenerational facilities. Their goal is to satisfy the unmet need for child care services while also providing care for mildly ill children and the elderly at VA medical centers across the country.

I congratulate Diversified Intergenerational Care, Inc., the Department of Veterans Affairs in Washington, DC, and the Connecticut Healthcare System for creating this very worthwhile facility, and thank them for working to make these vital services available to those in need.●

TRIBUTE TO GILES NORRINGTON, USN

● Mr. SMITH of New Hampshire. Mr. President, I rise to pay tribute to a fellow Navy man, Capt. Giles Roderick Norrington, who will be reaching a milestone this Friday, March 14, 1997—the 24th anniversary of his release from captivity in North Vietnam.

On May 5, 1968, Captain Norrington was shot down on a reconnaissance mission over North Vietnam while piloting his RA5C aircraft. He was held in various prisons in North Vietnam where he endured great physical and mental hardships as a POW for 5 years. During those difficult times, Captain Norrington and his fellow POW's never lost faith in their country. They persevered and they returned with honor. All Americans owe these brave men a great debt of gratitude for their sacrifices on our behalf.

Indeed, Captain Norrington's service and loyalty to his country has been commendable, not just during his captivity in North Vietnam, but throughout his 34 years of active duty naval service. After his retirement from the Navy, he dedicated himself to his community as an outstanding member of the Rotary Club of Bailey's Crossroads in the State of Virginia. Recently, his fellow Rotarians expressed their continued support for Captain Norrington by electing him as their next vice-president.

On Friday, March 14, 1997, Captain Norrington will be surrounded by his family and close friends who will be gathering to pay tribute to him. As a Vietnam veteran who also served in the Navy, I consider it an honor and privilege to share in this tribute, and I look forward to thanking Captain Norrington personally for his heartfelt service to our great Nation and to his own community.●

CONGRATULATING THE UNIVERSITY OF GEORGIA'S BULLDOGS AND LADY BULLDOGS

● Mr. CLELAND. Mr. President, I am delighted to have this opportunity to congratulate the University of Georgia men's and women's basketball teams on their outstanding seasons. Georgia fans all over the country have had the pleasure of watching these two teams play great basketball in a conference known for its competitiveness. Tubby Smith's Bulldogs and Andy Landers' Lady Bulldogs earned No. 3 and No. 2 regional seeds, respectively, in the NCAA Tournament, making Georgia one of only three schools in the Nation to claim two top four seeds in the tournament.

Coach Tubby Smith, came to Georgia from the University of Tulsa in 1995. He led the 1996 Bulldogs to a 21–10 record and their first NCAA Tournament bid in 5 years. The team won their first NCAA Tournament game in 9 years and made it to the Sweet 16. This year, Coach Smith took a team with no returning starters and tied for the most wins in Georgia men's basketball's 91-year history. As a result of their 24–8 record, they received the No. 3 seed in the NCAA southeast regional.

Coach Andy Landers has been coaching the Lady Bulldogs since 1979. During his 17 seasons at Georgia, Landers has become one of our Nation's elite women's basketball coaches. The Lady Bulldogs have appeared in 13 NCAA Tournaments, 4 NCAA final fours, and won 5 SEC titles during Coach Landers' tenure. These achievements have earned him the honors of National Coach of the Year for 3 years and SEC Coach of the Year for 3 years. The Lady Bulldogs were the SEC regular season champions and have a record of 22–5.

The University of Georgia is fortunate to have individuals of the caliber of Tubby Smith and Andy Landers coaching their basketball teams. Not only are these fine coaches teaching their players basketball skills, but important lessons for life—courage, stamina, tenacity, and grace under pressure. Although they have enjoyed great success throughout their coaching careers, their achievements go far beyond their great talents in coaching. They have given back to their community in countless ways. Coach Landers contributes his time and energy to the United Way of Northeast Georgia, and Coach Smith is also involved in the United Way of Northeast Georgia, as well as the American Cancer Society and the American Heart Association. I would be hard pressed to enumerate all of their contributions to the University of Georgia, the Athens community and to all of the athletes whose lives they have touched.

All of the athletes and coaches of University of Georgia Bulldogs and Lady Bulldogs have displayed their skills and dedication to excellence in basketball throughout this entire season. I extend my best wishes to the Bulldogs' and Lady Bulldogs' basketball teams as they begin play in the NCAA Tournament, and to the University of Georgia Athletic Department for its continued success.●

CAFE STANDARDS

● Mr. ABRAHAM. Mr. President, I rise today to speak once again on the matter of corporate average fuel economy standards. Last month, 12 Senators, from both sides of the aisle, joined with me to introduce legislation—S. 286—to return to Congress the authority for changing CAFE standards.

This issue is attracting an increased amount of attention as Americans begin to understand the consequences of increased fuel economy standards: less consumer choice, more dangerous vehicles, and reduced competitiveness for domestic automobile manufacturers. Perhaps, Mr. President, some of these repercussions could be easier to accept if the supposed benefits of increased CAFE standards were ever realized. Unfortunately, this has not occurred. In the two decades since CAFE standards were first mandated, this Nation's oil imports have grown to account for nearly half our annual consumption and the average number of miles driven by Americans has increased.

Mr. President, an excellent editorial in yesterday's Detroit News illustrates the problems associated with increased CAFE standards, and I ask that this article be inserted in the RECORD immediately following my remarks.

The article follows:

CAFE SOCIETY

Vehicle fuel efficiency standards represent regulation at its worst: unelected bureaucrats endangering the public at considerable cost while failing to achieve the promised result. Unfortunately, eliminating the existing standards appears to be politically unfeasible. But Congress should seize the opportunity recently provided by members of the Michigan delegation to halt new, more punishing mileage requirements.

The issue has taken on renewed urgency with news that the Big Three will fail to meet this year's fuel economy standards—and thus face stiff penalties that would place them at a competitive disadvantage. Fleet mileage averages have fallen with brisk sales of light trucks, sport utility vehicles and vans, which comprise a whopping 44 percent of the new vehicle market—up from 20 percent in 1980.

That consumers prefer less fuel-efficient vehicles proves how the Corporate Average Fuel Economy (CAFE) law has failed to reduce U.S. dependence on foreign oil. Nonetheless, the Clinton administration favors stricter standards convinced that increased fuel efficiency will somehow save us from environmental apocalypse.

Economic catastrophe would likely hit first. Fortunately, Michigan Sen. Spencer Abraham has introduced legislation to freeze mileage standards at current levels, while requiring Congress to approve any future increase. A companion measure has been introduced in the House by Rep. Fred Upton, the Benton Harbor-St. Joseph Republican. Both bills warrant swift passage.

The current federal standard is 27.5 miles per gallon for passenger cars and 20.7 for light trucks. Congress required car standards in the Energy Policy and Conservation Act of 1975. They left light truck levels to be set by the National Highway Traffic Safety Administration.

The fact is, consumers respond most directly to market signals, not government dictates. Oil is cheap and plentiful. It is no surprise, then, that the top 10 most fuel efficient cars represent less than 1 percent of overall car and light truck sales.

If anything, higher fuel efficiency invites more driving, not less. The average American drove about 9,000 miles per year in 1980, but 11,400 in 1995.

Absent an oil crisis, the Clinton administration is left to argue for stricter CAFE standards on environmental grounds. But its case is muddy at best—and deceitful at worst. All new cars must meet the same emission standards regardless of CAFE requirements. Tightening CAFE requirements would do nothing to temper global warming.

Stricter standards would cost a good many Americans their jobs—and lives. European and Japanese automakers long have catered to more mileage-conscious markets, which has kept their fleet mileage comparatively high. Tightening CAFE standards would require costly re-engineering by the Big Three, paring the profit margins on their best-selling and most profitable products.

Meanwhile, the vehicle downsizing required to boost mileage would only increase highway fatalities and injuries. Current standards are responsible for an estimated 3,000 additional highway deaths and innumerable injuries each year.

For two years, Michigan lawmakers have withheld funds that would otherwise have enabled regulators to increase CAFE standards. It makes more sense to rescind NHTSA's authority to change CAFE requirements. That done, Michigan's congressional delegation can turn its attention to outright repeal of what ranks among society's most costly and dangerous regulations.●

TRIBUTE TO BILL O'NEILL

● Mr. DODD. Mr. President, I rise today to pay tribute to a great citizen, a true humanitarian and a dear friend—William F. O'Neill, Jr., of Norwich, CT.

On March 14, Bill will be receiving the Outstanding Citizen Award from the Connecticut Rivers Council, Boy Scouts of America for a lifetime of humanitarian and altruistic deeds.

A World War II veteran, Bill has, and continues to make, untold contributions to the people of Connecticut. He's been a community activist and humanitarian throughout his life, holding leadership positions in the Norwich Chamber of Commerce; the Knights of Columbus; the Lions' Club; March of Dimes; and the Norwich Centenary Committee, to name only a few.

Bill has dedicated his life to making his community a better place for people to live and raise a family. Perhaps his greatest accomplishment was the founding of the Rose Arts Festival. Every year thousands of nutmeggers flock to Norwich to take part in this community event, where they enjoy entertainment, arts and crafts, and good food.

Bill has been recognized on numerous occasions for his tireless efforts, perhaps most notably in 1988, when he was presented with the Knight of St. Gregory Award by Pope John Paul II, for his many years of service to the Roman Catholic Church.

Most recently Bill received the Successful Aging Award from Connecticut Care, which honors those over age 70 who continue to play an active and vital role in the affairs of their community. Clearly, Bill has touched hundreds, if not thousands, of lives.

I have been fortunate to know Bill and his family for many years, and I can attest that he is a man of great integrity, character, and talent.

But, Bill is more than just a close, personal friend, he was also a dear friend to my mother and father. Currently, Bill is the chairman of the Thomas and Grace Dodd Memorial Scholarship—in memory of my parents.

Bill's work on behalf of my parents' and their memory is something for which I will always be grateful. But, I am just one of many who have been touched by Bill's generosity and acts of kindness.

Connecticut is indeed privileged to be able to call William F. O'Neill, Jr. one of its own, and I join all of those who have known Bill in wishing him congratulations and the very best for the future.●

ORDER FOR STAR PRINT—S. 24

Mr. MCCONNELL. Mr. President, I ask unanimous consent that S. 24 be star printed with the changes that are at the desk.

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

INVESTMENT ADVISERS SUPERVISION COORDINATION ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 410 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 410) to extend the effective date of the Investment Advisers Supervision Coordination Act.

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. GRAMM. Mr. President, the Chairman of the Securities and Exchange Commission, Arthur Levitt, has requested that the Securities and Exchange Commission be given additional time to prepare for the historic changes enacted by the last Congress to the Investment Advisers Act. Chairman Levitt requests an additional 90 days before those changes become effective.

After careful review and discussion with my colleagues, and with the members of the affected industries, I believe that it would not only be proper but also desirable to give the SEC an additional 90 days to prepare appropriate regulations and take other steps necessary to implement last year's legislation.

I support this extension, S. 410, of which I am a cosponsor, primarily out of a desire that the necessary rulemaking be done carefully and responsibly. In most respects, I believe that the draft regulations published by the SEC for comment faithfully implement the language of the National Securities Markets Improvement Act and the intent of the Congress. In several instances, in fact, I believe that the SEC has done a particularly fine job in anticipating and responding in detail to the various questions that would arise as we implement the division of regulatory responsibility mandated in last year's historic legislation.

As we adopt this bill today, however, I feel compelled to express concern about one point in particular in which the draft SEC regulations are deficient. The good work of the Commission in other areas of implementing regulations makes this error so glaring. The draft regulations propose to define an investment adviser representative's ''place of business'' in a way that runs totally counter to the spirit of the legislation, the intent of the Congress, and the clear, plain reading of the language of the law.

I am aware that there are those who oppose bringing rationality to the system of securities regulation, who wish to retain superfluous layers of regulatory oversight, and who are not bothered by subjecting securities professionals to redundant supervision by the Federal Government and by a multitude of State governments. However, the fact is that Congress acted last year to eliminate where possible multiple State supervision of securities market professionals, and the SEC rules should not contradict the statute.

Under the plain provisions of the law as enacted last year, investment adviser representatives subject to SEC supervision may also be supervised to a limited degree by the Government of the State where the representatives has a ''place of business.'' When I think of place of business for an investment adviser representative, I certainly do not think of a restaurant, an automobile, an airport lobby, or a phone booth, and I would consider it bizarre to think of an adviser's client as a ''place of business.'' The implementing regulations must not indulge in the creation of this confusion, either.

Mr. President, I urge my colleagues today to agree to this legislation to give the SEC an additional 90 days to implement the investment advisers title of the National Securities Markets Improvement Act, and I do so explicitly so that the SEC will use this time wisely to correct the deficiencies in the proposed regulations, such as the place-of-business definition, and thereby implement last year's act and the will of the Congress, not frustrate it.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

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

The bill (S. 410) was deemed read for a third time, and passed as follows:

S. 410

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

SECTION 1. EXTENSION OF EFFECTIVE DATE.

Section 308(a) of the Investment Advisers Supervision Coordination Act (110 Stat. 3440) is amended by striking ''180'' and inserting ''270''.

ORDERS FOR THURSDAY, MARCH 13, 1997

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 a.m. on Thursday, March 13. I further ask unanimous consent that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted, and that there then be a period for morning business until the hour of 12:30 p.m. with Senators to speak for up to 5 minutes each, with the exception of Senator DOMENICI in control of 1 hour, Senator BINGAMAN in control of 1 hour, and Senator BURNS for 5 minutes.

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

PROGRAM

Mr. McCONNELL. Mr. President, for the information of all Senators, following morning business tomorrow the Senate will resume consideration of Senate Joint Resolution 18, the Hollings resolution regarding a constitutional amendment on campaign expenditures. It is the majority leader's hope that on Thursday we will be able to reach an agreement as to when the Senate will complete action on this resolution. Rollcall votes are, therefore, possible throughout Thursday's session of the Senate, and the Senate may be asked to consider other legislative or executive matters that can be cleared.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR ADJOURNMENT

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order, following the remarks of Senator TORRICELLI.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. ENZI. Mr. President, I ask unanimous consent that the order allowing for remarks by Senator TORRICELLI be vitiated.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 6:05 p.m., adjourned until Thursday, March 13, 1997, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 12, 1997:

DEPARTMENT OF STATE

LETITIA CHAMBERS, OF THE DISTRICT OF COLUMBIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 51ST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JAMES CATHERWOOD HORMEL, OF CALIFORNIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 51ST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

PREZELL R. ROBINSON, OF NORTH CAROLINA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 51ST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

CONFIRMATION

Executive Nomination Confirmed by the Senate March 12, 1997:

DEPARTMENT OF ENERGY

FEDERICO PEÑA, OF COLORADO, TO BE SECRETARY OF ENERGY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

TRINITY LAKE

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. HERGER. Mr. Speaker, for the opportunity to testify in support of my legislation, H.R. 63, which proposes to redesignate Clair Engle Lake in northern California to its better known, common name of ''Trinity Lake.'' I appear today on behalf of the Trinity County Board of Supervisors and the residents of Trinity County, who have requested I introduce this legislation.

Local support for this legislation is overwhelming. One poll, conducted by a local newspaper, showed an almost unanimous vote in favor of changing the lake's name to Trinity Lake. It has also been unanimously endorsed by the Trinity Board of Supervisors, who passed a resolution calling for this action in 1995.

Since the reservoir was created by the construction of the Trinity Dam, locals have referred to it as ''Trinity Lake.'' It earned this name because of its location in Trinity County and its proximity to the Trinity Alps. Reference to the name ''Trinity Lake'' has been so attractive that it has been adopted by virtually every segment of the general public as well as local, State, and Federal authorities. It has been used extensively by the local tourist industry and public officials to promote the recreational aspects of the lake, since the name ''Trinity Lake'' creates stronger promotional imagery than does the name ''Clair Engle Lake.'' In fact, the Trinity Lake designation has become so pervasive that about the only people who don't refer to the lake as ''Trinity Lake'' are those nonresidents and tourists who have never been to the lake itself.

Understandably, this has created a great deal of confusion for visitors to the lake and, consequently, has had a negative economic impact on the lake communities. by changing the name, my legislation will eliminate this confusion and enhance the benefits that the lake brings to Trinity County. Mr. Speaker, in view of the overwhelming sentiment in favor of this legislation, and the worthwhile objectives of eliminating confusion and enhancing economic benefits for Trinity County, I respectfully request the support and endorsement of this House of Representatives in answering the urgent plea of Trinity County residents by giving them back their lake through redesignation of Clair Engle Lake to its more popular name, ''Trinity Lake.''

RECOGNITION GIVEN TO C. RASEH NAGI OF BROOKLYN

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. SCHUMER. Mr. Speaker, today I wish for my colleagues and friends to join me honoring a shining star in my community, Ms. C. Raseh Nagi. Ms. Nagi has been a true leader in the movement to improve educational opportunity for over 35 years. Beginning as a teacher in I.S. 78, she moved on to initiate important programs in foreign language studies and a center for intellectually gifted students. More recently as community superintendent of district 28 she has continued to make vital contributions in education all worthy of mention and praise.

She was instrumental in establishing the District 28 Academy, an alternative program for at-risk junior high school students. Improving on the initial program for gifted students, she created and implemented a districtwide talented and gifted program. Her talents have also served the education community well outside the classroom. She initiated and supported the preparation of competitive and legislative proposals which supplemented the funding available to the district's schools. She encouraged and engaged representatives from all school constituencies to participate in the educational process. She has worked diligently to make education in the community a comprehensive endeavor.

Ms. Nagi has demonstrated a commitment to excellence in the teaching and learning process, focusing on the achievement of high standards for all. I would like to take this moment to recognize Ms. Nagi for her accomplishments and to thank her on behalf of the children and parents she has touched. C. Raseh Nagi has been a true friend and strong leader for the professional staff of district 28 and, she has felt all children have the ability and potential to be anything they want to be.

Thank you Ms. Nagi.

MEDICAID

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 12, 1997, into the CONGRESSIONAL RECORD.

MEDICAID

All of us are aware of the high cost of health care. For many Americans, meeting health care needs is a financial strain, but it is an overwhelming prospect for those with the lowest incomes. Medicaid is a joint federal-state entitlement program that helps provide health insurance for 38 million low-income Americans, including the blind, disabled, or parents of dependent children.

For more than three decades Medicaid has had a major impact on the lives of poor Americans, helping to protect the health of the most vulnerable. It has also grown into one of the most costly programs in the federal budget—only Social Security, Medicare, and national defense cost more. Yet despite the importance and size of Medicaid, many people are not very familiar with it. I often hear from Hoosiers asking about the basic structure of the program.

Who is eligible for Medicaid? Since 1965 Medicaid has had a positive impact on the health of our most vulnerable populations: indigent elderly and disabled persons, women and children. Covering 1 of 5 children, ⅓ of all births, and ¼ of nursing home costs, Medicaid has clearly been important. Around 14% of the overall population and some 600,000 Hoosiers benefit from Medicaid services.

Some 70% of those receiving Medicaid are non-elderly poor, but almost 70% of the program costs go to the other 30% of recipients: the blind, disabled, and poor elderly. Not all people earning low incomes are covered by Medicaid. This is largely because people must meet other eligibility criteria besides having low income. For example, single adults or childless couples who are not disabled or aged are ineligible for Medicaid no matter how poor they are. In Indiana more than half of Medicaid recipients are children under 21. President Clinton has proposed improving efforts to reach the 3 million children nationally who are currently eligible for Medicaid but are not signed up.

Because Medicaid is administered jointly by the federal and state governments, states have some discretion in determining eligibility. The federal Medicaid law defines some 50 groups as potentially eligible. Some must be covered by the states, others are optional. In general, only U.S. citizens may qualify for Medicaid.

What services does Medicaid cover? The federal government requires state Medicaid programs to cover a minimum set of benefits for all eligible recipients, including hospital care, nursing home care, physician services, and laboratory and x-ray services. A substantial portion, almost 40%, of Medicaid spending goes for long-term care services such as nursing home care and home care. In fact, Medicaid is the primary source of long-term care coverage.

Beyond these minimum required services, states have the discretion to cover more. For example, all states voluntarily cover prescription drugs; some also cover institutional care for mentally handicapped individuals and dental and vision care for adults. Indiana is fairly generous, relative to other states, in the optional services its Medicaid program provides. States receive federal matching funds for these additional services.

