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# House of Representatives

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

## DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*November 16, 1995.*

I hereby designate the Honorable BOB INGLIS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
*Speaker of the House of Representatives.*

## PRAYER

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

O gracious God, as You have blessed each person with the miracles of life and given us opportunities for compassion for others, we pray that by Your spirit, our motives would be purified and our intentions made exemplary. As Your word has commanded us to seek justice and love mercy, remind us to be authentic in our aspirations and faithful in Your service that Your message of respect and understanding will be seen in our lives and be the symbol of our humanity. Bless us this day and every day, we pray. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

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

Mr. GUTKNECHT 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 will entertain fifteen 1-minute speeches on each side.

## SUPPORT AMERICA BY SUPPORTING THE BALANCED BUDGET ACT

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, the President must have inhaled, because last night he asked the American taxpayers to give him an additional $874 billion of their money for more Government, more taxes, and more spending.

This proves that once again the President has no intention of balancing the Federal budget. He would rather add billions of dollars to our debt.

What the President is doing is reckless. He has replaced leadership, responsibility, and the wishes of the American people with big Government and political games.

If the President is truly for a balanced budget, then he will sign the continuing resolution and join Republicans by embracing a 7-year balanced budget bill that will ensure a strong and secure future for our country. Americans, once again tell the President to support America by supporting the Balanced Budget Act.

## TEMPER TANTRUM NO BASIS FOR GOVERNMENT SHUTDOWN

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

Mr. GUTIERREZ. Mr. Speaker, I had a traumatic experience on an airplane Monday. I asked for an aisle seat and they gave me a window. The pilot never came back to say hello, and when we landed, I, a Member of Congress, had to walk out with all of the rest of the passengers. So I drafted a bill to shut down Government until the airline apologizes to me. Unfortunately, as a Democrat, I was ignored.

But there is hope, Mr. Speaker. A Republican is fighting for Congressmen whose feelings are hurt on airplanes. NEWT GINGRICH feels bad. He says he was mistreated on the trip to Israel. I quote, ''Every President we had ever flown with had us up front. Having to exit through the rear of the plane is part of why you ended up with us sending you down a tougher continuing resolution.''

Because our President thought that respecting Yitzhak Rabin's death was more important than stroking NEWT's ego, we must threaten the services of our seniors, our veterans, and our students.

NEWT, have some decency. The future of our Nation is more important than where you sit on an airplane. The next time you throw a temper tantrum, leave the American public out of it.

## THE PICTURE IS COMING INTO FOCUS

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

Ms. DUNN of Washington. Mr. Speaker, the Democratic process was never meant to be a smooth process; that is



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why our Founding Fathers created a system of checks and balances. That is why we have a loyal opposition. That is why we negotiate. But, Mr. Speaker, there comes a time for closure. That time is now.

The picture is coming into focus, Mr. Speaker. One side wants a balanced budget by a date certain; the other side is not even certain about a date. On the one side is Congress, including, as these folks will not tell you, 48 Members of their own conference intent on balancing the budget in 7 years. On the other side is the President.

Mr. President, it is time to come to the table. Do not pick up your walking stick; come join us now and negotiate this 7-year balanced budget. Our children are counting on us.

## NAFTA ACCOUNTABILITY ACT TO MEASURE AGREEMENT'S IMPACT

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

Ms. KAPTUR. Mr. Speaker, today my colleagues and I introduce the NAFTA Accountability Act of 1995 to stand up for the thousands and thousands of workers across our country who are being terminated.

NAFTA promised our country a $12 billion trade surplus. This year we will rack up an historic $40 billion deficit with our two trading partners on the continent. NAFTA promised our people 200,000 new jobs.

It has already cost us over 300,000 lost jobs: Like 3,200 workers at Fruit of the Loom in Alabama, Louisiana, Kentucky, and North Carolina; like 200 workers at Emerson Electric in Indiana; like 120 workers at Alcatel Data Networks in New Jersey; like 127 workers at American Manufacturing Co. in Alabama; like 130 workers at Data Products in Georgia; like 220 workers at Woolrich, Inc. in Pennsylvania; like 340 workers at Oxford Industries in Georgia; like 245 workers at Sara Lee in Georgia.

Mr. Speaker, we will continue the list as the week moves on.

## TIME FOR THE PRESIDENT TO COMMIT TO A BALANCED BUDGET

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

Mr. NORWOOD. Mr. Speaker, today we will ask only one thing of the President. We will ask that he agree to work with us to balance the budget in 7 years using the numbers of a nonpartisan Congressional Budget Office. It is a basic, simple request, but for some reason he seems very afraid of this commitment.

Mr. Speaker, the President said last night he thinks it will hurt America. Fortunately, some of us know better than that. The hundreds of people calling my office certainly know better than that. They know that the best thing we can do for this country is to make an unmistakable commitment to balance this budget.

That is what we will do. No matter what the President says, no matter how long it takes, we are going to balance this budget in 7 years, and we will do it by controlling spending, saving Medicare, and giving the hard-working people of America back some of the money that was stolen from them by the 103d Congress. The people of the 10th District have my word on this.

## WHY CAN WE NOT FIND COMMON GROUND?

(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, driving my 11-year-old to school this morning she said, ''Mommy, I need to write a term paper, but the D.C. public library is closed. You worked until midnight last night. Why can't you get the Government started again so that my library will open?''

Mr. Speaker, why can't we? Why can't we stop shouting and issuing press releases and instead find common ground? Why can't we pass a continuing resolution this week and then back off and go home and talk to our constituents, not about whether to pass a 7-year balanced budget, but about what should be in it.

There are genuine disagreements among us. If we come back on November 28 and spend 5 or 6 days having an enlightened debate about the Medicare cuts, about tax cuts, about Federal entitlements and block grants. I think our constituents can help us find this common ground that just might get us to passing a 7-year balanced budget. I think we can make our children proud, not just about what we do here, but about how we treat each other.

## PRESIDENT SAYS ONE THING AND MEANS ANOTHER

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

Mr. CHABOT. Mr. Speaker, so now the President tells us he does not want a balanced budget, and we were wrong to believe him when he said he did. Sure, he campaigned promising a balanced budget in 5 years, and sure, at one point he said he favored a balanced budget in 7 years but how insensitive, how downright mean-spirited, of us to take him at his word. What were we thinking?

Last night, we passed what the President said he wanted, a clean bill with simple language reiterating the President's commitment to a 7-year balanced budget and he's throwing it back in the face of the American people.

But it shouldn't be that surprising. After all, this is the man who said he wanted a middle-class tax cut and then gave us the largest tax increase in history. This is the man who said he wanted to end welfare as we know it and is now fighting us as we try to make welfare reform a reality.

So, you know, on second thought, maybe it's good that the President says he'll veto our balanced budget. Maybe that means he'll sign it and the Government shutdown will end.

## REPUBLICANS MEETING IN SECRET

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

Mr. PALLONE. Mr. Speaker, the Republicans have been meeting in secret the last few days to hammer out their differences over the budget bill, which they will probably bring to the floor tomorrow. This is the bill that cuts Medicare and effectively destroys Medicare in order to pay for tax cuts for the wealthy.

Mr. Speaker, they have not allowed the Democrats to participate in their secret negotiations, and as a result of that, a bad budget bill, as the New York Times says today, only gets worse.

If I could just read, according to the New York Times, ''The House GOP budget will take about $900 worth of benefits on average from families earning less than $30,000, but only $155 from families earning above $100,000. At the same time, it will cut taxes by virtually nothing on the low-income families, but cut them by about $1,600 for high-income families.''

The Republicans work in secret and they come up with a budget bill that we will get tomorrow that provides even more tax cuts for wealthy Americans while it destroys Medicare and destroys Medicaid and provides us with a much worse health care system than we have now in America.

## MISTREATMENT RESULTS IN GOVERNMENT SHUTDOWN

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

Mr. SCHUMER. Mr. Speaker, when I heard last night that NEWT GINGRICH said he had shut down the Government because he did not get the right treatment on an airplane, I was amazed. I could not believe it.

Mr. Speaker, today it is true. Here it is in black and white in my hometown paper, the New York Daily News, ''Cry baby, Newt's tantrum. He closed down the government because Clinton made him sit at the back.''

Well, the only thing one can treat such statements and actions with is humor and verse, so with all due respect to Peter, Paul, and Mary and ''Leaving on a Jet Plane,'' here goes.

Well, my bags are packed, I am ready to go. I am sitting here on Air Force One, but sitting in the back ain't much fun. They wouldn't give me an aisle seat. The in-flight

meal was mystery meat. Where is the guy in charge? I am going to complain. But the President won't talk to me. In light of Israel's tragedy, cutting Medicare is not the first thing on his mind. I am leaving on a jet plane, don't know when you will get paid again. I am leaving on a jet plane, don't know when you will be paid again.

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## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 264

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Resolution 264.

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Is there objection to the request of the gentleman from California.

There was no objection.

## THE REAL ISSUE

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

Mr. WELLER. Mr. Speaker, today's headline really says it all: ''Clinton, No to GOP Offer To Keep the Government Open.''

Mr. Speaker, last night 48 Democrats joined Republicans, broke ranks and resisted the strong-arm tactics of the left-wing liberal Democratic leadership by voting to keep the Government operating and open, and frankly, also voting to balance the budget.

That is really what this issue is all about. Are the American people going to have a balanced budget? Are the American people going to have a government that lives within its means?

Calls and letters that I am receiving from the folks back home are 4 to 1 in favor of balancing the budget and supporting the Republican Congress.

Kathleen Platek from Manhattan, IL: ''You're doing a great job. Hang in there to balance the budget.''

Ardele Ommem from Bradley, IL: ''Support Republican budget. Keep the Government operating. Tell Bill Clinton to go to work.''

Jacqueline Jordan from Mokena: ''Balance the budget.''

Mr. Speaker, the folks back home are watching. They want the Government to balance the budget. That is what this issue is all about.

## ACADEMY AWARD WINNER

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

Mrs. SCHROEDER. Mr. Speaker, every year we all await the Academy Awards. It really captures our attention to see who is going to be the winner in all the different categories.

Well, there is one category our Speaker has sewn up. There is absolutely no question that NEWT GINGRICH has now absolutely sewn up the category of best performance by a child actor this year. There is only one problem. The Speaker is not a child.

Now that this country has paid dearly for his temper tantrum and paid dearly for his shutting down the Congress, shutting down the whole country because of his little peeve, could we get a performance that is more statesmanlike? I think that is what this country would really like.

But congratulations, Mr. Speaker. If you wanted to be the best child actor, you got it.

## AMERICA IS WATCHING

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

Mr. EWING. Mr. Speaker, today we are here, we have lots of cutesy ideas, we have little statues and we have posters. But, ladies and gentlemen, the people see past that. The people of America know what is stopping this Government.

All your actions here today will not block out in their mind that the Democrats and the President are refusing to work with the Republicans to balance the budget. The President has a chance today to reverse that, and he can sign the new clean CR that we have sent down to the White House. America is watching. The antics on this floor today will not cover up the fact that they want a balanced budget and they want us to hang tough until we do it, for ourselves, for our seniors and for our children. Let us get to it.

## COMPROMISE NEEDED IN BUDGET BATTLE

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

Ms. MCKINNEY. Mr. Speaker, if the Republican leadership is so committed to balancing the budget, then why do they not abandon their $245 billion tax cut? Why is it that seniors, students, and the poor have to sacrifice to balance the budget, but America's wealthiest corporations and insurance companies will get a huge windfall?

Clearly, Mr. Speaker, the GOP is using the balanced budget only as a pretext to wage their feudal class-war against seniors and working families. Why do they not go after the $500 billion in corporate welfare, as well as make Germany and Japan pay for their own defense?

Mr. Speaker, if the Republicans agree to abandon their tax cuts and eliminate just $200 billion in corporate welfare, then even I will support their budget.

## PRESIDENT CLINTON URGED TO SIGN THE BILL

(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, the debate is now clear and the battle is joined. As Paul Harvey has said, Americans hate statistics but Americans know what they expect from us. They want us to put government on a diet and they want us to balance their budget. We are a Nation that gets up early, rolls up our sleeves and gets the job done. To be told that we cannot balance this budget within 7 years is an insult to the intelligence of the American people. You promised to balance the budget in 5 years. Mr. President, if you meant what you said, then sign this bill.

## THE HORRIBLE WELFARE BILL

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

Ms. WOOLSEY. Mr. Speaker, with most of the Republican leadership running for the Presidency right now, and running on ego and on meanness, it makes sense that this new majority is sending President Clinton a welfare bill that pushes over 1 million more children into poverty and does nothing, absolutely nothing, to help recipients prepare for jobs that pay a decent wage.

On the other hand, the Democrats have a welfare reform bill that invests in education, in job training, in child care and child support.

Mr. Speaker, when 100 percent of the House Democrats voted for this legislation, we demonstrated that conservatives, moderates, and liberals can agree on reform that guarantees a safety net for children and gets their parents to work.

I ask, why does the crybaby Speaker not cry about real babies? Real babies who are becoming even poorer as a result of this mean-spirited, whining leadership. We must veto this horrible welfare bill.

## THE PRESIDENT AND THE TRUTH

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

Mr. BALLENGER. Mr. Speaker, President Bill Clinton has willfully misled the American public on his plans for the future of America.

During his campaign for President, he said he would support a balanced budget in 5 years. Two years later, he refuses to even consider balancing the budget in seven years.

He said he would end welfare as we know it. Now he says he will veto a bill that ends welfare as we know it. He said he supported tax relief for the American family. But his first budget raised taxes on American families.

Mr. Speaker, President Clinton is to truth what Abraham Lincoln was to lying.

The American people should not believe a word he says, because many

times Bill Clinton does not believe the words he is saying.

As President Clinton continues to refuse to open the Government, I urge the American people to focus on these facts. Republicans are going to keep their promises and offer a real balanced budget. Bill Clinton is going to break his promises and fight any balanced budget.

## GOVERNMENT SHUTDOWN

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

Mr. DOGGETT. Mr. Speaker, NEWT GINGRICH and Medicare, the three words you need to understand this mess in Washington. He may really be a crybaby, but NEWT GINGRICH wants to demonstrate he is king of the mountain. And what better way to do that than to issue a royal decree cutting Medicare, even if it takes the taxpayers having to pay for 800,000 Federal employees to have a taxpayer paid vacation. And since the king expects lobbyists to come bearing tribute, it is only natural Speaker GINGRICH would be doing everything he can today to kill our ban on gifts from lobbyists to Members of this Congress just as he killed real lobby regulation last session. And before this week's shutdown and NEWT's paid vacation for 800,000 Federal employees, we already had shut down one institution of this body, shut down with lethargy, shut down with delay.

POINT OF ORDER

Mr. HOKE. Mr. Speaker, point of order. Is it parliamentary to call the Speaker of the House a crybaby?

The SPEAKER pro tempore. Such remarks are not in order and Members should refrain from using such language.

The gentleman may proceed in order.

PARLIAMENTARY INQUIRY

Mr. DOGGETT. Mr. Speaker, parliamentary inquiry. Is it proper to refer to the front page of a newspaper that calls him a crybaby?

POINT OF ORDER

Mr. HOKE. Mr. Speaker, point of order. The chart is demeaning to the House.

Mr. VENTO. Regular order, Mr. Speaker. The gentleman should state his point of order, Mr. Speaker, if he has a point of order.

Mr. HOKE. My point of order is that we are not to have demeaning charts.

Mr. VENTO. Point of order, Mr. Speaker. That is not a point of order.

Mr. HOKE. That is a point of order.

The SPEAKER pro tempore. Will the gentleman suspend?

The Chair rules it is a legitimate point of order. The Chair also rules that the Members must be respectful of other Members and must avoid such referencing of other Members on the floor.

Mr. HOKE. Would the Chair please instruct the Member to take the chart down?

The SPEAKER pro tempore. The gentleman must proceed in order.

PARLIAMENTARY INQUIRY

Mr. DOGGETT. Mr. Speaker, parliamentary inquiry.

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

Mr. DOGGETT. Mr. Speaker, so that I may comply with the rules of the House, I understand then that I am not to refer to the Speaker as a crybaby. May I use the term ''NEWT's tantrum''?

The SPEAKER pro tempore. In answering the gentleman's question, the Chair would point out to the gentleman that the gentleman should be respectful of all Members of the House and the Speaker as well. The gentleman may not use demonstrations to be disrespectful to any Member or to the Speaker.

Mr. DOGGETT. But the Chair is not suggesting that this Daily News ''crybaby'' front page has to come down at this point?

Mr. HOKE. Regular order.

The SPEAKER pro tempore. The Chair is suggesting that it should be removed if it is intended to bring disrespect toward a Member of the House.

Mr. DOGGETT. It is not on the House, Mr. Speaker. How much time do I have remaining?

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. DOGGETT. With the parliamentary inquiries? Not with my 1 minute.

The SPEAKER pro tempore. No, with the gentleman's use of time.

Mr. DOGGETT. I thank the Speaker.

## BALANCE THE BUDGET

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

Mrs. SEASTRAND. Mr. Speaker, last night in an interview, President Clinton was asked this question by Dan Rather: ''Are you saying, flat out, that you will veto a bill sent to you that contains only the insistence to balance the budget, you'll veto that?''

The President said, ''Yes.''

Mr. Speaker, the President has divulged what Republicans in Congress have been saying all along. That is, President Clinton is too closely aligned with the liberal Washington establishment to do what is right for the American people. He is more concerned about spending more money on Government than balancing the budget, and he is more concerned about bureaucracy than our children's future.

The responsibility for this Government rests squarely on the shoulders of President Clinton. He asked for a clean bill. He has one. Now he says he will veto it.

Folks back home have been calling me to hang in there, balance the budget. Well, now it is time for the folks back home to call President Clinton. The number is 202–456–1414.

## A GRAVE ERROR

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

Mr. FRANK of Massachusetts. Mr. Acting Speaker, I have not myself been a great defender of the real Speaker. Indeed, I thought the American people were right when they found him to be the most unpopular elected official in America.

But yesterday I was ready to jump to his defense. I do not think people should be disrespectful of the Speaker. When I heard people suggest that Speaker GINGRICH had said that he was going to be tougher in negotiations and do more to shut down the Government because the President had been rude to him, I was ready to leap to his defense.

I said, how can you accuse Speaker GINGRICH, as much as I disagree with him on policy, of being so petty, of being so personal as to say that because the President did not distract himself from the Middle East peace process to come and talk to him and take his mind off having to sit with some other Republicans, how could you claim that this man would then use that as a reason to help shut down the Government?

Of course we have this problem because the Republicans have not passed the appropriations bills. It is their own lack of ability that has led the Health and Human Services Department and the Labor Department not to be there. To compound that with insensitivity is a very grave error.

## CHARACTER OF MORNING'S DEBATE

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

Mr. HOKE. Mr. Speaker, what is incredible about this debate this morning, if we call it a debate, is that what we see finally is that the Democrat rhetoric has been reduced simply to petty, the pettiest of ad hominem attacks on the personality of the Speaker.

☐ 1030

And they are doing this because of two things: No. 1, they are embarrassed by the fact 48 of their own Members last night, quite correctly, cast their vote, including a couple that have been down here this morning, although they did not mention it.

And, second, because they are out of ideas, they know it has finally come to showing the liberal agenda against the commonsense agenda.

The only difference in the continuing resolution of last night was a 7-year balanced budget, a commitment to come to the same agreement that every one of these people, when they go back to their districts, talk about. This is the moment of truth, 7 years, scored honestly with honest numbers in an honest way, working together.

The Washington Post got it absolutely right when they said the Democrats, let by the president, chose instead to present themselves as the demagogues that they are.

## WHY IS THE GOVERNMENT SHUT DOWN?

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

Mr. MILLER of California. Mr. Speaker, the country is asking today: Why is the Government shut down?

The President has made it clear the Government is shut down because he will not yield to the blackmail on Medicare, on Medicaid, on school lunch, on student loans.

What we did not understand is why is the Speaker, why is the Speaker going forward to shut down the Government?

## POINT OF ORDER

Mr. KINGSTON. Point of order, Mr. Speaker.

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). The gentleman will suspend. The gentleman makes a point of order.

Mr. MILLER of California. Why is the Speaker going forward? Because he is angry about his treatment.

Mr. KINGSTON. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will suspend. The gentleman from California will suspend.

Mr. MILLER of California. I have 1 minute to speak.

The SPEAKER pro tempore. The gentleman will suspend.

Mr. MILLER of California. He is upset.

The SPEAKER pro tempore. The gentleman will suspend.

For what purpose does the gentleman from Georgia rise?

Mr. KINGSTON. Mr. Speaker, point of order. Was it not the opinion of the Chair that the chart in the gentleman's hand is out of order?

The SPEAKER pro tempore. The gentleman is correct.

Mr. DOGGETT. Point of order, Mr. Speaker.

Mr. MILLER of California. May I be heard on the point of order?

The SPEAKER pro tempore. The gentleman will suspend.

Mr. KINGSTON. Mr. Speaker, since it is obvious the Democrat Party does not want to play by the rules of the House, would it not be in order to remove the chart from the floor?

Mr. MILLER of California. If I may be heard on the point of order.

Mr. DOGGETT. Point of order, Mr. Speaker. I would like to state my point of order.

Mr. MILLER of California. The point of order——

The SPEAKER pro tempore. The gentleman will suspend. The gentleman from California may be heard on the point of order.

Mr. MILLER of California. The point of order, I believe, is to suggest what, that I am holding the cover of the front page of the New York Daily News?

Mr. KINGSTON. Point of order, Mr. Speaker. He is trying to debate. My point of order and question to the Chair was: Should not that chart be removed from the Chamber, since the Democrats obviously do not have the self-discipline to follow the rules of the House?

Mr. MILLER of California. On the point of order, Mr. Speaker, this chart is in order under the House rules because this chart provides and has provided to 800,000 New Yorkers the explanation of why the Speaker shut down the Government.

Mr. DOGGETT. Point of order, Mr. Speaker; point of order, Mr. Speaker.

The SPEAKER pro tempore. The Chair is prepared to rule on the point of order.

All Members should not use charts that are demeaning to other Members, in order to preserve the decorum of the House.

Mr. DOGGETT. Point of order, Mr. Speaker.

Mr. FRANK of Massachusetts. Mr. Speaker, parliamentary inquiry. When we had a previous objection——

The SPEAKER pro tempore. The gentleman will suspend. The gentleman from Texas was on his feet first.

Mr. DOGGETT. Mr. Speaker, under the rules of the House, if the gentleman or any of the other gentleman of the majority wish to object to this chart, instead of continuing to interrupt our speakers who use it, the proper approach under the rules is to state an objection. Then we can have a vote on it in the House, and I raise a point of order against these continued obstructions of the orderly debate and ask them to state their objection, if that is what they want, and get a ruling from the Chair.