What is the cost of Medicaid? The federal government does not shoulder the cost of Medicaid alone; it is a shared commitment with the state governments. The federal share is at least 50% in every state, but can exceed 80% depending on a state's per capita income. State participation is voluntary but all states are currently in the program.

The federal government spent $92 billion on Medicaid in 1996 and the states spent $69 billion. For the Indiana program, the federal and state shares combined were around $2.5 billion. Although much uncertainty surrounds projections of growth in Medicaid, costs are expected to climb significantly simply because of overall inflation in the price of health care and an increased number of eligible Americans.

What has been done to curb costs? The rate of federal Medicaid growth from 1988 to 1993 was substantial, averaging almost 20% per year. The Medicaid caseload jumped sharply in the last decade as court decisions and legislation extended coverage. Congress enacted

reforms in 1991 and 1993 to curb growth of the program.

1996 was a year of dramatically lower growth in Medicaid costs, only 3.3%. However, it is unlikely to stay that low, with program growth estimated to average almost 8% annually over the next 6 years.

Because of the extremely high rate of Medicaid growth, Congress has examined ways to reform the program. The previous Congress enacted a welfare reform law which is expected to reduce Medicaid spending by $4 billion over 7 years largely because of restrictions on eligibility of non-citizens for Medicaid. In addition, a proposal to turn Medicaid over to the states was included in a budget bill vetoed by the President.

What are the issues in Medicaid? The issues Congress faces this session include whether Medicaid should remain an entitlement, what national standards should be retained, and how federal funds should be allocated among the states. I favor retaining the entitlement status because eliminating it would increase the number of disadvantaged persons without coverage. I also favor greater flexibility in the administration of Medicaid, including ways to organize and deliver care, reimburse providers, and assure quality of care. But I do believe it is necessary to maintain uniform national standards, especially regarding who should be covered and what basic services should be provided. Today federal Medicaid funds are provided to states on an open-ended basis. Some limits on growth are necessary, possibly on how much can be spent for each patient.

Conclusion. For me the key questions in Medicaid are how to improve coverage without imposing excessive burdens on the taxpayers and how to curb excessive spending without imposing unacceptable hardship on the poor. Congress is looking hard at ways to improve the program and rein in its costs. Much effort is necessary to slow the growth of spending by making more efficient the delivery of health care. Part of the answer is to expand enrollment in managed care and community-based care to control acute care expenses. The undesirable alternatives are to cut eligibility or services, raise taxes, or cutback reimbursement to doctors or hospitals. Great care must be taken not to reduce needed services to the elderly, the poor, and people with disabilities.

EDWARD WILLIAMS, EAST CHICAGOAN OF THE YEAR

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. VISCLOSKY. Mr. Speaker, it is my honor to commend Mr. Edward Williams, an outstanding citizen of Indiana's First Congressional District. On Thursday, March 13, 1997, Edward will be named East Chicagoan of the Year during a recognition banquet at the Knights of Columbus Hall in East Chicago, IN.

Edward, a native of East Chicago, is a graduate of Indiana University in Bloomington. He is currently the director of education and development for the Showboat Mardi Gras Casino. Prior to holding this position, Edward was the president and chief executive officer of Lakeshore Employment and Training Partnership. In this capacity, Edward utilized his aggressive motivational and leadership qualities, which led Lakeshore to successfully train and secure employment for thousands of young adults and other unemployed residents of Lake County, IN.

Not only has Edward excelled in his professional life, but he has been a great community leader as well. Edward's emphasis on the needs of our youth has challenged countless young people to be the very best they can be. He is an accomplished speaker and has addressed thousands of citizens on such diverse topics as education, motivation, economic, and community development, family issues, religion, and community involvement. Edward is a member of several professional associations, and he has received numerous appointments to local, State, and national boards. For example, Edward is a member of the East Chicago Library Board, a trustee of Antioch Baptist Church, and a Lilly Fellow.

Along with the distinguished award of East Chicagoan of the year, Edward has been bestowed with the State of Indiana's highest public service award. The Sagamore of the Wabash. The award was issued by Gov. Evan Bayh.

Mr. Speaker, I ask you and my other esteemed colleagues to join me in congratulating Edward on being honored as East Chicagoan of the Year. His children, Kelly, Kirk, and Kevin, can be proud of their father's accomplishments. His unselfish dedication will be marked forever in history.

CONGRATULATIONS TO ADAM RICHARDSON, WINNER OF THE 1997 VOICE OF DEMOCRACY BROADCAST SCRIPTWRITING CONTEST FOR THE STATE OF GEORGIA, SPONSORED BY THE VETERANS OF FOREIGN WARS OF THE UNITED STATES

HON. NATHAN DEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. DEAL of Georgia. Mr. Speaker, I submit the following for the RECORD:

DEMOCRACY—ABOVE AND BEYOND

(By Adam Richardson)

When Alexander Hamilton was a child, his family was traveling along the North Carolina coast by boat. He was so terrified of the surroundings he vowed that if he ever became capable, he would build a lighthouse so large and bright that all those that resided in its glow would have nothing to fear. In 1802 Hamilton as Secretary of the Treasury used his influence to get a lighthouse constructed on Cape Hatteras, and to this day it stands, the tallest on the East Coast. Our American democracy that we have built with our blood, sweat, and tears is much the same as this lighthouse. Democracy, like a lighthouse, starts with a dream and strong foundation. This foundation was made with the lives of the men and women who first dreamed the dream to allow democracy to soar above and beyond.

As our democracy grows, we are indebted to be a caretaker of the lighthouse and keep it strong so that the ideal that we uphold, the beam of light, can be seen from farther away with the clarity it commands. This beam of light, seen first by our forefathers, led them out of oppressive darkness to thrive in unforeseen opportunity. But the obstacles were untold, and to aid others who would follow them, they built our lighthouse to carry their vision above and beyond. We were indeed fortunate to have received a raw country instead of being given one stifled in outdated institutions.

Democracy still stands strong, yet it has its enemies. As a lighthouse is constructed, the salt, sand, wind and water attack it, intent on destruction. But when finished, a lighthouse is nearly indestructible and will stand up to the winds of change. When democracy stands tall and strong, it is the envy of its enemies and cannot be considered safe, because there is always a sea spray to diminish the radiance that gives democracy the ability to illuminate the darkness. The democratic vision stands above and reaches beyond all barriers—but not without a struggle. The waves of ignorance often inhibit the gains of democracy. In many countries a child goes without an education because religious differences hurl bullets through the schoolyard. In the former Yugoslavia 250,000 lives have been lost and millions displaced because of a campaign of ethnic cleansing. We in America are made strong by people with the same goals but not necessarily the same gods. Likewise, the winds of inequality topple the hopes of people in countries where one man's vote will not count as much as another's or possibly will not be counted at all.

On the other side of the lighthouse, where all is calm, are the opportunities and the peace of mind that comes with a democratic nation. In America, like a harbor with its protected waters and secured ships, is a country with the betterment of the people the main issue. When democracy has fallen into rigidity, the government has always bent to refuse breaking—in the form of new laws, updating of old ones, and the acceptance of new schools of thought when the old way had proved itself ineffectual. Because this harbor is guarded by democracy and maintained by the power of the people, children can receive an education in the manner they should. Within this harbor a man goes to vote, and his ballot is cast without the worry, ''Will I be heard?'' or ''If so, will I be given a chance?''

Even though the wind and the waves can be kept out, certain elements cannot be held at bay. There is a fog that we cannot see through, even with attuned senses. If we leave this fog unattended, it will be our terrible demise. Many great civilizations have fallen to this killer that comes on cat feet. This killer that lurks in the fog is complacency. We must not become immune to what is going on around us because beyond the fog and beyond the safety of our democracy, the wind and waves are always surging. We must remain vigilant.

THE 50TH ANNIVERSARY OF THE RICHARD J. GROSS VFW POST 8896

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. GOODLING. Mr. Speaker, I rise today to honor the Richard J. Gross VFW Post 8896 on the occasion of its 50th anniversary. Located in East Berlin, PA, this post is named in honor of a fallen hero of World War II, Richard J. Gross. A radio operator-gunner on a B–24 Liberator, Gross was lost when his plane was shot down during a combat mission over New Guinea.

Fifty years ago, this post first organized at an informal meeting. On February 13, 1947, the first official meeting was held. The staff of officers was selected and the official business of organizing the post and finding a permanent meeting place was underway. These were but the first few steps of a long journey of community service, fellowship, and remembrance of

the sacrifices veterans have made for the United States.

On March 13, 1947, the Department of Pennsylvania, Veterans of Foreign Wars approved the charter submitted to it, and the VFW Post 8896 officially existed. The men who were a part of this organization were strong and self-reliant; they raised funds and worked themselves to build a suitable place for meetings. The men who constructed this structure did so in their spare time, often after a long day of work. Many times they labored well into the night to complete the structure.

Post 8896 quickly became an important part of the community in East Berlin, PA. Throughout the past 50 years, its members have been actively involved in making their town a better place to live. Both they and the man that the post honors serve as reminders for the community at large: One for making the supreme sacrifice for his country during war, and the others for their service to the United States, and the values it holds important.

Mr. Speaker, I ask that my colleagues join me today in recognition of VFW Post 8896's anniversary. I am proud to say that I am a member of this post. I salute my fellow veterans for 50 years of service, and wish them at least another 50.

HONORING ASSISTANCE LEAGUE OF THE EASTSIDE

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Ms. DUNN of Washington. Mr. Speaker, I ask my colleagues to join me today in commemorating the chartering of Assistance League of the Eastside [ALE] in Redmond, WA, as the 98th chapter of the National Assistance League. For 8 years Assistance League of the Eastside has existed to develop and carry out philanthropic projects to meet the needs of the greater eastside community. This all-volunteer, nonprofit organization has made a difference in the lives of literally thousands of needy citizens with programs that are tailored to meet real-world emergencies. For example, Operation School Bell has provided more than 1,000 at-risk children with new clothing, school supplies, and hygiene items. Victims of rape and assault have benefited from the Assistance League's dissemination of assault survivor kits, a program that provides sweat suits and personal care items to those seeking refuge from an aggressor. And the ALE's caring and sharing program has brightened the lives of senior citizens at the Emerald Heights assisted living facility in Redmond by providing birthday and holiday parties for the residents. ALE, through the efforts of its 65 very active and good-hearted members, is making a difference in ways that go far beyond the capabilities of government programs because the volunteers are impelled by compassion for their fellow eastsiders. That spirit deserves not only recognition, but commendation and celebration. America needs more people like the citizens who devote their spare time to the many good projects of Assistance League of the Eastside.

Therefore it is fitting that today, as ALE gains chapterhood status with the National Assistance League based on compliance with that organization's bylaws, policies, and standards, I am proud to draw the attention of the House of the great work of this organization. And I am honored to join Redmond Mayor Rosemarie Ives in setting aside March 12, 1997, as a day to honor Assistance League of the Eastside. I join Mayor Ives in urging all citizens of Washington State to recognize this all-volunteer organization and encourage its continued philanthropic work benefiting our eastside community.

TRIBUTE TO MUSIC EDUCATION IN WASHINGTON STATE

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. SMITH of Washington. Mr. Speaker, it gives me great pleasure to pay tribute to the students and teachers of Washington State for their accomplishments in the area of music education in our State. Research shows that music is an important tool for building a more creative and intelligent populace and music study helps students to perform better in academic and social settings. March is Music in Our Schools Month and an appropriate time to pay tribute to the students, parents, and teachers in our State who work diligently throughout the year to call attention to the importance of music education in our schools.

I would like to pay a special tribute to Grass Lake Elementary School in Kent, WA, for their contribution to the Music Educator's 13th Annual World's Largest Concert which will be shown nationwide. The hard work and dedication of the individuals involved with this project deserve recognition for their important efforts for bringing attention to music education in our community.

PERSONAL EXPLANATION

HON. TED STRICKLAND

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. STRICKLAND. Mr. Speaker, as you all are aware, over the past week, the Midwest has experienced devastating flood waters. Because of these floods, major portions of the Sixth Congressional District of Ohio have been declared a Federal disaster area. To help the people back home, I remained in the district last week and therefore missed the following votes:

Wednesday, March 5, 1997: Had I been present, I would have voted: ''yea'' on Rollcall Vote 29, House Concurrent Resolution 17, the Guatemalan Peace Process; ''yea'' on Rollcall Vote 30, House Concurrent Resolution 18, the Nicaraguan Democratic Elections; and ''nay'' on Rollcall Vote 31, House Concurrent Resolution 31, Display of the Ten Commandments.

Thursday, March 6, 1997: ''yea'' on Rollcall Vote 32, Motion to Adjourn; ''yea'' on Rollcall Vote 33, the Journal; ''yea'' on Rollcall Vote 34, Washington, DC, City Council Contract Reform; and ''yea'' on Rollcall Vote 35, Motion to Adjourn.

IN RECOGNITION OF THE LA PORTE EDUCATION FOUNDATION

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. BENTSEN. Mr. Speaker, I rise to recognize the good work of the La Porte Education Foundation and to congratulate foundation members as they prepare for the fourth annual Education Celebration Event on March 13, 1997. The foundation's efforts to improve educational opportunities are forging a stronger community today and building a brighter future for our children.

The foundation's mission is to strengthen the La Porte community through education. A nonprofit organization operating separately from the La Porte School System, the foundation funds innovative, creative, and instructional projects for both students and teachers in La Porte schools.

The La Porte Education Foundation was established in 1993 because the community understood that there is a strong linkage between the quality of life in La Porte and the quality of its education system. Its organizers understand that, sometimes, the best way to meet a challenge is to roll up your sleeves and get involved.

The foundation's endowment has provided a steady, new source of funds outside the general revenue fund for expanding the educational opportunities available to La Porte's students. And it has worked.

The La Porte Foundation Board decided early on that the entire community needed to be actively involved in the foundation's efforts to enhance education in La Porte schools. As a means to involve citizens, the board chose to sponsor an event which would celebrate public education in La Porte on an annual basis. The first celebration was held at Sylvan Beach Pavilion and was developed and presented by a foundation committee consisting of teachers, community members, PTO and area industry representatives, and foundation board members. The first celebration was an overwhelming success with over 1,000 citizens enjoying booths from each school and entertainment from many students.

The second annual celebration was moved to La Porte High School to accommodate large crowds. Now in the fourth year, this year's celebration will highlight grant projects by LPISD teachers which were funded by the foundation. This unique event continues to draw enthusiastic crowds numbering over 1,000 each year.

I wish the foundation continued success as they celebrate another Education Celebration Event and continue their mission to improve the education and lives of the children of La Porte.

THE DEFENSE JOBS AND TRADE PROMOTION ACT OF 1997

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. HERGER. Mr. Speaker, today Mr. JEFFERSON, Mr. CRANE, Ms. DUNN, Mr. SAM JOHNSON of Texas, Mr. HULSHOF, Mr. HAYWORTH,

Mr. ENGLISH, Mr. CARDIN, Mr. PACKARD, Mr. DREIER, Mr. KING, and Mr. MCCOLLUM join me in introducing legislation that eliminates a provision of tax law which discriminates against U.S. exporters of defense products. The Defense Jobs and Trade Promotion Act of 1977 will help defense contractors improve their competitiveness, will protect our defense industrial base, and will help insure that American defense workers—who have already had to adjust to sharply declining defense budgets—do not see their jobs lost to overseas competitors because of a harmful quirk in our own tax law.

The Internal Revenue Code allows U.S. companies to establish Foreign Sales Corporations [FSC's], under which they can exempt from U.S. taxation a portion of their earnings from foreign sales. This provision is designed to help U.S. firms compete against companies in other countries which rely more on value-added taxes [VAT's] than on corporate income taxes. When products are exported from such countries, the VAT is rebated, effectively lowering their prices. U.S. companies, in contrast, must charge relatively higher prices in order to obtain a reasonable net profit after taxes have been paid. By permitting a share of the profits derived from exports to be excluded from corporate income taxes, the FSC in effect allows companies to charge lower prices and partially compensates for the differences between the U.S. tax system and that of most of our competitors.

In 1976, Mr. Speaker, the tax law was amended to reduce the tax benefits for defense products to 50 percent, while retaining the full benefits for all other products. The rationale for this discriminatory treatment—that U.S. defense exporters faced little competition—no longer exists. Whatever the veracity of that premise 20 years ago, today's military exports are subject to fierce international competition in every area. Twenty years ago, roughly one-half of all the nations purchasing defense products benefited from U.S. military assistance. Today, U.S. military assistance has been sharply curtailed and is essentially limited to two countries. Moreover, with the sharp decline in the defense budget over the past decade, exports of defense products have become even more critical to maintaining a viable U.S. defense industrial base. The aerospace industry alone provides over 800,000 jobs for U.S. workers. Roughly one-third of these jobs are tied directly to export sales. In 1996, for example, total industry sales were $112 billion, $37 billion of which was for exports. Of the three fighter aircraft under production in this country, two are dependent on foreign customers.

No valid economic or policy reason exists for continuing a tax policy that discriminates against a particular class of manufactured products. Furthermore, repealing this section will not impact the foreign policy of the United States. Military sales will continue to be subject to the license requirements of the Arms Export Control Act.

Mr. Speaker, improvement of the U.S. trade imbalance is fundamental to the health of our economy. The benefits provided by the FSC provisions contribute significantly to the ability of U.S. exporters to compete effectively in foreign markets. The FSC limitation on the exemption for defense exports hampers the ability of U.S. companies, many of whom already have access to large foreign markets, to compete effectively abroad with many of their products. Section 923(a)(5) should be repealed immediately to remove this impediment to international competitiveness and to improve the health of our defense industry.

Let me briefly describe the historical context in which the FSC provisions were enacted, as it helps to explain why this section of the law should now be repealed.

The genesis of the FSC was the Domestic International Sales Corporation or DISC. Congress had enacted the DISC provisions in 1971 to stimulate exports and grant a Federal income tax deferral opportunity to U.S. firms engaged in exporting through domestic corporations. A DISC was not subject to Federal income tax on its earnings. Rather, the DISC's parent company was taxed each year on part of the DISC's earnings as if the parent company had received a dividend from the DISC. The DISC's remaining earnings were not taxed until actually distributed to the parent company. Until 1976, up to 50 percent of the DISC's annual export profits could be deferred in this manner, including profits from the sale of military products.

From the outset, Mr. Speaker, the DISC program was the subject of a dispute between the United States and other signatories of the General Agreement on Tariffs and Trade [GATT]. Some countries contended that the DISC provisions essentially created an illegal export subsidy that violated the GATT.

Partly in response to these criticisms, Congress reduced DISC benefits in the Tax Reform Act of 1976. First, Congress changed the tax rules in such a way that less than 25 percent, rather than 50 percent, of a corporation's earnings from exports could be deferred from U.S. taxation. Second, DISC benefits for the sale of military products were cut back. The House originally proposed to terminate all DISC benefits for military sales, except if the products were to be used solely for nonmilitary purposes. The Senate recommended that all DISC benefits be terminated for military sales unless it was determined that the property was competitive with foreign-manufactured property.

The compromise reached was that the DISC benefits would be terminated for 50 percent of military sales—whether or not competitive—made after October 2, 1975. For this purpose, military property was defined to include any article that is inherently military in character without regard to its intended use, such as communications satellites and their components, launch vehicles, and many aircraft and their components.

DISC remained a serious irritant in U.S. trade relations with other countries, particularly the European Economic Community, and in October 1982, the United States informed the GATT Council that it would propose to Congress legislation addressing the concerns of its trading partners over DISC.

In March 1983, the administration announced the general elements of an alternative to the DISC program. Legislation on the proposed alternative was introduced on August 4, 1983, to replace DISC's with Foreign Sales Corporations [FSCs]. The FSC provisions were signed into law on July 18, 1984, as part of the Deficit Reduction Act of 1984.

The FSC provisions are similar to the DISC provisions in that they were designed to encourage exports by allowing exporters to exempt a percentage of export income from taxation. FSC benefits are provided for property manufactured or produced in the United States. The exemption on the sale of military goods, again, is half the amount otherwise allowed for other types of property. The legislative history shows that this special rule for military property was simply a carryover from the DISC provisions which were based on the premise that military products were not sold in a competitive environment.

Mr. Speaker, with the sharp decline in our defense budget over the past decade, exports of defense products have become even more critical to maintain or increase employment in the United States and to preserve the skills and facilities necessary to maintain a viable U.S. defense industrial base. But today, our defense companies face intense competition from companies in Europe and around the world. Indeed, global competition is even further intensified because Russia and other former Communist countries are now considered acceptable suppliers by countries that would not have purchased from them during the cold war. This increased global competition has contributed heavily to declining American sales abroad. Indeed, over the 10-year period between 1984 and 1994, U.S. defense exports declined an astounding 37 percent when measured in constant dollars.

The U.S. public and U.S. industry have made a tremendous investment in our defense industrial base. Decisions on whether or not to allow a defense export should continue to be made on foreign policy grounds. However, once a decision has been made that an export is consistent with those interests, surely our Government should encourage such sales to go to U.S. companies and workers, not our competitors. Discriminating against these sales in the Tax Code puts our defense industry at great disadvantage and makes no sense in today's environment.

The repeal of section 923(a)(5) would put defense companies on a more level playing field with other competitors with respect not only to military products but also to commercial products. This is true because companies that have developed skills and expertise producing goods for military use are most likely to apply those in commercial markets by developing new uses for military products or close derivatives from those products. Since the FSC provisions rely on a definition of military products that focuses on the source of the product's development and its potential use rather than on its actual intended use, almost all products currently produced by the aerospace industry are subject to the 50-percent FSC limitation under current law. This is the case even if these products or close derivatives are exported for strictly commercial purposes.

Mr. Speaker, let me close by stressing that no valid economic or policy reason exists for continuing a tax policy that discriminates against one class of manufactured products. To the contrary, thousands of good U.S. jobs, the maintenance of a healthy defense industrial base, and the improvement of our balance of trade argue for abolishing this unfair policy.

We must repeal this part of the Tax Code in order to provide fair and equal treatment to our defense industry and its workers, and to enable our defense companies to compete more successfully in the increasingly challenging international market. I would urge my colleagues to join me—and the bipartisan group

of original cosponsors—in supporting the Defense Jobs and Trade Promotion Act of 1997.

WHY GINGRICH SHOULD STEP DOWN AS SPEAKER

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. HILLIARD. Mr. Speaker. I wish to insert the following statement into the RECORD, regarding my vote in connection to the resolution of reprimand against Speaker GINGRICH in January, regarding his Ethics Committee problems.

STATEMENT BY CONGRESSMAN EARL F. HILLIARD

I voted against the House Resolution providing a reprimand and a monetary penalty of $300,000 for Speaker Gingrich because it was less than a slap on the wrist. The fine itself is insufficient. Paying a simple fine is no deterrent for what the Speaker has done. In his position as Speaker of the House of Representatives, one of the highest positions within our government, and given the amount of power at his control, a reprimand and a monetary fine do not fit the misconduct which has been committed. How simple it will be for this Speaker to raise $300,000 to pay a fine imposed upon him because of his wrongful fund raising activities.

The Speaker should have been censored, at a minimum, by the House of Representatives. In addition, he should voluntarily and immediately step down as Speaker. In his own words, he has stated that he: ''brought down on the people's House a controversy which could weaken the faith the people have in the government.'' Through an abuse and misuse of power, Gingrich broke laws to enhance himself, strengthen his role within the Republican Party and strategically position himself to be Speaker of the House. Therefore, he intentionally and deliberately created a situation where he could become Speaker. He exists as Speaker today, only because he broke the rules.

Today's vote sends a message to the American people that money supersedes laws. Today's vote tells the American people that it is okay to break laws in order to become powerful because you will only have to pay a fine if you get caught. Today's vote shows the American people that the wealthy and powerful are given preferential treatment. Every time such a situation is allowed, we chip away at one of the pillars of democracy—and that is equal justice for all, regardless of financial status. While the Speaker received less than a slap on the wrist, one of the pillars of democracy received a fatal blow. While the Speaker is free to continue fund raising, the ideal of equal justice under the law is held captive on a $300,000 bond. I voted against today's House Resolution because it fundamentally failed to adequately address the Speaker's wrong doing.

TRIBUTE TO PATRICIA GORDON

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. LEVIN. Mr. Speaker, I rise today to recognize Patricia Gordon, a certified professional secretary, on the occasion of winning the 1997 Secretary of the Year. This award is an honor of distinction based on business experience, education, and Professional Secretaries International activities.

Ms. Gordon has been an office professional for 23 years, with the last 10 years spent in service to East Detroit public schools. She also has earned her real estate license and is the mother of four. She is looking forward to continuing her education earning a degree in business.

She has been active in the Macomb Chapter of Professional Secretaries International organization since 1993 and served her organization as the cochairperson for the 1996 Michigan Division Annual Meeting.

And so, Mr. Speaker, today, I commend and congratulate Patricia Gordon on the honor of winning 1997 Secretary of the Year. I extend my best wishes and good luck in the future.

RECOGNIZING SEARCHY MARSHALL AS THE PETER J. SALMON NATIONAL BLIND EMPLOYEE OF THE YEAR

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mrs. NORTHUP. Mr. Speaker, Congress passed the Wagner-O'Day Act in 1938 to provide employment opportunities for Americans who are blind. Amended as the Javits-Wagner-O'Day Act in 1971, today, this program continues to provide employment and other support services to thousands of people who are blind or have other severe disabilities throughout the United States.

Many of the individuals who participate in the Javits-Wagner-O'Day [JWOD] Program are not capable of competitive employment, or do not desire competitive employment. The JWOD Act has been a successful initiative which has provided gainful and renumerative employment to many people who would otherwise have had no employment options.

Many of the persons served have overcome obstacles to lead fulfilling lives. Each year the National Industries for the Blind [NIB], the central nonprofit agency for industries for the blind participating in the JOWD, selects one outstanding worker as the Peter J. Salmon National Blind Employee of the Year. This year one of my constituents, Mr. Searchy Marshall, has been nominated to receive this impressive honor. I applaud Mr. Marshall for his determination to succeed and his dedication to his work. He is truly an inspiration to us all.

TRIBUTE TO NEAL H. BROXMEYER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. ACKERMAN. Mr. Speaker, I rise today to share with my colleagues in the House of Representatives the story of a man whose life, which ended all too soon at age 43, was dedicated to the pursuit of truth.

Neal Howard Broxmeyer searched for truth with a great intensity. He was long immersed in spiritual work which brought tremendous peace. A beloved and respected leader of the School of Practical Philosophy, he played a major role in establishing its Abraham Lincoln School for Boys and Girls on the upper east side in Manhattan. His 8-year-old son is a student there, and is very proud of the role his Dad played. Indeed, it was one of Neal's precious dreams to see the school flourish and grow.

Neal's devotion to his family was exemplary. He naturally included within his family the many people whose lives intersected with his. In that sense, Neal's family included his associates and colleagues at Fairfield Properties, where he was a partner. His brothers have said that he was an excellent businessman, known for his honesty and his integrity. He was seen as the ''heart and soul'' of his business, and he was referred to as ''the light of the office.''

Neal Broxmeyer was a man who always looked beyond his own needs. He led his life in keeping with the maxim: ''Set no limits in service,'' and encouraged others to do the same. He was always available to others. He cherished the community in which he lived and was very happy to be part of the community association. He led the way in establishing the security patrol in the community, and always said ''How could I not take it on?''

Neal was a simple man who was extraordinary. Always there, steady and balanced; never looking for faults in others, but instead finding the goodness in everyone. Everything and everyone who benefited from his attention, concern, insight, wisdom, counsel, and warmth understands that there was ''absence of claim.'' Although not rigid, Neal was highly disciplined. His life, though very short, was filled with a quality beyond most. Nothing, it seems, was wasted.

Neal is survived by his loving family: His beloved wife Susan; their children, Dara, Jennifer, and David; by his parents, Muriel and Joseph; and by his brothers Mark and Gary.

Mr. Speaker, it is my privilege and distinct honor to bring the brief life of Neal Howard Broxmeyer to the attention of my colleagues and hope they will join me in paying tribute to an outstanding human being.

''THE ATTACK CULTURE''

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. OXLEY. Mr. Speaker, as usual, the columnist Robert J. Samuelson has written very clearly and concisely about the scandals and the so-called attack culture that we find ourselves in today. I recommend the following column to my colleagues:

THE ATTACK CULTURE

(By Robert J. Samuelson)

''Scandal'' is the latest word to lose its meaning. The threshold for scandal has moved so low that Washington is almost never without one. The newest is the ''campaign finance'' scandal, but we are still dealing with the Whitewater scandal and the Gingrich scandal. We have a permanent apparatus of investigators, partisans and reporters working full time to discover and publicize alleged wrongdoing—and calling everything they examine a scandal or potential scandal. Growing outrage is expressed

over offenses that seem ever more obscure or trivial.

Of course, there are genuine scandals, and the behavior of our highest (or lowest) officials must be open to scrutiny. Government and the people who run it can be accountable only if their activities can be inspected. But the process has become twisted into a parody. At last week's press conference, President Clinton was asked 18 questions; 15 concerned campaign fund-raising. Was that the only important matter?

What we're seeing is the attack culture. By attack culture, I mean a mind-set and set of practices that go beyond ordinary partisanship, criticism, debate and investigation. What defines the attack culture is that its animating spirit—unexpressed, but obvious—is to destroy and bring down. Does anyone doubt that the assorted Whitewater investigations aim to destroy President Clinton and the first lady? Does anyone doubt that the charges against House Speaker Gingrich were motivated less by ethical sensitivities than the desire to annihilate him politically?

Investigation, always a political weapon, is now more so than ever. In a 1990 book (''Politics by Other Means''), political scientists Benjamin Ginsberg and Martin Shefter correctly observed: ''American politics has recently undergone a fundamental transformation. . . . [C]ontending forces are increasingly relying on such institutional weapons of political struggle as legislative investigations, media revelations, and judicial proceedings to weaken their political rivals and gain power for themselves.''

The attack culture originated with Watergate, and Nixon—destroyed and forced to resign—remains the standard of success. The mimicking of Watergate is increasingly undemocratic and breeds disrespect for the law, politics and (if anyone cares) the press. Most Americans sense that the process is out of control, because no one—no one, that is, who doesn't study these scandals for countless hours—can understand what they're about.

What was Gingrich's great offense? Well, he taught a college course (a sin?). Then, some videotapes of the course were used for political promotion (gee, a politician acting political). But wait: The course was financed by tax-deductible charitable donations, which aren't allowed for politics. Therefore, Gingrich committed a no-no and compounded it by providing false information to Congress (an innocent mistake, he claims; a willful deception, say his foes). Clinton may be guilty of a crime in Whitewater, but three investigations—costing more than $24 million—have yet to disclose what it is.

I am no fan of Clinton's or Gingrich's; nor am I defending their behavior and certainly wouldn't offer it as a model to my children. But we have elections for voters to decide whether, all things considered, they want to retain their elected leaders. Except in rare cases, that job shouldn't be hijacked by courts, prosecutors or the press with investigations that are increasingly inquisitional. They aim to prejudice people against their target, even if no serious charges are ultimately sustained. The process is abused, because the investigations are selective (often triggered by the target's prominence) and aim (by adverse publicity) to convict and punish the target.

The attack culture subsists on personal ambition and various political agendas. Reports want a big story; prosecutors seek convictions; partisans crave power. And the mere act of investigation creates pressures for results. Resources have been committed; reputations are at stake. Hardly anyone wants to say: ''Sorry, nothing here'' or ''It's trivial.'' Every mistake, error or personal excess is elevated to a great evil. Sinister motives are alleged or implied. If it's not a scandal, why bother?

It's also guilty until proven innocent. Some investigations are self-fulfilling. There are so many laws and regulations that anyone who is investigated exhaustively may be found to have violated something. And some targets, flustered or embarrassed, blunder into criminal coverups. Nor are the targets only prominent officials. The federal Office of Research Integrity recently cleared an experienced scientist of misconduct. But for three years, he was subject to congressional hearings and had his research branded fraudulent. Those years, he said, ''have been holy hell. They took away my position, my reputation, my work.''

People are smeared because the attack culture is heavy-handed and single-minded. The current furor over campaign financing fits the pattern. It is driven by a coalition of Clinton haters, campaign-finance reformers and the press. The story surely seems compelling: the president (apparently) brokering the Lincoln bedroom for contributions; a host of seedy characters schmoozing at the White House; Al gore dialing for dollars from his office.

What's missing is perspective. The $2.96 million returned by the Democratic National Committee constitutes only 1.3 percent of all DNC contributions. Questionable gifts didn't affect the election's outcome, and there's no evidence that donations changed any major policy. Much fund-raising is sleazy. But no one should forget that giving money to a candidate or party is a form of political speech. Donations can't easily be limited without compromising free speech. The present hysteria—nurtured by self-proclaimed reformers—intentionally obscures this point.

All the crusading doesn't reassure the public. Just the opposite. Because most people grasp that the process has been corrupted—being moved by ambition and politics—they put the attackers and the accused increasingly on the same moral plane. A plague on everyone. We become desensitized to genuine scandal because the artificial variety is so common. All democracies need to examine their officials; an enduring dilemma is how to prevent legitimate inquiry from sliding into sanctioned tyranny. When everything's a scandal, we're losing the proper balance.

THE ECONOMY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 5, 1997, into the CONGRESSIONAL RECORD.

THE ECONOMY

One of the nation's leading economists recently said that the economic performance of the United States today is like being at the top of a mountain. He said, ''There is an exhilaration form getting there and the view is great, but all paths are downhill.'' In a fundamental sense, of course, he was right, because the challenge confronting policymakers today is to preserve the expansion and the economic good times we are now enjoying.

STATE OF ECONOMY

The fundamentals in the American economy today look very solid. Experts tell us that the economy is on track with no imbalances, only moderate inflation, an outlook for solid growth at sustainable levels, with nothing obvious on the horizon that would throw the economy off track.

The facts are impressive. The economic expansion has been growing at a solid, noninflationary pace in recent years, last year growing by 2.5 percent. Much of the recent growth has been fueled by stronger investment and exports. The 70-month expansion that the economy is enjoying has outlasted all but two of the other eight post-war expansions. The unemployment rate stands at 5.4 percent, down from 7.5 percent in 1992. Much of the job growth has been in sectors paying above-average wages. Inflation, which peaked at 6.1 percent in 1990, has remained below 3 percent in recent years. The combination of low unemployment and stable inflation has given the U.S. the lowest ''misery index'' since the 1960s. The federal budget deficit, which peaked at $290 billion in 1992, was down to $107 billion last year. That has helped keep long-term interest rates low.

There is a broad consensus among the experts that the nation's growth, inflation, and unemployment rates this year will be similar to those of 1996, and that unless something unexpected develops, interest rates will fluctuate within relatively narrow ranges. So the U.S. economy is heading into its seventh straight year of expansion.

OTHER COUNTRIES

It is not hard to find good things to say about the American economy, especially when comparing to what's happening in other countries. The United States was again recently judged to be first in international competitiveness, and our global market share of goods continues to increase. Our trade deficit is still too large, but it has declined by almost 50 percent as a percentage of our gross domestic product (GDP).

In addition, the United States continues to lead the world in per capita GDP. We lead the major industrial nations in growth, and have achieved the lowest budget deficit as a percentage of GDP of any of the industrial countries. Job creation in the United States has exceeded all the other major industrial countries combined, and the U.S. unemployment rate has dropped below that of all industrialized countries but Japan.

CONCERNS

But we ought not to spend too much time congratulating ourselves. The U.S. economy still shows some vulnerabilities and there are some areas of concern.

One is wage stagnation and inequality. Although we have seen some improvement recently, median family income has in recent years stagnated and the wage gap between the rich and the poor has widened. Wage inequality in the United States is more pronounced than in all the other industrialized countries. It bothers me that large segments of our population have seen little or no growth in their own incomes.

Even though the federal budget deficit has been reduced sharply in recent years, it is important to remember that the United States is still the world's largest debtor. I am very uneasy with the fact that the world's largest and richest economy, the great superpower, has become such a huge and chronic borrower.

We continue to have shortfalls in savings. We have the lowest personal savings rate among the industrialized countries and it has declined from 4.9% in 1985 to only 4.4% in 1995. The domestic savings simply are not meeting the nation's investment needs. That means we have to rely more on foreign capital and we reduce funds available to invest in future growth.

Although investment has increased in the 1990s, we are still not investing enough. Real

U.S. investment in plant and equipment has declined since 1985. While we continue to lead the world in spending on research and development, our long-term investment as a percentage of our total wealth is falling just as other competitor nations are increasing their programs. While we spend more money than other countries on education, most of the education experts say that our overall performance, especially in the basic science and math skills, is disappointing. And productivity growth in the United States has been less than 1% over the past decade. That is the second lowest rate among the major industrial countries.

PRIORITIES

It is not difficult to identify where our national priorities in economic policy should be. The education and skill levels of the workforce need to be improved. Savings and investment must increase. The budget deficit has to continue to come down to increase savings, and science and technology policy and regulatory reform need urgent attention.

Looking to the future, what worries me the most is the increasing performance of the world's lower-wage economies. They are now competing more effectively in global markets. I worry about our ability to sustain high-wage jobs in that kind of competitive environment. The challenge from these countries is both direct competition in product services but also with firms which might otherwise be located in the United States moving to these countries. I think we have to focus much more urgently on boosting productivity, stepping up the rate of private sector investment, and improving and broadening the skills of the American work force.

CONCLUSION

The U.S. economy has improved in recent years, but more needs to be done. We especially need to bring the budget deficit down further and expand our investment in education, research, and infrastructure. These help build the foundation for the long-term economic health of our country, and should help improve the lives of average working families.

IRISH-AMERICAN PARADE

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. SCHUMER. Mr. Speaker, I submit the following for the RECORD:

Resolution for the 22d Annual Brooklyn Irish American Parade, Park Slope, New York

Commending the Brooklyn Irish American Parade Committee on its Twenty Second Annual Parade March 16, 1997.

Whereas this parade encourages an appreciation of an ancient Irish heritage; and

Whereas this event is a celebration of Brooklyn's cultural diversity and richness; and

Whereas this parade takes place on the historic site of the Battle of Brooklyn in which Irish Freedom Fighters—Marylanders and other ethnic groups gave their lives to secure independence for our America; and

Whereas the Spirit of '76 was, and still is, the ideal of the Brooklyn Irish American Parade; and

Whereas this year the Parade Committee, its members and officers remember ''The Great Famine'' (An Gorta Mor) 1845–1850 and Erin's Exiles; and

Whereas ''The Great Famine'' caused the death of over 1,500,000 in Ireland and tens of thousands on the coffinships which sailed to America; and

Whereas America is a nation of immigrants and a home to the descendants of the victims and survivors of ''The Great Famine'' and the Irish Diaspora; and

Whereas it is only fitting that this year's Grand Marshal is Father Colm Joseph Campbell of North Belfast, Chaplain & Co-Ordinator of the Irish Apostolate, Diocese of Brooklyn and Queens and a friend and spiritual counselor to the newest sons and daughters of Erin; now therefore, be it

Resolved, That this Legislative Body pause in its deliberations to commend the Brooklyn Irish American Parade Committee on its twenty second Annual Parade to be held on Sunday, March 16, 1997; its Grand Marshal, Father Colm Joseph Campbell, Chaplain & Co-Ordinator of the Irish Apostolate, Diocese of Brooklyn and Queens and his Aides; Eleanor Morrissey, Ladies A.O.H. Kings County; Brian Joseph Coughlan (Irish Culture) Pipe Major, Pipes & Drums of the NYC Police Department Emerald Society; Edward J. Cush (Labor/Business) Iron Workers Union Local #361; Vincent O'Connor (Education) Retired District Supervisor Board of Education; Treasa Goodwin (Gaelic Sports) N.Y. Young Irelands Camogie Club; Cody McCone (Kings County Ancient Order of Hibernians); John McGrath (Grand Council United Emerald Societies/Sanitation Dept.); Parade Chairperson, Kathleen McDonagh; Dance Chairperson, Eileen O'Dea; Journal Chairperson, Martin Cottingham; Raffle Chairperson, Ronnie Killen; Parade Officers, Members and all the citizens of Brooklyn, participating in this important and memorable event; and be it further

Resolved, That copies of this Resolution, suitably engrossed be transmitted to Father Colm Joseph Campbell, his Aides and the Brooklyn Irish American Parade Committee in Brooklyn.