The SPEAKER pro tempore. The gentleman from Texas will suspend.

The Chair is prepared to rule. The Chair ruled in this case on the point of order that the chart was not in order because it was demeaning to another Member, the Speaker.

Mr. DOGGETT. You have ruled it is out of order? Are you directing us to remove it from the floor?

The SPEAKER pro tempore. That is correct.

Mr. DOGGETT. Then I ask for a vote on that.

Mr. Speaker, I appeal the ruling of the Chair. I appeal the ruling of the Chair that the chart of the front page of the Daily News is out of order.

Mr. KINGSTON. Mr. Speaker, I move to table the motion.

The SPEAKER pro tempore. The question, first, is, shall the decision of the Chair stand as the judgment of the House?

The gentleman from Georgia moves to lay the appeal on the table.

The question is on the motion to table offered by the gentleman from Georgia [Mr. KINGSTON].

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

Mr. HOKE. 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. On that, I demand the yeas and nays.

The yeas and nays were ordered.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 231, nays 173, not voting 28, as follows:

[Roll No. 803]

YEAS—231

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Beilenson
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—173

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torricelli
Towns
Velazquez
Vento
Visclosky
Ward
Watt (NC)
Waxman
Williams
Woolsey
Wyden
Wynn
Yates

NOT VOTING—28

Becerra
Clay
Collins (MI)
Condit
Cox
Crane
Dixon
Dornan
Fattah
Fields (LA)
Fields (TX)
Kennedy (MA)
Kleczka
Lofgren
McCrery
Porter
Riggs
Shadegg
Sisisky
Smith (NJ)
Spratt
Torres
Tucker
Volkmer
Waters
Weldon (PA)
Wilson
Wise

□ 1055

Mr. OBERSTAR and Mr. POSHARD changed their vote from ''yea'' to ''nay''.

So the motion to table the appeal of the ruling of the Chair was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Miss COLLINS of Michigan. Mr. Speaker, during rollcall vote No. 803 on tabling the appeal of the Chair, I was unavoidably detained. Had I been present, I would have voted ''no''.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members will proceed at this point for four more 1-minute speeches on each side.

## CUTE AND CLEVER SPEECHES

(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, you know, the Democrats are being so clever today that it makes you think they borrowed some of that $40,000 Hazel O'Leary spent on a PR firm to come up with some good 1-minutes, and I congratulate them only for being cute and clever today, $133,000 a year, and they get their reading material from cartoons. They go to college, they graduate, they go to law school, and what do we get? We get tabloids and cartoons.

□ 1100

Mr. Speaker, I give my one-minute on this side of the aisle today, and although there are only a few yards difference between these lecterns, often there are miles and miles and huge canyons of philosophical distance.

I think it is important that we start talking bipartisanship. Last night, 48 of your Members joined 241 of our Members in saying we are going to put partisan sniping behind us. We are going to put the Federal employees who are out of work back to work. We are going to end the furloughs. We are going to reopen the Social Security services office, the Passport office. We are going to reopen the National Parks, and most of all, 48 of your Members in a bipartisan fashion said yes to balancing the budget in 7 years. In doing this, they did not sell out on welfare; they did not compromise on taxes.

Finally, Mr. Speaker, you all come over to our side; we will talk.

## QUIT PLAYING GAMES

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

Ms. DELAURO. Mr. Speaker, yesterday, Speaker GINGRICH threw a tantrum and revealed the real reason he has shut down the Government—because the President did not pay enough attention to him on Air Force One. The Speaker's outburst at breakfast, gives new meaning to the phrase whine and dine.

Meanwhile, I got a call yesterday from a small businessman who told me that he will have to lay off employees because his business relies on contracts from the Department of Energy and Department of Defense that have not been paid.

Across the country, 56,000 seniors and workers have been denied Social Security benefits, 15,000 veterans have been unable to file compensation, pension and education benefit claims—all because the Speaker did not get his ego stroked on Air Force One.

The Speaker's massive ego gets bruised, so he puts people out of work and denies seniors and veterans their benefits. Mr. Speaker, quit whining, quit playing games with people's lives, and do your job.

## THE STRATEGY OF THE LIBERALS

(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, the strategy of the liberals is very clear here. Let us distract the House. Let us focus on the real issues today. We want to get Government workers back to work. We want to see a balanced budget in 7 years. But I know it is going to be difficult with the Cabinet that the President has.

For example, Secretary O'Leary has been wasting money. According to the GAO, her agency has been ineffective. Then there was Vice President Gore's report that said she was inefficient. Then there was a first class travel, taking a large contingency. Then there was a private investigatory firm that was going to cost us $46,500 of taxpayer dollars, this year.

Well, now we find out she has also hired a media consultant at $277 a day, at taxpayers' expense, to improve her image. She spent $200,000 on this.

Mr. Speaker, it is time for Secretary O'Leary to resign. We need for her to do that just to balance the budget and get these Government workers back to work.

## GINGRICH GOP THEME CHANGE

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

Mr. VENTO. Mr. Speaker, what we are seeing today is a Gingrich Republican theme change. A new tune. First of all, the Gingrich Republicans were indifferent and noncaring about the fact that the Government was closing down and that 2.3 million workers were being sent home. But today, that tact that theme of attaching to the necessary funding resolutions because the Republican Congress did not do their work in the first place, now attached to that was the death penalty, environmental problems, Medicare cuts, and other policy changes.

The fact is that now, of course, they are saying they have a clean resolution, a different theme but the fact is, it is just a shell and a pea game. Under this guise of these funding resolutions the Gingrich GOP are attempting to force the same kind of Medicare cuts, the tax breaks for their wealthy friends and the injection of special interests in this process.

The thing is, get your work done, present these policy questions honestly, do not try to cement these provisions and advantages in place to cut Medicare, and to cut education, and the other programs that are so important to American families.

The Gingrich Republican theme change is not going to work. The American people understand what is at the base of the goals no matter how you hide them and note the whining by the Speaker, because he was not treated right on Air Force One. The poll numbers speak for themselves, the American people are not with the Gingrich Republicans. You do not have the economics or the public opinion on your side. So let us pass a truly clean resolution and get on with the real work of this Congress and pass a just budget.

## ELIMINATE THE DEPARTMENT OF COMMERCE

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

Mr. CHRYSLER. Mr. Speaker, there has been a lot of talk about essential and nonessential Federal employees. Many of my constituents are asking why the Federal Government hires employees who are not essential in the first place. I did not.

The Department of Commerce recently sent two-thirds of its employees home because they were deemed nonessential. My bill to dismantle the Commerce Department only eliminated one-third. I guess I did not go far enough, but that is because I am conservative and not extreme.

A recent survey by the Greater Detroit Chamber of Commerce in my home State of Michigan indicated 89 percent of the business leaders there support the dismantling of the department. Business Week magazine agreed by a 2-to-1 margin. When the Clinton administration, former Commerce Secretaries, Michigan business leaders, and the Nation's senior business executives all agree that most of the Department of Commerce is nonessential, then it is time to put the Department of Commerce out of business.

## MEMBERS SHOULD NOT BE DENIGRATED

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

Mr. WILLIAMS. Mr. Speaker, I count myself among the majority in the House who agree that none of us should denigrate any Member of this House, and I personally think that includes showing charts that denigrate Members of this House.

I thought it was therefore ironic when Speaker GINGRICH complained about his seat on Air Force One. We all understand, I believe, that the hallmark of his membership in this House has been verbal abuse, and the denigration of this President and Democratic-elected officials. NEWT GINGRICH has used these words about President Clinton, a previous Speaker of this House, or other Democrats: Sick, nuts, traders, corrupt, thugs. We all remember how he referred to the First Lady of the land. Frankly, NEWT GINGRICH is lucky to even get invited to ride on Air Force One.

## GIFT BAN AND LOBBY DISCLOSURE

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

Mr. SHAYS. Mr. Speaker, on another note, today we will be taking up Gift Ban and Lobby Disclosure, two bills that were passed by the Senate a number of months ago. My plea to this Chamber is that on a bipartisan basis we can pass both bills. I salute the Democrats for pushing these issues before the Chamber, and my Republican colleagues who want to move forward.

I encourage them to vote against the Burton amendment, which, in my view, is a gutting amendment, and will keep things basically the way they are. I encourage them to support the Senate proposal or even better, a total ban, as the Speaker has proposed. On lobby disclosure, we need no amendment to that bill; we can send it on to the President. I understand a number of my colleagues on the Democratic side want to send it to the President. I encourage a number on my side to oppose any amendment and finally get lobbyists to register.

## STATUS REPORT NEEDED FROM COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

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

Mr. PETERSON of Florida. Today, Mr. Speaker, the gentleman from Florida [Mr. JOHNSTON] and I will introduce a privileged resolution calling for a report from the Committee on Standards of Official Conduct concerning the standing complaints against Speaker GINGRICH in that committee. Those complaints have been languishing in that committee for over 14 months. We have no intention to prejudice the outcome of the investigation, nor do we set a timetable for action. We only ask for a status report.

Mr. Speaker, it has been rumored that the majority leader will move to table this resolution today. We hope that we have a good debate on this issue and a vote on this resolution. I remind the Members of this House, the Committee on Standards of Official Conduct is our committee. It does not belong to the Speaker. They owe it to us to have a report as to the findings of their work.

## WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2126, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1996

Mr. MCINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 271 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 271

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2126) making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). The gentleman from Colorado [Mr. MCINNIS] is recognized for 1 hour.

Mr. MCINNIS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During the consideration of this resolution, all time yielded is for the purpose of debate only.

House Resolution 271 is a straightforward resolution. The proposed rule merely waives all points of order against the conference report and against its consideration. This resolution was reported out of the Committee on Rules by voice vote.

Mr. Speaker, members of this House often stand on the floor and debate whether various programs should be conducted by Federal, State, or even local government. However, Mr. Speaker, if there is one thing that the State governments cannot do, or one thing the local governments cannot do, that is to provide for the national defense, the national security, and the intelligence requirements of the United States of America. The Congress and the President, as Commander in Chief, alone have this obligation. I urge my colleagues to support this rule.

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

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

Mr. Speaker, I urge my colleagues to support this rule. As every Member is fully aware, this is the second conference agreement on the Department of Defense appropriation. And, while not every Member will agree with every provision in this conference report, the conferees have attempted to address at least one of the major objections to the original report, that being the question of abortion.

Mr. Speaker, we are all well aware that the original conference report was defeated because of opposition from those Members who felt funding levels were too high, as well as those Members who opposed the provisions relating to the abortion. The conferees have

modified the abortion language to only allow the procedure to be performed in military hospitals in the cases of rape, incest, and to save the life of the mother. This action has thus removed an objection voiced by at least some of the opponents of the original conference report. While I would have preferred that the conference report maintain its original language on this matter, I do support the conference report and I would urge all Members to do likewise.

The provisions of this report track closely those originally passed by the House and deserve our support. I do not have to tell any Member how important it is to pass this appropriations bill. And, I need not remind Members of our responsibility to act on each and every one of the remaining appropriations bills in order that the Federal Government might be funded for the fiscal year. In spite of the passage of a short-term continuing resolution by the House last night, which may very well be vetoed, we must continue to press forward to fulfill our constitutional responsibilities.

Mr. Speaker, Democrats want to solve this impasse. And I cannot deny that my Republican colleagues share that goal. We—Democrats and Republicans—can go a long way toward resolving this situation by passing this conference report this morning.

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

□ 1115

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I cannot believe what we are about to do in this House. Last night, amid much pontificating, this House told the American people that we were going to be committed to balancing the budget within 7 years. Today, as the very first legislative act after that promise, we are being asked to vote for an appropriation bill which adds $7 billion to the President's budget.

That money does not go to the troops. That money does not go to readiness. Because if we in fact take a look at what is happening in this bill on O&M, the major readiness account, it is actually lower than the President's for that account by half a billion dollars, once we deduct Coast Guard funding, which is really a transportation function, once we deduct the adjustment that was made on inflation in this bill but not made on the estimates in the President's budget, and that adjustment should have been made in both legislative vehicles, and once we deduct the contingency fund, $650 million.

This added money is put largely in 3 areas: One is in procurement; well, it is put in two areas largely, procurement and pork.

On procurement, this committee is insisting that we go ahead with the congressional demand to buy 40 B–2 bombers even though the Pentagon itself only wants 20. The cost of one of those bombers is about $1.2 billion. That would pay the undergraduate tuition for every single student at the University of Wisconsin for the next 11 years.

We are being asked to buy the F–22, years early, at a total cost eventually of $70 billion. And people say, oh, we need this, we need a strong defense. Well, of course we need a strong defense, but this chart demonstrates what has happened to our military budget versus Russia's since the Berlin Wall fell.

The red chart shows that the Russian military budget has dropped by about 70 percent. The United States military budget, by that same token, has dropped by about 10 percent. That is hardly reacting to reality.

People say, well, we have to worry about somebody besides Russia. Okay. Let us take every single threat that has been suggested to the United States, from Russia, from China, from Syria, Iraq, Iran, Libya, North Korea, that well-known military powerhouse, Cuba. Add all of the money together, and you know what? We still outspend them militarily by 2½ times. That does not count our NATO allies, and you know, the last time I looked, they were on our side.

So we are being asked to provide this huge bill, yet we are being asked to cut back on housing, cut back on education. We are being asked to squeeze the life's blood out of Social Security and Medicaid, knock hundreds of thousands of Americans out of health insurance because of Medicaid.

This is indeed where the rubber hits the road. Last night was a nice generic promise, but today you have an opportunity to demonstrate whether you were serious or whether you are going to blow a hole in that promise one day after you made it.

This country cannot afford to spend $7 billion more than President Clinton wants us to spend on the military budget, if it intends to get to a balanced budget in 7 years. If anybody believes you can do that, you are smoking something that ain't legal.

So I would urge you to recognize reality, recognize that if you are going to make the tough choices that were talked about last night, you might as well start now. You might as well start on this bill. We ought to vote this bill down and keep it down until we get a bill back that reflects the financial crisis which the House declared we were in last night.

I urge Members to vote against this bill. I have talked to the President's chief of staff, 15 minutes ago, and he has told me he is going to veto this bill. There is no sense sending this bill to him. It is a mission in futility. We cannot afford it. We should not be engaged in wasted motion. This bill is a dead duck, and it ought to be.

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

I would suggest to the gentleman that just preceded me that to reduce the defense budget in the proportions that he is talking about means we are going to have to have fairly dramatic cuts in personnel. Obviously the largest expenditure in the defense budget is personnel. It is a little ironic to hear the gentleman on one night speaking about how the deficit is making Federal employees be furloughed and the next day suggesting huge cuts in personnel in the military budget.

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

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. I would like to correct a statement just made by the previous speaker. The fact is the President's budget does not contain any reductions in personnel. We are not asking for any reductions in personnel. We are asking for reductions in the F–22, the B–2, we are asking for reductions in procurement items. We are not asking for one dime in reduction in personnel.

You have said it—not you but people on your side have said it time and time again. It does not matter how many times you say it. You are wrong each time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield to the gentleman from Colorado.

Mr. MCINNIS. I thank the gentleman from Massachusetts for yielding.

If the gentleman is going to get any kind of cuts proportionate to the comparisons on those charts that he is making with Russia, tell me how you are going to get those kinds of cuts by just cutting out the B–2 bomber. You cannot do it.

Mr. FRANK of Massachusetts. I yield to the gentleman from Wisconsin.

Mr. OBEY. What proportion is the gentleman talking about? I am not suggesting we cut our budget the same as Russia.

Mr. MCINNIS. Why is the gentleman using the chart?

Mr. OBEY. I am using the chart to show that we can afford, given the fact that we spent 2½ times as much as our enemies, we can afford to hold the budget to the amount the President has asked for. That is $7 billion out of a more than $250 billion budget. That is hardly a big slasher.

Mr. FRANK of Massachusetts. Reclaiming my time, Mr. Speaker, this is a very important debate, because we have been told that we can balance the budget within 7 years and we should vote for that concept of a balanced budget within 7 years and then we can debate how to do it.

But if you pass this appropriations bill today with the excessive and unnecessary procurement that is in it, that the gentleman from Wisconsin has talked about, if you commit to the weapon systems he talked about in

those numbers, then you are guaranteeing that if you balance the budget within 7 years, you will drastically reduce spending for a whole lot of areas.

We are in a zero sum game. We all agree that the budget is going to be balanced. There is some question about when. But this is partly why some of us have a problem with being told, ''Well, just agree to a balanced budget in 7 years and then we can work it out.''

If this appropriation passes, we are committed to a level of expenditure for weapon systems procurements in the tens of billions that will inevitably have to come out of other programs.

What we have is the worst case of cultural lag I have ever seen. For more than 50 years, the United States sensibly led the free world to defend against enemies who were powerful enough to deprive us of our freedom. Fortunately, today in the world, as the gentleman from Wisconsin has documented, we do not have any threat to our physical existence. Yes, it would be convenient to do this, it would be beneficial to do that, but there is a qualitative difference.

What we have here is the old cold war argument where our survival was at stake. Now we have had a transfer. We are not talking about survival. Indeed, people on the other side are opposed to many of the uses for the military. We have the paradox where people on the other side want to spend more and more on the military and use it less and less. I think there is reason to use it less and less.

My final point is this: This is the real foreign aid bill. More money is spent by U.S. taxpayers through this bill to subsidize the economies of other nations than in the foreign aid bill many times over, except that we do not have poor nations here. This is a subsidy to wealthy nations.

The military budgets of Japan and Germany and England and France and Denmark and Norway and the other wealthy nations are a fraction of what they should be. Yesterday's, Tuesday's New York Times has an article about a book which says one reason the rapidly increasingly prosperous Asian nations have done so well is that America has, for free, provided them with defense. So we subsidize their defense while they build up big trade surpluses. We continue, in this bill, the pattern of greatly excessive spending, not for America's military security but in part as a form of foreign aid to the wealthy nations of Europe and Asia.

As a consequence, if you pass this bill, you get into a situation where every dollar spent for the B–2 bomber, for unneeded weapons, weapons the Pentagon does not want, it is only logical it has to come out of medical care, out of education. It is why the Republicans are voting to raise the rents of older people in public housing, which is part of their legislative package.

If we adopt this conference report, we then make it very clear that a balanced budget will consist in substantial part of excessive spending on the military, subsidies to the budgets of Western Europe, subsidies to the budgets of our Asian trading partners. So we defend them, and in return we will make up for those subsidies by cutting medical care, cutting education, cutting housing. It is a very bad deal.

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

Mr. Speaker, one of the benefits of this job is the excitement that we get when we have the opportunity to engage in general debate. But I am a little curious. The gentleman from Massachusetts of course has the opportunity to vote ''no'' on the conference report, and the gentleman from Massachusetts is going to have an opportunity certainly to engage in bringing his points forward in general debate.

I would yield to the gentleman for an answer to the question: Do you have an objection to the rule passed on voice vote up in the Committee on Rules?

This is the rules debate. Do you have an objection, and the same with the gentleman from Wisconsin, to the specific rule?

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

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

Mr. FRANK of Massachusetts. Mr. Speaker, I would say two things.

First, I am debating now because we only have an hour on the overall bill, so I am glad to sue the debate time.

But do I have an objection to the rule? In this sense, no rule, no bill. So I object to the rule because of the company it keeps, and if the rule is going to hang around with a bill like that, it is going to damage its reputation.

I would ask the gentleman from Colorado, who has the time, if he would yield to my friend from Wisconsin.

Mr. MCINNIS. Mr. Speaker, I reclaim my time and yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I thank the gentleman for asking that question. The fact is that when this bill was before us originally, we had a time limit imposed that prevented us from raising many of the issues that we wanted to raise at that time. So the only time we have had an opportunity to raise these issues has been on the rule today. When we deal with the conference report shortly, we will only have about 20 minutes during which we can explain our concerns about the bill. So that is why we are taking the time on the rule to explain our concerns about the bill.

Mr. MCINNIS. Reclaiming my time, the gentleman still has not answered the question: When the final tally comes, do you object to the rule?

I yield for a response to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I frankly accept the fact that the rule is going to pass. I am simply legitimately using the rule on the bill to discuss what is at stake. In my view what we ought to do is defeat the rule so that this bill can go back to committee and get fixed.

□ 1130

Mr. FROST Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in opposition to this bill. This rule obviously would not be necessary with an appropriation bill if we were following the proper procedure, but that seems to be sort of forgotten in the actions of this House in this session.

I rise in opposition to this because I think it is fundamentally a question of misplaced priorities in terms of this Congress and our budgets. The fact is that we do not need just smart weapons in this Nation in order to defend our national security. We need smart people. We need smart soldiers and sailors not just smart weapons.

Look what is happening in this budget. Look at what is happening. We are disinvesting in our total budget in people, in education programs. We are taking the House budget that was passed, removed $10 billion in the next 7 years from scholarships and assistance in terms of education at a time when, you know, the world of work is changing; the world of national security is changing.

What does this bill do? This bill tips the balance in terms of weapons systems. The weapons systems that have tentacles that stretch into every State in this Nation, all of us have employers and some jobs that are related to putting the weapon systems together. But who is going to run those systems?

Economists will tell you, if you want to make your national economy work, you need to have capital, you need to have research and you have to have investment in people. You have to have human resource.

What is happening in our military today is they basically have to take on this task of training themselves. What this bill does is cuts the operation and maintenance budget. You buy all sorts of new weapons systems. In order to keep them bill does is cuts the operation and maintenance budget you buy all sorts of new weapons systems. In order to keep them in the air, keep them functioning, you have to cannibalize those particular aircraft, those weapons systems, to keep them going because of shortfalls in operations and maintenance.

What do you do in terms of the maintenance for the systems. Then there is the question of operation. Who is going to operate them? We have to take up the training task, when we do not have recruits and individuals that have the ability to do the job we will have problems, in the security of this Nation.

So the fact is you shortchange by overload the appropriation with more weapons systems and too little operations and maintenance. You are shortchanging the operations and maintenance. We all know we can end up buying an aircraft carrier, we can end up buying more B–2 bombers. Who is going to take care of them? They are not going to be readiness ready. They are

not going to have a readiness factor in terms of being ready to serve the function in the field. It has been pointed out that in years past, the past 50 years, one could arguably State that we needed the high defense spending many nuclear weapons and other types of weapons systems. That argument, in light of what has happened in recent years, you cannot escape what is the demise of the cold war is not relevant has occurred today.

These weapons systems are becoming obsolete as we go forward. We are setting a policy path to build more of them in a world environment where many of these sophisticated weapons systems, and I am pleased they will not be used, I hope they will not be used, we cannot use them, but it is a time in history where we need to call on others around the globe to start picking up their own responsibility in terms of their own national defense.