HONG KONG REVERSION ACT

SPEECH OF

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. RADANOVICH. Mr. Speaker, on July 1, 1997, Hong Kong concludes one challenging but prosperous chapter, and inaugurates another of equal potential. While continued prosperity marks Hong Kong's future, a thriving economic, and autonomous course is not guaranteed under the shadow of mainland China's stale political and economic policies. The United States must strive to assist Hong Kong and its people in preserving and pursuing economic and political values so close to our own.

Thus, I support the objectives of H.R. 750, the Hong Kong Reversion Act. This bill reiterates an unyielding support for the autonomy of Hong Kong and future well-being of its people. The act is not insignificant. For the benefit of my colleagues in understanding the importance of this measure, I include for the record April Lynch's analytical account in today's San Francisco Chronicle. The author skillfully catalogs the concerns Californians have respecting Chinese rule over Hong Kong. Let us hope, Mr. Speaker, that our action today is clearly understood in Beijing. The Hong Kong people deserve no less than our unwavering support.

[From the San Francisco Chronicle, Mar. 11, 1997]

BAY AREA'S BIG STAKE IN HONG KONG—ECONOMIC, CULTURAL TIES AT RISK UNDER CHINA RULE

(By April Lynch)

When the flag of the People's Republic of China is raised over Hong Kong this summer, few other places will have more at stake than the Bay Area and California.

A web of multimillion-dollar businesses, strong cultural ties and 150 years of shared history link the Gold State and the City on china's southern coast. Hong Kong and San Francisco, founded about the same time, have long exchanged money, people and plans for the future of the Pacific Rim.

''California and Hong Kong are like neighbors, even with an ocean in the middle,'' said Richard So, 29, a computer consultant who grew up in Hong Kong, went to school in this country and now commutes to work between Sunnyvale and Hong Kong. ''It is hard to imagine one without the other.'' The Bay Area is a favorite destination for people leaving Hong Kong for the United States—since 1993, 25 percent of them settled in San Francisco, Oakland or San Jose.

With only 6 million people, tiny Hong Kong is California's ninth-largest export market, buying about $2.6 billion in goods from the state in the first nine months of last year. China, by comparison, has one-fifth of the world's population but ranks 16th on California's list of export buyers. More than 100 California companies—including Bank of America, Walt Disney and Netscape—have offices or their Asia headquarters in Hong Kong.

Now, four months before Britain turns one of the world's most lively capitalist hubs over to the world's biggest communist country on July 1, those ties face an uncertain future.

People with business or family links to Hong Kong hope that China will allow the territory to remain an economic powerhouse, and many Chinese and Chinese Americans take pride that Hong Kong's transition will all but end the Western colonial presence in China. But those feelings are tempered with caution.

''Hong Kong will continue to be of paramount importance,'' said Jesus Arredondo, spokesman for the California Department of Trade. ''It all depends on what the Chinese government does.''

COLONY'S ESTABLISHMENT

Since the mid-1800s, California and Hong Kong have never been far apart. Once a few scattered fishing villages, Hong Kong was seized by Great Britain in 1842, after the first Opium War. The colony's establishment encouraged foreign interests that wanted trade and influence in China, but it was a humiliation China has never forgotten.

Britain expanded the colony in 1860 with the Kowloon Peninsula and the New Territories in 1898 and along the way turned Hong Kong into a major international port. San Francisco interests quickly looked to Hong Kong to recruit laborers to work the state's gold mines and the railroads.

Trade, travel and immigration between Hong Kong and California grew—especially after the colony rebuilt from the devastation of World War II and became Asia's financial hub. Hong Kong now has about as many people and covers as much territory as the Bay Area, but it boasts the world's eighth-largest trading economy and stock market, the world's busiest container port and 9 million visitor-arrivals each year.

The mix of Chinese and foreign residents—about 120,000 people in Hong Kong are from other parts of the world, including the United States, England, India, the Philippines

and Vietnam—has created a striking cultural blend. A day in Hong Kong can easily mean speaking more than one language at work, choosing between Shanghai, Italian or Indian cuisine for dinner, playing a mean game of billiards and finishing the night with a plate of chow fun at a street-corner stall.

The Chinese Communist party stopped short of seizing the colony when it took control of China in 1949 but always made it clear that it wanted Hong Kong back in 1997, when a key lease that gave Britain most of the territory was to expire. In 1984, the two countries reached a deal that would return Hong Kong to China in 1997 but allow the territory remain a ''special administrative region'' with its basic systems intact for 50 years.

TIANANMEN CRACKDOWN

Goodwill about that plan fell apart with the Tiananmen Square crackdown in 1989. More than 1 million people filled Hong Kong's streets to protest the bloodshed. Emigration from the colony jumped, and many of Hong Kong's business leaders began moving their holdings or strengthening ties overseas, including in California.

Take, for example, Jimmy Lai, the Hong Kong founder of the Giordano clothing chain and publisher of several popular magazines and newspapers. Giordano recently followed many Hong Kong companies in moving its incorporation to Bermuda, and Lai has expressed interest in investing in Silicon Valley. He has good reason to want to expand his business overseas.

After the Tiananmen Square crackdown in Beijing, Giordano printed up tens of thousands of bright red bumper stickers decrying the bloodshed and distributed them for free. The stickers became a must-wear item at the huge protests that filled Hong Kong streets. In 1994, Chinese officials shut down Giordano's Beijing store after Lai wrote a magazine editorial describing Chinese premier Li Peng as a ''turtle's egg with a zero IQ.'' Lai resigned as chairman of Giordano shortly thereafter.

Lawrence Chan, head of the Hong Kong-based Park Lane Hotels International chain, owns both the Parc Fifty Five Hotel in San Francisco and the Parc Oakland hotel. He said the people who drive Hong Kong's economic machine will take a constructive but cautious approach to the transition.

''As businessmen in Hong Kong, we don't listen much to rhetoric,'' said Chan, who is also president of the Hong Kong Association, a prominent local business group. ''We look for what is going on. We look for actions. . . . Recently, we have been seeing the Chinese government pouring huge amounts of capital into Hong Kong, and that is encouraging. China has a huge stake in Hong Kong's future.''

CORRUPTION WORRIES

Some China watchers are not so optimistic. There are worries that the corruption that has accompanied China's economic reforms will spill into Hong Kong and that the Chinese government will be fundamentally uncomfortable with having so much free enterprise and private property within its borders.

''I can't see Hong Kong operating at its current level once China takes over,'' said George Lee, professor of international business at San Francisco State University. ''The Communist officials are going to try to control everything they can get their hands on.''

Those worries go beyond big business and multinational corporations to the crowded highrise neighborhoods and outlaying islands where most of Hong Kong's people live. Hundreds of thousands of Chinese emigrants have passed through Hong Kong on their way to the United States since 1850, with a sharp increase after anti-Chinese immigration restrictions were lifted after World War II.

Thousands have chosen the Bay Area as their new home—about 20,000 in the past 10 years, according to U.S. immigration statistics.

For many Hong Kong immigrants, the coming changes bring concern for friends and relatives still there.

Underneath its fancy facade, Hong Kong is an expensive place to live. A small flat in a crowded jumble of concrete highrises can cost hundreds of thousands of dollars, and many families have worked for decades to buy a home or business. Now, with the handover, people worry that their friends or family see the life they have built slip away.

''There is a lot of apprehension and mixed feelings,'' said Rose Pak, spokeswoman for San Francisco's Chinese Chamber of Commerce, who was born in Hong Kong and moved here in 1967. ''There is pride in reuniting with China. But no one wants to see people there lose their property, or their freedom to travel or speak their mind.''

Still, people in California know there is not much they can do. China's economic modernization in the past decade gives some faith that the Chinese government will shore up Hong Kong, not undermine it. Any unraveling of Hong Kong's economic might would also be a huge loss of face for Beijing, where many Chinese leaders want to show the world they can improve on the way Great Britain ran the colony.

''There is so much there worth keeping and expanding on,'' said So, the computer consultant. ''The big highrises with their wild architecture that stand over little markets a few streets away, and the harbor full of big tankers next to old Chinese junks and fishing boats. It can be a crazy place, but it is always exciting. I hope it will all survive.''

HONG KONG AT A GLANCE

Hong Kong is about the same size and has about as many people as the Bay Area—but the territory has become one of the world's economic powerhouses. Its pivotal role in the economies of Asia and the Pacific Rim, as well as Hong Kong's long-standing cultural ties to California, give the Bay Area a huge stake in Hong Kong's future.

Population: 6.2 million.

Origins: Once a group of quiet Chinese fishing villages, Hong Kong was seized by Great Britain in 1842 following the first Opium War. Great Britain expanded the size of the colony in 1860 with the Kowloon Peninsula and the New Territories in 1898.

Economy: Hong Kong has thrived on unfettered capitalism, with an import-export economy driven by its huge harbor, powerful banks, many small factories and busy stock market. The colony exported about $150 billion worth of goods all over the world in 1994.

Politics: Hong Kong is run by a British governor, a locally elected legislature and a powerful civil service. China has been increasing its influence behind the scenes in recent years. Following the Tiananmen Square crackdown in 1989, a million Hong Kong people took to the streets to protest the bloodshed and to call for greater democracy.

Culture: Hong Kong's population has always been predominately Chinese, but expatriates from all over the world have long flocked to the colony. The mix has created a blend of cultures and traditions that exists nowhere else. Many of Asia's top artists, film-makers, chefs and designers have come from Hong Kong.

Dollars to California: Hong Kong is California's ninth-largest export market, importing $3.8 billion in California goods in 1995. Top goods purchased included electronics and industrial machinery. Exports to Hong Kong support more than 70,000 jobs in the state.

California, a favorite destination: In recent years, about 25 percent of all immigrants from Hong Kong to the United States settled in the Bay Area. Hong Kong has been a major point of departure for hundreds of thousands of immigrants headed to California for 150 years.

The future: China will retake control of Hong Kong on July 1 under an agreement reached with Great Britain in 1984. The plan called for making Hong Kong a special region within China and leaving Hong Kong's systems in place for 50 years. Since them, however, China has moved to replace the elected legislature with one made up of representatives approved by Beijing and will undo parts of a Bill of Rights passed four years ago. Chinese leaders continue to say Hong Kong's economy and other systems will be left untouched.

TRIBUTE TO MAGNUS ELLEN, SR.

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention the memory of Magnus Ellen, Sr. of Passaic, NJ, who passed away recently on February 25, 1997.

Magnus' life was one of dedication and commitment to the community, serving the city of Passaic as its only African-American councilman and as a member of the board of the United Passaic Organization, the city's branch of the National Association for the Advancement of Colored People.

As well as being a community activist, Magnus also served the community as deacon of St. Paul Baptist Church, and as chairman of the board of directors at St. Paul Baptist Church for two decades. Through his involvement in the community, Deacon Ellen—as he was affectionately known—led several citywide improvement campaigns which included an antilitter program that saw the participation of hundreds of residents and students picking up trash from the city's streets while city officials were debating the management of the program.

A giving and honest man, Deacon Ellen never turned away those in need of help and even unofficially adopted two young musicians from St. Paul Baptist Church, who were members of the Inspirational Choir, a program organized by Deacon Ellen. Another popular church program begun by Deacon Ellen is the annually celebrated, Youth Day.

In addition to being a community activist and a man of God, Deacon Ellen was also a traveler who counted as one of his greatest personal achievements, a trip made to Jerusalem nearly two decades ago.

Deacon Ellen and his wife, Christine, who passed away 4 years ago, had raised a loving family of five children including Magnus, Jr., a retired Passaic detective, and Carl, owner of the Ellen Agency, his insurance company.

Deacon Ellen was planning to remarry on August 2, of this year to his fiancée, Loretta Bradley.

Surviving Deacon Ellen are his five children, a sister living in Chicago, and many grandchildren and great-grandchildren.

Mr. Speaker, I ask that you join me, our colleagues, Deacon Ellen's fiancée Loretta, his

family, and the city of Passaic in remembering Deacon Magnus Ellen, Sr., and his many invaluable contributions to the community.

SALUTING KARL ANTON

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents and the members and friends of the Long Island, Nassau/Suffolk Chapter of the Juvenile Diabetes Foundation International as they gather on March 15, at the Garden City Hotel to celebrate their outstanding accomplishments and honor a most unique and dedicated individual, Karl V. Anton, Jr.

When describing Karl Anton, one usually says, ''He has ink in his blood.'' This healthy dose of printer's ink was given to him by his father, who published a community paper in Freeport, as well as the Nassau News. It very soon became the family tradition to both report and create history. As Karl became more involved with his father's journalistic efforts, the concept of community service took hold and very soon merged with his dedication to publishing. What resulted were newspapers that served to both enhance and inform the community. Many of today's Long Island newspapers have greatly benefited from contact with Karl Anton.

Karl is indefatigable in all he undertakes and successful in all his endeavors. The intimate knowledge of the community gained by Karl through his newspapers generated a sense of duty to the various neighborhoods he covered. Very quickly he became a multifaceted workman devoting his knowledge and skills to a variety of community organizations and projects.

Karl Anton's involvement in the Juvenile Diabetes Foundation came about when his oldest granddaughter, Christine, was diagnosed with the illness. Since then, a second daughter, Mary, was similarly diagnosed. Much to the great love and dedication of Karl, these children have been blessed with a compassionate, selfless and dedicated grandfather who has devoted his total self in aiding the search for a cure.

Mr. Speaker, at a time when we search for heroes to lead us by dint of personality and hard work, we have been blessed with such a man as Karl Anton. I ask all my colleagues in the House of Representatives to join me now in saluting Karl Anton for a lifetime of selfless contribution to his community.

BLACK HISTORY MILITARY HERITAGE

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. STEARNS. Mr. Speaker, last month I had the opportunity to attend a ground breaking ceremony for the Afro-American Memorial Museum at Camp Blanding, FL. The museum hopes to foster understanding, interest and pride in the military history of Florida and in particular of black Floridians.

The dedicating speech at this event was given by Prof. Robert Hawk, a former Navy corpsman and current professor of American and Florida history. To put it simply, Professor Hawk is the exemplification of the museum itself. He has authored many books on the Armed Forces and on Florida; he has worked for the Florida Department of Military Affairs as a historical site interpreter; he has assembled and published 150 volumes of archival material on Florida history; and he has co-designed and created three public museums devoted to Florida history. We all have a lot to learn from a man like Professor Hawk. His speech at the ground breaking struck a chord with me; it enlightened me; and it made me proud to be an American and a Floridian.

Mr. Speaker, attached is the text of Professor Hawk's speech from the ground breaking. it is to be made part of the RECORD. I urge my colleagues, and indeed all Americans, to read through what he has to say. His message is invaluable in understanding the history behind our great country, and is therefore invaluable in understanding the pride in being an American, a Floridian, and a neighbor of great men like Professor Hawk.

BLACK FLORIDA MILITARY HERITAGE

(By Robert Hawk)

A narrative version, based on the notes prepared, of the speech I gave the Black History Month groundbreaking ceremony for the ''Walk Through Time'' memorial project at Camp Blanding, Florida; February 21, 1997. Its pretty rough as it was designed as a speech and not a finished product for publication. Anyway, here it is as best I could reconstruct it! I am also enclosing a copy of the historical background material for the project grant that was handed out at the ceremony as I wrote that as well and it tells the story a bit more coherently.

As a professional historian and teacher, I am frequently surprised, indeed depressed to realize how very little the average American knows of our country's history. And for Florida history; even among individuals born and raised here, with long family histories associated with the state, their knowledge of our state's history is generally extremely limited, often non-existent. There is virtually no knowledge or appreciation of our peninsula's long, interesting and distinguished history which extends over more than four centuries.

And knowledge of Florida's Black military historical heritage? Even less is known.

Contemporary, popular or ''politically correct'' view of Florida, and its Black history, suggests cotton fields and slaves and, for virtually everyone, Florida history begins when the Americans take over in 1821.

But this view completely overlooks the more than 350 years of Florida's history which precedes American control and, it ignores the important military service which Black Floridians have given their new world home for all those preceding centuries.

Our ''Walk Through Time'' memorial is designed to commemorate the entire 430 years of dedicated military service by Black Floridians. And that unique heritage begins where it should; at the beginning!

1565

When Pedro Menendez de Aviles established the military or presidio settlement of St. Augustine in September 1565, he mustered all his troops and the settler militia. The company of local militia contained at least two men of African origins. As a note, under Spanish law, in a presidio or military settlement, all males, black/white, free and slave; Indians, mixed bloods; even convicts were liable for military or militia service.

From 1565 on, there was never a time when there were no men of African origin serving in the Florida militia or local garrison. By the middle of the 17th century, at least one entire company of Florida militia infantry was composed entirely of free and slave black local residents.

During the War of Jenkins Ear, Florida was partially defended by a Black infantry company of former slaves and free citizens attached to the Fort Mose settlement north of St. Augustine commanded by Francisco Menendez, a former slave and now wealthy free man of color in Florida. In June 1740 after the British invaded Florida and laid siege to the city of St. Augustine, those Black soldier, along with their Spanish Regular compatriots, successfully assaulted the British positions at the occupied Ft. Mose, precipitating the subsequent evacuation of Florida by the British.

Few Floridians and fewer Americans seem aware that Florida was a Loyalist colony during the war of the American Revolution. The colony raised a regiment of East Florida Rangers of nine companies, at least one of which was entirely composed of local Black citizens. The Rangers fought the Rebels from the north several times and never lost a battle, eventually helping the British occupy east Georgia which they held until war's end.

During the Second Spanish period following the Revolution, Florida had many Black infantry and artillery militiamen.

In 1821 the Americans took over Florida. Things would change as the Americans had different institutions and values. There would be a much reduced, almost non-existent role for Blacks in the local militia but some Florida Blacks did serve in the Seminole Indians Wars.

And then there is America's most devastating war; the Civil War or the War of Northern Aggression.

Most people believe all Southern Blacks who serve in the war did so in the Union Army. Not so. Throughout the South, approximately 40,000 Southern Blacks, both free men and slave, actively served in or with the Confederate Army and they fought for their homeland; the South.

Some did serve in the Union Army. From Florida, most local Blacks who served the Union did so in the 1st South Carolina, later re-named the 33rd US Colored Infantry.

But other Florida Blacks served the South. For example, at least twelve local men of color served in Company B, 3rd Florida Infantry, Confederate States Army, one of whom was Corporal Emmanuel Osborne. His brother Samuel Osborne, served as a Private in the 33rd US Colored Infantry, Union Army. Not only white families were divided by this terrible war.

After the Civil War, Florida, and America's military and militia units were segregated. Black militia units in Florida did not receive official recognition but Black Floridians continued to organize and train their own militia units right up to the beginning of the First World War. Some Florida Blacks served in the Black Regiments of the Army fighting Indians in the West, in Cuba and the Philippines. At least three members of those regiments from Florida were killed in action at the Battle of San Juan Hill in 1898 and are buried in the National cemetery in St. Augustine.

During World War I and World War II, America's military remained segregated. But thousands of Black Floridians served in the military, some died and some were killed in action fighting the Germans in the First War and Germans and Japanese during the Second.

Largely desegregated after the Second War, Black Floridians continued to serve their state and nation in Korea, Vietnam,

Desert Storm and in all the many military deployments and associated activities of our nation since 1945.

And, finally, three African American Floridians have received our nation's highest medal for valor; the Medal of Honor. Adam Paine, Clifford Sims and Robert Jenkins.

Adam Paine was a Seminole Negro Indian Scout with the 4th US Cavalry and earned his medal 20 September 1874 on the Staked Plains of Texas. He was born in Florida and moved to Mexico just before the outbreak of the Civil War and crossed into Texas after the war to join the Army. To quote from his citation; ''Seminole Negro Indian Scout Adam Paine; for gallantry when attacked by a hugely superior party of Indians. This is a Scout of great courage'' signed Colonel Ranald MacKenzie; commanding the regiment.

Clifford Sims of Port St. Joe, Florida, was a Staff Sergeant with the 101st Airborne in Vietnam when he earned his medal 21 February 1968 in a battle associated with the Communist Tet Offensive near Hue.

He was a squad leader leading his men in an attack against heavily fortified enemy positions. He exhibited excellent leadership throughout the battle and saved his men from serious injury when an enemy ammo position exploded. Shortly afterward, when the unmistakable sound of an enemy booby trap being sprung was heard, he threw himself on the enemy device and was killed. His men lived.

Robert Jenkins Jr., of Interlachen, Florida was a Private First Class in the United States Marine Corps when he earned his medal on 5 March 1969 near the DMZ in northern Vietnam. He was serving as a machine gunner with Recon unit when his position was assaulted by NVA Regular troops. He and his assistant gunner fought back effectively, but when an enemy grenade was thrown into their position, Jenkins, without hesitation, placed himself between the grenade and his comrade, thus receiving the wounds from which he died later that day. His fellow Marine lived. He came to visit Robert's grave in Florida just this past year.

Well, this is but a sample of Florida's Black military heritage which we wish to commemorate with this memorial project. It is an interesting, unusual and distinguished heritage; one that needs to be made known to all Floridians. Out ''Walk Through Time'' memorial exhibit will be a start toward making this part of our state's long and incredibly diverse history available to the general public.

We extend our most profound thanks and appreciation to all of those who have, or who will, assist us in the creation and completion of this project.

RECOGNITION OF THE AMERICAN JEWISH COMMITTEE FOR THEIR SIGNIFICANT DONATION TO THE GAY'S HILL BAPTIST CHURCH IN MILLEN, GA

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. KINGSTON. Mr. Speaker, in response to the malicious burning of the Gay's Hill Baptist Church in Millen, GA, the American Jewish Committee presented a donation of more than $87,000 to the church's congregants for reconstruction on December 15, 1996. The remarks that David A. Harris, the executive director of the American Jewish Committee, gave at the presentation were especially inspirational and carried the message of racial healing. Mr. Harris' apt remarks follow:

GAY'S HILL BAPTIST CHURCH
GROUNDBREAKING CEREMONY

(By David A. Harris, Executive Director, American Jewish Committee)

Reverend Baldwin, Ladies and Gentlemen, Brothers and Sisters, Perhaps they're out there right now, maybe hiding behind that tree, or over in that field, or behind that car. I'm speaking of those who would commit such an act as burning a church. Maybe they're out there right now, watching us. I hope so.

Perhaps they thought they had found an isolated church to burn down, a church no one would notice, much less care about.

They were wrong. This church is now at the center of the universe. It might as well be located in the middle of Times Square in New York, or between the White House and the U.S. Congress in Washington.

Perhaps they thought only Baptists would care.

They were wrong. It's not just Baptists who care. It's all caring people who care. And if this was an assault against Baptists, then all of us—of many religions—are today Baptists.

Perhaps they thought only African Americans would care.

They were wrong. It's not just African Americans who care. It's all caring people who care. And if this was an assault against African Americans, then all of us—of many races—are today African Americans.

Perhaps they thought only Christians would care.

They were wrong. It's not just Christians who care. It's all caring people who care. And if this was an assault against Christians, then all of us—of many faiths—are today Christians.

Perhaps they thought their hate would prevail.

They were wrong. Our love will. Our bonds—across race, religion, geography—will prevail. As we stand here today, hand in hand, arm in arm, shoulder to shoulder, we know that to be true.

Perhaps they thought destruction would prevail.

They were wrong. Construction will prevail. We are builders, not destroyers. The rebuilding of this church is but one example.

Perhaps they thought an exclusive view of America would prevail.

They were wrong. An inclusive vision of America—of all its people and their rich diversity—will prevail. We reaffirm that vision today, as we must every day. An America where we will learn to live together as brothers and sisters, else we die together as fools, as the late Reverend King so poignantly stated.

Ladies and Gentlemen, Brothers and Sisters,

When we at the American Jewish Committee learned about the spate of church burnings, we wanted to extend a helping hand—not just in words, words can be quite cheap, but in deeds. We wanted to rise up as part of the community of conscience and stand with those in pain and in need. We wanted to do something tangible.

For many of us, the sight of church burnings was all too familiar. Near and far, we have witnessed many of our synagogues, far too many, go down in ashes—targets of hate. We have experienced the sense of fear, of vulnerability, of anger, and of isolation that comes with such tragedies. And we know what can happen when we are alone. Yes, we know.

For too long, we were alone, as you have been alone.

But no more. Enough. Many good people are waking up and want to be counted. You are not alone. We are not alone. Just this past week, for example, Jews around the world were celebrating the holiday of Chanukah, the eight days marking the first recorded struggle for religious freedom, the freedom to be different. A Jewish family outside Philadelphia experienced a frightening event.

During the night, someone came, broke a window and destroyed the candelabra, the menorah as we call it, shining bright in their window. But what happened next? By the end of that day, virtually every home in the immediate neighborhood, Christian and Jewish, had placed a menorah in their front window. And something very similar happened in Billings, Montana three years earlier when thousands of Christian homes placed menorahs in their windows after a similar attack.

That's true faith, that's genuine kindness, that's real brotherly and sisterly love.

No, none of us should be alone. None of us should ever again experience the fear of isolation. And none of us should ever again remain quiet or inactive at such moments. That would be akin to acquiescence, to defeat.

And that's why we wanted to help, to stand up and be counted, to affirm that we are all God's children, all created in the Divine image. In doing so, we were motivated by the words of Samuel:

''The Lord declares to you that He, the Lord, will build a house for you . . . He shall build a house for God's name . . . Be pleased, therefore, to bless your servant's house, that it may abide before You forever; for You, O Lord God, have spoken. May your servant's house be blessed forever by Your blessing.''

Joining me here today are a number of American Jewish Committee colleagues whom I'd like to ask to join me now. From Atlanta: Lois Frank, Steve Kleber, Sherry Frank and Sunny Stern. From Philadelphia: Lisa Weinberger and Eric Kantor.

And though technically not a colleague, I'd also like to ask my 17-year-old son, Danny, to come up. I asked Danny if he would come with me from New York because I wanted him to experience this day for himself and hopefully to draw strength and inspiration from it.

Reverend Baldwin, my colleagues and I at the American Jewish Committee said we wanted to do something tangible. As you know, we and the whole family of the American Jewish Committee undertook a fund raising effort to help you and your congregation rebuild the Gay's Hill Baptist Church. I am pleased today to be able to give you these checks totalling more than $87,000 that resulted from the effort.

And now, may I ask you all—Christian and Jew, black and white, we who seek to build, not destroy; to love, not hate; to heal, not wound—to join hands for a moment of prayer.

''Our God and God of all Generations, We rejoice at the gift of friendship and fellowship that is ours this day.

We ask Your blessing upon those who lead and serve this Congregation. Bless them in their endeavors to build a new House of Prayer.

Give special strength, wisdom and courage to those who will labor to build this new House. Be with them in the days and months ahead.

And may they achieve the goal we all seek, the gift we Jews call Shalom, the gift of peace. And let us say, Amen.''

TRIBUTE TO GIRL SCOUTS OF THE USA

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to join in celebration of the 85th anniversary of the Girl Scouts of the USA. The Girl Scouts of the USA, since its inception in 1912, has stood for the highest principles of honesty, fairness, and service to others.

Juliette Gordon Low registered the first group of 18 Girl Scouts on March 12, 1912, in Savannah, GA—conceiving the idea from England's Sir Robert Baden-Powell, who in 1911 had founded an organization called the Boy Scouts.

The birth of the Girl Scouts of the USA in the early part of this century introduced unprecedented opportunities for girls to expand their lives. While girls and women in those years were unable to break into traditionally male activities, sports, fields of academics and jobs, the Girl Scouts of the USA handbook in 1913 included instructions on how to fly an airplane.

The Girl Scouts sisterhood gained enormous popularity in the years to follow, leading to its incorporation in Washington, DC, on June 10, 1915, its first nationally organized cookie sale in 1936, and its chartering by the U.S. Congress on March 16, 1950.

In the decades since then, the Girl Scouts of the USA has grown to nearly 3½ million members—2.6 million Daisy, Brownie, Junior, Cadette and Senior Girl Scouts, and 827,000 adult volunteer leaders, consultants, board members, and staff specialists. First Lady Hillary Rodham Clinton serves as its National Honorary President. A total of 174 million boxes of Girl Scout cookies sold last year for $435 million, to support activities of 331 local councils established nationwide. The Girl Scouts of the USA has enjoyed tremendous success.

We must continue to support and acknowledge the value of an organization that teaches a young girl through its basic law to do her best, to be honest, to be fair, to help where she is needed, to be cheerful, to be friendly and considerate, to be a sister to every Girl Scout, to respect authority, to use resources wisely, to protect and improve the world around her, and to show respect for herself and others through her words and actions.

These responsibilities in Girl Scout Law and words in the Girl Scout Promise to ''serve God and my country'' have prevailed throughout the 85 years of its organization, despite new challenges marked by evolving times. In cities such as Milwaukee, Honolulu, and here in Washington DC. Girl Scout troops are having an incredible impact on the lives of girls. Today's Girl Scouts are taught duty and obligation to others and themselves, and are offered opportunities to do so through a broad range of activities. Girl Scouts each week are participating in positive activities to discover the worlds of science, the arts, the outdoors, and people—as well as to find their ability to excel in these worlds.

The Girl Scouts of the USA will continue to mean for millions of our girls a source of friendship, a positive creed by which to live, and endless opportunities at self-discovery. Happy 85th birthday, Girl Scouts of the USA. I wish you many more to come.

''DEMOCRACY—ABOVE AND BEYOND''

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. WISE. Mr. Speaker, I would like to introduce for the RECORD a script written by Mr. William ''Jamie'' O'Brien, a constituent of mine from Buckhannon, WV. This script was West Virginia's winning entry into the Veterans of Foreign Wars—Voice of Democracy broadcast scriptwriting contest.

Jamie's script does a tremendous job of blending the history of our country with examples of the shortcomings of other types of government to explain why, ''Democracy, against all other forms of government, is above and beyond.'' I encourage my colleagues to keep Jamie's script in mind as we seek to find effective solutions to the problems that currently face our Nation.

''DEMOCRACY—ABOVE AND BEYOND''

(By William O'Brien)

As I watched the sun set upon the Pennsylvania battlefield, I could see the men charging forth over the crest of the hill. Valor raging in their eyes. The name Gettysburg itself carries a foreboding presence, but being there to witness the landscape is an eye opening experience. This place is one example, of many, where brave men laid down their lives for the protection of the precious institution democracy.

Throughout the history of the United States, we have strived to protect freedom and be an example of democracy at work. When the very existence of the nation was threatened in the 1860's, President Lincoln's main objective was not the Emancipation Proclamation or to punish the South for its defiance. His chief war aim was to preserve the Union. Lincoln knew that the war would shape us into a new nation. When Lincoln visited the Gettysburg battlefield to dedicate a cemetery, he included in his remarks an eloquent description of democracy—''a government of the people, by the people, and for the people, shall not perish from the earth.''

Just down the road from the battlefield is the Eisenhower farm. Eisenhower worked his whole life for the cause of peace. He served his country in the struggle against the Nazi party in World War II. After all his military accomplishments he returned to his homeland and retired to this spot in Pennsylvania. As president of the United States and as leader of the free world, ''IKE'' returned here—bringing many world leaders. The leader of the communist USSR, Nikita Khrushchev, viewed and walked this same ground. The communist leader's famous phrase, ''we shall bury you,'' is now only ashes.

Democracy, being derived from the highlights of other governments, is the best form of government. A monarchy is too naive, to think that one person can rule a diverse group of people. It's strong suit is that it puts one person at the head so things can get done quickly. Totalitarianism is not good for an advancing society. If the government controlled all aspects of life creativity would be lost. The government has the responsibility, however, to control the safety of its people. The tyrannical power of a dictator does not allow people to be free in their own homes. At any time, their life can be expended. They have no rights. Yet, the maintaining of an army for defense and the war is essential. For these reasons, democracy is above all forms of government.

The protection of the people and their rights are two of democracy's greatest assets. But most important is how apt the government is to change. Our government is not defined by the time in which it was developed. It's molded by the present. The United States Constitution is a living document. The soldier at Gettysburg, President Lincoln, and General Eisenhower, all fought to preserve the Constitution and what it stands for. Depending on what is needed by the people, our government provides. Our democracy has lasted for over two hundred years, while other governments have fallen to the wayside. Democracy goes beyond all forms of government.

I have no fear that when I reach adulthood, democracy will be able to provide for me. We shall shape it for ourselves. Because democracy, against all other forms of government, is above and beyond.

TRIBUTE TO LARRY MANCINO

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. SCHUMER. Mr. Speaker, at its most recent convention, the Communications Workers of America elected as vice president of its district I, Larry Mancino.

District I is the largest jurisdiction in CWA in terms of membership, with nearly 100,000 dues payers residing in the States spanning the area between New Jersey and Maine.

I take special pride in Larry's election because he is not only a native of the Empire State, but also was born in Brooklyn.

Most significant, Larry Mancino brings a proven track record to the position of vice president, having served for more than 30 years as an effective and enlightened labor leader.

After completing military duty in the Air Force, he began work as a communications technician with the Western Union Telegraph Co. In 1966, Larry assisted the CWA by becoming the collective bargaining representative for the 4,000 employees of Western Union. Six years later, he was appointed to CWA's national staff. He later advanced to director of the union's downstate region, including New York City.

Most noteworthy, Larry was promoted in 1991 to assistant to Morton Bahr, the president of CWA. A responsibility that Larry carried out diligently and successfully until his election as vice president of district I.

Mr. Speaker, Larry Mancino is not only eminently qualified to be vice president of CWA but he and the world's largest telecommunications union are a nearly perfect match.

The CWA is a prime example of an outstanding ''public citizen'' in our pluralistic society, an organization that enhances the quality of life of all Americans. It is an activist organization with grassroots rank-and-file members residing in all 50 States and in each of the 435 congressional districts.

I am pleased that the leadership of CWA's district I is in the hands of Larry Mancino. He is an invaluable asset not only to CWA but also to working families throughout the Nation.

I also want to acknowledge Larry's indispensable partner, Connie, their three children and their grandson. I know that they are proud of his extraordinary career and the latest honor he has richly earned.

LEGISLATION TO ENCOURAGE HOUSE MEMBERS TO HIRE WELFARE RECIPIENTS BY INCREASING THE MEMBER STAFF ALLOTMENT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Ms. NORTON. Mr. Speaker, today I introduce a bill to encourage Members of the House of Representatives to act in the spirit of welfare reform and to set an example by hiring at least one welfare recipient to work in either their Capitol Hill or their district office. The bill increases the number of staff that Members are now permitted to hire from 22 to 23 without any increase in their budgets, provided that the extra staff member is full-time and a welfare recipient. Members may hire welfare recipients now, as some have done, but others feel constrained by the limit on the total number of employees. By allowing an additional position, this legislation may also encourage the hiring of welfare recipients who are hard to place because of lack of experience and opportunities. Members may credit a welfare recipient from this city or region to her own home State's work participation rate, if desired.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 requires that, by the year 2002, 50 percent of all families—including 90 percent of two-parent families—receiving welfare be in the workforce or in work activities. In only 1 year, this year, half that number or 25 percent must be working—including 75 percent of two-parent families. This is a daunting goal to achieve nationwide, especially considering the wide differences in the economies of the States, cities, and rural areas and great differences in the skills and background of welfare recipients today. Yet large penalties ultimately totaling up to 21 percent of a State's grant may result if the quotas are not met. At a time when we are asking private employers to hire welfare recipients, we must take the lead.

The President has directed Federal agencies to take steps within the next 30 days to hire welfare recipients. Congress must also do its part. While this revenue neutral bill contemplates no increase in a Member's allowance, it removes a hurdle to hiring a welfare recipient for offices that already have the authorized number of staff or must use their full complement.

Under current rules, Members are allowed to hire 22 staff members, 18 permanent and 4 nonpermanent, in their Washington and district offices. The last time the number of permanent staffers was increased was in 1975—from 16 to 18—and the 4 nonpermanent staff positions were added in 1979. There is no corresponding increase in Member allowance.

Several Members have already begun to hire recipients of public assistance. This legislation encourages others to follow by reducing one possible impediment. This legislation is also in the spirit of the Congressional Accountability Act that applies the same laws to Congress as to other Americans. Employers are not required to hire welfare recipients, and neither are we. They are encouraged to hire welfare recipients, and so should we. I urge each and every Member to cosponsor this bill and to help ensure its early passage.

JOHN T. BARTOSIEWICZ HONORED AS MAN OF THE YEAR BY THE PULASKI ASSOCIATION OF BUSINESS AND PROFESSIONAL MEN, INC.

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise to pay tribute to John Bartosiewicz of Greenpoint, Brooklyn, who is being honored this Sunday as the Pulaski Association of Business and Professional Men's Man of the Year.

John grew up in a musical family, and his success as a musician was identified quickly. During his childhood, he was known for his musical talent whether he was singing or playing an instrument. In 1967, he joined the St. Cecilia Choir of St. Stanislaus Kostka Church in Greenpoint, Brooklyn, as a bass section voice. In 1974, John took over as the music director and conductor of the choir. Under his aggressive and masterful style of teaching and conducting, the St. Cecilia Choir has recorded four record albums, made numerous television appearances, and performed numerous times throughout the New York metropolitan area including at an ecumenical service for Pope John Paul II.

In addition to his musical achievements, John has also been involved in politics, business, and community affairs throughout his entire life. While attending St. Francis College and majoring in political science, he interned with the newly city councilman, Abraham G. Gerges. Bartosiewicz worked on the successful election campaign and became part of the councilman's staff for almost 2 years. From 1976 to 1988, John managed six campaigns for reelection to the New York State Senate on behalf of his brother, Tom Bartosiewicz. He worked closely with community leaders, volunteers, and a dedicated hard-working staff, and that work resulted in landslide victories. Following his brother's retirement from the Senate, John kept active in Greenpoint politics.

In 1976, John Bartosiewicz joined his mother and father in the family-owned business of Newell Fuel Co. as general manager. Through his efforts the company modernized its operations and office location establishing itself as a creative energy efficient leader in the fuel oil industry.

John is also very active in fund-raising campaigns benefiting his parish of St. Stanislaus Kostka Church and the community. In particular, he was instrumental in raising funds for the Pope John Paul II Cultural Center in Washington, DC.

In June 1996, Bartosiewicz joined Vijax Fuel Corp., where he presently serves as marketing and heating installations manager. Through Vijax, John instituted a ''give back to the community'' program which benefits the youth of Greenpoint. Entitled ''Energy for Youth,'' the program provided financial support to the activities of the Greenpoint YMCA, the St. Stanislaus Kostka Athletic League, and the Greenpoint Lions Club Toys for Tots Program.

Mr. Speaker, I ask that my colleagues join me in congratulating John Bartosiewicz on this well-deserved honor.

IN HONOR OF THE 25TH ANNIVERSARY OF THE FRESNO SERVICE CENTER OF THE INTERNAL REVENUE SERVICE

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. DOOLEY. Mr. Speaker, I rise before my colleagues today in order to pay tribute to the Fresno Service Center of the Internal Revenue Service which celebrates its 25th anniversary this year.

The Fresno Service Center of the Internal Revenue Service has made countless contributions to its community. More than 40,000 local residents have received valuable job training and developed lasting careers at the service center. The Fresno facility has been commended for providing meaningful job opportunities to youth, veterans, and the disabled.

In addition to job creation, the service center has played an important financial role in the community. Since it opened in 1972, the service center has contributed nearly two and a half billion dollars to the local economy through employment and related expenditures. Due to the generosity of the service center's employees, over two million dollars has been donated to local charities through the Combined Federal Campaign.

I commend the Fresno Service Center's dedicated employees—past and present—for their admirable service, and I hope that their fellow citizens will continue to support them with vigorous appreciation.

WACO

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. PAUL. Mr. Speaker, I was encouraged to come across this recent review in the Austin American-Statesman of a new movie which did well at the recent Sundance Film Festival. The film, ''Waco: The Rules of Engagement,'' deals with the horrible events which occurred in Waco, TX, in 1993. This review correctly describes the hideous event—as shown in the nonfiction ''Waco'' documentary—which left so many innocent children dead, and so many questions left unanswered. The film apparently answers some of the questions, revealing never-before-released recordings of the conversations between Federal police and the Davidians, as well as never-before-seen footage of the final minutes of the siege. I am pleased to share this review with my colleagues.

[From the Austin American-Statesman, Jan. 20, 1997]

CELEBRATING INDEPENDENCE—FROM AUSTIN TO WACO, TEXAS IS WELL COVERED AS SUNDANCE FILM FESTIVAL KICKS OFF

(By Ann Hornaday)

''Waco'' had crowds riveted.

As usual, many of the stand-outs of the festival have been in the non-fiction categories. Friday morning was brightened considerably with the world premier of ''Riding the Rails,'' a film about the generation of teenagers who took to riding boxcars during the Depression. And the envelope wasn't just pushed, it was exploded by the most powerful film to be shown yet at Sundance.