The weapons systems and sophisticated systems that have been under our control in the past are not applicable to many of the situations we have, whether in the former Yugoslavia, whether in North Africa, whether in many other place of conflict around the globe.

It is time, I think, to say ''no,'' to say we do not want this continued American buildup and spendup. We need to bring this in line. We have to bring this in line, in other words, to get into the retrenchment and realignment—the downsizing of the U.S. military budgets.

Yesterday, in Minnesota, 3M Co., which headquarters is in my district, announced the fact they were going to eliminate 5,000 jobs from their company, many of them jobs in Minnesota, good jobs. The fact is that the U.S. military should be facing the same plight we have given them the time, we have given them the dollars.

If these dollars were being spent on a builddown, if they were being spent only on the base realignment and closing and actually moving forward in terms of building it down so we could have a soft landing for many of the people in the military, that would be one thing.

But that is not what this measure is doing. What you are doing is you are shortchanging, you are shortchanging the operation and maintenance in these type of adjustment dollars that should be present. They have been stripped out of this bill. They are no longer there to help the communities that are impacted. The Nunn-Lugar program to take a part the former Soviet nuclear facilities isn't funded.

That is why I am rising today. You have abandoned that particular process in Russia and in terms of our American communities so that we can get to this with less pain and less risk.

We would like to work with you and help you, but this bill does not do it, and it deserves to be defeated today on this floor.

Mr. MCINNIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. YOUNG], the chairman of the subcommittee.

Mr. YOUNG of Florida. Mr. Speaker, I thank the distinguished gentleman for yielding me this time.

I did not intend to be involved in the debate on the rule, because that is not what this debate is even about. This is a good rule, a bipartisan rule. We ought to just go ahead and expedite the rule and get to the conference report.

But I really cannot leave unchallenged the issue that we reduced readiness. That is just totally erroneous. We reduced some of the operations and maintenance accounts. That is correct. In fact, we reduced these particular accounts by about $1.7 billion.

Let me tell you where we reduced. Then I want to tell you where we added back for readiness. We reduced the technology reinvestment program. It may be a good program, but it should not necessarily be funded by the Department of Defense. That is one of the reductions that this previous speaker talked about.

We reduced consultants and research centers by $90 million. You know, they refer to them as Beltway Bandits sometimes. We cut that.

The Nunn-Lugar funding to convert Soviet, former Soviet, military industries, well, our understanding is that a lot of that conversion went to a new type of Russian military industry. So we took the money out of that.

The U.N. peacekeeping assessment, $65 million; we should pay our peacekeeping assessments, but it should not come out of this bill. It ought to come out of the State Department bill or it ought to come out of the foreign aid bill, but not the Defense bill.

Another large reduction, $129 million for travel, support aircraft operations. We made these reductions because of Members on that side of the aisle who asked us to do it, and we agreed to those amendments. So, yes, we did make those kinds of reductions.

What did we add back for real readiness and quality-of-life issues for our personnel? We added over $2 billion. The gentleman from Wisconsin [Mr. OBEY] does not like me to repeat this, but I will. We did provide money for the pay raise for the members of the military.

We added funds for housing allowances for members of the military.

We added $322 million to upgrade barracks facilities that are a tragedy. People who might have to go to war and risk their lives should not have to live like that.

We added $170 million for training shortfalls, training moneys that had been borrowed in advance for other contingency operations that had not been approved by Congress, incidentally.

We created a new initiative that even the President thinks is a good idea now, paying for the known contingency operations as we go, to deny access to the air of Saddam Hussein's air forces and to provide comfort for those non-Saddam supporters in Iraq.

We added $647 million for that because that contingency is ongoing, and we ought to pay for it as we go. We ought to be up front and be honest.

So the truth is, yes, we did reduce the operations and maintenance accounts on one hand but we increased them by adding real readiness and quality-of-life on the other hand, and I think that, as we discuss these issues, we really ought to be accurate, and I will do my very best and I know my colleague, the gentleman from Pennsylvania [Mr. MURTHA], will, to make sure the debate remains as accurate as possible.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, let me commend the chairman of the subcommittee and the ranking minority member for many, many good things in this piece of legislation.

But let me also say there are things in here which I find very troubling. We are in the midst of a budget deficit debate here which involves almost impossible choices of things that we have to cut. There are proposals from the Republican side of the aisle for deep cuts in the Medicare Program, deep cuts in programs providing health care for poor children, for elderly people in nursing homes, cuts in education programs, cuts in environmental programs. And here we have a bill where we are being asked to spend $7 billion more than the administration requested.

Let me focus on one particular item of expenditure, the B–2 bomber. The B–2 bomber was designed to fight the Soviet Union. The Soviet Union, as we knew it, no longer exists, and yet the contractor that builds the planes has enough political muscle in the House of Representatives to force us to add in this bill 20 new B–2 bombers at a cost of $31 billion.

Let me tell you about the B–2 bomber. First, it does not work. This bomber, despite the money we have invested in it, its radar cannot tell the difference between a cloud and a mountain. Now, that is a very difficult problem facing a pilot when you cannot tell the difference.

Second, it costs too much, at least $1.5 billion to $2 billion per plane.

Third, we do not need it, since the Soviet Union is gone.

And, fourth, the Pentagon says they do not want it. But we are still pressing forward with this defense pork barrel for one contractor, $31 billion.

We have to make choices in politics. Let me tell you what I would do with the $31 billion. Personally, I would more than double the investment we make each year in the National Institutes of Health medical research. I honestly believe that families across America would feel much more secure at home knowing that we are spending money looking for a cure for cancer, looking for a cure for AIDS, fighting diseases which ravage families across

America and around the world. That is a much more important investment than more B–2 bombers.

Second, I would make certain we do not make the education cut called for by the Gingrich Republicans. They want to cut college student loans by $10 billion while we are building these B–2 bombers. Kids from working families find it tough enough to afford college today. The Republicans are increasing the cost of that college education. Take the $10 billion they would cut, put it into college education.

And, finally, I would give full deductibility to self-employed people, I am talking about small businesses here and farmers, for their health insurance. More and more Americans are starting their own businesses, and that is good for our economy. The biggest single problem they face is the cost of health care. We allow big corporations to duck the full cost. Small companies should be allowed to.

You do those three things with the B–2 bomber money, and I think this country is better off.

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

First of all, I think that the previous speaker points out that the President's budget that this conference report comes out above that, I think he should kind of paint the entire picture.

No. 1, this conference report is $746 million less than the House report. No. 2, nearly $400 million less than the bill that we passed a year ago.

Paint the entire picture.

Mr. Speaker, I yield 1¼ minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, the gentleman from Illinois and I have always gotten along. He is a good, robust debater. I like to think I am, too.

But we must be very careful on health issues not to give false hope to people across this country on the AIDS crisis that has now killed more young men in the prime of life than died in combat in World War II. There will never be a cure for the AIDS virus.

I called Dr. Tony Fauci, the head man up at National Institutes of Health. We have to get saying this correctly. We can only hope for a vaccine to keep the humano-immunodeficiency virus locked inside the T-cells for the rest of your life, but once that virus is inside that microscopic T-cell, it is never coming out.

Dr. Fauci himself has slipped over the years. I called him, and he apologizes. The word c-u-r-e can never be applied to the AIDS plague. We hope for a vaccine to extend peoples' lives.

Mr. MCINNIS. If the gentleman will yield, may I ask the gentleman's position on the bill?

Mr. DORNAN. I am going to support this bill because of what the gentleman from Illinois missed is the importance of a balanced defense budget in harmony with domestic budgets. However, I will fight like hell for reportability on rape in the military. If a woman or a dependent is raped, how can any Senator tell me that when the Uniform Code of Military Justice is violated, you do not have to report who raped you for your trip home? Outrageous. Never again. This time, yes.

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Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

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

Mr. Speaker, with all this gray hair and 23 years on the Committee on National Security, let us talk about this budget. At a time when dollars are so precious, this thing is $7 billion more than the Joint Chiefs, the President, than anyone asked for; $7 billion more. It is more than the rest of the world is spending on defense. And what are we buying with it? We are buying all sorts of hardware, because those are the special interests with the most gravitas in this town, and that is wrong, at the time we are cutting student loans and cutting health research and cutting all sorts of things.

Now, one of the things that stands out of that whole list of add-ons that we are buying is the B–2 bomber. The B–2 bomber is the son of the B–1 bomber. I was here when Carter said no to the B–1 bomber, and then President Reagan moved in and turned that around and we built this whole fleet of B–1 bombers. Anyone seen them? Anyone seen them anywhere? No, no, no. Every time they take off, it seems they fall out of the sky. Actually, this last weekend we did see them. According to the paper, one B–1 bomber was used as a float on Fifth Avenue during the veterans parade. This has to be the most expensive parade float in the history of America.

Now we are going to add 20 more B–2's than anybody wanted into this budget, and make the American people pay for it. Will the American people feel more secure with their children in college, or having more B–2 bombers? Will the American people fell more secure with health care research funded, or more B–2 bombers? We could go on and on and on with those issues.

Are we really going to stand here and say we have to make tough decisions in every other area of the budget, and then add more to this budget, when we never did that even during the cold war? I never remember adding more to the defense budget than was asked for.

Please, one cannot be a fiscal conservative and vote for this bill.

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

Mr. Speaker, I think that is somewhat of an exaggeration by the preceding speaker, that every time the aircraft take off, they fall out of the sky. I think that deserves a correction.

Mr. Speaker, I yield 1 minute to the gentleman from Maine [Mr. LONGLEY].

Mr. LONGLEY. Mr. Speaker, if one looks at the last 24 hours on this floor, it is incredible. We are now advised the President has no intention of balancing the budget. But there is another aspect of that as well. He does not have a budget, he does not have a plan.

I compliment the committee for coming together with a solid approach to dealing with our defense needs; a plan that, despite the fact that defense has been cut 35 to 40 percent in the last 10 years, is stabilizing defense spending and in fact leveling it and decreasing it over the next 7 years.

But we are doing so in the context of a balanced budget. We are recognizing that, yes, there are limits. We cannot spend unlimited amounts of money on everything. We are going to set priorities and spend money where we need to spend it, on the most important issues that we have determined as a Congress.

I think an issue that also needs to be addressed here is that we are going to balance the budget, as remarkable as that may seem to the other side of the aisle.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Speaker, I believe very strongly in a strong national defense. I think this country ought to have a defense that allows us to protect all of the interests of the United States of America. I just think that when we look at the reality of what the world is today, we need to recognize that our defense budget this year, this year, before we add an extra $7 billion that the military really did not ask for into the defense budget, will outspend all of our NATO allies, all of the former Soviet States, all of the Eastern European countries, all of the former Soviet Union itself, all of China, all of both Koreas, all of Japan, and the entire Third World. If you put all of their defense budgets together, the United States will spend more.

I would think that maybe we could slide by on $270 or $280 billion a year. But, no, no, that is not good enough, because somehow the Republicans have come up with a notion that if they stand for a stronger national defense, no matter what the number the Democrats put up, as long as you put up a few billion dollars more, you can go out to the American public and say you are for a stronger national defense than the Democrats are for.

You pretend to try to balance the budget, when you know that if you look at the defense needs of this country, the military itself will tell you that the F–22 is not the airplane it needs. The B–2 bomber, we are going to spend money for an extra 20 B–2 bombers this year. Who are the B–2s going to go against? We are going to spend an extra $3.5 billion for star wars.

I am all for theater based national defense systems. We wanted to protect our troops when they go into battle, that is fine with me. I think we ought to do it. We ought to put the research money into making certain we have a

good theater based defense system. But a space based star wars system? Nobody in their right mind, not even some of the most radical right-wing Republicans will tell you that star wars will work. It will cost trillions of dollars to defend ourselves against a threat that nobody believes is going to take place.

Why in God's name would anybody send a missile at the United States? They have to send a whole platoon of them in order to be effective. Why would they possibly do that? If they can put a bale of marijuana into a ship and bring it into New York harbor, why would they bother to put all these bombs on a missile? The truth of the matter is, that if we want to have a strong national defense, we ought to go out and build one. But we ought to build one in recognition of what the real threat to the United States is today.

What we are doing is we are spending billions and billions of dollars in national defense that we do not need to spend, and at the same time we are gutting and cutting and hurting the working class people of this country and the poor.

We are saying we do not have enough money for the Healthy Start Program, which deals with the fact we now have children in the United States of America that are dying at rates higher than in most Third World nations. We are willing to jack up the price of the Medicare premium, we are willing to go after the hot meals for senior citizens, we are willing to go after vulnerable people in this country and say we do not have enough money in the budget to help them. But we do have plenty of money in the budget to assist in building some of the most sophisticated weapons systems that this country does not need.

We ought to build a strong national defense, but we ought not to waste money on national defense that could in fact be making this country much stronger in the long run by investing in our most important resource, the American people.

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

Mr. Speaker, I guess I need to make a couple points, particularly with some of the background that I have got with North Korea. I should advise the preceding speaker that if North Korea, for example, were to launch a nuclear weapon into Tokyo, or, as science progresses and they gain the ability, which they will gain within a very short period of time, to launch a nuclear weapon into the center of San Francisco, it will not take a ''whole platoon'' of missiles to be effective. The preceding speaker ought to be advised just one of those type of missiles anywhere could be very effective.

I would also like to advise the preceding speaker that when he talks about the working class, first of all, most people I know are in the working class. When I talk to them, they want a strong defense. I agree with the preceding speaker that we need some balance, but I think that some of the remarks are somewhat exaggerated by the speaker, especially in regards to the missile.

I am very curious, hearing the strong comments about this budget, to see just exactly where the preceding speaker thinks the money is going to come from for the deployment by the Democratic President for troops in Bosnia, putting ground troops into Bosnia? I would be interested to see how his vote comes down on the deployment by our President to put those troops in Bosnia.

Mr. Speaker, I yield 10 seconds to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Speaker, I would like to point out if our true concern is a single missile going from Korea into Japan, maybe if the gentleman wants to build up a strong Japanese national defense, why do not you ask the Japanese to pay for it, instead of what your budget does, which is to allow us to subsidize it?

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

Mr. Speaker, the key here is we are being absolutely ignorant, and in fact we are being malfeasant in office, if we refuse to acknowledge the fact that we have to prepare for defense against missiles. We lucked out, frankly, in Iraq and the Persian Gulf situation. We were able to stop some of those missiles. We need to improve that technology. It is going to happen again.

I might also add, the gentleman and I periodically see each other working out. I would add that the person working out who is in the best shape and who is the strongest person in the facility is the person who spends the most time on it.

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

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, the previous speaker mentioned the great investments that we have. We have a lot of great investments. The greatest investment that we make in our national defense are the young Americans, men and women, who wear the uniform, who train to defend this country or our national interests. And one reason that our defense costs are so high is we have an all-volunteer service. We do not have a draft or a conscripted army or military like the other nations that the gentleman is referring to.

In fact, of this $240 billion bill, half of it, nearly half, $120 billion-plus, goes to pay salaries, allowances, and medical care for those young Americans who are prepared at a moment's notice to be deployed wherever the President of the United States might choose to deploy them, and the salaries of the DOD civilian workforce.

So, yes, our costs are higher, because we do not have a draft. We have an all-volunteer military, and we ought not to make those people live like paupers. There are too many of them today who are married and have families that have to rely on food stamps to get by, and that is not right.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I agree with you wholeheartedly. I offered an amendment to try to deal with the fact that we have got too many of our military not being paid enough money. If these funds were dealing with that issue, I would be more than happy to vote for it. I am talking about the $7 billion additional funds that the military itself did not ask for that are put into this budget because of a lot of pork going back into Members' districts.

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, when we get to the debate on the bill, we will be happy to address that very specifically. We ought to go ahead and get this rule passed so we can get to the real debate on what is right for the national defense.

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

Mr. Speaker, I would just add that the previous speaker on my side of the aisle is absolutely correct. This debate right now is not the general debate on the military expenditures, and that is probably where the rest of this would be more appropriate. This debate is about the rule.

I would remind all of my colleagues in the House Chamber this rule was passed by voice vote in the Committee on Rules when we had a recorded vote on it. It is a conference report, but when the bill came up, it was passed by an overwhelming bipartisan majority. I think it is appropriate to move this on, get to a vote, and go into general debate.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. Mr. Speaker, I just want to reiterate what the gentleman said about this rule. It should be a bipartisan rule. I hope it will pass quickly so that we can move on with the debate on the bill itself.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I rise in support of the rule, and I also will support the bill. I serve on the Committee on National Security. I think this is a good bill. It gives us a strong defense. I hope Members will support the rule and the bill.

Mr. MCINNIS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules.

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Mr. SOLOMON. Mr. Speaker, first of all, the reason I am at the Democratic

podium is because I used to be over here, back when John F. Kennedy was a great President, and he stood up for America, and he supported a strong defense.

Mr. Speaker, I have been sitting here very patiently listening to this debate and getting ready for the other things we are going to be bringing up in the Commitee on Rules, such as the balanced budget bill and other things. However, I just heard my good friend, the gentleman from Wisconsin [Mr. OBEY], and the gentleman from Illinois [Mr. DURBIN], and others talking about how the Republican plan cuts all of these programs.

When I was debating the balanced budget earlier on as Chairman of the Committee on Rules, I insisted that all of the alternatives that were brought to the floor must bring about a balanced budget, and we told the Democrats that they would have to present one. We told ourselves, we told the President, and when we wrote a rule and brought these alternatives to the floor, all of them were balanced. What a change in concept over what had been happening over these last 40 years.

The Republican budget does balance the budget in 7 years, but as I look through it, I cannot find all of these cuts that everybody is talking about. When you talk about school lunch programs, when you talk about WIC, a very important program, when you talk about Head Start, all of them, I do not find cuts. I find increases in all of these programs. What I do find is that we have really cut the bureacucracy, we have really shrunk the power of the Federal Government and returned it to the States, and to the counties and the towns and the cities and villages and to the local school districts and to the private sector where it belongs.

In other words, getting rid of this huge Federal bureaucracy, that is where you will find the cuts in here, I say to my colleagues, the real cuts, not in programs for the needy.

Mr. Speaker, I heard somebody up here complaining because there was a B–2 bomber on display in a parade in New York City. Well, Mr. Speaker, I support that, because we need to promote pride and patriotism and volunteerism and the love of God. We need to really push those intangibles in this country. That is what Ronald Reagan did. That is what made him a great President.

Mr. Speaker, speaking of Ronald Reagan, I heard my good friend, the gentleman from Massachusetts [Mr. KENNEDY], who does not talk like John Kennedy did, complaining because there is $7 billion in this budget that the military did not ask for. Let me tell the gentleman why the military did not ask for it, because they were intimidated into not asking for it by the President of the United States, the President of the United States who, by his own admission, never had much use for our military. Of course, that, over the years, has always turned my stomach.

Mr. Speaker, you go back to why this country was formed over 200 years ago, and it was formed as a republic of States. It is not a democracy, as such, not a federalist government, it is a republic of States that were joined together, and read the preamble to the Constitution, for the purpose of providing a common defense for these States. For my State and your State. That is really why we are here. Yet this Government has grown so much over the years where we have 37,000 employees in the Department of Commerce, in a Department of Commerce which is no longer an advocate for business and industry, but is there to regulate business and industry.

We have a Department of Energy with 17,000 employees, and has it produced a quart of oil or a gallon of gas? Not in my State, it has not. We have a Department of Education with 6,000 to 7,000 employees. Has that improved education? No, it has not.

The problem with the Republican budget is it does not go far enough. Here is mine that is a 5-year balanced budget, and let me tell you, it cuts those things, the Department of Commerce, the Department of Education, the Department of Energy, but it protected the defense budget of this country.

Mr. Speaker, let me say to my colleagues what the budget bill does before you. Let me go back to 1979. Our military preparedness had reached such an all-time low that our military personnel, overseas, and even in this country, were on food stamps, and we were losing all of our qualified commissioned officers and noncommissioned officers. They could not afford to stay in our military.

Mr. Speaker, we changed all of that in 1981 with the election of Ronald Reagan, and we brought about a concept of peace through strength which rebuilt our military. No longer would we see what happened in 1979 when Jimmy Carter, in order to try to rescue some hostages out of Iran, had to cannibalize 14 helicopter gunships just to get 5 that would work and 3 of those failed, and so did the rescue attempt.

You turn that around and look what happened after we brought down the Iron Curtain and to what happened in the gulf war. Our military personnel went over there with the very best that we could give them. The night vision gear that our troops had that theirs did not allow us to see them. They could not see us, and the casualties were practically zero, because we gave them the very best.

Well, I say to my colleagues, do not think for a minute that the dangers are not out there. Somebody asked, why do we need a B–2 bomber? Well, if North Korea launches a missile into Japan, who is going to be there? We are the world leaders, we have to protect them.

If Iran or Iraq launches a missile into Israel, do you want Israel to pay for it? Just think about this, I say to my colleagues. If you want to preserve this republic of States, we have to provide for a strong military. This budget does. This budget before you gives 9 and 10 and 11 percent increases in readiness, in manpower so that we can keep the young men and women, these great young men and women, so talented, in our military today. It provides for research and development.

I would say to the gentleman from Florida [Mr. YOUNG] that I just admire the gentleman for what he has done there, for the procurements so that we can guarantee, should our troops have to go into Bosnia, 25,000 of them which will go there over my dead body, but should they have to go there, damn it, they better go there with the very best. That is what this bill does, and that is why I want everybody in this Chamber to come over here, and I want you to vote for this rule and vote for the bill, because you are going to be doing it for the young men and women that you will be voting some day to put in harm's way, and you've got to give them the best to do it.

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

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Speaker, speaking of women in the military, last week the new majority actually let the House of Representatives go a whole week without an overt attack on women's reproductive rights, but now they are back at it again. Today, the antichoice forces are hoping to score another victory by denying military women, women who happen to be stationed overseas, access to a safe and legal abortion in a military hospital, even when they will use their own money.

Military women defend our country with their lives. Now their lives will be in jeopardy when they are forced into Third World clinics and unsafe back alleys. Is that what you would want for your daughters? Is that what you would want for your granddaughters? Another day in Washington, another attack on Roe versus Wade. Stand up for military women, for their constitutional right to choose. Vote no on this rule.

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

Mr. Speaker, I am amazed by this testimony. I yield 30 seconds to the gentleman from Florida [Mr. YOUNG], and ask the gentlewoman from California [Ms. WOOLSEY] to stay on the floor.

Mr. YOUNG of Florida. Mr. Speaker, yesterday we passed a Treasury-Postal conference report on the appropriations bill, and the language that the gentlewoman objects to today was the identical language that was in that bill yesterday, which she voted for. I just think that consistency does have some value.