Director William Gazecki presented ''Waco: The Rules of Engagement'' to a packed screening room on Saturday when it made its world premiere as part of the noncompetitive American Spectrum sidebar. This harrowing tale of the siege at the Branch Davidian compound and its tragic end unearths shattering evidence of hidden agenda, dishonesty, religious persecution and fatal culpability on the part of the U.S. government. With tapes of never-before-heard negotiations between David Koresh and agents of the Bureau of Alcohol, Tobacco and Firearms and the FBI, video shot by the FBI at the compound and infrared photography, as well as interviews and congressional testimony, Gazecki leads the audience to the chilling conclusion that, as one former FBI special agent puts it, the Davidians who died in the fire on April 19, 1993 ''were victims of a homicide'' at the hands of their own government. The audience, most of whom stayed for the three-hour entirety of ''Waco,'' remained riveted up until its disturbing final shot—an almost unheard-of phenomenon at a Sundance screening, let alone one where everyone knows the ending.

RETURN CAPITAL TO THE AMERICAN PEOPLE ACT (RECAP ACT)

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Ms. DUNN of Washington. Mr. Speaker, I rise today to introduce the Return Capital to the American People Act (ReCAP Act). This legislation provides a capital gains reduction for both individuals and corporations and will do more to boost our Nation's economy, more to create jobs, more to enhance U.S. competitiveness worldwide, and more to increase savings and investment than any other single legislative change we can enact.

For established, successful businesses, for struggling entrepreneurs, and for middle-class families across the country, this measure represents the most serious effort to unlock billions of dollars in investment providing for expanded growth and job creation.

While there are many reasons to support a reduction in the capital gains rate, I would like to highlight what I believe to be the most compelling case for enactment of the ReCAP Act.

A low capital gains rate benefits all Americans. This bill is fair to all income groups and sectors of our economy. Many of the so-called rich who would benefit from a cut in capital gains taxes are only rich for one year. A family in Eatonville that sells its house, an owner in Issaquah who sells a small business, a worker in Bellevue selling stock received through an employee stock option, and a retiree in Auburn selling an asset and planning to live off the proceeds would all be considered wealthy on current tax distribution tables. For example, a review by the Joint Committee on Taxation on capital gains realizations for the period 1979–1983 shows that nearly 44 percent of tax returns claiming a capital gain during the 5-year period claimed only one capital gain. Most of these people aren't rich, regardless of what statistics say. They merely have one year of inflated income because they realized a big capital gain.

Furthermore, an analysis of 1993 tax returns found that nearly 50 percent of the tax returns reporting capital gains were filed by taxpayers with less than $40,000 in adjusted gross income. Of tax returns claiming a capital gain, nearly 60 percent of those returns are filed by taxpayers with less than $50,000 in adjusted gross income.

Low capital gains rate is important for our future and our Nation's ability to save and invest. Americans do not save enough. If you look at our tax laws, you will see why. Instead of encouraging people to save, the tax code often punishes people who save and invest. This is primarily due to the fact that the income tax hits savings more than once—first when income is earned and again when interest and dividends on the investment supported by the original savings are received. This system is inherently unfair because the individual or company that saves and invests pays more taxes over time than if all income were consumed and no savings took place. We need to change this. Without savings, a person cannot buy a house, a business cannot purchase new equipment, and our economy cannot create jobs. Unless we can raise our national savings rate, our standard of living, and our children's and grandchildren's standards of living will not grow.

Lowering the capital gains rate unlocks investment and America's true economic potential. High capital gains taxes can prevent someone from selling an asset and paying the tax. This is the lock-in effect: when a person will not sell an investment and reinvest the proceeds in a higher paying alternative if the capital gains taxes he or she would owe exceed the expected higher return on the original investment.

This lock-in effect limits economic growth and job creation. Capital stays locked in an investment instead of being free to go to a person who wants to hire new employees in her consulting business. Lower capital gains taxes will reduce the lock-in effect and free up capital for small businesses, first-time home buyers, and entrepreneurs.

Lower capital gains will increase Federal revenues and thus help reach the goal of a balanced budget. History indicates that lower capital gains taxes have a positive impact on Federal revenues. During the period of 1978 to 1985 the marginal Federal tax rate on capital gains was cut from almost 50 percent to 20 percent—but total individual capital gains tax receipts increased from $9.1 billion to $26.5 billion. After surging to $326 billion in 1986 (the year before the 1986 rate increase took effect), capital gains realizations have trended down and remained at less than $130 billion per year in the 1990's.

Given the increases in the stock market, inflation, and growth of the economy since the late 1980's, realizations and taxes paid are certainly being depressed by the current high capital gains rates.

CONCLUSION

Rather than discouraging American workers and businesses, the Federal Government ought to simply get out of the way. Lower capital gains taxes—as embodied in this bill—leave more vital capital in the hands of businesses, investors, and entrepreneurs. They know a lot more than the Federal Government ever can or will about creating jobs and products in a competitive marketplace.

History proves that capital gains tax reduction is the right course to take. In the past, reductions always have boosted the Nation's economy and increased tax revenues to the Federal Government. If a goal of this Congress is to pass legislation promoting economic opportunity and growth in America, then common sense suggests that we enact the ReCAP Act.

CONGRATULATIONS TO THE USCG AIR STATION, SAVANNAH, GA FOR A JOB WELL DONE

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. KINGSTON. Mr. Speaker, when no one else was able to help, U.S. Coast Guard helicopter 6573, based at the USCG Air Station in Savannah, GA, swung into action to carry a 3-year-old burn victim from Statesboro, GA to much-needed treatment in Savannah, GA. The air station staff's heroic actions are detailed in the following letter from Bulloch Co. EMS/Rescue Director Lee Eckles:

BULLOCH COUNTY EMS/RESCUE,
Statesboro, GA, September 27, 1996.

Adm. ROBERT E. KRAMEK,
Commandant, U.S. Coast Guard,
Washington, DC.

DEAR ADMIRAL KRAMEK: I realize how busy you must be, but when it comes to expressing ones thanks for saving the life of a child, I felt like you just might have a few minutes to read this letter.

On September 25, 1996, our department was dispatched to respond to a ''burn patient'' some ten (10) miles away from our station. With no other information available, we responded. Arriving at the scene, our staff found a three year old female with second and third degree burns covering over seventy percent of her body. Within twenty-five minutes of our dispatch time, the child was receiving primary care treatment at our local hospital.

It was clear from first observations that this three year old would need the specialized care of the ''Burn Center'' ninety miles to our west, in order to have any chance of survival. Due to the extent and severity of the burns, and the fact that she had suffered extensive airway burns, transport time to the burn center would have a significant impact on her survival. Air transport was the only option. The regional Trauma Center in Savannah, fifty miles to our east has the only civilian medivac helicopter available in all of South Georgia. Upon making the request, I was notified that their helicopter was out of service for maintenance. They did however, quickly refer us to the military M.A.S.T. helicopter unit at Fort Stewart. As I dialed the phone, I remembered from my military tour of duty with the Coast Guard, (1978–1981), the bureaucratic process that

would have to be overcome in order for a military aircraft to be approved for use on a civilian medivac mission. The desk sergeant quickly transferred my call to the duty officer. My first comment to the Major was to apologize for my sense of urgency, but a child's life was on the line. Simply stated, I ask if his M.A.S.T. Helicopter could be airborne in five minutes or less for a medivac flight. His response was brief and very direct. ''It will take me at least thirty minutes to find someone who is capable of giving authorization.'' I thanked him for his time, and hung up the phone.

I realized at that point we were out of options. One of my staff members, feeling helpless said ''why don't you call the Coast Guard, I know they have a helicopter.'' With nothing but the cost of a phone call to lose, I called the Coast Guard Air Station in Savannah Georgia. Once again, I explained the urgency of my request. This time, however, the response was different. Within five minutes, USCG 6573 was airborne and enroute to the Statesboro Municipal Airport. To make a long story short, the Coast Guard answered the call for help when no one else was available. The medivac mission was carried out without a hitch. Our every request was quickly accommodated.

Everyone involved, from the pilots and air crew to the individuals operating the telephone played an extremely crucial role in the critical care transport of Stacie Martin. At this point in time, I am not certain about Stacie's outcome because of the extent and severity of her injuries. One thing that I certainly know, is the role played by All Coast Guard Personnel involved will be credited with every positive milestone that Stacie overcomes on her long road to recovery.

For four years, stationed at USCG GROUP CHARLESTON, being a SAR small boat coxswain, the Coast Guard Motto, Semper Paratus, seldom took on a very significant meaning. However, on Wednesday, September 25, 1996, being ''Always ready'' had a much greater meaning than each and every day of my brief Coast Guard career. On that Wednesday, it seemed that the bureaucracy worked against Stacie, until Coast Guard assistance was requested. No bureaucracy, no delay, no excuses, simply immediate response, few questions, and extraordinary execution of duty and responsibility by all USCG personnel involved. I have always been proud of the many roles that I was involved in while a member of the Coast Guard, but never as impressed as I was on Wednesday the 25th.

I realize how truly insignificant our language and my own vocabulary really is when trying to express my sincere Gratitude and Thanks to everybody at the Coast Guard Air Station in Savannah, and to the personnel at the District Office in Miami. This is truly a case of one of the most outstanding humanitarian missions ever undertaken by my former branch of service.

There were probably many people who were involved whose names I did not have a chance to document, but those names I do have are as follows: Captain Clark, OSR Miami; Captain Thomas W. Sechler, OIC, Coast Guard Air Station Savannah; Lieutenant Richard Craig, Pilot; Lieutenant Thomas Gaffney, Pilot; Glenn Boggs, ADI; William (Bill) DeCamp, ASM2; Lieutenant Pat Ryan; Rob Jerger, AM3; and Mike Forchette, AE1.

I know these people and all others involved in this mission were only doing their job, but, speaking in behalf of the family of Stacie Martin, the Bulloch County Department of Public Safety, Bulloch County EMS/RESCUE, and our entire community, I wish again to express a very heartfelt thanks. The entire United States Coast Guard came through in our time of need. It was truly an answered prayer.

I know we at EMS/RESCUE in Bulloch County will never be able to repay all those involved, but, if you ever have any need here in our community, please don't hesitate to call.

Very sincerely,

LEE ECKLES,
Director.

HOUSE RESOLUTION 83 RELATIVE TO BIOMEDICAL RESEARCH

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. GEKAS. Mr. Speaker, I am pleased to join my colleagues, Mr. DEFAZIO, Mr. GILMAN, Mr. PORTER, Mr. SHAW and Mr. STEARNS, in introducing a resolution to double the investment in medical research at the National Institutes of Health over the next 5 years. I want to set forth the reasons why the investment in biomedical research has provided major benefits to our people.

The National Institutes of Health is the engine that drives medical research for our Nation and the world. Scientists funded by the NIH have produced a steady flow of discoveries leading to the prevention and treatment of many devastating diseases; their efforts are leveraged when their research leads privately funded U.S. researchers and researchers outside the United States to follow a lead. The congressional biomedical caucus, which I proudly Co-Chair with Representatives NANCY PELOSI, SONNY CALLAHAN, and JOSEPH KENNEDY, has brought some of this country's finest scientists to Congress to describe the amazing stories of how NIH funding has armed U.S. researchers as they lead the battle to successfully discover the causes of cancer, heart conditions, Alzheimer's disease, AIDS and other conditions which devastate millions of American families. Whether it is the recent discovery of genetic causes of some breast cancers, the development of Protease inhibitor treatment of AIDS, or the completion, which is within our grasp, of the map of all human genes; every day we hear of exciting advances in medical research which were made possible by the National Institutes of Health. I have sought advice and leadership from the five scientific societies which compose the Joint Steering Committee for Public Policy [JSC]: American Society for Cell Biology, American Society for Biochemistry and Molecular Biology, Biophysical Society, Genetics Society of America, American Association of Anatomists and the Association of Anatomy, Cell Biology and Neurobiology Chairpersons. I appreciate the quality and new information that the caucus briefings present under the leadership of Dr. J. Michael Bishop, University of California, San Francisco. I look forward to working with the JSC Chair Dr. Eric Lander, Director of the Whitehead Institute, Genome Center at MIT; Dr. Marc Kirschner, Chairman of Cell Biology, Harvard Medical School, and Dr. Tom Pollard, President of the Salk Institute, La Jolla, CA, to make this resolution a reality.

But this Nation's investment in the NIH is justified not just to relieve human suffering, but also to contribute to the national economy, and, in the long run, help reduce our deficit. As the world leader in biomedical research, some 50,000 scientists in 1,700 institutions throughout the country received NIH funding. It is estimated that NIH funding leads to an annual contribution to the U.S. economy of $44.6 billion in sales, $17.9 billion in salaries and 726,000 jobs. Our country's leading pharmaceutical and biotechnology industries are dependent upon the research findings of NIH-funded research.

Spectacular savings are affected by singular breakthroughs: Newborn screening and treatment for hypothyroidism now prevents lifelong mental retardation for thousands of people and saves $200 to $400 million per year; lithium treatment for bi-polar disorder has saved an astounding $145 billion in hospitalization costs since its introduction in the seventies. And it is estimated that delaying the onset of Alzheimer's disease by just 1 year would save $5 billion annually.

There is no shortcut to curing disease: Only the accumulated efforts of thousands of scientists, predominately funded by the National Institutes of Health, can and will result in the realization of the promise to prevent and cure disease.

MUSIC EDUCATION: NEBRASKA LEADS THE WAY

HON. BILL BARRETT

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. BARRETT of Nebraska. Mr. Speaker, I've been asked by the Nebraska Music Educators Association to share some important news with my colleagues.

According to the association, Nebraska is implementing national standards in the visual and performing arts through the design and implementation of the Nebraska K–12 curriculum frameworks in the visual and performing arts, a project funded by the Secretary of Education's education innovation fund.

It is important our youth have a good understanding of the arts and music. I well remember growing up in Lexington, NE, where my music teachers helped instill in me a fond appreciation for music. Because of their tutelage and my parents insistence, I was able to turn my piano and trombone lessons into a job with a jazz band that helped pay my way through college. Because of music, I have developed lifelong friends and savor the memories of events on the road with the band.

There is one particular event that comes to mind. One day our jazz band was traveling in southern Kansas and we stopped to have lunch at a roadside diner. The owner of the diner informed us he wouldn't serve a black member of our band. We walked out of the diner in protest. This was my first experience in seeing racial discrimination in practice, and it made me realize that a vast segment of our population was being treated as second-class citizens. It was heartening to see later that same day people coming to the nightclub who didn't care if a member of our band was black. The music broke through racial prejudices.

Ideally, music appreciation should start at an early age and ought to be encouraged by parents. I'm pleased to see that Nebraska music and art educators are working hard to provide our youth with opportunities to learn—not just about musical scores and art technics,

but about how life should be enjoyed. I'm pleased Nebraska is leading the way once again.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Ms. SANCHEZ. Mr. Speaker, please let the record show that had I been here I would have voted ''nay'' on rollcall No. 32; ''aye'' on rollcall No. 33; ''aye'' on rollcall No. 34; and ''aye'' on rollcall No. 35.

PARTIAL-BIRTH ABORTION

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. PACKARD. Mr. Speaker, I rise today to urge support for a vote on the disturbing practice of partial-birth abortions.

Last year, President Clinton vetoed a bill to end partial-birth abortions except in the case when the mother's life was in imminent danger. In his defense, the President cited the testimony of Ron Fitzsimmons, director of the National Coalition of Abortion Providers, who claimed that the procedure was used just 500 times when no other alternative was possible.

Just last week, the President's defense was pulled right out from under him. Fitzsimmons said he ''lied through his teeth'' about the number of times the procedure was performed. Fitzsimmons admitted what many had already known—that partial-birth abortions are performed frequently and indiscriminately.

Mr. Speaker, this is not a pro-life or pro-choice vote. It is a common sense measure to end a procedure that amounts to infanticide. There can only be shame in promoting this horrifying practice.

I hope we can send this bill again to the President. He should admit his error and be thankful of this second chance to do what is right and sign this legislation.

BIPARTISANSHIP, COLLEGIALITY AND THE HERSHEY CONFERENCE

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Ms. NORTON. Mr. Speaker, after last weekend, Hershey, PA, may have acquired an additional identity. Congress went to Hershey to make peace. What began as a question mark turned into an exclamation point. What emerged was a truism that has not always been true: Collegiality across party lines is an essential ingredient to the work of a legislative body. This is an idea whose time has come—some would say long ago. The Nation will be watching to see whether the idea lives on in the House past last weekend.

ACTIONS SPEAK LOUDER THAN WORDS

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. SOUDER. Mr. Speaker, it appears that once again the President has broken his promise to the American people. As you may recall, President Clinton once promised us the most ethical administration in history. When He signed the Lobbying Disclosure Act during the last Congress, the President also spoke of a renewed tradition in Washington that would mirror President Jackson's famous words, ''Equal opportunity for all; special privileges for none.'' Further, he said that he would abide by the law and uphold section 21(b) of this Act. As you know, section 21(b) forbids anyone who had ever represented another country in trade negotiations with the United States to serve as the U.S. Trade Representative or Deputy U.S. Trade Representative.

Well, yesterday the House was faced with its first test of section 21(b) as we considered the President's request for a waiver of the section for Ambassador Charlene Barshefsky—someone who has represented Canada in trade negotiations with our country in the past—as the United States Trade Representative. This Chamber followed the Senate in approving the waiver. Unfortunately, I did not have the opportunity to oppose this measure at the time. Here are the President's own words on his so-called commitment to section 21(b) of the Lobbying Disclosure Act:

> Because as a policy matter I agree with the goal of ensuring the undivided loyalty of our representatives in trade negotiations, I intend, as a matter of practice, to act in accordance with this provision.

While I do not question Ambassador Barshefsky's ability to serve as the U.S. Trade Representative, and I understand her to be very capable and well-suited for this position, this matter is not about that. The President's appointment of Ambassador Barshefsky shows that he has chosen yet again not to uphold his promise to the American people. Mr. Speaker, waiving the law when it is convenient for him is certainly not the way for the President to win the American people's trust or to build a tradition of ''no special privileges.'' Once again, the President's actions do not match his rhetoric.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 13, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 14

9:30 a.m.

Environment and Public Works

To hold hearings on the nominations of Johnny H. Hayes, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority, Brig. Gen. Robert Bernard Flowers, USA, to be a Member of the Mississippi River Commission, and Judith M. Espinosa, of New Mexico, and Michael Rappoport, of Arizona, each to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation.

SD–406

Labor and Human Resources

To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act, focusing on Pell grants and tax policy.

SD–430

MARCH 18

9:00 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on proposed legislation authorizing funds for agricultural research.

SR–332

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Federal Emergency Management Agency.

Room to be announced

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for energy research programs of the Department of Energy.

SD–124

Environment and Public Works

To hold hearings on proposals to authorize state and local governments to enact flow control laws and to regulate the interstate transportation of solid waste.

SD–406

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Natural Resources Conservation Service, Department of Agriculture.

SD–138

Armed Services

To resume hearings on proposed legislation authorizing funds for the Department of Defense and the future years defense program, focusing on the unified commands military strategies and operational requirements.

SR–222

Commerce, Science, and Transportation

Business meeting, to consider pending calendar business.