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

simply to say that I agree with the gentleman from Florida, that if one is going to vote one way and talk another way the next day, that is not very consistent.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Speaker, yesterday, rather than not vote for a bill that was good in general, I was able to vote against my conscience for women. I did not like doing it; I did it. I do not want to do it again, and I hope the rest of the Congress will not either.

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

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

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

Ms. JACKSON-LEE. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

Mr. Speaker, I rise to say that I am going to vote for the rule, because I believe that there has been a very favorable compromise on that. However, I am going to take this time to say that this bill is not the right bill for America, because this bill does not do what we think it does.

Mr. Speaker, I believe in readiness, military readiness, I believe in supporting the military personnel, but I do not believe in excess and waste. If this House voted last night for a 7-year balanced budget, it is important to tell the American people that this bill is $8 billion more than the Defense Department needs and $8 billion more than they requested.

If there is anything that I hear when I go home, the question becomes, why are we spending money for the defense of Germany and Japan and many other places? Not because we are not their allies and friends and would not rise with them in a time of real need—not peace time—but the reason why their budgets can be so low is because we are bolstering their defense, and it is certainly pursuant to our historical relationship during World War II.

Mr. Speaker, we are finished with World War II, and have since finished with the Korean war. So I ask my colleagues on this bill, it is important to be prepared, it is important to have the support of military personnel that are well trained. We saw that in Bosnia with the U.S. Captain who was shot down and his acknowledgement of the good training that the military gave him, and I will support that. But not $8 billion extra in trinkets that are not needed.

So I think it is important that we defeat the bill, because we are not doing what we said we would like to do, and that is to balance the budget. We are taking it out of education, we are forcing 1 million of our children and making sure they cannot eat because of the proposed mean welfare reform package. We are taking money from Medicare and Medicaid, and we are not dealing with a reasonable defense program.

Mr. Speaker, listen to the thorough work of the Defense Department. I think they make a lot of sense. They know how to get us ready for war, if necessary. They told us they did not need this extra $8 billion. Let us get some common sense. Let us defeat this bill when it comes to the floor.

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

Mr. Speaker, I would like to compliment the gentlewoman from Texas, because she has distinguished correctly the difference between this debate and the next debate. She did state that she was going to support the rule, and that is what this debate is about.

As we are nearing the vote, I would urge Members to remember that this is on the rule. We are going to have the general debate in a few minutes.

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

Mr. MICA. Mr. Speaker and my colleagues, I think it is important that we pass this rule, and we pass it by a large margin. Let me say why.

Mr. Speaker, we just heard the previous speaker say that we should take the advice of the military on the spending issues. Under the Constitution, the most important role of this Congress is to provide for our national defense, to provide for our security. We do not need a Congress if we let these decisions be made by our Department of Defense.

Let me tell my colleagues why we are making these decisions. Just look at the experience we had with Iraq. If they were launching Scud-type missiles with intercontinental ballistic capability at the United States, there would be a whole different theme here today. If we took into consideration the situation with Iran that has bought dozens of submarines. If we took into consideration the dismantling of the former Soviet Union and the largesse arms sales of not just weapons, but weapons systems.

If we look at the policies of this administration who are now talking about selling intercontinental missile parts from the former Soviet Union, republics, on the world market, then we see that this Congress has a responsibility to make those decisions, and if we just remember the experience of the Gulf war when our friends would not even let us fly over their areas or their territories, we see the importance of a B–2 bomber, a B–2 bomber which is going to replace dozens of men and women who would be put at risk who are flying planes that are older than the pilots. We make those decisions. That is the purpose of this Congress, not to listen to people in the Department of Defense or people who want to spend money on other programs that do not provide for national security.

So this is our most important responsibility under the Constitution. That is why this rule is important, and that is why we must pass it by a large margin and send a message to the White House.

Mr. FROST. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, there are differences of opinion on this side of the aisle. Some of our Members are for this conference report, others are not. I urge a yes vote on the rule, and I personally urge a yes vote on the conference report, and I yield back the balance of my time.

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

Again, the rule was passed by voice vote. We have just heard the comments from the gentleman, and of course, the ranking member on the Committee on Rules. I would urge my colleagues to vote for the rule. We can move right in, get past that, and get into a very healthy general debate.

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. OBEY. 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 372, nays 55, not voting 5, as follows:

[Roll No. 804]

YEAS—372

| | | |
|---|---|---|
| Abercrombie | Bryant (TX) | Deal |
| Ackerman | Bunn | DeLauro |
| Allard | Bunning | DeLay |
| Andrews | Burr | Diaz-Balart |
| Archer | Burton | Dickey |
| Armey | Buyer | Dicks |
| Bachus | Callahan | Dingell |
| Baesler | Calvert | Dixon |
| Baker (CA) | Camp | Doggett |
| Baker (LA) | Canady | Dooley |
| Baldacci | Cardin | Doolittle |
| Ballenger | Castle | Dornan |
| Barcia | Chabot | Doyle |
| Barr | Chambliss | Dreier |
| Barrett (NE) | Chapman | Duncan |
| Bartlett | Chenoweth | Dunn |
| Barton | Christensen | Edwards |
| Bass | Chrysler | Ehlers |
| Bateman | Clay | Ehrlich |
| Beilenson | Clayton | Emerson |
| Bentsen | Clement | Engel |
| Bereuter | Clinger | English |
| Berman | Clyburn | Ensign |
| Bevill | Coble | Eshoo |
| Bilbray | Coburn | Everett |
| Bilirakis | Coleman | Ewing |
| Bishop | Collins (GA) | Farr |
| Bliley | Collins (MI) | Fawell |
| Blute | Combest | Fields (TX) |
| Boehlert | Condit | Flake |
| Boehner | Cooley | Flanagan |
| Bonilla | Costello | Foglietta |
| Bonior | Cox | Foley |
| Bono | Coyne | Forbes |
| Borski | Cramer | Ford |
| Boucher | Crane | Fowler |
| Brewster | Crapo | Fox |
| Browder | Cremeans | Franks (CT) |
| Brown (CA) | Cubin | Franks (NJ) |
| Brown (FL) | Cunningham | Frelinghuysen |
| Brown (OH) | Danner | Frisa |
| Brownback | Davis | Frost |
| Bryant (TN) | de la Garza | Funderburk |

Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Maloney
Manton
Manzullo
Martini
Mascara
Matsui
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Sabo
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Tiahrt
Torkildsen
Torres
Torricelli
Traficant
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—55

Barrett (WI)
Becerra
Collins (IL)
Conyers
DeFazio
Dellums
Deutsch
Durbin
Evans
Fattah
Fazio
Filner
Frank (MA)
Furse
Gutierrez
Johnston
Lofgren
Lowey
Luther
Markey
Martinez
McCarthy
McDermott
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Nadler
Oberstar
Obey
Olver
Owens
Pastor
Payne (NJ)
Rangel
Roybal-Allard
Rush
Sanders
Schroeder
Stark
Studds
Thurman
Towns
Velazquez
Vento
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wyden
Yates

NOT VOTING—5

Fields (LA)
Moran
Pombo
Tucker
Volkmer

□ 1236

Mr. HILLIARD AND Mr. PALLONE changed their vote from ''nay'' to ''yea.''

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. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the further conference report on the bill H.R. 2126 and that I may include extraneous and tabular matter.

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

There was no objection.

## CONFERENCE REPORT ON H.R. 2126, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1996

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 271, I call up the conference report on the bill (H.R. 2126), making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 271, the further conference report is considered as having been read.

(For further conference report and statement, see proceedings of the House of November 15, 1995, at page H12415.)

The SPEAKER pro tempore. The gentleman from Florida [Mr. YOUNG] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. MURTHA] will be recognized for 30 minutes.

Mr. OBEY. Mr. Speaker, it is my understanding the gentleman from Pennsylvania is not opposed to the further conference report. If that is the case, then I would ask, under clause 2 of rule XXVIII, to control one-third of the time.

The SPEAKER pro tempore. Does the gentleman from Pennsylvania oppose the further conference report?

Mr. MURTHA. Mr. Speaker, no, I support the bill.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. OBEY] will be recognized for one-third of the time.

Mr. OBEY. I thank the Chair.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are presenting a good national defense appropriations bill today. I would say that it did not come easy. It is the work product of a lot of hours on the part of a lot of very serious and credible Members of this Congress in making this bill come together.

We had some 1,700 differences between our bill and the bill passed by the other body, and we were able to resolve all of those without too much difficulty, with one exception that I will mention in just a minute.

But I want to call attention to the members of the subcommittee who worked so diligently in making this possible today. I will mention the gentleman from Pennsylvania [Mr. MCDADE], the chairman of the Committee on Appropriations, the gentleman from Louisiana [Mr. LIVINSGTON], the gentleman from California [Mr. LEWIS], the gentleman from New Mexico [Mr. SKEEN], the gentleman from Ohio [Mr. HOBSON], the gentleman from Texas [Mr. BONILLA], the gentleman from Washington [Mr. NETHERCUTT], the gentleman from Oklahoma [Mr. ISTOOK], and the very distinguished ranking member and former chairman of this subcommittee, who has been a tremendous partner in a bipartisan effort all the way through, the gentleman from Pennsylvania [Mr. MURTHA], and the gentleman from Washington [Mr. DICKS], the gentleman from Texas [Mr. WILSON], the gentleman from North Carolina [Mr. HEFNER], the gentleman from Minnesota [Mr. SABO], and the gentleman from Wisconsin [Mr. OBEY], as the ranking member on the full committee who serves ex-officio on our subcommittee.

We had a lot of difficult decisions to make, and we did that, and to be as brief as I can, Mr. Speaker, this bill, this conference report, is very much similar to the conference report we presented about 7 weeks ago.

But there are two differences I would like to call to your attention. One is the Army is having difficulty meeting the end strength that was directed to them, and if we did not provide the additional money for the Army end strength issue, they would have had to release members of the Army without advanced notice and just put them on the street. So we provided the funding necessary to have the Army meet its end strength targets gradually. We did not add any new money to the bill. We just took the money out of one account and put it into the other account. So we took care of that problem for today.

The big issue and the one that caused us difficulty on the floor the last time this bill was before us was the language dealing with abortion. Now yesterday, when the Treasury-Postal appropriations bill was adopted, it included certain language dealing with abortion. After that passed the House, we went back to our conference and adopted the identical language, and so the language

dealing with abortion in this conference report today is the same as it was.

That language, Mr. Speaker, in this conference report today, is identical to that which we passed yesterday on a vote of 374 to 52, and so we believe that the major controversies have been resolved now and we can move expeditiously to deal with this bill.

I might say just briefly, Mr. Speaker, that this has been a bipartisan effort. This legislation provides funding for the defense of our Nation and our national interests. Almost half the money in this bill goes to pay the salaries and the allowances, housing, medical care, et cetera, for those who serve in our military in uniform who are trained and prepared to defend this Nation's interests wherever they might be.

Today, while the world looks at Bosnia and is wondering what is going to happen, the President of the United States has suggested that he intends to send some 20,000 Americans to Bosnia. Those young people need to be taken care of properly, and nearly half of the money in this bill goes to pay their salaries, their housing allowances, medical care, and things of this nature. This has always been a bipartisan effort to provide for national defense.

□ 1245

It is a little unfortunate that this effort has been allowed to become embroiled in the larger issues of the budget reconciliation, the budget bills, the continuing resolutions. It does not really belong there, because defense properly should be strictly nonpolitical, it should be bipartisan in nature.

The bill we present today is just that. It is nonpolitical, it is bipartisan, and it addresses the needs, as we see it, that our national defense establishment needs to be prepared for whatever contingency there might be.

At this point I would like to submit for the RECORD tables summarizing the conference agreement.

## H.R. 2126 - DEPARTMENT OF DEFENSE APPROPRIATIONS, 1996

| | FY 1995 Enacted | FY 1996 Estimate | House | Senate | Conference | Conference compared with enacted |
|---|---|---|---|---|---|---|
| **TITLE I** | | | | | | |
| **MILITARY PERSONNEL** | | | | | | |
| Military Personnel, Army | 20,870,470,000 | 19,721,408,000 | 19,884,808,000 | 19,776,567,000 | 19,946,187,000 | -924,283,000 |
| Military Personnel, Navy | 17,752,237,000 | 16,930,809,000 | 17,008,363,000 | 16,979,209,000 | 17,008,563,000 | -743,674,000 |
| Military Personnel, Marine Corps | 5,800,071,000 | 5,677,740,000 | 5,928,340,000 | 5,888,540,000 | 5,885,740,000 | +85,669,000 |
| Military Personnel, Air Force | 17,388,579,000 | 17,108,120,000 | 17,284,620,000 | 17,158,443,000 | 17,207,743,000 | -180,836,000 |
| Reserve Personnel, Army | 2,168,120,000 | 2,101,386,000 | 2,122,866,000 | 2,102,466,000 | 2,122,466,000 | -45,654,000 |
| Reserve Personnel, Navy | 1,411,409,000 | 1,348,223,000 | 1,350,023,000 | 1,349,323,000 | 1,355,523,000 | -55,886,000 |
| Reserve Personnel, Marine Corps | 350,048,000 | 361,751,000 | 366,101,000 | 364,551,000 | 378,151,000 | +28,103,000 |
| Reserve Personnel, Air Force | 771,634,000 | 782,761,000 | 783,586,000 | 783,861,000 | 784,586,000 | +12,952,000 |
| National Guard Personnel, Army | 3,350,505,000 | 3,218,258,000 | 3,240,858,000 | 3,222,422,000 | 3,242,422,000 | -108,083,000 |
| National Guard Personnel, Air Force | 1,238,429,000 | 1,246,427,000 | 1,254,827,000 | 1,259,827,000 | 1,259,627,000 | +21,198,000 |
| Total, title I, Military Personnel | 71,101,502,000 | 68,696,663,000 | 69,231,892,000 | 68,881,029,000 | 69,191,008,000 | -1,910,494,000 |
| **TITLE II** | | | | | | |
| **OPERATION AND MAINTENANCE** | | | | | | |
| Operation and Maintenance, Army | 18,443,688,000 | 18,134,736,000 | 18,996,131,000 | 17,947,229,000 | 18,321,965,000 | -121,723,000 |
| (By transfer - National Defense Stockpile & DBOF) | (50,000,000) | (50,000,000) | (50,000,000) | (50,000,000) | (50,000,000) | ..... |
| Operation and Maintenance, Navy | 21,476,170,000 | 21,175,710,000 | 20,846,710,000 | 21,195,301,000 | 21,279,425,000 | -196,745,000 |
| (By transfer - National Defense Stockpile & DBOF) | (50,000,000) | (50,000,000) | (50,000,000) | (50,000,000) | (50,000,000) | ..... |
| Operation and Maintenance, Marine Corps | 2,021,715,000 | 2,269,722,000 | 2,506,822,000 | 2,341,737,000 | 2,392,522,000 | +370,807,000 |
| Operation and Maintenance, Air Force | 19,613,927,000 | 18,206,597,000 | 18,673,793,000 | 18,202,437,000 | 18,561,267,000 | -1,052,660,000 |
| (By transfer - Aircraft Procurement, Air Force 1995/1997) | (23,500,000) | ..... | ..... | ..... | ..... | (-23,500,000) |
| (By transfer - National Defense Stockpile & DBOF) | (50,000,000) | (50,000,000) | (50,000,000) | (50,000,000) | (50,000,000) | ..... |
| Operation and Maintenance, Defense-Wide | 10,477,504,000 | 10,366,782,000 | 9,906,810,000 | 9,804,068,000 | 10,388,595,000 | -88,909,000 |
| Operation and Maintenance, Army Reserve | 1,237,009,000 | 1,068,591,000 | 1,119,191,000 | 1,068,312,000 | 1,119,191,000 | -117,818,000 |
| Operation and Maintenance, Navy Reserve | 846,619,000 | 828,042,000 | 841,565,000 | 828,042,000 | 859,542,000 | +12,923,000 |
| Operation and Maintenance, Marine Corps Reserve | 81,862,000 | 90,283,000 | 102,079,000 | 90,283,000 | 100,283,000 | +18,421,000 |
| Operation and Maintenance, Air Force Reserve | 1,471,505,000 | 1,485,947,000 | 1,519,267,000 | 1,485,947,000 | 1,519,267,000 | +47,762,000 |
| Operation and Maintenance, Army National Guard | 2,424,888,000 | 2,304,108,000 | 2,334,487,000 | 2,361,708,000 | 2,440,808,000 | +15,920,000 |
| Operation and Maintenance, Air National Guard | 2,772,928,000 | 2,712,221,000 | 2,737,221,000 | 2,724,021,000 | 2,776,121,000 | +3,193,000 |
| National Board for the Promotion of Rifle Practice, Army | 2,544,000 | ..... | ..... | ..... | ..... | -2,544,000 |
| Court of Military Appeals, Defense | 6,126,000 | 6,521,000 | 6,521,000 | 6,521,000 | 6,521,000 | +395,000 |
| Environmental Restoration, Defense | 1,480,200,000 | 1,622,200,000 | 1,422,200,000 | 1,487,000,000 | 1,422,200,000 | -58,000,000 |
| Summer Olympics | 14,400,000 | 15,000,000 | 15,000,000 | 15,000,000 | 15,000,000 | +600,000 |
| Special Olympics | 3,000,000 | ..... | ..... | ..... | ..... | -3,000,000 |
| Humanitarian Assistance | 65,000,000 | 79,790,000 | ..... | 60,000,000 | ..... | -65,000,000 |
| Former Soviet Union threat reduction | 380,000,000 | 371,000,000 | 200,000,000 | 325,000,000 | 300,000,000 | -80,000,000 |
| Contributions for International Peacekeeping and Peace Enforcement Activities Fund | ..... | 65,000,000 | ..... | ..... | ..... | ..... |
| Overseas Humanitarian, Disaster, and Civic Aid | ..... | ..... | 50,000,000 | ..... | 50,000,000 | +50,000,000 |
| Total, title II, Operation and maintenance | 82,819,065,000 | 80,800,250,000 | 81,483,817,000 | 79,940,608,000 | 81,552,727,000 | -1,266,338,000 |
| (By transfer) | (173,500,000) | (150,000,000) | (150,000,000) | (150,000,000) | (150,000,000) | (-23,500,000) |
| **TITLE III** | | | | | | |
| **PROCUREMENT** | | | | | | |
| Aircraft Procurement, Army | 1,028,753,000 | 1,223,067,000 | 1,468,067,000 | 1,498,623,000 | 1,558,805,000 | +530,052,000 |
| Missile Procurement, Army | 813,795,000 | 676,430,000 | 842,830,000 | 846,555,000 | 865,555,000 | +51,760,000 |
| Procurement of Weapons and Tracked Combat Vehicles, Army | 1,151,914,000 | 1,298,966,000 | 1,818,884,000 | 1,396,264,000 | 1,652,745,000 | +500,831,000 |
| Procurement of Ammunition, Army | 1,125,321,000 | 795,015,000 | 1,019,315,000 | 1,090,891,000 | 1,110,685,000 | -14,636,000 |
| Other Procurement, Army | 2,649,348,000 | 2,256,601,000 | 2,570,125,000 | 2,760,002,000 | 2,769,443,000 | +120,095,000 |
| Aircraft Procurement, Navy | 4,627,645,000 | 3,886,488,000 | 4,310,703,000 | 4,897,393,000 | 4,589,394,000 | -38,251,000 |
| Weapons Procurement, Navy | 2,159,080,000 | 1,787,121,000 | 1,738,211,000 | 1,771,421,000 | 1,669,827,000 | -489,253,000 |
| Procurement of Ammunition, Navy and Marine Corps | 417,779,000 | ..... | 483,779,000 | ..... | 430,053,000 | +12,274,000 |
| Shipbuilding and Conversion, Navy | 5,412,464,000 | 5,051,935,000 | 5,577,958,000 | 7,082,001,000 | 6,643,958,000 | +1,231,494,000 |
| (By transfer) | (1,200,000,000) | ..... | ..... | ..... | ..... | (-1,200,000,000) |
| Other Procurement, Navy | 3,329,171,000 | 2,398,080,000 | 2,480,870,000 | 2,394,280,000 | 2,483,581,000 | -845,590,000 |
| Procurement, Marine Corps | 422,410,000 | 474,116,000 | 480,852,000 | 597,139,000 | 458,947,000 | +36,537,000 |
| Aircraft Procurement, Air Force | 6,352,482,000 | 6,183,866,000 | 7,140,703,000 | 7,163,258,000 | 7,367,983,000 | +1,015,521,000 |
| (Transfer to O & M, Air Force) | (-23,500,000) | ..... | ..... | ..... | ..... | (+23,500,000) |
| Missile Procurement, Air Force | 3,560,762,000 | 3,647,711,000 | 3,223,285,000 | 3,550,192,000 | 2,943,931,000 | -616,831,000 |
| Procurement of Ammunition, Air Force | 288,401,000 | ..... | 321,328,000 | ..... | 338,800,000 | +50,399,000 |
| Other Procurement, Air Force | 6,959,101,000 | 6,804,898,000 | 6,508,425,000 | 6,540,951,000 | 6,284,230,000 | -674,871,000 |
| Procurement, Defense-Wide | 2,056,230,000 | 2,179,917,000 | 2,187,085,000 | 2,114,824,000 | 2,124,379,000 | +68,149,000 |
| National Guard and Reserve Equipment | 770,000,000 | ..... | 908,125,000 | 777,000,000 | 777,000,000 | +7,000,000 |
| Total, title III, Procurement | 43,124,838,000 | 38,882,049,000 | 42,676,405,000 | 44,460,774,000 | 44,069,316,000 | +944,880,000 |
| (By transfer) | (1,176,500,000) | ..... | ..... | ..... | ..... | (-1,176,500,000) |
| **TITLE IV** | | | | | | |
| **RESEARCH, DEVELOPMENT, TEST AND EVALUATION** | | | | | | |
| Research, Development, Test and Evaluation, Army | 5,478,413,000 | 4,444,175,000 | 4,742,150,000 | 4,639,131,000 | 4,870,884,000 | -607,729,000 |
| Research, Development, Test and Evaluation, Navy | 8,727,368,000 | 8,204,530,000 | 8,715,481,000 | 8,282,051,000 | 8,748,132,000 | +20,764,000 |
| Research, Development, Test and Evaluation, Air Force | 12,011,372,000 | 12,598,438,000 | 13,110,336,000 | 13,087,369,000 | 13,126,567,000 | +1,115,195,000 |
| Research, Development, Test and Evaluation, Defense-Wide | 8,662,942,000 | 8,802,881,000 | 9,029,888,000 | 9,198,784,000 | 9,411,057,000 | +748,115,000 |

## H.R. 2126 - DEPARTMENT OF DEFENSE APPROPRIATIONS, 1996

| | FY 1995 Enacted | FY 1996 Estimate | House | Senate | Conference | Conference compared with enacted |
|---|---|---|---|---|---|---|
| Developmental Test and Evaluation, Defense | 238,003,000 | 259,341,000 | 259,341,000 | 246,082,000 | 251,082,000 | +13,079,000 |
| Operational Test and Evaluation, Defense | 12,501,000 | 22,587,000 | 22,587,000 | 22,587,000 | 22,587,000 | +10,086,000 |
| Total, title IV, Research, Development, Test and Evaluation | 35,130,599,000 | 34,331,953,000 | 35,879,590,000 | 35,474,024,000 | 36,430,109,000 | +1,299,510,000 |
| TITLE V | | | | | | |
| REVOLVING AND MANAGEMENT FUNDS | | | | | | |
| Defense business operations fund | 945,238,000 | 878,700,000 | 1,573,800,000 | 1,178,700,000 | 878,700,000 | -66,538,000 |
| National Defense Sealift Fund | 724,400,000 | 974,220,000 | 974,220,000 | 1,024,220,000 | 1,024,220,000 | +299,820,000 |
| (Transfer out, prior year funds - SCN) | (-1,200,000,000) | ..... | ..... | ..... | ..... | (+1,200,000,000) |
| Total, title V, Revolving and Management Funds | 1,669,638,000 | 1,852,920,000 | 2,548,020,000 | 2,202,920,000 | 1,902,920,000 | +233,282,000 |
| TITLE VI | | | | | | |
| OTHER DEPARTMENT OF DEFENSE PROGRAMS | | | | | | |
| Defense health program: | | | | | | |
| Operation and maintenance | 9,614,370,000 | 9,865,525,000 | 9,917,125,000 | 9,908,525,000 | 9,938,325,000 | +323,955,000 |
| Procurement | 329,589,000 | 288,033,000 | 288,033,000 | 288,033,000 | 288,033,000 | -41,556,000 |
| Total, Defense Health Program | 9,943,959,000 | 10,153,558,000 | 10,205,158,000 | 10,196,558,000 | 10,226,358,000 | +282,399,000 |
| Chemical Agents & Munitions Destruction, Defense: 1/ | | | | | | |
| Operation and maintenance | 355,784,000 | 393,850,000 | 393,850,000 | 353,850,000 | 353,850,000 | -1,934,000 |
| Procurement | 198,965,000 | 299,448,000 | 299,448,000 | 224,448,000 | 265,000,000 | +66,035,000 |
| Research, development, test, and evaluation | 20,700,000 | 53,400,000 | 53,400,000 | 53,400,000 | 53,400,000 | +32,700,000 |
| Total, Chemical Agents | 575,449,000 | 746,698,000 | 746,698,000 | 631,698,000 | 672,250,000 | +96,801,000 |
| Drug Interdiction Defense | 721,266,000 | 680,432,000 | 688,432,000 | 680,432,000 | 688,432,000 | -32,834,000 |
| Office of the Inspector General | 140,872,000 | 139,226,000 | 178,226,000 | 139,226,000 | 178,226,000 | +37,354,000 |
| Total, title VI, Other Department of Defense Programs | 11,381,546,000 | 11,719,914,000 | 11,818,514,000 | 11,847,914,000 | 11,765,266,000 | +383,720,000 |
| TITLE VII | | | | | | |
| RELATED AGENCIES | | | | | | |
| Central Intelligence Agency Retirement and Disability System Fund | 198,000,000 | 213,900,000 | 213,900,000 | 213,900,000 | 213,900,000 | +15,900,000 |
| Community Management Account | 92,684,000 | 93,283,000 | 75,683,000 | 98,283,000 | 90,683,000 | -2,001,000 |
| National Security Education Trust Fund | 8,500,000 | 15,000,000 | ..... | 7,500,000 | 7,500,000 | -1,000,000 |
| Total funding available | (-75,000,000) | ..... | (-78,100,000) | ..... | ..... | (+75,000,000) |
| Rescission | ..... | ..... | -12,279,000 | ..... | ..... | ..... |
| Kaho'olawe Island conveyance and Environmental Restoration Trust Fund | 50,000,000 | ..... | ..... | 25,000,000 | 25,000,000 | -25,000,000 |
| Total, title VII, Related agencies | 349,184,000 | 322,183,000 | 277,304,000 | 344,683,000 | 337,083,000 | -12,101,000 |
| TITLE VIII | | | | | | |
| GENERAL PROVISIONS | | | | | | |
| Additional transfer authority (Sec. 8005) | (2,000,000,000) | (2,000,000,000) | (2,000,000,000) | (2,400,000,000) | (2,400,000,000) | (+400,000,000) |
| FFRDCs labs (Sec. 8046) | -520,589,000 | ..... | -90,097,000 | -90,000,000 | -90,000,000 | +430,589,000 |
| Overseas Military Fac. Invest. Recovery | 7,086,000 | ..... | ..... | ..... | ..... | -7,086,000 |
| Guard and Reserve "Overbilling" | 67,000,000 | ..... | ..... | ..... | ..... | -67,000,000 |
| National Science Center, Army (Sec. 8074) | 45,000 | 85,000 | 85,000 | 85,000 | 85,000 | +40,000 |
| Sports account, reappropriation | 800,000 | ..... | ..... | ..... | ..... | -800,000 |
| Civil-Mil coop program | 8,000,000 | ..... | ..... | ..... | ..... | -8,000,000 |
| Rongelap Resettlement Trust Fund | 5,000,000 | ..... | ..... | ..... | ..... | -5,000,000 |
| Coast Guard | 39,497,000 | ..... | 44,000,000 | ..... | ..... | -39,497,000 |
| Mil retirement fund (COLA accel) | 376,000,000 | ..... | ..... | ..... | ..... | -376,000,000 |
| Defense conversion SMOCTA reapprop | 10,000,000 | ..... | ..... | ..... | ..... | -10,000,000 |
| Phila Naval Shipyard Utility Reconfig Proj | 14,200,000 | ..... | ..... | ..... | ..... | -14,200,000 |
| Contr to International Organizations | -4,561,000 | ..... | ..... | ..... | ..... | +4,561,000 |
| Payments to the Asia Foundation | 5,000,000 | ..... | ..... | ..... | ..... | -5,000,000 |
| Procurement (rescission) | -304,900,000 | ..... | ..... | ..... | ..... | +304,900,000 |
| Aircraft procurement, Navy (resc) | -200,000,000 | ..... | ..... | ..... | ..... | +200,000,000 |
| Burdensharing contribution, misc. receipts | -360,000,000 | ..... | ..... | ..... | ..... | +360,000,000 |
| Contractor ADP (Sec. 8101) | ..... | ..... | -30,000,000 | ..... | -30,000,000 | -30,000,000 |
| Transfer of funds (Sec. 8118) | ..... | ..... | (200,000,000) | ..... | ..... | ..... |
| Military Technicians | ..... | ..... | ..... | 96,050,000 | ..... | ..... |
| Rescissions (Sec. 8063) | ..... | ..... | ..... | -232,244,000 | -561,217,000 | -561,217,000 |
| Inflation Reestimate (Sec. 8125) | ..... | ..... | ..... | ..... | -832,000,000 | -832,000,000 |
| Management efficiencies (Sec. 8129) | ..... | ..... | ..... | ..... | -442,000,000 | -442,000,000 |
| VCX lease termination costs (Sec. 8126) | ..... | ..... | ..... | ..... | ..... | ..... |
| Total, title VIII | -857,422,000 | 85,000 | -76,012,000 | -228,109,000 | -1,955,132,000 | -1,097,710,000 |

## H.R. 2126 - DEPARTMENT OF DEFENSE APPROPRIATIONS, 1996

| | FY 1995 Enacted | FY 1996 Estimate | House | Senate | Conference | Conference compared with enacted |
|---|---|---|---|---|---|---|
| TITLE IX | | | | | | |
| MANAGEMENT FUNDS | | | | | | |
| Emergency Response Fund, FY94 supplemental | 299,300,000 | | | | | -299,300,000 |
| Grand total | 245,018,068,000 | 236,386,017,000 | 244,039,500,000 | 242,725,841,000 | 243,293,297,000 | -1,724,771,000 |
| BUDGET SCOREKEEPING ADJUSTMENTS | | | | | | |
| Fiscal year 1995 adjustments: | | | | | | |
| Disposal & lease of DOD real property (Sec. 8055) | 8,000,000 | 8,000,000 | 8,000,000 | 8,000,000 | 8,000,000 | |
| Adjustment for unapprop'd balance transfer (Stockpile) | 150,000,000 | | | | | -150,000,000 |
| Stockpile collections (unappropriated) | -150,000,000 | | | | | +150,000,000 |
| Emergency Response Fund, FY94 supplemental | -299,300,000 | | | | | +299,300,000 |
| Rescission of unobligated balances: | | | | | | |
| Procurement 1993/1994 | -517,000,000 | | | | | +517,000,000 |
| RDT&E, 1994 | -131,600,000 | | | | | +131,600,000 |
| Sec. 115 of P.L. 104-6: | | | | | | |
| Missile procurement, Air Force | (-76,900,000) | | | | | (+76,900,000) |
| RDT&E, Air Force | (76,900,000) | | | | | (-76,900,000) |
| Emergency funding, FY95 supplemental | -2,475,097,000 | | | | | +2,475,097,000 |
| Burdensharing contribution, misc. receipts | | -50,000,000 | -50,000,000 | -50,000,000 | -50,000,000 | -50,000,000 |
| Travel and administrative reduction (H.R. 1944) | -50,000,000 | | | | | +50,000,000 |
| Total adjustments | -3,464,997,000 | -42,000,000 | -42,000,000 | -42,000,000 | -42,000,000 | +3,422,997,000 |
| RECAPITULATION | | | | | | |
| Title I - Military Personnel | 71,101,502,000 | 68,696,663,000 | 69,231,892,000 | 68,881,029,000 | 69,191,008,000 | -1,910,494,000 |
| Title II - Operation and Maintenance | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] |
| Title III - Procurement | 43,124,636,000 | 38,682,049,000 | 42,878,405,000 | 44,460,774,000 | 44,069,316,000 | +944,680,000 |
| Title IV - Research, Development, Test and Evaluation | 35,130,569,000 | 34,331,953,000 | 35,879,580,000 | 35,474,024,000 | 36,430,109,000 | +1,299,510,000 |
| Title V - Revolving and Management Funds | 1,669,638,000 | 1,852,920,000 | 2,548,020,000 | 2,202,920,000 | 1,902,920,000 | +233,282,000 |
| Title VI - Other Department of Defense Programs | 11,381,546,000 | 11,719,914,000 | 11,816,514,000 | 11,647,914,000 | 11,765,266,000 | +383,720,000 |
| Title VII - Related agencies | 349,184,000 | 322,183,000 | 277,304,000 | 344,683,000 | 337,083,000 | -12,101,000 |
| Title VIII - General provisions | -857,422,000 | 85,000 | -76,012,000 | -226,109,000 | -1,955,132,000 | -1,097,710,000 |
| (Additional transfer authority) | (2,000,000,000) | (2,000,000,000) | (2,000,000,000) | (2,400,000,000) | (2,400,000,000) | (+400,000,000) |
| Title IX - Management Funds | 299,300,000 | | | | | -299,300,000 |
| Total, Department of Defense | 245,018,068,000 | 236,386,017,000 | 244,039,500,000 | 242,725,841,000 | 243,293,297,000 | -1,724,771,000 |
| Scorekeeping adjustments | -3,464,997,000 | -42,000,000 | -42,000,000 | -42,000,000 | -42,000,000 | +3,422,997,000 |
| Grand total | 241,553,071,000 | 236,344,017,000 | 243,997,500,000 | 242,683,841,000 | 243,251,297,000 | +1,698,226,000 |
| Allocation recap (sec. 602b): | | | | | | |
| Mandatory | 198,000,000 | 213,900,000 | 213,900,000 | 213,900,000 | 213,900,000 | +15,900,000 |
| Discretionary: | | | | | | |
| Non-defense | 381,439,000 | | | | | -381,439,000 |
| Defense | 240,973,632,000 | 236,130,117,000 | 243,783,600,000 | 242,469,941,000 | 243,037,397,000 | +2,063,765,000 |
| Total discretionary | 241,355,071,000 | 236,130,117,000 | 243,783,600,000 | 242,469,941,000 | 243,037,397,000 | +1,682,326,000 |
| Grand total | 241,553,071,000 | 236,344,017,000 | 243,997,500,000 | 242,683,841,000 | 243,251,297,000 | +1,698,226,000 |

1/ Included in budget under Procurement title.

2/ FY 1995 Enacted includes Supplemental P.L. 104-6 (+$2,709,997,000 in new BA and -$2,259,956,000 in Rescissions).

3/ FY 1995 Enacted includes Rescissions P.L. 104-19 of -$50,000,000 in BA and -$37,500,000 in outlays for Travel reductions.

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

Mr. OBEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, as I said in debate on the rule about an hour ago, last night this House voted to promise to the American people that we would have a balanced budget within 7 years. Yet today this bill is coming before us $7 billion above the budget request of the Pentagon and the President. We are being required this year to reduce domestic discretionary spending by $24 billion. This bill is $1.7 billion above last year.

Because of the size of this bill and because this is a zero sum game on the appropriations side of the budget, what that means is that the reductions in domestic programs—for things like education, job training, housing, research—those reductions are 50 percent larger than they would have to be if we did not have this budget $7 billion above the President and $1.7 billion above last year.

Now, as I said earlier, the money in this bill above the President's budget did not go into readiness, it did not go into operation and maintenance. It went into procurement, and it went into pork: the double P's.

This chart, as I mentioned before, demonstrates what has happened to the Russian military budget since the Berlin Wall came down. The red bars demonstrate that the Russian military budget has declined by 70 percent since 1989. The U.S. military budget has declined by 10 percent.

Do I think we ought to cut our budget to the level of Russia? No. Do I think that this demonstrates that we have a little margin of safety? You betcha.

Now, people will say, ''Well, we have to worry about more than Russia.'' So, again, as I said during the rule, this chart demonstrates how our military spending stacks up against all of the military spending for our potential military adversaries. Russia, China, Syria, Iraq, Iran, Libya, North Korea, and good old muscle-bound Cuba. We spend 2.5 times as much as they do. That does not count the spending by our NATO allies, and I think it is safe to say they are on our side.

So I make that point to demonstrate that there is no military emergency that requires this expenditure of money under these tough financial situations. I do not think we should be buying twice as many B–2 bombers as the Pentagon wants. I do not think we should be buying the F–22 years early at a cost of $70 billion. I especially do not think we ought to be loosening up on loopholes which allow executive compensation at military contractors corporate headquarters to be paid for by the taxpayer, rather than out of corporate profits.

I have a GAO report which indicates what has happened to executive compensation at corporations that provide military hardware to the United States. We, until this year, limited the amount of that compensation that would be paid for by taxpayers to $250,000 per executive. That is equal to the compensation for the President of the United States, for God's sake. Anything above that amount, the company was supposed to pay for out of its profits.

This year, this House adopted an amendment lowering that amount to $200,000. But in conference, they adopted a loophole which provides an exception if the Office of Federal Procurement Policy establishes in the Federal acquisition regulation's guidance governing the allowability of individual compensation, and those words were added to the conference report, which in effect opens the door to charging taxpayers a whole lot more than $200,000 per executive.

Now, if you take a look what those contractors are paid, you see that a number of these contractors are paid more than $1 million, some $1.6 million, one of them $2.7 million. I would ask, why should those executive salaries be financed to such a gross level by the taxpayers of the United States? We have one corporation, for instance, where the top executive in 1989 was paid $634,000. Today their top paid executive is paid $1.6 million. Another corporation, which laid off 20,000 workers earlier this year, in 1989 they were paying their top executive $764,000. Today they are paying him $2.1 million. Hardly the kind of action you would expect to see in a corporation that is having huge layoffs of average workers.

I do not think the taxpayer wants Uncle Sam to be financing these huge increases in corporate executive salaries for defense contractors when their workers are being laid off. This bill contains a loophole that allows that to happen.

My motion to recommit will simply say that we are going to reimpose the hard limit that this House first proposed; namely, $200,000. Anything above that, if the company wants to pay it, they pay it out of their own corporate profits, not out of taxpayers' pockets.

So that is what I will have in the motion to recommit. I would urge that Members vote for the motion to recommit and against this bill, because given the so-called promise that was made last night to balance the budget in 7 years, we simply cannot afford the spending in this bill.

Mr. MURTHA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, one of the things we do every year in the hearings is to try to adjust the bill, depending on what we consider is the threat, and we work hard at that. I do not think we can depend on our allies to come to our aid in any circumstances. I think we learned after World War I and World War II that if we are not prepared for what we consider the immediate and long-term threat, we could have a problem.

We have cut the defense budget substantially over the years. As a matter of fact, most of the cuts made to the Reagan and Bush budget were made in defense. We cut $155 billion out of defense over that 12-year period. I think that the Iraq war, the war in Saudi Arabia, shows we did cut it in a very sensible way. We cut it in a way that we still had good troops, quality people, and good technology.

Now, lately, we have allowed procurement to start to slip. The reason we had a low number of casualties was the fact that we had superior technology, superior training, and superior troops. And that was a tribute, I think, to the House, and the House can be proud of what happened.

This year, we are starting to get behind again in a number of areas. Real property maintenance, there is a $12 billion backlog. In depot maintenance, there is a $2 billion backlog. All those things are important to readiness. Now, we try periodically to overcome those, but we take the amount of money allocated to us by the budget resolution, and we do the best we can.

The area where we saw slipping dramatically was procurement. We have reduced procurement from $120 billion over a 6- or 7-year period to about $40 billion. Now, $40 billion is a lot of money, and we feel it is well spent, because if we do not keep our industrial base, if we do not have the most modern technology, our people are at risk. Even in an operation like Bosnia, which is not an all-out war, but an area where you need technology to protect our troops, we want to make sure we have the finest equipment available to our troops and there is a minimal risk to them.

I remember in Iran when we sent a helicopter to Iran, we had to borrow spare parts; we had a disaster where a number of Americans were killed because the training was inadequate. As a matter of fact, at that period of time, half the combat aircraft in our arsenal were dead-lined because of lack of spare parts. We do not want that to happen again.

I assess the type of deployments that we have been making is what will continue. Our troops have been denied for long periods of time away from home, the same troops over and over again. Our AWACS airplanes, we have 10,000 people in the Adriatic supporting this long-term commitment we have for humanitarian airlift to Bosnia.

As a matter of fact, it is the longest airlift in the history of the United States. Without that, people would have been starving. We have a commitment there. We have upheld our commitment. But the airplanes are wearing out. As a matter of fact, the 141's, we are flying the wings off of them. We have to reengine a number of KC–135's. As the C–17's come into the arsenal, we need to continue to upgrade the 135's and the 141's.

So we have a problem with procurement. We have a problem with modernization, and we have tried to balance that out.

We also set aside, and this was a suggestion of the chairman, we set aside money for the operations as they go on, for continual flights, the operations in the Adriatic, the continual flights into Bosnia. That is the kind of thing we should be doing so the American people and the Congress know what is going on.

So our military is ready. It is stretched thin, but I think that the amount of money we have appropriated here is just about the right amount. One thing for sure, if the Defense Department does not agree, they will come back and ask for rescissions, and we will adjust that as the year goes on, as they always do.

So I think we have a good bill, and I hope Members will vote for the bill.

One of the issues that came up in the passage of the bill was an issue that the gentleman from Vermont [Mr. SANDERS] brought up. The gentleman got up and brought to our attention the fact that there were a number of people at the highest level being reimbursed because of the build-down and consolidation of these defense companies.

The gentleman was absolutely right. The gentleman believed that we should do something about it. The gentleman believed that in the conference, and we accepted that language, and in the conference we have tried to address that language.

The Defense Department at first did not agree with us. They felt that it was appropriate what they had done. We pointed out to them, the gentleman from Florida [Mr. YOUNG], the chairman, and I pointed out that we felt this was not only bad public policy, but it is something we felt needed to be changed.

We have been negotiating with those folks. We think that we have done the best we could do in order to comply with what the gentleman from Vermont wanted. I would be glad to answer any questions that the gentleman may have about that issue. We appreciate the gentleman's suggestion.

Mr. Chairman, I yield such time as he may consume to the gentleman from Vermont [Mr. SANDERS].

□ 1300

Mr. SANDERS. Mr. Speaker, I thank the chairman, the gentleman from Florida [Mr. YOUNG], and I thank very much the gentleman from Pennsylvania [Mr. MURTHA] for their cooperation on this issue.

I think the gentleman from Pennsylvania correctly described the situation. It seemed to me, and I think virtually every Member of the U.S. Congress, that there was something wrong in the process when the taxpayers of America were asked to supply $31 million in executive bonuses to the highest ranking officials, who are very, very well paid, of Lockheed and Martin Marietta when they merged.

When I brought that issue to the floor, the gentleman from Florida [Mr. YOUNG] was very gracious, and the gentleman from Pennsylvania [Mr. MURTHA] was very gracious, and they accepted the amendment. Since then, we together fashioned perfecting language to make absolutely clear that the Pentagon ought not to spend $1 of appropriated funds for the Lockheed-Martin payments or any such future payments pursuant to the merger of defense contractors.

The gentleman from Pennsylvania described the fact that during the conference, as I understand it, the Pentagon was a little bit vague abut their willingness to accept this provision. What I would like to do right now is enter into a colloquy with both Mr. YOUNG and Mr. MURTHA, just to make it absolutely clear on the RECORD that our intent is to make certain that not one penny of taxpayer money goes to the merger of Lockheed-Martin and to the bonuses that those chief executives are going to receive.

Would the gentleman from Florida [Mr. YOUNG] want to comment on that?

Mr. MURTHA. Mr. Speaker, I would ask the gentleman from Vermont to let me comment first.

The conferees included a general provision, section 8122, which is intended to ensure that no taxpayer funds be used to pay for special executive bonuses triggered by corporate mergers. The conferees directed the Department to promptly revise its policies and regulations to make it absolutely clear no taxpayers' funds shall be used to reimburse any contractor for special executive bonuses or any other special retention incentive, payments for executives triggered by the corporate merger acquisition, or any other change in corporate control.

Now, this was agreed to by all the conferees. Since the, I guess even before then, the gentleman from Florida [Mr. YOUNG] and I had written to the Secretary of Defense and pointed out that we are very serious about this language and we expect it to be carried out, and they have said to us in private conversations they intend to carry out our direction.

Mr. SANDERS. Mr. Speaker, I would just ask the gentleman from Pennsylvania, then, it is his understanding that from the highest levels of the Pentagon there is an assurance that not one penny of taxpayers' money will go to the merger of Lockheed-Martin? That is your understanding? No golden parachutes for those guys?

Mr. MURTHA. That is exactly right.