SR–253

Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings on issues facing China in the post Deng era.
SD–419

Labor and Human Resources
To hold hearings on the nomination of Alexis M. Herman, of Alabama, to be Secretary of Labor.
SD–430

2:30 p.m.
Commerce, Science, and Transportation
Oceans and Fisheries Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1998 for the United States Coast Guard.
SR–253

MARCH 19

9:00 a.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine Internet crimes affecting consumers.
SD–226

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine international aviation and United States-United Kingdom bilateral agreements.
SR–253

Environment and Public Works
Transportation and Infrastructure Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Intermodal Surface Transportation Efficiency Act, focusing on environmental programs and statewide and metropolitan planning.
SD–406

Labor and Human Resources
To hold hearings to examine proposals to reform the operation of the Food and Drug Administration.
SD–430

Veterans Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the Disabled American Veterans.
345 Cannon Building

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings to review proposed budget estimates for fiscal year 1998 for the intelligence community.
S–407, Capitol

Joint Economic
To hold hearings to examine the problems of the current automobile insurance system and how American motorists could benefit from reform of the industry.
2226 Rayburn Building

2:00 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Securities and Exchange Commission.
S–146, Capitol

Armed Services
To continue hearings on proposed legislation authorizing funds for fiscal year 1998 for the Department of Defense and the future years defense program, focusing on military readiness accounts.
SR–232A

Armed Services
SeaPower Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1998 for the Department of Defense and the future years defense program.
SR–222

Commerce, Science, and Transportation
To hold hearings on S. 377, to promote electronic commerce by facilitating the use of strong encryption.
SR–253

Judiciary
To hold hearings on pending nominations.
SD–226

MARCH 20

9:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation authorizing funds for agricultural research.
SR–332

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for atomic energy defense activities of the Department of Energy.
SD–124

Energy and Natural Resources
To resume hearings to examine issues with regard to competitive change in the electric power industry.
SH–216

Rules and Administration
To hold oversight hearings to review the operations and budget of the Congressional Research Service and the Library of Congress.
SR–301

Veterans Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of AMVETS, the American Ex-Prisoners of War, the Veterans of World War I, and the Vietnam Veterans of America.
345 Cannon Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Education.
SD–192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Transportation.
SD–192

Labor and Human Resources
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD–430

Joint Economic
To hold hearings to examine the current economic outlook and monetary policy.
Room to be announced

2:00 p.m.
Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Subcommittee
To hold hearings on S. 414, to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States imports and exports.
SR–253

Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To resume hearings to examine the future of the National Park System and to identify and discuss the needs, requirements, and innovative programs that will insure the Park Service will continue to meet its responsibilities well into the next century.
SD–366

MARCH 21

11:00 a.m.
Commission on Security and Cooperation in Europe
To hold a briefing on prospects for elections, reintegration, and democratization in Croatia.
2200 Rayburn Building

APRIL 8

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Environmental Protection Agency.
SD–138

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Farm Service Agency, the Foreign Agricultural Service, and the Risk Management Agency, Department of Agriculture.
SD–124

2:00 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings to examine child pornography issues.
S–146, Capitol

APRIL 9

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for Navy and Marine Corps programs.
SD–192

APRIL 10

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Immigration and Naturalization Service, Federal Bureau of Investigation, and the Drug Enforcement Administration.
S–146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Transportation.
SD–192

APRIL 15

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Housing and Urban Development.
SD–138

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the

Rural Utilities Service, the Rural Housing Service, the Rural Business-Cooperative Service, and the Alternative Agricultural Research and Commercialization Center, all of the Department of Agriculture.

SD–124

2:00 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on counter-terrorism issues.

S–146, Capitol

APRIL 16

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of the Army.

SD–192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Transportation.

SD–124

2:00 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Federal Communications Commission.

S–146, Capitol

APRIL 17

1:30 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Supreme Court of the United States and the Judiciary.

S–146, Capitol

APRIL 22

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the National Science Foundation and the Office of Science and Technology Policy.

SD–192

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Environmental Management Program of the Department of Energy.

SD–124

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Agricultural Research Service, the Cooperative State Research, Education, and Extension Service, the Economic Research Service, and the National Agricultural Statistics Service, all of the Department of Agriculture.

SD–138

APRIL 23

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on medical programs.

SD–192

APRIL 24

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Corp of Engineers and the Bureau of Reclamation, Department of the Interior.

SD–124

APRIL 29

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Veterans Affairs.

SD–138

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Commodity Futures Trading Commission, and the Food and Drug Administration, Department of Health and Human Services.

SD–124

APRIL 30

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on the structure and modernization of the National Guard.

SD–192

MAY 6

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the National Aeronautics and Space Administration.

SD–138

MAY 7

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.

SD–192

MAY 14

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on environmental programs.

SD–192

MAY 21

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on Air Force programs.

SD–192

JUNE 4

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.

SD–192

JUNE 11

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.

SD–192

CANCELLATIONS

MARCH 13

10:00 a.m.
Labor and Human Resources
To hold hearings to examine proposals to improve the health status of children.

SD–430

Wednesday, March 12, 1997

Daily Digest

HIGHLIGHTS

Senate confirmed Federico Peña as Secretary of Energy.

House committees ordered reported 19 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S2157–S2220

Measures Introduced: Nine bills were introduced, as follows: S. 426–434. **Page S2206**

Measures Passed:

Investment Advisers Supervision Coordination Act: Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of S. 410, to extend the effective date of the Investment Advisers Supervision Coordination Act, and the bill was then passed. **Pages S2219–20**

Campaign Financing/Constitutional Amendment: Senate began consideration of S.J. Res. 18, proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections. **Pages S2173–S2201**

Senate will continue consideration of the resolution on Thursday, March 13, 1997.

Nominations Confirmed: Senate confirmed the following nominations:

By 99 yeas to 1 nay (Vote No. 30 EX), Federico Peña, of Colorado, to be Secretary of Energy.

Pages S2157–63, S2171–73

Nominations Received: Senate received the following nominations:

Letitia Chambers, of the District of Columbia, to be a Representative of the United States of America to the Fifty-first Session of the General Assembly of the United Nations.

James Catherwood Hormel, of California, to be an Alternate Representative of the United States of America to the Fifty-first Session of the General Assembly of the United Nations.

Prezell R. Robinson, of North Carolina, to be an Alternate Representative of the United States of America to the Fifty-first Session of the General Assembly of the United Nations. **Page S2220**

Messages From the House: **Page S2204**

Communications: **Pages S2204–05**

Petitions: **Pages S2205–06**

Statements on Introduced Bills: **Pages S2206–16**

Additional Cosponsors: **Page S2216**

Notices of Hearings: **Pages S2216–17**

Authority for Committees: **Page S2217**

Additional Statements: **Pages S2217–19**

Record Votes: One record vote was taken today. (Total—30). **Page S2173**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 6:05 p.m., until 10 a.m., on Thursday, March 13, 1997. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S2220.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—DEPARTMENT OF JUSTICE

Committee on Appropriations: Subcommittee on Commerce, Justice, State, and the Judiciary, and Related Agencies held hearings on proposed budget estimates for fiscal year 1998 for the Department of Justice, receiving testimony from Janet Reno, Attorney General of the United States, Department of Justice.

Subcommittee will meet again tomorrow.

APPROPRIATIONS—DEFENSE

Committee on Appropriations: Subcommittee on Defense held hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on the ballistic missile defense program, receiving testimony from Lt. Gen. Lester L. Lyles, USAF, Director, Ballistic Missile Defense Organization, Department of Defense.

Subcommittee will meet again on Wednesday, March 19.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Airland Forces resumed hearings on proposed legislation authorizing funds for fiscal year 1998 for the Department of Defense and the future years defense program, focusing on Army Force XXI initiatives and Army modernization programs, receiving testimony from Gilbert F. Decker, Assistant Secretary of the Army for Research, Development, and Acquisition; and Gen. William W. Hartzog, USA, Commanding General, U.S. Army Training and Doctrine Command.

Subcommittee recessed subject to call.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Personnel resumed hearings on proposed legislation authorizing funds for fiscal year 1998 for the Department of Defense and the future years defense program, focusing on military compensation and quality of life programs, receiving testimony from Frederick F.Y. Pang, Assistant Secretary of Defense for Force Management Policy; Lt. Gen. Frederick E. Vollrath, USA, Deputy Chief of Staff for Army Personnel; Vice Adm. Daniel T. Oliver, USN, Chief of Naval Personnel; Lt. Gen. Carol A. Mutter, USMC, Deputy Chief of Marine Corps Staff for Manpower and Reserve Affairs; Lt. Gen. Michael D. McGinty, USAF, Deputy Chief of Staff for Air Force Personnel; and Michael F. Ouellette, Non-Commissioned Officers Association of the U.S.A., Sydney Hickey, National Military Family Association, and Col. Paul W. Arcari, USAF (Ret.), Retired Officers Association, all of Alexandria, Virginia.

Subcommittee recessed subject to call.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Strategic Forces resumed hearings on proposed legislation authorizing funds for fiscal year 1998 for the Department of Defense and the future years defense program, focusing on U.S. national security space programs and policies, receiving testimony from Gen. Howell M. Estes, USAF, Commander-in-Chief, U.S. Space Command; Gil I. Klinger, Acting Deputy Under Secretary of Defense for Space; and Keith R. Hall, Acting Director, National Reconnaissance Office.

Subcommittee recessed subject to call.

INDIAN HOUSING

Committee on Banking, Housing, and Urban Affairs/ Committee on Indian Affairs: Committees concluded joint hearings to review the operation of Indian housing programs of the Department of Housing and Urban Development, focusing on allegations of abuse, mismanagement, and fraud and the implementation of the Native American Housing Assistance and Self-Determination Act (P.L. 104–330), after receiving testimony from Judy A. England-Joseph, Director, Housing and Community Development Issues, Resources, Community, and Economic Development Division, General Accounting Office; Susan Gaffney, Inspector General, Kevin Marchman, Assistant Secretary for Public and Indian Housing, and Dominic Nessi, Director, Office of Native American Programs, all of the Department of Housing and Urban Development; W. Ron Allen, Jamestown S'Klallam Tribe, Sequim, Washington, on behalf of the National Congress of American Indians; and Jacqueline L. Johnson, Tlingit-Haida Indian Housing Authority, Juneau, Alaska, on behalf of the National American Indian Housing Council.

UNIVERSAL TELEPHONE SERVICE

Committee on Commerce, Science, and Transportation: Committee held hearings to examine the Federal Communications Commission implementation of the Telecommunications Act of 1996, focusing on efforts to implement universal telephone service reform and FCC proposals to assess new per-minute fees on Internet service providers, receiving testimony from Reed E. Hundt, Chairman, Federal Communications Commission; William P. Barr, GTE Corporation, Stamford, Connecticut; Anne K. Bingaman, LCI International/LCI Local Telecommunications Division, McLean, Virginia, on behalf of the Competitive Telecommunications Association (CompTel); Gail McGovern, AT&T Corp., Basking Ridge, New Jersey; Roy Neel, United States Telephone Association, Washington, D.C.; and Anthony Wong, Cecil County Public Schools, Elkton, Maryland, on behalf of the Education and Library Networks Coalition and the National School Boards Association.

Hearings were recessed subject to call.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee began mark up of S. 104, to reform United States policy with regard to the management and disposal of spent nuclear fuel and high-level radioactive waste, but did not complete action thereon, and will meet again tomorrow.

GRADUATE MEDICAL EDUCATION

Committee on Finance: Committee held hearings to examine the President's fiscal year 1998 graduate medical education training proposals and the New York Graduate Medical Education demonstration project,

receiving testimony from Bruce C. Vladeck, Administrator, Health Care Financing Administration, Department of Health and Human Services; Don E. Detmer, Co-Chairman, Committee on the U.S. Physician Supply, Institute of Medicine, National Academy of Sciences, on behalf of the Association of Academic Health Centers; Robert A. Crittenden, University of Washington School of Medicine, Seattle; Spencer Foreman, Montefiore Medical Center, Bronx, New York, on behalf of the Greater New York Hospital Association; and Ralph W. Muller, University of Chicago Hospitals and Health System, Chicago, Illinois, on behalf of the Association of American Medical Colleges.

Hearings were recessed subject to call.

SECURITY ASSISTANCE

Committee on Foreign Relations: Subcommittee on International Economic Policy, Export and Trade Promotion concluded hearings on the Administration's proposed budget request for fiscal year 1998 for security assistance, after receiving testimony from Thomas E. McNamara, Assistant Secretary of State for Political/Military Affairs; and Lt. Gen. Thomas G. Rhame, USA, Director, Defense Security Assistance Agency, Department of Defense.

INTERNATIONAL NARCOTICS THREAT

Committee on Foreign Relations: Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism concluded hearings to examine Mexican and American responses to the international narcotics threat, after receiving testimony from Senators D'Amato, Feinstein, Grassley, and Hutchison; Robert S. Gelbard, Assistant Secretary of State for International Narcotics and Law Enforcement Affairs; Thomas A. Constantine, Administrator, Drug Enforcement Administration, Department of Justice; Barry McCaffrey, Director, Office of National Drug Control Policy; Tim Nelson, National Narcotic Officers' Association, Greenville, North Carolina; and George R. Vickers, Washington Office on Latin America, Washington, D.C.

Prior to this action, committee met in closed session to receive a briefing on Mexican and American responses to the international narcotics threat from a former senior law enforcement official in Mexico.

CLONING TECHNOLOGY

Committee on Labor and Human Resources: Subcommittee on Public Health and Safety concluded hearings to examine the ethical, legal and social implications of recent discoveries in cloning, after receiving testimony from Senators Bond and Domenici; Harold Varmus, Director, National Institutes of Health, Department of Health and Human Services; Ian Wilmut, Roslin Institute, Edinburgh, Scotland; R. Alta Charo, University of Wisconsin, Madison, on behalf of the National Bioethics Advisory Commission; George J. Annas, Boston University School of Public Health, Boston, Massachusetts; Karen H. Rothenberg, University of Maryland School of Law, Baltimore; John Wallwork, Papworth Hospital, Cambridge, England; Leonard Bell, Alexion Pharmaceuticals, Inc., New Haven, Connecticut; and James A. Geraghty, Genzyme Transgenics, Framingham, Massachusetts.

SMITHSONIAN/WOODROW WILSON CENTER/KENNEDY CENTER

Committee on Rules and Administration: Committee concluded oversight hearings to review the operations of the Smithsonian Institution, the Woodrow Wilson International Center for Scholars, and the John F. Kennedy Center for the Performing Arts, after receiving testimony from I. Michael Heyman, Secretary, Constance B. Newman, Under Secretary, and J. Dennis O'Connor, Provost, all of the Smithsonian Institution; Charles Blitzer, Director, Woodrow Wilson International Center for Scholars; and Kenneth M. Duberstein, Vice Chairman, and Alma Johnson Powell, Vice Chairman, both of the Board of Trustees, and Lawrence J. Wilker, President, all of the John F. Kennedy Center for the Performing Arts.

NOMINATION

Select Committee on Intelligence: Committee continued hearings on the nomination of Anthony Lake, of Massachusetts, to be Director of Central Intelligence, where the nominee further testified and answered questions in his own behalf.

Hearings continue tomorrow.

House of Representatives

Chamber Action

Bills Introduced: 21 public bills, H.R. 1031–1051; and 5 resolutions, H. Con. Res. 46–47, and H. Res. 92, 93, 96, were introduced. **Pages H948–49**

Reports Filed: Reports were filed as follows:

H. Res. 94, providing for consideration of H.R. 412, to approve a settlement agreement between the Bureau of Reclamation and the Oroville-Tonasket Irrigation District (H. Rept. 105–19);

H. Res. 95, providing for consideration of H.J. Res. 58, disapproving the certification of the President regarding foreign assistance for Mexico during fiscal year 1997 (H. Rept. 105–20);

H.R. 1, to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector, amended (H. Rept. 105–21); and

H.R. 437, to reauthorize the National Sea Grant College Program Act (H. Rept. 105–22, Part I).

Page H948

Journal: By a yea-and-nay vote of 370 yeas to 44 nays, Roll No. 39, agreed to the Speaker's approval of the Journal of Tuesday, March 12. **Pages H891–92**

Motion to Adjourn: By a yea-and-nay vote of 26 yeas to 392 nays, Roll No. 40, rejected the Bonior motion to adjourn. **Pages H895–96**

Balanced Budget: By a yea-and-nay vote of 231 yeas to 197 nays, Roll No. 44, the House agreed to H. Res. 89, requesting the President to submit a budget for fiscal year 1998 that would balance the Federal budget by fiscal year 2002 without relying on budgetary constraints. **Pages H904–23**

Rejected the Spratt motion that sought to recommit H. Res. 89 to the Committee on the Budget with instructions to report a detailed budget plan to achieve a balanced budget by fiscal year 2002 in sufficient time for the House of Representatives to fulfill its obligations under section 301(a) of the Congressional Budget Act of 1974, which requires Congress to complete action on or before April 15 on a concurrent resolution on the budget for the fiscal year beginning on October 1 of such year (rejected by a yea-and-nay vote of 202 yeas to 225 nays, Roll No. 43). **Pages H921–23**

H. Res. 90, the rule under which the resolution was considered, was agreed to by a yea-and-nay vote of 226 yeas to 202 nays, Roll No. 42. Earlier, agreed to order the previous question by a yea-and-nay vote of 226 yeas to 200 nays, Roll No. 41.

Pages H896–H904

United States Holocaust Memorial Council: The Chair announced the Speaker's appointment of Representative Yates to the United States Holocaust Memorial Council. **Page H923**

Commission on Congressional Mailing Standards: The Chair announced the Speaker's appointment of Representative Thomas as Chairman; and Representatives Ney, Boehner, Hoyer, Clay, and Frost as members of the House Commission on Congressional Mailing Standards. **Pages H923–24**

Social Security Advisory Board: The Chair announced the Speaker's appointment of Ms. Jo Anne Barnhart of Arlington, Virginia to fill the existing vacancy on the Social Security Advisory Board.

Page H924

Quorum Calls—Votes: Six yea-and-nay votes developed during the proceedings of the House today and appear on pages H891–92, H895–96, H903–04, H904, H922–23, and H923. There were no quorum calls.

Adjournment: Met at 11:00 a.m. and adjourned at 7:49 p.m.

Committee Meetings

MISCELLANEOUS MEASURES

Committee on Agriculture: Ordered reported the following bills: H.R. 111, to authorize the Secretary of Agriculture to convey a parcel of unused agricultural land in Dos Palos, CA, to the Dos Palos Ag Boosters for use as a farm school; H.R. 394, to provide for the release of the reversionary interest held by the United States in certain property located in the County of Iosco, MI; H.R. 785, to designate the J. Phil Campbell, Senior, Natural Resource Conservation Center; and H.R. 1000, to require States to establish a system to prevent prisoners from being considered part of any household for purposes of determining eligibility of the household for food stamp benefits to be provided to the household under the Food Stamp Act of 1997.

FOOD STAMP PROGRAM

Committee on Agriculture: Subcommittee on Department Operations, Nutrition, and Foreign Agriculture held a hearing on the status of the electronic benefit transfer system for the food stamp program. Testimony was heard from the following officials of the USDA: Mary Ann Keeffe, Acting Under Secretary,

Food and Consumer Services; and Roger Viadero, Inspector General; Bob Rasor, Deputy Assistant Director, Office of Investigation, U.S. Secret Service, Department of the Treasury; G. Edward De Seve, Controller, OMB; and public witnesses.

AGRICULTURE, RURAL DEVELOPMENT, FDA AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies continued appropriation hearings. Testimony was heard from Members of Congress and public witnesses.

The Subcommittee also held a hearing on food safety. Testimony was heard from Ron Billy, Administrator, Food Safety and Inspection Service, USDA.

COMMERCE, JUSTICE, STATE, AND JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State and Judiciary held a hearing on United States Information Agency/International Broadcasting. Testimony was heard from Joseph Duffy, Director, United States Information Agency; and David Burke, Chairman, Board of International Broadcasters.

The Subcommittee also met in executive session to hold a hearing on Counterterrorism. Testimony was heard from Louis J. Freeh, Director, FBI, Department of Justice; and the following officials of the Department of State: Ambassador Philip Wilcox, Coordinator, Counterterrorism; and Eric Boswell, Assistant Secretary, Diplomatic Security.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development held a hearing on Nuclear Waste Management and Disposal. Testimony was heard from the Department of Energy: Lake H. Barrett, Acting Director, Civilian Radio Active Waste Management; and Alvin Alm, Assistant Secretary, Environmental Management.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior held a hearing on Fish and Wildlife Service. Testimony was heard from John Rogers, Acting Director, U.S. Fish and Wildlife Service, Department of the Interior.

LABOR-HHS-EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education held a hearing on Vocational and Adult Education; Special Education; Rehabilitative Services, and on Postsecondary Education. Testimony was heard from the following officials of the Department of Education: Patricia W. McNeil, Assistant Secretary, Vocational and Adult Education; Judith E. Heumann, Assistant Secretary, Special Education and Rehabilitative Services; and David Longanecker, Assistant Secretary, Postsecondary Education.

MILITARY CONSTRUCTION APPROPRIATION

Committee on Appropriations: Subcommittee on Military Construction held a hearing on Housing Privatization Effort. Testimony was heard from John Goodman, Deputy Under Secretary, Industrial Affairs and Installations, Department of Defense.