Mr. SANDERS. Well, Mr. Speaker, I just want to thank both the chairman and the ranking member for their support on this issue.

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

Mr YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. CUNNINGHAM] who himself is an ace fighter pilot.

Mr. CUNNINGHAM. Mr. Speaker, the gentleman from Wisconsin [Mr. OBEY] states that Russia has no Stinger anymore. Last year they dropped five Typhoons——

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I will be happy to yield to the gentleman's time afterwards.

Mr. OBEY. I did not say that. Quote me accurately.

Mr. CUNNINGHAM. Reclaiming my time, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from California is recognized.

Mr. CUNNINGHAM. Mr. Speaker, Russia dropped five typhoon nuclear submarines last year. I do believe the gentleman says we do not need to fund the F–22 now, instead of later.

Russia has built, developed, and is flying currently the SU–35. The SU–35 is superior to our F–14 and F–15's today. It cruises at about 1.4 Mach. The F–22 cruises at 1.4 mach. The F–22 carries advanced AMRAAM missile. The SU–35 carries the AA–10, which is much superior to our AMRAAM missile. And when Russia is still developing arms and engaged in global warfare, then, yes, we do have a threat.

If we go to Bosnia for 1 year, estimates are between $3 billion and $6 billion to the United States. The bottom-up review is review that was set forth after the scale-down of our military, the bare bone minimum to be able to fight two conflicts. The GAO has put us at $200 billion below the bottom-up review—$200 billion. And my colleagues on the other side wonder why we are trying to increase defense a little bit.

Mr. Speaker, many of us have given blood and been shot, and a person does not much care what the machine costs if it gives them an advantage over our enemy, if it will bring them home alive instead of in a body bag.

I think what the gentleman from Pennsylvania [Mr. MURTHA] and what the gentleman from Florida [Mr. YOUNG] have done is appropriate to protect our men and women in the armed services. And, by the way, I would say to the gentleman from Wisconsin [Mr. OBEY], it is in the Constitution to do that.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

I would simply point out, the gentleman can talk about all the new Russian fighters he wants. My question is how many of them: 1, 2, 5, 10? We have 700 F–15's and we are going to buy another 400 F–22's. He has to be kidding. Come on.

The other thing I would say is, if the gentleman thinks that the Russian military power is such a powerhouse these days, I have a one-word reply for him, Chechnya. They could not even handle that one.

Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me time.

I believe it is essential to send this bill back to conference to save at least

several billion dollars. In the first place, we should be very clear. My friend from Pennsylvania said we cannot count on our allies coming to our aid. No one has even suggested that. What this says is that America should go to everybody else's aid.

There is a fundamental confusion we have today. We are not now talking about our survival against enemies like the Nazis and the Soviet Union that threatened our very ability to maintain free societies. We are talking about places where it might be useful to intervene, where it would advance things.

Members have said if we intervene we want our troops to be as well armed as possible. Of course, we do. That is not in dispute. The question is will we continue to maintain this position where we are on call for everybody in the world.

I was struck by Tuesday's New York Times, an article about the great success of the Asian newer economies. And it says one reason they have been able to be so successful is America's role in the cold war of defending them gave them a stable structure. It talks about how low their government expenditures were. Sure, because ours were high.

This continues to be the most expensive form of foreign aid in the history of this country, because it subsidizes the military budgets of all of these wealthy nations that then compete with us, that build up trade surpluses; and we say to them do not worry we will take charge. Our disparity in military spending, with all of our allies and competitors, is overwhelming.

Mr. Speaker, it is not simply some erring without cost. This is the greatest of the reverse Houdinis. Houdini used to have other people tie him in knots and his trick was to get out of the knots. That was what Houdini did. Other people tied him up and he got out of the knots.

The politicians' version is the reverse Houdini. They tie themselves up in knots and then say to people gee, we would love to help you, but we are all tied up in knots. We do not really want to cut your Medicare, but we cannot really afford it. We do not really want to make it more expensive for you to go to school and raise what your kid has to pay, but we have not got the money. We wish we could do more about cleaning up the Superfund sites, we wish we did not have to have retroactive liability, but we cannot afford it. This is why we cannot afford it, because of the massive subsidies of France, and Japan, and Germany, and England, and Thailand, and Malaysia, and all those other wealthy and increasingly wealthy nations.

Mr. Speaker, this bill does not have to put anybody in jeopardy. In fact, Members have said what about Bosnia. A majority of Members are apparently prepared to vote not to send the troops to Bosnia. Why then are they insisting on providing the funds to do it? The more we fund this operation, the more money we give them to take care of Bosnia, the less our chance is going to be to block the troops going there.

If, in fact, we do believe there is an over-extension, and I think that is right, and in fact we do believe that it is time the Europeans not came to our aid, I do not want them to come to defend the Mexican border, I do not think we need any troops from them to come here, we need them to do something on their own behalf. Let us stop subsidizing them at the expense of Medicare, education and the environment.

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

I want to make sure that all the Members understand. What I am talking about is our own defense. And to develop a fighter and to deploy it to the field takes 16 years. And I sympathize with what the gentleman from California said, since he is the top ace of the Vietnam war, and certainly knows as much about fighter aircraft as anybody in the House. The relationship between having exactly what the pilot needs versus something that is inferior——

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

Mr. MURTHA. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Speaker, I would say to the gentleman it takes almost 5 years just to develop the engine for an airplane. That is the problem with the F–18, the F, right now.

And I would say to my friend, the gentleman from Wisconsin [Mr. OBEY], right now in Bosnia-Herzegovina we are flying our F–18's and our Strike Eagles. The wing life of those airplanes are almost all gone. Those F–18's, they want the CD because they want the top model. That is almost gone.

The Air Force has not bought an airplane in 2 years because they cannot afford it. The F–16 that Captain O'Grady flew. We did not replace that. And to protect our kids in combat and make sure our people on the ground are well protected, we need those, and I thank the gentleman.

Mr. MURTHA. Mr. Speaker, reclaiming my time, I want to make one other point. There is not money in this bill for any troops to be deployed in Bosnia. This is for the ongoing operations that are gong on right now.

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

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

Ms. HARMAN. Mr. Speaker, this conference report is a responsible effort to fund a strong defense. I supported it 7 weeks ago when we first debated it, and I support it now.

Let me make three quick points:

This is not a less dangerous world. Many of us traveled to Jerusalem just last week to pay honor to the visionary peacemaker who was martyred for his cause. Religious fanaticism is increasing all around the world and it takes many forms. We need to be prepared.

Second, the abortion rider has no place in this bill. It caused the House to defeat the conference report when it first came up. It serves to penalize military servicewomen and their dependents and makes it difficult for them to exercise their constitutional rights.

Third, the plus-up in spending is, in my view, appropriate and I'm prepared to defend it in the context of a 7-year balanced budget, which I voted for. Among the items funded are critical procurement including the C–17, the F–18C/D and E/F, defense satellites, and long lead for more B–2 strategic bombers.

Let me comment on the B–2.

We can afford to buy more B–2's and we should. Within the budget resolution profile, money is available as we:

First, retire the expensive, aging B–52 fleet;

Second, buy the cheaper munitions the B–2 uses; and

Third, reap savings from acquisition reform.

Much of the argument against more B–2's assumes the B–52 will remain combat capable through the year 2030. The last B–52H was produced in the early 1960's, so the aircraft will be almost 70 years old in 2030.

If the B–52 were a person at that time, it would be collecting Social Security. Do we want to send our sons and daughters to war in a 70-year-old bomber. I don't think so. I think we want to use the most survivable aircraft possible, an aircraft we have in production right now—B–2.

The cost of the aircraft is a concern to us all. But it is half the cost its opponents estimate.

The B–2 saves us money by using cheaper weapons. The old B–52 and the B–1 use expensive guided missiles and bombs to fly in from standoff orbits. Since the B–2 can go right to even the most heavily defended target, it can use cheaper laser and gravity bombs, which cost about one one-hundredth of the cost of the B–52's weapons.

The new Deputy Defense Secretary testified this May 18 before the Senate Armed Services Committee that, ''If I do not have any carriers available for 15 days and I do not have any tactical aircraft in theater and I do not have any means to get tactical aircraft in theater and we have to continue with this MRC scenario, then I am going to need a lot more bombers than I have in the current force.'' That means B–2's.

We can find further savings in acquisition reform. Last year, Secretary Perry testified that as much as $30 billion could be saved by downsizing and procurement reform over 5 years. Those savings would kick-in just when they are needed most. They would provide more than enough funds for the B–2, within the budget resolution profile.

As the mother of the lockbox, no Member is more committed to deficit reduction than I am. But this is not the way to get smart, prudent deficit reduction.

Mr. Speaker, as a parent of two draft-age children and two younger ones, I am convinced that we must field and fully fund the most effective and survivable weapons systems. The most precious resource this country has is our children. Today, in this House, let us fund the best defense for our children and the men and women who will defend them. Vote for this conference report.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 2 minutes.

□ 1315

Mr. Speaker, during most of the debate today, we have actually spent more time talking about subjects and matters that are extraneous to national defense items that really have nothing to do with national defense. A lot of those extraneous matters, although they are extremely important, should be done in other legislative bills or appropriations bills, or they could be cone by the States, or they could actually be done maybe in some cases by the cities and the counties.

Mr. Speaker, if there is one thing that this Congress and this President have a responsibility to do that no State can do, that no city or county can do, that is to provide for the defense of this Nation and for our national interests wherever they might be. We are talking about preparing kids in uniform who have volunteered to serve in the military, preparing them to accomplish whatever mission they might be assigned to, and do it effectively, and at the same time give themselves some protection while they are doing it.

So only the Federal Government can do this. The other extraneous materials should not even be a discussion or part of the discussion on the defense appropriations bill.

Mr. Speaker, the gentleman from Wisconsin [Mr. OBEY] keeps bringing that same chart up about how much the Americans spend versus how much somebody else spends. I am going to repeat something again a little bit differently than I did the first time.

Some years ago, a lot of our messages were delivered in music and in songs and in poetry. There was a song where the key phrase went, ''and the soldiers get paid $21 a day, once a month.'' How many are old enough to remember that? Twenty-one dollars a day once a month.

Well, since that time, we have begun to pay our soldiers considerably more, no enough, but a whole lot more than $21 a day once a month. However, the other nations to whom the gentleman from Wisconsin [Mr. OBEY] compares us in our spending, they are still paying $21 a day once a month, because they are conscripts.

Mr. Speaker, I yield 1 minute to the gentleman from Washington [Mr. NETHERCUTT], a member of the subcommittee.

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

I am happy to rise in support of this conference report and the important funding provisions that it does contain. I hope that my colleagues and the President will sign this bill, because it will increase our Nation's current and future readiness. It will improve the quality of life of our members of our Armed Forces, and most importantly, it will ensure our long-term security.

The main thing this conference report does is ensure our readiness of our America's Armed Forces. The bill provides for future readiness by reversing a decade of steep decline in weapons procurement. The prior speakers are correct. It takes years and years to get these weapons systems and these procurement systems in place. I hope that we do not have to go to war again, but if we do, we have to give our men and women, our young people in the armed services the best possible equipment possible, and Stealth equipment and technology is the answer for our future.

Captain O'Grady is from my district, and if he had been in a Stealth aircraft, perhaps he would not have been shot down over Bosnia. So that is the importance here. B–2, the F–22, FA–18 aircraft, they are our future and we need to fund them.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BONILLA], another distinguished member of the subcommittee.

Mr. BONILLA. Mr. Speaker, I thank the gentleman from Florida [Mr. YOUNG], the chairman of the committee, and the gentleman from Pennsylvania [Mr. MURTHA], the ranking member.

Mr. Speaker, just a point I would like to make to start out in support of this bill, if the entire Congress worked as cohesively as the members of this subcommittee have worked on this issue, we would be all at home picking out our turkeys at this time.

Mr. Speaker, this is a good bill. It provides adequate, by no means more than necessary, funding for important factions of our military: Pay raises, tank-killers, helicopters, F–22s, and yes, the B–2 bomber. Those of us who have the vision that this bill is not just about this year or next year, it is about the next century and how we are going to protect our country from outside aggressors, some of which may not even have been born yet, but we have to have that vision to preserve our freedom and liberty.

People in this country can walk down the streets safely knowing that foreign aggressors are no threat, and we enjoy the freedom to speak out, freedom of speech, freedom to demonstrate, freedom to express ourselves as conservatives, as liberals, as moderates in this country from all across the Nation. We have enjoyed these freedoms forever, because we are always ready, and we demonstrate to the world through the support of our military that we are going to be ready for anything that might transpire.

For those idealists who sit out there and say, well, there is no threat out there now, lose sight of the vision that this bill is important for the next century as well.

We have to maintain a strong military, because without a strong military, we do not even have an opportunity to talk about preserving programs like HUD or Commerce or any of these other things that people might think are important. If we do not protect ourselves in the future, we are not going to be able to consider any of this stuff. Education will not even be a possibility for us if we are not willing to all stand up and preserve the greatest military that this planet has even seen to make sure that our children are protected well into the next century.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me this time.

Let me just answer the prior speaker. Yes, indeed, we should be talking about threat. To me, the threat is the threat of the debt. The threat of the debt is what people have been talking about here, and this is the one budget that is coming in over $7 billion over what the Joint Chiefs of Staff asked for. We did not even do that during the cold war. So you cannot talk threat of the debt and then turn around with this.

Mr. Speaker, then we also have to say, are the things that we are buying into here threat-based? Are we dealing with what the real threat is?

The real threat today is things like rental cars blowing up, the world center blowing up, the Oklahoma place, radical fundamentalism. How do you use B–2 bombers against that? Then let us look at this post-cold-war world. If you took everything that we owe the United Nations for peacekeeping, for dues, for everything, that would break out to $7 per American. Well, we are not going to pay it, because we think it needs to be reformed, and we could debate how is the best way to get it reformed.

Mr. Speaker, if you take this budget and divide it up per American, this is $1,000 per American, $1,000. Now, is this really dealing with the threat? There is big increases in here for the CIA, but it, of course, does not need reform? I do not think so. There is the B–2 bomber which no one can figure out why we are buying it. We have not even figured out when we are going to use the B–1 bomber or many of the other things.

I think basically what we do by paying and spending all of this money is we are saying to the whole world, let us do it all. We want to continue to be the Atlas and hold up the defense everywhere. If we do this, then I think we cannot complain about the world saying to us, OK, you do everything in Bosnia. You raised your hand. You volunteered to do it. You put all of the

money in. We will be voting today to spend more than the rest of the world.

Think of the message that sends. We are volunteering to do it all.

Mr. MURTHA. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. SKELTON].

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

Mr. Speaker, I rise in strong support of this bill. The subcommittee has done a superb job, and I appreciate them bringing it back, and hopefully in a much more acceptable version than the one that unfortunately was sent back several days ago.

Under the Constitution, this Congress is charged with raising and maintaining the military. I have over the past several years worked to put together a budget that would meet the needs of our military in future years. It is difficult. This year I was successful in putting one together.

I testified before the Committee on the Budget, and I concluded that we needed, over the next 5 years, an additional $44 billion over the administration recommendation. That figure, given by the Committee on the Budget, was at or near what I recommended.

This bill takes care of the soldiers and the sailors and the airmen and the marines; it gives them adequate pay, it helps take care of their families and their needs, and you have to keep those young people in the military. It takes a long time to grow a good staff sergeant, a long time to grow a major, a long time to grow a chief petty officer, a long time to grow a letter commander.

Then we look at what we are asking them to work with. A very aging bomber fleet, other airplanes that no longer are produced, trucks, equipment that is mundane, but yet is old and is wearing out. We need to keep our forces the strongest in this world. This bill helps to do that.

We noticed in the paper just the other day where the Pentagon says there are going to be some $60 billion short on just procurement over the next several years. We must proceed along this line and fully fund the military and take care of our troops.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. BATEMAN].

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

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

Mr. Speaker, I would say to my colleagues that it has been said, primarily on this side of the aisle, that this defense appropriations bill is above the level of what the President requested. I would hope that they would bear in mind that while it may be above the level that the President requested, it is not above the level of the things that the members of the Joint Chiefs of Staff have come to us and told us were needed, even though it is beyond what the Commander in Chief ultimately signed up to.

Mr. Speaker, I would also suggest that we on this side of the aisle had a Contract With America, and one of the provisions was to rejuvenate our national defense. This is our opportunity to fulfill that very, very significant part of that contract. This bill is below the budget level; it is a bill that, verifying what the gentleman from Pennsylvania has said, it seeks to do something about the deterioration and the maintenance of our real property and the depot maintenance accounts, which are woefully deficient, and to prevent a degrading of our readiness. This is a bill whose time certainly must today come. Let us get on with it.

Mr. MURTHA. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

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

Mr. TRAFICANT. Mr. Speaker, I once said on the House floor years ago, it has been used several times, why are we spending all of this money on defense, on these B–2's? We cannot see it; they cannot be detected by radar. Why do we not just put out a press release and tell the Soviets we have 500. How would they know anyway?

Well, I have come around full circle, like many of my colleagues have. We know it is not like that really, and after Captain Scott O'Grady, and after Alrich Ames, it does not quite work that way, does it? I voted for military cuts, and quite frankly, we cut an awful lot. I think we have cut too far.

Mr. Speaker, I support this bill, I support this measure. Let me say this to the Congress of the United States, the most urgent duty and responsibility placed on this Congress is our national defense. Folks, we just cannot get it done with the Neighborhood Crime Watch. It is going to cost money, but freedom, freedom is costly.

Now, there are some people who think that there is just some left-wing liberals around here who just want to go on with all of these social programs. Let me say this to the membership of the Democratic Party. We have, and we have always stood, for a strong national defense. When the lives of the American people in the free world are at stake, we then do stand up, and I say today, let us stand up for a couple of chairmen here, past and present, who have done their job. It is not a popular job, but freedom sometimes is very costly. Today is one of those days.

Mr. Speaker, I am proud to stand here in support, and I would like the authorizing committee to look at my bill that would allow the placement of some of these troops falling out of chairs without armrests overseas, placing them on our border, not to make arrests, but to help us to secure our borders as well.

I support this bill, I am proud to support this bill, and I have come full circle on some of these issues, but damn it, if one is wrong on something and one sees something that can be improved, I think it is incumbent upon us to do the right thing, and I am proud to support the bill.

□ 1330

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Speaker, I rise in support of this bill and want to compliment, I will call you both chairmen, I respect both of you a lot, if I can do that here on the House floor.

I think that it is a fool's folly to think that he is full of wisdom when he is safe and secure in peace to reduce his strength. In reality, when one is alone in the world, without strength and might, there is a true loss of courage.

This bill addresses the shortfalls in our military readiness and addresses the quality of life issues which we all seek and desire for the men and women in arms. I support this bill.

At a time of what happened on this House floor this morning, when there can be a total breakdown and lack of civility among this body, we can come together in a bipartisan fashion when it comes to the issue of national security. We are going to do that today and we are going to send this bill down to the President, and I believe it is a bill which he should sign, not veto.

God bless this country.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. WELDON], a member of the Committee on National Security.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise in strong support of this bill, and I want to commend Chairman YOUNG and Vice Chairman MURTHA.

It is a good bill, in an impossible situation. I did not support every weapons system in this bill, but this is the best bill that we could come up with and one that I strongly support.

I want to thank the committee for supporting military personnel, especially our health care system. I can personally attest to its excellence.

I want to thank the committee for its emphasis on missile defense. Contrary to what we have heard on this floor, the threat has not gone away. When Russia goes all the way to the top, when the Norwegians launch a missile, a satellite missile, and activate their entire missile defense system to the point of almost launching an attack against this country, there is something we have to be on the alert for. When the Russians are offering to sell their SS–25 technology to Third World nations, we have to be prepared. When the North Koreans and the Chinese are building missiles that can hit our mainland, we have got to be able to increase missile defense funding, and this bill does that.

I want to thank the committee, also, and I want to say to my colleagues who say we have not cut defense, would you please tell the 1 million members of the UAW, the machinists union, the electrical workers union, that we have not cut their jobs? Would you be the one to tell them? For those who want to support sending our troops to Bosnia, tell us where we are going to get the $1.5 billion that you do not want to support in this bill.

This is a good bill. Let us vote ''yes.''

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Washington [Mr. METCALF].

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

Mr. METCALF. I thank the gentleman from Florida for yielding me the time, and for his consideration in the last week.

Mr. Speaker, I rise in strong support of H.R. 2126 as reported by the conference committee. Over the past 2 weeks, I was prepared to offer a motion to instruct the conferees on this bill to insist upon the House-passed language restricting the use of funds for a troop deployment in Bosnia without congressional approval.

I did not press that motion because I have been assured that we will vote on the Hefley bill, H.R. 2606, before the Thanksgiving recess. H.R. 2606 will send a clear message to the President that it is unacceptable to fund the deployment of United States troops in Bosnia without congressional approval.

The bill before us, the defense appropriations bill, will end the dangerous downsizing of our military over the past 10 years. I urge my colleagues to support it. I thank the gentleman from Florida for a job well done.

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, first of all I do want to congratulate the committee for following through on the request that we have had to prevent golden parachutes at defense contractor corporations from being paid for by the taxpayer. I think that is long overdue. I congratulate the committee.

I simply want to say again in closing, we voted last night for a balanced budget in 7 years. It is fundamentally inconsistent with that vote for the Congress, the next day, to pass legislation which adds $7 billion to the President's budget for military spending, and adds money above the amount spent last year.

This chart demonstrates that Russia has reduced its spending by over 70 percent. I would point out to the gentleman from Florida that this chart takes into account wage differentials. We have only reduced our military budget by about 10 percent. That hardly indicates to me that we are in a military jam.

The United States will spend $1.3 trillion over the next 5 years. The defense budget in adjusted dollars is higher than it was under Eisenhower, higher than it was in 1975 under Nixon, and even through the cold war. We spend as much as the rest of the world combined; 4 times as much as Russia, almost 17 times as much as the 6 bad guys: Iraq, North Korea, Iran, Libya, Syria, and Cuba. The United States, NATO, and our Asian allies account for 80 percent of all military spending in the world.

I think, with all due respect, that is more than enough. I urge Members to vote ''no'' on passage, and I urge Members to vote ''yes'' on the motion to recommit. That motion to recommit will simply eliminate a loophole in the conference report to assure that corporation profit rather than taxpayers' money will be used to pay for executive compensation for military contractors above $200,000. I do not think the taxpayers should be financing multimillion-dollar salaries for these executives while those companies are downsizing their own workers, and while we are downsizing our own budget.

I would simply urge Members to remember that, despite the fact that many people in this House would like to ignore it, this bill is fundamentally related to what happens on Social Security, what happens on Medicare, what happens on education, what happens on housing, what happens on all of the other priorities that we have in our budget.

We simply cannot restore any significant amount of the huge reductions in education, in housing, in environmental protection unless this bill is brought under financial control. Right now it is not. I urge Members to vote ''no.'' I urge members to vote ''yes'' on the recommit motion.

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

I just want to make a couple of comments. I want to compliment the gentleman from Washington [Mr. METCALF] for holding off on his motion on Bosnia because I think we are in a very delicate stage in the negotiations and I think any action by the House at an inappropriate time could endanger the talks that are going on, and I would even appeal in the House that it is delicate and we certainly would not want to send the wrong signal and be responsible for what happens if it turned out the wrong way.

The other thing, I rise to oppose the motion to recommit and say that we worked out the best we could work out with the Senate on the language, on the pension at the recommendations of the gentleman from Vermont [Mr. SANDERS] and the support of the gentleman from Wisconsin [Mr. OBEY]. I would hope that Members would vote against recommittal.

Mr. Speaker, I yield the balance of my time to the gentleman from Washington [Mr. DICKS].

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). The gentleman from Washington is recognized for 2 minutes.

(Mr. DICKS asked and was given permission to revise and extend this remarks.)

Mr. DICKS. Mr. Speaker, I want to compliment the gentleman from Florida [Mr. YOUNG], the chairman, and the gentleman from Pennsylvania [Mr. MURTHA], former chairman of this subcommittee, for an excellent job.

I represent a district in the State of Washington where we have a number of defense bases, McCord Air Force Base, Fort Lewis, Puget Sound Naval Shipyard, Trident Submarine Base, Keyport. Not all of those are exactly in my district but they are on the border of my district, and some inside.

I hope we get this defense bill passed, because thousands of workers, even though we get this essential versus nonessential, but thousands of these workers at these bases have been sent home. The sooner we can pass the defense appropriations bill, get it through the Senate, send it to the President, get it signed, we can get those people back to work.

I agree with those who say today that we now must put a floor under the decline in defense spending. We have been cutting defense every year since 1985. We have cut the budget by about $10 billion per year. In other words, in 1985 we were at $350 billion, today we are at about $250 billion. With that, we have reduced procurement from about $135 billion in 1985 down to $41 to $43 billion this year. This committee puts the money back into procurement. I think that is the next major problem, and the Joint Chiefs have pointed it out.

Today is a day when I think this committee and the House should come together and pass this bill. I think the chairman of the committee and the good staff have done an excellent job.

A number of people have mentioned stealth technology. I will just tell Members this: In the Gulf war, the F–117 proved that stealth technology works. I think it is the best investment we can make to save lives and save money.

I urge my colleagues to stay with the committee, let us pass this bill, and let us get it down to the President and get it signed.

Mr. OBEY. Mr. Speaker, I yield the balance of my time to the gentleman from California [Mr. DELLUMS], the distinguished ranking member of the Committee on National Security.

The SPEAKER pro tempore. The gentleman from California is recognized for 4½ minutes.

Mr. DELLUMS. Mr. Speaker, we come to the concluding moments of this debate.

Mr. Speaker, I think perhaps I must preface my remarks by saying the ostensible beauty of this institution is that we can indeed challenge each other intellectually and politically, and that we can differ over the definition of what is a strong national defense.

Having said that, let me try to place this legislation, from my perspective, in proper context.

The cold war is over. Mr. Speaker, ushering in a new era, the post-cold-war world. Uncharted water, unprecedented activity, tremendous challenges, perhaps, as the gentlewoman from California said, danger as well as opportunity.

In the context of the cold war, it was easy for us to understand who we thought our enemies were.

I would assert that the enemy of the post-cold-war world is war itself, and the tremendous challenge and opportunity we have is to give our children who we have been talking about over the past 72 hours and our children's children perhaps the greatest gift that we can give them, a world at peace.

The gentleman from Wisconsin has pointed out eloquently what the spending issues are here.

□ 1345

At this very moment, our spending level, American military budget, is roughly equal to the combined military budget of the rest of the world. That is awesome. When you combine America's military expenditures with the expenditures of our allies, that is, our friends, that exceeds 80 percent of the world's military budget. So less than 20 percent of the so-called enemies, less than 20 percent of the world's military budget spent by them. We outspend our ostensible enemies 4 to 1, absolutely astonishing.

Let us place this bill in that context. What does this bill do in a post-cold-war world where war is now the enemy, where peace is now the challenge, where we have tremendous domestic issues before us? This military budget increases our military expenditures above and beyond requests in excess of $7 billion.

Let us look within that budget to ascertain what they cut. At a time when we have the opportunity to dismantle the dangerous nuclear weapons that have been aimed at us for 40 years in the context of the cold war from the Soviet Union, we cut Nunn-Lugar funds designed to take away the nuclear weapons to, indeed, give a fantastic and awesome gift to our children, and that is a world without the insanity and the madness and the danger of nuclear weaponry. We cut that program.

In the context of the post-cold-war world where every 2 years we are closing military bases and downsizing and communities are experiencing economic dislocation, where the domestic challenges are how do we engage the economic conversion so that those communities can rebound and move into the 21st century, we cut, in this program, technology conversion. It flies in the face of reality. it certainly challenges this gentleman's logic.

What do we increase? We increase programs like the B–2 bomber and other programs. People have spoken eloquently to them. I do not have time to go through those programs and challenge them, but I do want to take the time so to say this: Many of these extraordinary weapons systems, Mr. Speaker, if the truth be told, and I choose to tell it today, have little, if anything, to do with enhancing the nature of our national security. It has to do with the fundamental issue of generating employment in people's communities. And that is real. That for me is not a throw-away line. If someone is building a B–2 bomber, they may agree with my intellectual and political analysis and say, ''Ron, I don't think we need a Cold War weapons system that is flying around trying to find a post-cold-war mission. But if you stop my job on Friday, where do I work on Monday?'' That is our challenge. But not to keep building B–2's for employment, but developing fiscal, monetary, and budgetary policies designed to generate employment.

I would conclude by saying this: This military budget, in the context of the post-cold-war world, is going in the wrong direction. It should be rejected. Let us come together to march in the 21st century with sanity and reason.

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

Mr. Speaker, I want to congratulate all of those who participated in the debate. It has been a good debate.

I disagree with some of the arguments that I heard from one side or the other, and I know in the heat of debate sometimes we sometimes misspeak unintentionally.

The gentleman who just spoke said that we had cut the effort to denuclearize the former Soviet Union. Not so. The nuclear arms reduction program, chemical weapons destruction, those programs were fully funded.

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

Mr. YOUNG of Florida. I yield to the gentleman from California.

Mr. DELLUMS. In the context of the rules debate laid out a list of what you reduced, and you said you reduced Nunn-Lugar in technology conversion. We can go get the record on that.

Mr. YOUNG of Florida. I say to my friend we did not reduce this part of Nunn-Lugar; the part dealing with nuclear destruction and chemical destruction, we did not reduce that part of that program.

First, let me suggest, Mr. Speaker, regarding the motion offered by the gentleman from Wisconsin [Mr. OBEY] to recommit, there will be no debate. I would at this point ask, as the gentleman from Pennsylvania [Mr. MURTHA] has already done, that we handily defeat that motion to recommit and get on with getting this bill passed.

The last few days I have heard a lot of criticism that we cannot get appropriations bills passed. That is what we are trying to do today. We are trying to get a good bipartisan appropriations bill passed to provide for the defense of our Nation.

There are some things in here that are not definitely related to national defense specifically that have been complained about, but let me tell you about an example of one. One thing the Defense Department does not want in this bill is breast cancer research. But we have a lot of women in the military, and we have a lot of men in the military who have wives and daughters, and we provide an adequate sum to accelerate the breast cancer research and treatment program essential to every woman in America because no woman is exempt from breast cancer. We try to do our share.

Other appropriations bills in the last decade have increased every year, increased, except for one. The legislation providing for funding for our national defense has gone down every year for the last 10 years, and, my friends, this year this bill is less than it was last year by $400 million. So this is the 11th year in a row that we have reduced spending on national defense.

But in this bill we are getting a lot more for the defense dollars than we have gotten in a long time. I might say this, that at the same time that we are reducing our spending for national defense, we have a commander in chief who is deploying U.S. troops around the globe anytime that he wants to and, for the most part, without coming to Congress and getting the approval of the Congress.

In fact, at the beginning of this year we had to appropriate over $2 billion to pay for those contingencies that had not been planned for.

One of the big arguments has been we did things in here the Pentagon did not ask for. The gentleman from Wisconsin [Mr. OBEY] had a chart I have seen so many times. I have a scroll here the gentleman from Wisconsin [Mr. OBEY] says he memorized. This scroll reaches across the well. It talks about minor items nobody ever identified, because they are not politically attractive, but minor items that could keep the war effort or defense effort from moving if called upon to do so. So we take care of a lot of those things.

But this one, I just brought this one along to show you. Our President believes we are not doing enough for national defense. You remember this picture. President Clinton said last December he wants more in military spending over the next 6 years. He said even in an era when the public wants a leaner Government, the people of this country expect us to do right by our men and women in uniform. This is exactly what we are doing in this bill: Taking care of the men and women in uniform.

The question has been raised so many times the Pentagon does not want many of the things in this bill. Well, on Veterans Day, believe it or not, November 11, this headline appeared, and this story in the Washington Post, ''Pentagon Leaders Urge Accelerated 50 Percent Boost in Procurement.'' Now, these are not contractors. These are not industry people. These are not defense politicians. These are the guys

that fought the war in Desert Storm. These are the people that fought the war in Vietnam, and the actions in Panama and Grenada and places like that.

What do they say? The uniformed leaders of the Armed Forces, worried about aging weapons and equipment, after a decade of declining procurement, have recommended a roughly 50-percent jump in spending on purchases over the next 2 years. The people that have to fight the wars, the ones that we count on to defend this Nation, preserve our security and our freedom and our independence, they say that the 10-year decline in providing for the national defense has got to change.

That is what your war-fighting Pentagon says we ought to be doing.

Mr. Speaker, I ask for a ''no'' vote on the motion to recommit and a strong ''yes'' vote on the conference report.

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Without objection, the previous question is ordered on the further conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. Is the gentleman opposed to the further conference reports?

Mr. OBEY. I certainly am, Mr. Speaker.

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

The Clerk read as follows:

Mr. OBEY moves to recommit the Conference Report on the bill H.R. 2126 to the Committee on Conference with instructions to the managers on the part of the House to:

insist on the inclusion of the provision committed to conference in section 8075 of the House bill as follows: ''None of the funds provided in this Act may be obligated for payment on new contracts on which allowable costs charged to the government include payments for individual compensation at a rate in excess of $200,000 per year.''

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. OBEY. 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 the provisions of clause 5, rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the question of the adoption of the conference report.

The vote was taken by electronic device, and there were—yeas 121, nays 307, not voting 4, as follows:

[Roll No. 805]

YEAS—121

Ackerman
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Bevill
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
Conyers
Cooley
Costello
Coyne
Danner
de la Garza
DeFazio
Dellums
Deutsch
Dingell
Dixon
Doggett
Duncan
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Gephardt
Green
Gutierrez
Hilliard
Hinchey
Jackson-Lee
Jacobs
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kleczka
LaFalce
Lantos
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
Meehan
Mfume
Miller (CA)
Minge
Moakley
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Poshard
Rahall
Rangel
Rivers
Roth
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Schroeder
Serrano
Shays
Slaughter
Stark
Stokes
Studds
Thurman
Torres
Towns
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—307

Abercrombie
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fazio
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kasich
Kelly
Kennelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meek
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Reed
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—4

Chapman
Fields (LA)
Rose
Tucker

□ 1414

Messrs. FLANAGAN, KLINK, EDWARDS, LIGHTFOOT, CARDIN, SCHUMER, LEWIS of Kentucky, GORDON, FAZIO of California, TEJEDA, and REED changed their vote from ''yea'' to ''nay.''

Ms. DANNER, Mrs. ROUKEMA, Mr. MOAKLEY, and Mr. COOLEY changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. McHUGH. Mr. Speaker, on rollcall No. 806, on the way to the Chamber, I was unavoidably detained. Had I been present, I would have voted ''yea.''

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 270, nays 158, not voting 4, as follows:

[Roll No. 806]

YEAS—270

Abercrombie
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bevill

Bilbray
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Castle
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Clyburn
Coburn
Coleman
Collins (GA)
Combest
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Dornan
Dreier
Dunn
Edwards
Ehrlich
Emerson
English
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goodling
Goss
Graham
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (RI)
Kennelly
Kim
King
Kingston
Klink
Knollenberg
Kolbe
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Manton
Manzullo
Martinez
McCollum
McCrery
McDade
McHale
McIntosh
McKeon
McNulty
Meek
Metcalf
Meyers
Mica
Miller (FL)
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Murtha
Myers
Myrick
Neal
Nethercutt
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Pastor
Paxon
Peterson (FL)
Pickett
Pombo
Porter
Pryce
Quillen
Quinn
Radanovich
Reed
Regula
Richardson
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Salmon
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Traficant
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—158

Ackerman
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bereuter
Berman
Blute
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Camp
Cardin
Chabot
Chapman
Clay
Clayton
Clement
Coble
Collins (IL)
Collins (MI)
Condit
Conyers
Cooley
Costello
Coyne
Danner
DeFazio
Dellums
Deutsch
Dingell
Doggett
Doyle
Duncan
Durbin
Ehlers
Engel
Ensign
Eshoo
Evans
Fattah
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (NJ)
Furse
Ganske
Gilman
Gordon
Gutierrez
Gutknecht
Heineman
Hilliard
Hinchey
Hoekstra
Hoke
Jackson-Lee
Jacobs
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kildee
Kleczka
Klug
LaFalce
LaHood
Lantos
Largent
Levin
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Markey
Martini
Mascara
Matsui
McCarthy
McDermott
McInnis
McKinney
Meehan
Menendez
Mfume
Miller (CA)
Minge
Moakley
Morella
Nadler
Neumann
Oberstar
Obey
Olver
Orton
Owens
Pallone
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pomeroy
Portman
Poshard
Rahall
Ramstad
Rangel
Riggs
Rivers
Roemer
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sanford
Sawyer
Schroeder
Schumer
Sensenbrenner
Serrano
Shays
Skaggs
Slaughter
Stark
Stokes
Studds
Stupak
Torricelli
Towns
Upton
Velazquez
Vento
Volkmer
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates
Zeliff
Zimmer

NOT VOTING—4

Fields (LA)
Hayes
McHugh
Tucker

□ 1423

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 264

Mr. DIXON. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of House Resolution 264.

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

There was no objection.

## ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

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

Mr. PETERSON of Florida. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby give notice of my intention to offer a resolution—on behalf of myself and the gentleman from Florida [Mr. JOHNSTON]—which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas the Committee on Standards of Official Conduct is currently considering several ethics complaints against Speaker Newt Gingrich;

Whereas the Committee has traditionally handled such cases by appointing an independent, non-partisan, outside counsel—a procedure which has been adopted in every major ethics case since the Committee was established;

Whereas—although complaints against Speaker Gingrich has been under consideration for more than 14 months—the Committee has failed to appoint an outside counsel;

Whereas the Committee has also deviated from other long-standing precedents and rules of procedure; including its failure to adopt a Resolution of Preliminary Inquiry before calling third-party witnesses and receiving sworn testimony;

Whereas these procedural irregularities—and the unusual delay in the appointment of an independent, outside counsel—have led to widespread concern that the Committee is making special exceptions for the Speaker of the House;

Whereas the integrity of the House depends on the confidence of the American people in the fairness and impartiality of the Committee on Standards of Official Conduct.

Therefore be it resolved that;

The Chairman and Ranking Member of the Committee on Standards of Official Conduct should report to the House, no later than November 28, 1995, concerning:

(1) the status of the Committee's investigation of the complaints against Speaker Gingrich;

(2) the Committee's disposition with regard to the appointment of a non-partisan outside counsel and the scope of the counsel's investigation;

(3) a timetable for Committee action on the complaints.

Mr. Speaker, this is motherhood. This is not to take a prejudicial view of their findings, it is asking for a clear, specific report to this House, of which we stand ready to receive at any time.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designed by the Speaker in the legislative schedule within 2 legislative days of its being properly noticed. The Chair will announce the Chair's designation at a later time.

The Chair's determination as to whether the resolution constitutes a question of privilege will be made at the time designed by the Chair for consideration of the resolution.

## HOUSE OF REPRESENTATIVES GIFT REFORM ACT

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 268 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 268

*Resolved,* That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 250) to amend the Rules of the House of Representatives to provide for gift reform. The amendments recommended by the Committee on Rules now printed in the resolution are hereby adopted. The previous question shall be considered as ordered on the resolution, as

amended, and any amendment thereto to final passage without intervening motion except:

(1) Thirty minutes of debate on the resolution, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Rules;

(2) The amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution, if offered by Representative Burton of Indiana or his designee, which shall be considered as read and shall be separately debatable for thirty minutes equally divided and controlled by the proponent and an opponent; and

(3) If the amendment printed in part 1 of the report is rejected or not offered, the amendment printed in part 2 of the report, if offered by Representative Gingrich of Georgia or his designee, which shall be considered as read and shall be separately debatable for thirty minutes equally divided and controlled by the proponent and an opponent. All points of order against the amendments printed in the report are waived. During consideration of the resolution, no question shall be subject to a demand for division of the question.

□ 1430

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). 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 distinguished gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for debate purposes only.

(Mr. SOLOMON asked unanimous consent to revise and extend his remarks and include extraneous material.)

Mr. SOLOMON. Mr. Speaker, House Resolution 268 provides for the consideration of House Resolution 250, the House Gift Reform Rule. The rule provides for 30 minutes of debate equally divided and controlled between myself and the ranking minority member of the Rules Committee. The rule provides that the technical amendments adopted by the Rules Committee are considered as adopted.

Following debate on House Resolution 250, the rule makes in order the consideration of an amendment in the nature of a substitute to be offered by Representative BURTON of Indiana or his designee.

The rule then provides that it is in order, if the Burton substitute is rejected or not offered, to consider an amendment by GINGRICH of Georgia or his designee.

Following the disposition of that amendment, if offered, the House would then vote on final adoption of the resolution as amended.

Mr. Speaker, House Resolution 250 was introduced on October 30 by our Rules Committee colleague, Mrs. WALDHOLTZ of Utah, with a bipartisan group of cosponsors. It is identical to the Senate gift rule adopted on July 28 by a vote of 98 to 0. There are no substantive changes.

An earlier version of the resolution, House Resolution 214, was introduced on September 6 by Mrs. WALDHOLTZ. It amended the existing House gift rule, which is under the exclusive jurisdiction of the Committee on Standards of Official Conduct. Given that committee's heavy workload, the leadership requested that the Rules Committee assume responsibilities for reporting the gift rule.

Mrs. WALDHOLTZ accordingly redrafted her resolution as a new House rule and introduced that version as House Resolution 250 which was referred to our committee.

On October 27, the majority leader held a press conference at which he promised that both the gift rule and the lobbying disclosure bill would be considered by the House not later than today, November 16.

I am pleased that both the majority leader and the Rules Committee have been able to keep to that timetable. I especially want to commend my colleagues for enduring the forced march we put them through over the last 3 weeks to come up to speed on this issue.

We conducted two hearings at which we heard from numerous House Members as well as public witnesses. Then, on Tuesday of this week, we marked-up and reported by unanimous voice vote House Resolution 250 with only minor, technical changes recommended by the chairman and ranking minority member of the ethics committee.

Mr. Speaker, House Resolution 250 would apply a new and tighter gift rule to House Members, officers and employees. Whereas at present, gifts under $50 are not counted towards the annual aggregate of $250 from any source, the new gift rule would lower that exempt threshold to gifts under $10. No formal record-keeping or disclosure is required for gifts of $10 or more—only good faith compliance.

And the proposed new rule also lowers the annual limit for total gifts from the same source in a year from $250 to $100.

And, whereas, at present meals are not counted towards the gift limit, under the proposed new rule, meals of $10 or more would be counted.

The new rule differs from the existing rule in that it does exempt gifts from close personal friends. However, it requires an ethics committee waiver for any gifts from friends that are over $250 in value. And as with the present rule, gifts from relatives are exempt from the limits.

Mr. Speaker, another tough new provision of this proposed gift rule is the more frequent and detailed disclosure of reimbursement from private sources for travel related to a Member's official representation duties. These include making speeches to groups, fact-finding, and substantial participation events.

Whereas the current rule requires annual disclosure and does not require a detailed accounting of reimbursable expenses, the new rule requires that disclosures be filed with the Clerk within 30 days of such travel, and that a good faith estimate be included of total costs for travel, lodging, meals, and other expenses.

Mr. Speaker, I won't go into greater detail at this time on the proposed new rule, since other members of the Rules Committee will be doing so, and there will be further time during debate on the resolution itself.

I would point out to Members that we could have brought House Resolution 250 directly to the floor as privileged motion without a special rule. But, in that case, there would be no opportunity for amendments.

But because it was the strong feeling of many Members on both sides of the aisle that there should be an opportunity to allow for the consideration of alternatives, we have put out this rule that will permit the possible consideration of two such alternatives.

One is by Mr. BURTON of Indiana. It would retain the current $250 annual aggregate on gifts, but would lower the exempt category from gifts under $100 to gifts under $50. Moreover, the Burton substitute would include meals towards the limit if they are $50 or more.

Another major difference between the Burton substitute and the base text is that the Burton substitute would permit Members to be reimbursed for travel for charity events.

Finally, the rule permits the offering of an amendment by the Speaker or his designee that would ban all gifts from persons other than close personal friends or relatives, and gifts of personal hospitality.

In other words—there could be no gifts or meals from people who are not friends or relatives.

The Speaker's amendment would also make clear that Members could take a spouse or dependent child to privately reimbursed, events connected with their official duties—as they now may under existing rules—without having to make a determination that the presence of the wife or child ''is appropriate to assist in the representation of the House.''

Mr. Speaker, this is a good rule, a fair rule, and one which does allow for both stricter and less strict alternatives than House Resolution 250. I urge adoption of the rule and of the new gift ban reform resolution before us.

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

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

Mr. Speaker, I am extremely gratified that we are here today to begin the debate on reform of the gift rules. I rise, however, in reluctant support for the rule which has been reported by the Republican majority of the Committee on Rules. Mr. Speaker, for 11 months my Democratic colleagues and I have attempted to bring this issue before the House. Now, when at last the Republican leadership has scheduled this reform for the consideration of the full House, they have stacked the deck.