NATIONAL SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on National Security held a hearing on Air Force Acquisition Programs. Testimony was heard from the following officials of the Department of the Air Force: Arthur L. Money, Assistant Secretary, Acquisition; and Lt. Gen. George K. Muellner, USAF, Principal Deputy Assistant Secretary, Acquisition.

TRANSPORTATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation held a hearing on the Coast Guard. Testimony was heard from Adm. Robert E. Kramek, USCG, Commandant, U.S. Coast Guard, Department of Transportation.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Treasury, Postal Service, and General Government held a hearing on the U.S. Postal Service. Testimony was heard from the following officials of the U.S. Postal Service: Michael S. Coughlin, Deputy Postmaster General; and Mary S. Elcano, Senior Vice President and General Counsel.

VA-HUD-INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD and Independent Agencies held a hearing on Community Development Financial Institutions and on National Credit Union Administration. Testimony was heard from the following officials of the Department of the Treasury: Robert E. Rubin, Secretary; and Kristen Moy, Head, Community Development Financial Institutions; and Norman E. D'Amours, Chairman, National Credit Union Administration.

FINANCIAL SERVICES MODERNIZATION

Committee on Banking and Financial Services: Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises continued hearings on financial services modernization. Testimony was heard from Representative Leach; and public witnesses.

CORRECTING THE CPI

Committee on the Budget: Held a hearing on correcting the CPI. Testimony was heard from Katharine Abraham, Commissioner, Bureau of Labor Statistics, Department of Labor; and Michael Boskin, Professor of Economics, Stanford University.

MISCELLANEOUS MEASURES

Committee on Commerce: Subcommittee on Health and Environment approved for full Committee action the following: H.R. 968, to amend Title XVIII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities; and H.R. 1001, to extend the term of appointment of certain members of the Prospective Payment Assessment Commission and the Physician Payment Review Commission.

MISCELLANEOUS MEASURES; FEDERAL COMMUNICATIONS SYSTEM ACQUISITION STRATEGY

Committee on Government Reform and Oversight: Ordered reported the following bills: H.R. 173, to amend the Federal Property and Administrative Services Act of 1949 to authorize donation of surplus law enforcement canines to their handlers; H.R. 680, to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to States of surplus personal property for donation to nonprofit providers of necessaries to impoverished families and individuals; H.R. 930, Travel and Transportation Act of 1997; H.R. 514, amended, to permit waiver of District of Columbia residency requirements for certain employees of the Office of the Inspector General of the District of Columbia; H.R. 240, amended, Veteran's Employment Opportunities Act of 1997.

The Committee also approved the following draft report entitled ''A Citizen's Guide on Using the Freedom of Information Act and the Privacy Act of 1974 to Request Government Records''.

The Committee also continued hearings on Federal Communications System Acquisition Strategy (post FTS 2000): An Industry Perspective. Testimony was heard from public witnesses.

COMMITTEE FUNDING

Committee on House Oversight: Ordered reported amended H. Res. 91, providing amounts for the expenses of certain committees of the House of Representatives.

The Committee also considered pending Committee business.

U.S.-RUSSIAN RELATIONS

Committee on International Relations: Held a hearing on U.S.-Russian Relations. Testimony was heard from Ambassador-at-Large James F. Collins, New Independent States, Department of State.

DEMOCRATIC CONTINUITY AND CHANGE IN SOUTH ASIA

Committee on International Relations: Subcommittee on Asia and the Pacific held a hearing on Democratic Continuity and Change in South Asia. Testimony was heard from Robin L. Raphel, Assistant Secretary, South Asian Affairs, Department of State; and public witnesses.

WESTERN HEMISPHERE—ROUNDTABLE

Committee on International Relations: Subcommittee on Western Hemisphere held a hearing on the Western Hemisphere Today: A Roundtable Discussion. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported the following bills: H.R. 908, to establish a Commission on Structural Alternatives for the Federal Courts of Appeals; H.R. 929, amended, Partial-Birth Abortion Ban Act of 1997; H.R. 924, amended, Victim Allocution Clarification Act of 1997; H.R. 927, United States Marshals Service Improvement Act; H.R. 400, amended, 21st Century Patent System Improvement Act; and H.R. 672, amended, to make technical amendments to certain provisions of title 17, United States Code.

DOD AUTHORIZATION

Committee on National Security: Continued hearings on fiscal year 1998 Department of Defense authorization request. Testimony was heard from the following officials of the Department of Defense: Togo D. West, Jr., Secretary of the Army; John H. Dalton, Secretary of the Navy; and Sheila E. Widnall, Secretary of the Air Force.

Hearings continue March 19.

B–2 BOMBER

Committee on National Security: Subcommittee on Military Procurement held a hearing on B–2 Bomber program. Testimony was heard from Representative Dicks; and public witnesses.

REFORM INITIATIVES

Committee on National Security: Subcommittee on Military Readiness held a hearing on reform initiatives.

Testimony was heard from David R. Warren, Director, Defense Management Issues, GAO; the following officials of the Department of Defense: John B. Goodman, Deputy Under Secretary (Industrial Affairs and Installations); Maj. Gen. Randolph W. House, USA, Assistant Chief of Staff, Installations Management, Department of the Army; Rear Adm. John T. Scudi, USN, Director, Shore Installation Management; Brig Gen. Hugh Cameron, USAF, Commander, Air Force Center for Quality and Management Innovations, Department of the Air Force; and Maj. Gen. Joseph D. Stewart, USMC, Deputy Chief of Staff, Installations Management, Headquarters, U.S. Marine Corps; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported amended the following bills: H.R. 752, Citizen's Fair Hearing Act of 1997, and H.R. 757, American Samoa Development Act of 1997.

SETTLEMENT AGREEMENT—BUREAU OF RECLAMATION AND OROVILLE-TONASKET IRRIGATION DISTRICT

Committee on Rules: Granted an open rule providing 1 hour of debate on H.R. 412, to approve a settlement agreement between the Bureau of Reclamation and the Oroville-Tonasket Irrigation District. The rule makes in order the Committee on Resources amendment in the nature of a substitute now printed in the bill as an original bill for amendment purposes. The amendment in the nature of a substitute shall be considered as read. Finally, the rule provides one motion to recommit, with or without instructions. Testimony was heard from Representatives Doolittle and Miller of California.

FOREIGN ASSISTANCE TO MEXICO—DISAPPROVING CERTIFICATION

Committee on Rules: Granted a modified closed rule providing for consideration in the House with two hours of debate on H.J. Res. 58, disapproving the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1997. The rule waives all points of order against the committee amendment printed in the joint resolution.

The rule provides for separate consideration of the amendment printed in the report of the Committee on Rules for a time specified in the report, to be equally divided between the proponent and an opponent and all points of order against said amendment are waived. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Gilman and Representatives Hastert, Shaw, Schiff, Stearns, Hamilton and Reyes.

U.S. AND ANTARCTICA IN THE 21ST CENTURY

Committee on Science: Held a hearing on the U.S. and Antarctica in the 21st Century. Testimony was heard from Norman Augustine, Chairman, U.S. Antarctic Program External Panel, NSF.

Prior to the hearing, the Committee met for organizational purposes.

EPA'S PARTICULATE MATTER AND OZONE STANDARDS

Committee on Science: Subcommittee on Energy and Environment held a hearing on EPA's Particulate Matter and Ozone Standards. Testimony was heard from public witnesses.

NASA AUTHORIZATION

Committee on Science: Subcommittee on Space and Aeronautics held a hearing on Fiscal Year 1998 NASA Authorization, Aeronautics and Advanced Space Transportation. Testimony was heard from the following officials of NASA: Robert E. Whitehead, Associate Administrator, Aeronautics and Space Transportation Technology; and Gary E. Payton, Deputy Associate Administrator (Space Transportation Technology) and Director, Space Transportation Division.

COMMUNITY RENEWAL INITIATIVES

Committee on Small Business: Held a hearing on community renewal initiatives for low income areas. Testimony was heard from Representative Watts of Oklahoma; and public witnesses.

COMMITTEE BUSINESS; BUDGET VIEWS AND ESTIMATES

Committee on Transportation and Infrastructure: Met to consider pending Committee business.

The Committee also approved the Budget Views and Estimates for Fiscal Year 1998 for transmission to the Committee on the Budget.

AMTRAK CURRENT STATE

Committee on Transportation and Infrastructure: Subcommittee on Railroads held a hearing on the Current State of Amtrak. Testimony was heard from Don Otzkoff, Deputy Administrator, Federal Railroad Administration, Department of Transportation; Phyllis Scheinberg, Associate Director, Transportation Issues, GAO; and Thomas M. Downs, Chairman, President, and CEO, National Railroad Passenger Corporation (AMTRAK).

SUPERFUND REAUTHORIZATION

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing on Superfund Reauthorization: Views

of EPA. Testimony was heard from Carol M. Browner, Administrator, EPA.

SOCIAL SECURITY ACT AMENDMENTS—NURSE AIDE TRAINING

Committee on Ways and Means: Ordered reported H.R. 968, to amend title XVIII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities.

ADMINISTRATION'S BUDGET—REVENUE RAISING PROVISIONS

Committee on Ways and Means: Held a hearing on Revenue Raising Provisions in the Administration's Fiscal Year Budget Proposal. Testimony was heard from public witnesses.

COMMITTEE BUSINESS; BUDGET—INTELLIGENCE REQUIREMENTS

Permanent Select Committee on Intelligence: Met in executive session to consider pending business.

The Committee also held a hearing on the Budget—Intelligence Requirements. Testimony was heard from departmental witnesses.

Joint Meetings

1998 BUDGET ISSUES

Joint Hearing: Senate Committee on the Budget concluded joint hearings with the House Committee on the Budget to examine public policy issues of United States governors with regard to the proposed Federal budget for fiscal year 1998, after receiving testimony from Nevada Governor Bob Miller, Carson City, Iowa Governor Terry E. Branstad, Des Moines, Kentucky Governor Paul E. Patton, Frankfort, and North Dakota Governor Edward T. Schafer, Bismarck, all on behalf of the National Governors' Association.

COMMITTEE MEETINGS FOR THURSDAY, MARCH 13, 1997

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry, to resume hearings on proposed legislation authorizing funds for agricultural research, 9 a.m., SR–332.

Committee on Appropriations, Subcommittee on District of Columbia to hold joint hearings with the Committee on Governmental Affairs' Subcommittee on Oversight of Government Management and The District of Columbia, with the House Government Reform and Oversight Subcommittee on the District of Columbia and the House Appropriations Subcommittee on the District of Columbia to examine the Government of the District of Columbia's perspective on the Administration's proposal for the District of Columbia, 9:45 a.m., 2154 Rayburn Building.

Subcommittee on Interior, to hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Energy, 2 p.m., SD–124.

Subcommittee on Commerce, Justice, State, and the Judiciary, to hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Commerce, 2 p.m., S–146, Capitol.

Subcommittee on Agriculture, Rural Development, and Related Agencies, to hold hearings to examine alternative options to the National Cheese Exchange as part of the dairy pricing system, 2:30 p.m., SD–138.

Committee on Armed Services, to resume hearings on proposed legislation authorizing funds for fiscal year 1998 for the Department of Defense and the future years defense program, focusing on the unified commands military strategies and operational requirements, 10 a.m., SR–222.

Committee on Commerce, Science, and Transportation, Subcommittee on Surface Transportation and Merchant Marine, to hold hearings to examine the future of intercity passenger rail service, 2 p.m., SR–253.

Committee on Energy and Natural Resources, to continue to mark up S. 104, to reform United States policy with regard to the management and disposal of spent nuclear fuel and high-level radioactive waste; to be followed by resumed hearings to examine issues with regard to competitive change in the electric power industry, 9:30 a.m., SD–G50.

Subcommittee on National Parks, Historic Preservation, and Recreation, to hold hearings to examine the future of the National Park System and to identify and discuss the needs, requirements, and innovative programs that will insure the Park Service will continue to meet its responsibilities well into the next century, 2 p.m., SD–366.

Committee on Environment and Public Works, Subcommittee on Transportation and Infrastructure, to resume hearings on proposed legislation authorizing funds for programs of the Intermodal Surface Transportation Efficiency Act, focusing on program eligibility, 9:20 a.m., SD–406.

Committee on Finance, to hold hearings to examine the tax treatment of capital gains and losses, 9:30 a.m., SD–215.

Subcommittee on Health Care, to resume hearings to examine the financial soundness of the Medicare system, 2 p.m., SD–215.

Committee on Foreign Relations, Subcommittee on International Operations, to hold hearings on the President's proposed budget requests for fiscal year 1998 for certain International Organizations and Conferences and the U.S. Arms Control and Disarmament Agency, 10:30 a.m., SD–419.

Committee on Governmental Affairs, Subcommittee on International Security, Proliferation and Federal Services, to hold hearings to examine national missile defense and prospects for U.S.-Russia ABM Treaty accommodation, 9:30 a.m., SD–342.

Subcommittee on Oversight of Government Management and The District of Columbia to hold joint hearings

with the Committee on Appropriations' Subcommittee on District of Columbia, with the House Government Reform and Oversight Subcommittee on the District of Columbia and the House Appropriations Subcommittee on the District of Columbia to examine the Government of the District of Columbia's perspective on the Administration's proposal for the District of Columbia, 9:45 a.m., 2154 Rayburn Building.

Committee on the Judiciary, business meeting, to consider pending calendar business, 10 a.m., SD–226.

Committee on Labor and Human Resources, business meeting, to mark up S. 4, to provide private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs to help balance the demands and needs of work and family, and to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and pending nominations, 10 a.m., SD–430.

Select Committee on Intelligence, to continue hearings on the nomination of Anthony Lake, of Massachusetts, to be Director of Central Intelligence, 10 a.m., SH–216.

Full Committee, to continue hearings in closed session on the nomination of Anthony Lake, of Massachusetts, to be Director of Central Intelligence, 2:30 p.m., SH–219.

NOTICE

For a Listing of Senate committee meetings scheduled ahead, see pages E455–57 in today's Record.

House

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Rural Development, 1 p.m., 2362A Rayburn.

Subcommittee on Commerce, Justice, State and Judiciary, on Supreme Court and Architect of the Capitol, 10 a.m., H–309 Capitol, and on the FCC and the National Telecommunications and Information Agency, 2 p.m., 2359 Rayburn.

Subcommittee on Energy and Water Development, on Energy Resources, 10 a.m., 2362–B Rayburn.

Subcommittee on Foreign Operations, Export Financing, and Related Programs, on Security Assistance, 10 a.m., H–144 Capitol.

Subcommittee on Interior, on National Endowments for the Arts and National Endowments for the Humanities, 10 a.m. and 1:30 p.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services, and Education, on Educational Research and Improvements; and the Office of Inspector General, 10 a.m., and on Howard University; and Special Institutions for the Disabled, 1:30 p.m., 2358 Rayburn.

Subcommittee on Military Construction, on Congressional and public witnesses, 9:30 a.m., B–300 Rayburn.

Subcommittee on National Security, on Fiscal Year 1998 Army Budget Overview, 10 a.m., 2226 Rayburn, and on Army Acquisition Programs, 1:30 p.m., H–140 Capitol.

Subcommittee on Transportation, on Federal Highway Administration and the National Highway Traffic Safety Administration, 10 a.m., 2358 Rayburn.

Subcommittee on Treasury, Postal Service, and General Government, on Federal Election Commission, 2 p.m., 2360 Rayburn.

Committee on Banking and Financial Services, Subcommittee on Domestic and International Monetary Policy, hearing on Multilateral Development Banks, 10 a.m., 2128 Rayburn.

Committee on Commerce, to mark up the following bills: H.R. 968, to amend Title XVIII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities; and H.R. 1001, to extend the term of appointment of certain members of the Prospective Payment Assessment Commission and the Physician Payment Review Commission, 9:45 a.m., 2123 Rayburn.

Subcommittee on Health and Environment, to markup H.R. 1003, Assisted Suicide Funding Restriction Act of 1997, following full Committee markup, 2123 Rayburn.

Committee on Education and the Workforce, hearing on the Administration's Education initiatives, 9 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on Government Management, Information, and Technology, to continue hearings on the Government Performance and Results Act Implementation: How to Achieve Results, 10:30 a.m., 311 Cannon.

Subcommittee on Human Resources and Intergovernmental Relations, hearing on HHS's Demonstration Program: "Healthy Start: Implementation Lessons and Impact on Infant Mortality, 10 a.m., 2247 Rayburn.

Subcommittee on National Security, International Affairs, and Criminal Justice, hearing and markup on H.R. 956, Drug-free Community Act of 1997, 1:30 p.m., 311 Cannon.

Committee on International Relations, hearing on Foreign Assistance and U.S. Foreign Policy, 9:30 a.m., 2172 Rayburn.

Subcommittee on Africa, hearing on the Impact of U.S. Development Assistance in Africa, 2 p.m., 2255 Rayburn.

Subcommittee on International Operations and Human Rights, hearing on Foreign Relations Authorization for FY 1998: U.S. Information Agency and National Endowment for Democracy, 1:30 p.m., 2172 Rayburn.

Committee on National Security, Subcommittee on Military Installations and Facilities, hearing on revitalization of military housing, 10 a.m., 2212 Rayburn.

Subcommittee on Military Personnel, hearing on military compensation reform and recruiting/retention issues, 10 a.m., 2216 Rayburn.

Subcommittee on Military Research and Development, hearing on Russian Missile Detargeting and Nuclear Doctrine, 11 a.m., 2118 Rayburn.

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on the following measures: H.R. 39, to reauthorize the African Elephant Conservation Act; and H. Con. Res. 8, expressing the sense of Congress with respect to the significance of

maintaining the health and stability of coral reef ecosystems, 10 a.m., 1334 Longworth.

Subcommittee on National Parks and Public Lands, hearing on H.R. 449, to provide for the orderly disposal of certain Federal lands in Clark County, Nevada, and to provide for the acquisition of environmentally sensitive lands in the State of Nevada, 10 a.m., 1324 Longworth.

Committee on Science, Subcommittee on Basic Research, to continue hearings on the NSF Fiscal Year 1998 Authorization, Part II (Outside Witness): Math, Science, and Engineering Education Programs, 10 a.m., 2318 Rayburn.

Subcommittee on Energy and Environment, hearing on Fiscal Year 1998 Budget Authorization Request: NOAA, 1 p.m., 2318 Rayburn.

Subcommittee on Space and Aeronautics, hearing on Fiscal Year NASA Authorization: Space Shuttle Program, 10 a.m., 2325 Rayburn.

Subcommittee on Technology, hearing on FAA Research, Engineering and Development, 1 p.m., 2325 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Surface Transportation, to continue hearings on Member policy initiatives and requests for highway and transit projects in the ISTEA Reauthorization, 9:30 a.m., 2167 Rayburn.

Committee on Ways and Means, Subcommittee on Health, hearing on H.R. 15, Medicare Preventive Benefit Improvement Act of 1997, 9:30 a.m., 1100 Longworth.

Subcommittee on Trade, to mark up Budget Authorizations for Fiscal Year 1998 and 1999 for the U.S. Customs Service, the International Trade Commission, and the Office of the U.S. Trade Representative, 1 p.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, Subcommittee on Technical and Tactical Intelligence, executive, hearing on Airborne Reconnaissance, 2:30 p.m., H–405 Capitol.

Joint Meetings

Joint Economic Committee, to hold hearings to examine economic problems of the income tax system, 10 a.m., 2220 Rayburn Building.

Joint Committee on Printing, to hold an organizational meeting; to be followed by a hearing on oversight of the Government Printing Office (GPO), 2 p.m., S–128, Capitol.

Commission on Security and Cooperation in Europe, to hold hearings to examine the future of Chechnya, 11 a.m., SD–538.

Next Meeting of the SENATE

10 a.m., Thursday, March 13

Senate Chamber

Program for Thursday: After the recognition of three Senators for speeches and the transaction of routine morning business (not to extend beyond 12:30 p.m.), Senate will resume consideration of S.J. Res. 18, proposed Constitutional amendment allowing Congress and the States to regulate contributions and expenditures in elections.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, March 13

House Chamber

Program for Thursday: Consideration of H.J. Res. 58, disapproving the certification of the President regarding foreign assistance for Mexico during fiscal year 1997 (modified closed rule, 2 hours of debate); and

Consideration of H.R. 852, Paperwork Elimination Act of 1997 (open rule, 1 hour of debate).

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