Mr. Speaker, instead of providing the House with an opportunity to take a clean vote on the Senate-passed gift reform proposal, this rule compels the House to vote down two gift reform amendments before the House ever gets to House Resolution 250, which contains virtually the same language as the Senate measure passed last July. The resolution is sponsored by the gentlelady from Utah [Mrs. WALDHOLTZ], as well as a number of Democrats and Republicans. House Resolution 250, closely resembles the proposal of the gentleman from Texas [Mr. BRYANT], which Democrats have tried to bring to the House on six separate occasions this year. The resolution was reported by the Rules Committee with only minor modifications.

While most observers recognize that the Rules Committee proposition is not perfect, it is clearly far superior to the substitute proposed by the gentleman from Indiana [Mr. BURTON], but also provides far more flexibility for Members than the proposal which may be offered by the Speaker. This rule stacks the deck in such a way that the House will be forced to choose between more of the same—which is the Burton substitute—or a modified zero gift rule—which is what the Speaker's amendment offers. If either one of those propositions prevail, then the Waldholtz bipartisan proposal will never even come to a vote.

Never mind the fact that the Rules Committee held one briefing, two hearings, and one markup on the Waldholtz proposal. Never mind that the Rules Committee proposal was carefully examined by the Standards Committee and contains amendments that were recommended on a bipartisan basis by the Chair and ranking member of that committee. Never mind, Mr. Speaker, that the bipartisan group of Members supporting gift reform asked that House Resolution 250 be quickly sent to the floor and considered without amendment.

So what has the Rules Committee done, Mr. Speaker? In effect, the committee has ignored the product of its own labors and has given us a rule which may very well assure that the Waldholtz proposal may never be voted on directly.

Mr. Speaker, the Democratic Members of the Rules Committee support reform, but we question how we can move toward reform when this rule which puts golf outings ahead of real reform. We will support this rule, but it is a shame that the House is being placed in this position. Yesterday an amendment was offered to this rule which would have allowed for a direct vote on the Waldholtz proposal and every member of the majority—that's right, every Republican Member including Mrs. WALDHOLTZ, the sponsor of the proposal—voted no. I have to ask, What's the problem, Mr. Speaker? Why can't we just take a vote on a proposal which enjoys such wide bipartisan support?

Mr. Speaker, this issue, and the closely linked issue of lobby reform, have enjoyed support from Members both Democratic and Republican, liberal and conservative, senior and junior. Congressional reform is not a partisan issue—it is an issue that matters to all Americans who cherish this House as the House of the people. We cannot let the appearance of impropriety continue to add fuel to the fire of public animosity toward the Congress. If we do not pass the Senate-passed version of gift reform, I fear we will, to a man and a woman, be held in scorn and ridicule.

Mr. Speaker, I would urge my colleagues—those of us who are truly committed to restoring the public's confidence in this institution—to vote support this rule, but in doing so, I must urge a ''no'' vote on the Boston proposition. Mr. Speaker, this institution is not held in particularly high regard by the American people, especially at this moment when we are grappling with this budget impasse. I fear that in spite of our good intentions, and those intentions are bipartisan—this rule will force us into a box and our resulting actions will be seen as just more serious business as usual here in Washington.

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

Mr. SOLOMON. Mr. Speaker, I yield 5 minutes to the gentleman from Florida [Mr. GOSS], a distinguished member of the Committee on Rules as well as a member of the Committee on Standards of Official Conduct, who has probably more expertise on these matters than any Member I know.

Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. GOSS] be permitted to manage the remainder of the bill with me.

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

There was no objection.

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

Mr. GOSS. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules, for his confidence. Fortunately, we have staff here who really do know what the Rules of the House are that can help us out, in case I go off track.

I think more important, since we are talking about the rule at this point in the debate, I think it is critical to note that today we are fulfilling a commitment that was made to the House and to the American people that we would debate and vote on the new gift rules for our membership by November 16.

□ 1445

For those like this Member who may have lost track of the days and nights in the midst of all the budget discussions and so forth in the past few days, it just so happens that today is November 16. Promises made, promises kept. I congratulate our leadership for doing that.

I commend the many Members who have worked to bring us to this point, most notably my colleague on the Committee on Rules, the gentlewoman from Utah [Mrs. WALDHOLTZ]. She has persevered under extraordinarily difficult circumstances, and we owe her our thanks. Likewise, I must commend and thank the gentleman from New York [Mr. SOLOMON], my chairman, for his hard work and eminent fairness in handling this issue. It has not been easy.

Mr. Speaker, Thomas Jefferson once said, ''When a man assumes the public trust, he should consider himself as public property.''

Many Americans subscribe to that philosophy, I among them, and it is for that reason that I support efforts to strengthen and expand our current gift rules. I quickly say that I realize that how you deal with the problem of gifts is a very personal decision for all Members, and I totally respect the rights of how they go about doing it.

Therefore, I think we have come up with a pretty good rule because we have tried to provide for a number of options, hopefully finding a comfortable home for each of the Members' personal preferences that still passes muster with the idea that we are being asked to explore gift reform by the American people.

I believe that most of the Members and staff who work long hours in this Capitol are very honorable and very deserving of the public's confidence. However, I also know from the polls, just general street talk, that the public does not always have great confidence in us, in part because they believe perhaps that we enjoy too many perks and privileges, many of them provided by people who seek special access.

For this reason, since my early days in Congress, my policy for myself and my own office staff has been not to accept any gifts, meals, or travel. Although this policy is personal to me, and it is certainly more stringent than any of the reform versions we are taking under consideration today, I find it has proven to be relatively easy to implement and precluded a lot of difficult decisions that frankly would have been in gray areas that might have raised people's concerns. I know other Members who have practiced the same policy generally agree with those conclusions. Regardless of what we do today, I personally will continue my policy.

Now, gift reform for the entire House, however, is important even if most of the Members adopt their own stringent policies voluntarily. Why? The answer is simple. Because a large number of American people have asked us to take this extra step. Many feel our low approval ratings can be raised only if we do take that kind of a commitment to begin to build back trust. I think building back trust is an important mission for this Congress.

Mr. Speaker, I am pleased that this rule affords Members with differing

perspectives on the need and the proper direction of gift reform an opportunity to be heard and issue their debate and their arguments and their persuasion on the approach that they think is best.

I know some Members believe strongly that the approach embodied in House Resolution 250, which is the one that the other body adopted in July, they feel strongly that is the wrong way to go, that will not work. Others believe that that approach does not go far enough, that it will not restrict Members' and staffers' acceptance of gifts and it will not achieve the mission of building credibility.

So we have the chance to debate these points of view and vote first on a bipartisan substitute offered by the gentleman from Indiana [Mr. BURTON], a measure that is designed to emphasize disclosure more than bans. If that should fail, then we will vote on a proposal offered by our Speaker geared toward a more stringent gift ban than the other body has adopted. If neither alternative should pass, then we will have a vote on House Resolution 250, provisions that are almost identical to the other body's, we have cleaned up some of the minor problems in it, but it is very similar to that, known as the Waldholtz version.

This seems to me to be a very fair and proper way to go. I do not know how we could have done it better and accommodated more views and still brought the matter to the floor. I urge our colleagues' support for this rule so we can get on and examine the versions that we have offered for us.

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

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Speaker, I thank my friend on the Committee on Rules for yielding me this time.

Mr. Speaker, I rise in support of lobby reform and the rule and the gift reform legislation, the Barrett-Shays-Waldholtz bill before us now, which merely reflects the gift reform bill of the gentleman from Texas [Mr. BRYANT] which we have tried to take up since the beginning of this year.

We cannot begin today without a quick recounting of events that have occurred over this calendar year. Our consideration of lobby and gift reform today characterizes the Republican approach to legislating: take bills which enjoy broad bipartisan support, that were passed by the Senate unanimously, act only when forced to, and then proceed in a partisan manner.

Democrats have offered four previous occasions to consider lobby and gift reforms on the House floor this year, most recently just 3 weeks ago during the consideration of the second legislative branch appropriations bill. On October 25, that bill was pulled from the floor. Why? Because Democrats and reform-minded Republicans had the votes to pass the lobby and gift bills we will consider today. Then and only then did Majority Leader ARMEY make a public commitment to consider these bills today. Did he then take a bipartisan approach? I would argue no.

The Senate-passed lobby bill was not even referred to the committee for 3 months. The lobby reform bill languished at the desk. The Subcommittee on the Constitution did not mark up a lobby bill until hearings were completed, until given the go-ahead by the GOP leadership. The gift reform bill was referred to the partisan Committee on Rules instead of the usual referral to the bipartisan Committee on Standards of Official Conduct. The restrictive rule offered for the gift bill today stems from extensive discussions and votes within the Republican conference, but no consultation with the Democratic leadership ever took place.

So, at the end of the day, is the product improved? Has more bipartisanship on the issue been achieved? Has more bipartisanship on the issue been achieved? Has the House earned its traditional reputation as the more reform-minded of the two bodies? The events speak for themselves.

At the very least, the GOP leadership tactics have cast a shadow over what should have been a straightforward, consensus approach, working hand-in-hand as we did in the last Congress to pass this kind of legislation.

Now the situation has been created where our gift reform product may fall short of the Senate, or our lobby reform bill may be amended, permitting it to bog down in a House-Senate conference committee over amendments that have already shown to be unpopular in the other body. If either of those things happens today, the blame clearly will lie at the feet of the Republican leadership.

I urge my colleagues to adopt the Senate-passed provisions. We should have done so a long time ago.

For my colleagues who want to complicate this issue by saying the limits are too low or charity events will be restricted or record-keeping will be required, I say the American public does not like what it sees in Washington, and we need to set a higher standard and work toward restoring their trust.

I say that not because I am holier than thou. I am no different than any other Member in this institution. I have engaged in all the practices that will be mentioned here today. I am not impugning the motives of any of my colleagues. I think this is the cleanest legislative body anywhere, and I think it has been cleaner every year I have served here.

There is no question in my mind, however, that we need to bring responsibility and accountability to our dealings with lobbyists and our relationships with them. That is the point of these bills that have been brought to this floor finally today. That point should not be obscured by any 11th hour reformers who seek to maintain their own notions of business as usual.

Our mission today is to restore the confidence of the American people in this great institution. Whether we like it or not, the perception exists that this place is too influenced by too close a relationship with those who are paid to influence our decisions.

I urge my colleagues to accept this very unfair rule, yes, accept it anyway, and to defeat the various amendments, and pass the Senate-passed gift and lobby reform provisions.

I know this will be a divisive issue, within both the conference of the Republicans and the caucus of the Democrats. But I think it is in the best tradition of past efforts to reform the institution, and to try to build additional public understanding of the relationships we invariably must have with interest groups and lobbyists, and at the same time reassure each other that our own common standards will be such that we can go to the public and ask for them to reinvest their trust in us.

Many of us have different standards. I do not impugn, as I say, the motives of any. We all have different perspectives as we evaluate where we must be on these issues. But there are other standards that must apply to all of us because we are judged often by the actions of a few.

Mr. Speaker, I urge my colleagues to support the rule.

Mr. GOSS. Mr. Speaker, I yield 2¼ minutes to the distinguished gentleman from the Commonwealth of Virginia [Mr. BATEMAN].

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

Mr. BATEMAN. I thank the gentleman for yielding me the time.

Mr. Speaker, it would have been much easier for me not to have asked for the time to speak on this issue, on this subject matter. But I think that would have been an act of cowardice for me not to do so.

I know full well that it is politically more comfortable to vote for the most extreme measure pending before us on that subject. But I think that does to this body an enormous disservice. Harken to the words of the gentleman from California who just spoke, who says this is the cleanest institution, legislative body that he knows of and it is getting better all the time. Then why are we flagellating ourselves the way we are doing it?

I could stand before you and tout the virtues of the House Resolution 250 based text that we have before us, but I have looked at it, I have studied it, and it is terribly, terribly flawed.

You should know that what comes to you as the instrument passed by the other body was written on the floor of the other body in an ad hoc, spontaneous kind of way. If we look at that legislation, it shows all the earmarks of the atmosphere in which it was drafted. It is shot full of opportunities for entrapment of Members. It calls for Members exercising, quote, good faith discretion, which is an invitation for

those who are most conscientious to deny themselves while inviting those who are least conscientious to go to the limits of the system. It creates the necessity of a recordkeeping that would burden you to the point where it would seriously jeopardize your ability to get the work done for which you were elected.

Mr. Speaker, in 1967 when I first decided to run for public office, I promised myself and my family that it would be more important why I got elected than whether I got elected. I think we should apply that standard as we make our judgments in passing the better gift reform bill.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Speaker, gift reform is not a Republican issue. It is not a Democratic issue. It is an issue that strikes at the very core of the integrity of this institution.

The greatest honor in my life is serving in this institution. I have met some of the greatest people I have ever met in my life, and I think virtually every one of those people is dedicated to doing what is right for the American people. I think Congress gets a bad rap when people think we are not here to help. But I also think it is incumbent upon us to do everything we can to make sure the people of this country have confidence in this institution. We must have the people in this country have confidence in the democratic process. In order to do so, that means we are going to have to make some personal sacrifices and I am willing to take those sacrifices. That means we are going to have to say, ''I am willing to give up golf trips.'' That means we are going to have to say, ''I am willing to give up unlimited meals worth $50.'' That means I am going to have to say, yes, it is more important for the integrity of this institution than it is for me to have frills that every one of us wants.

I am human just like everybody else. I would love to have these things. But it is far more important for this institution to have the integrity restored in it.

□ 1500

That is why I think it is important that we are working together today on a bipartisan basis. It is important we move forward.

This is not a perfect bill. You are never going to have a perfect bill in this area, but it is, I think, a bill that moves in the right direction. It is a bill that deserves the support of every person of this institution.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, the gentleman from California talked about fairness. I know we are talking about gift reform, but there was some partisanship put in it.

In 30 years the Republicans did not win but one motion to recommit because the deck was stacked. The king-of-the-hill rule in my first years here, we did not win any, because the deck was stacked.

We are trying to offer three different options. Personally I feel that during the time when the Government is shut down, we have got appropriations bills to do, we have got 25,000 troops that are looking, by the President, to be sent to Bosnia, it is absolutely ludicrous for us to be doing this at this particular time.

Let us take a look. I am going to support the Burton amendment. I will also support a zero, no trips, no gift, nothing, de nada, rather than partial.

Let me tell you why. Democrats have got a convention coming up in Chicago. Can you imagine when a high school student volunteers time as a gift? Can you imagine someone that drives a car or a flower or anything? There is no way that the people that put on your convention or the people that are involved in it are going to stay out of prison. I guarantee you someone is going to question somebody working somewhere sometime, and that person is going to end up going to jail. I mean, it is absolutely ludicrous.

I have never been on a trip myself, never once, never taken my family. I do not plan on doing it. I would love to go to Mexico where we have a lot of problems in common with California. But I have not done that.

I think probably the most thing I have ever received is a T-shirt or a golf hat. But individually it does not matter.

But I think for us to take and do this partially and the recordkeeping, you say it is insignificant, but I think, I really believe you are going to end up with Members on both sides of this thing in jail just because something is not reported. Somebody drops a book off, which I have received books, I have no idea what they cost. I will log it in. If it comes up over the $10 or $50, like that, somebody could bring it up, and we could end up in a lot of trouble.

I would ask you to support Burton or support zero.

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

I ask the gentleman from California, who just spoke, if he would remain at the microphone, if he would.

I know that the legislation is complicated and it is hard to keep track of all the details when things move around. But the gentleman may not have been aware that there is a specific exemption in the bill for political activities. Nothing surrounding the political convention either of the Democratic Party or of the Republican Party is covered under this legislation.

Mr. CUNNINGHAM. If the gentleman will yield, then would a charity gift at a political event be covered?

Mr. FROST. All I can tell the gentleman is the restrictions in this paragraph shall not apply to the following, and then it says a contribution is defined in section 301(a) of the Federal Election Campaign Act of 1971 that is lawfully made under the act, the contribution for election to a State or local government office prescribed by section 301(8) (b) of the act or attendance at a fundraising sponsored by a political organization.

A political convention is obviously sponsored by a political organization. The intent is not to cause problems for either the Republican Party or the Democrat Party at their national conventions.

Mr. CUNNINGHAM. I thank the gentleman.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I have been essentially involved in virtually every reform issue this House has faced since I first came, whether that issue is limiting outside income or requiring financial disclosure or campaign reform or lobbying gift reform. I have not been involved in that because I thought that most Members did not have integrity, I have been involved in it because I know that they do.

Yet what we have often seen is that many Members in this place have their reputations unjustly besmirched because of the careless or thoughtless actions and sometimes the venal actions of a very small percentage of the Members of this body. I do not believe that we can afford, as an institution or as stewards of the political process, I do not believe that we can afford to have a situation continue in which taxpayers can turn on their television set and see their local Congressman cavorting on a beach with his expenses paid for by lobbyists or golfing with his expenses paid for by lobbyists. The system cannot afford it. That kind of scene turns this country cynical. It robs them of any remaining faith they have left in their political institutions.

We have got to cut off that kind of behavior and that kind of activity. That is why I would urge the House, when they take action today, to support the committee bill, to oppose the Burton amendment.

I respect the gentleman's motives. But I do not respect the judgment that leads one to conclude that we can afford to continue those kinds of relationships. I think that for the good of the country, those kinds of relationships must end, and that is the most important lesson which I think we have to take out of the debate today.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Washington [Mrs. SMITH], who has been one of the principals in bringing this legislation forward.

Mrs. SMITH of Washington. Mr. Speaker, I rise today to commend the Members of the Committee on Rules and the House leadership for allowing gift reform to come to the floor for a vote.

I will be supporting the rule, and I will also be supporting the substitute

amendment offered by the Speaker and the base bill underlying this bill.

Just know that if you vote for the Burton amendment, you do not ever get to real reform. The rule is structured in a way that, if Burton passes, you never get the two reform versions, not the total ban and not the bipartisan solution that mirrors the Senate solution. You must vote ''no'' on Burton first.

Now, why am I supporting both of the underlying bills? A group of freshmen, in a variety of ways, sometimes the same bill, sometimes with others, came together in December and made a decision that we would run against the perceived perception of this place that it was affected by special interests. We ran against incumbents, some of us, saying we would be different, we would not go and be affected by those special interests and that we had to keep our word, see, because we had run on a promise, a contract, and the American people thought that contract included going and cleaning up Congress and changing the perception.

People turn on the TV night after night and see us in warm places with friends on golf trips and have the perception everyone is like that, and since I have been here, I realize that is an exception. It is not the rule.

The hearts are good here. They are well-intentioned. But the people still have little confidence in us.

I urge my colleagues to vote ''yes'' on the rule, vote ''no'' on Burton. Burton is introduced by a lot of people with good hearts who believe very strongly that these trips are not harmful. But they are harmful to our image. Vote ''no'' on Burton and ''yes'' on the rule.

Mr. FROST. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Connecticut [Mrs. DELAURO].

Ms. DELAURO. Mr. Speaker, it is time that we restore the integrity of the House of Representatives by banning gifts to Members of Congress. These gifts threaten the bonds of trust that we need in order to govern in this body.

We are here to do the people's business, and we are compensated very well for that. We do not need paid vacations, frequent-flier miles or free meals to sweeten the deal.

Most of all, Members of Congress do not need lobbyists' paid golf weekends. If Members want to play at Pebble Beach or Augusta, they should do it on their own time and on their own tab.

I am pleased a bipartisan effort is being made to finally ban gifts. I commend my colleagues on the other side of the aisle for their work on this issue. I must register my disappointment that Congress has not acted sooner. In fact, Democrats have tried to bring gift ban measures to the floor of the House 4 times since the first day of this Congress but have been blocked each time.

The House passed a strong gift ban bill last year with a 3-to-1 bipartisan majority, only to see that bill blocked in the Senate. This year, the Senate passed a gift ban 98 to 0. It is time to make sure that the House follows the same strict rules as the Senate.

I urge my colleagues to support the resolution, oppose the Burton amendment or any other changes that would weaken the gift ban, create loopholes for lobbyists or would impede the momentum that has pushed this House toward finally banning unnecessary and harmful gifts.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Utah [Mr. HANSEN], my friend and colleague.

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

Mr. HANSEN. Mr. Speaker, in this House, there are two things you have to look at. One is perception, and one is reality.

I spent 12 years on the Ethics Committee. In fact, I was the ranking member for the last 2 years of the Ethics Committee. I remember the Jim Wright case well. I remember the case where I was in charge of the Republican side on check cashing—109 Members say they lost their positions because of that.

I also took the time to go back and look at every case that has ever happened since the beginning of Congress on what we have tried in front of the Ethics Committee; somebody hit somebody with a cane, they went outside here and dueled, they spit on each other, they did all kinds of interesting things. But, you know, to this day, whatever the perception is, the reality is there has never been a case before the Ethics Committee because of an honoraria or a gift, never been there.

When I was first here in the early 1980's, we had an interesting time. We said we have got to change this around, and we did not get around to it, however, but in 1989 we did. People, like the gentleman from Indiana [Mr. MEYERS] sitting there, the distinguished gentleman from Ohio [Mr. STOKES], and others, all of us spent hundreds of hours trying to come up with some rules. We got them done. We did away with honoraria. We did away with a lot of things.

Then what happened? We had people come to the floor and say, ''We finally did it. We have got it done. We will pacify the American public. They will be happy with this.'' That was not done behind closed doors. That was done in the open, for everybody to see. All the papers said, ''Gee, they finally did it.''

Let me just ask the question: How many in here know what we did in 1989? I do not think very many people do. One. Thank you. I appreciate the gentleman from Texas.

Most of the people, though, it is just like saying what is wilderness. Nobody can define that. So we get down to the idea of what have we got; really, why do you not take it and read it before you vote on it? Why do you not find out what we have got before we talk about something else?

There are a lot of ways to skin this cat.

I personally feel we should leave it as it is and say to the American public, ''Why do you not go read what we did in 1989? I think you will feel we did a good thing and a good thing for America.''

I urge the Members to just let this one go. I am proud of the work that we did in 1989. I see no reason to change it.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, Members of the House, I rise in strong support of this bipartisan effort to reform the rules of the House with respect to gifts.

I, too, will be supporting Speaker GINGRICH's substitute for no gifts. I wish he had treated lobbyists differently than the Girl Scouts, but so be it. I think we are better off with no gifts at all than all of the other problems raised by the exemptions.

I would seriously hope my colleagues would turn down the Burton amendment. This effort at disclosure is not real disclosure. But what it does is take off all the limits between lobbyists and people with unlimited expense accounts and the special access they have to Members of Congress at events, whether they are billed for charity or for any other. You may disclose under the Burton amendment that you went to charity. What you will not disclose is you played with three oil executives or three people from the homebuilders or three people from the banking industry or from the savings-and-loans. That was not chance. That was set up. It was determined ahead of time because that is how they attracted those people to give money to the charity was to promise them that they could play with the Member of Congress and they could spend time with them over a 3-hour, 4-hour, 5-hour period of time.

□ 1515

That will never be disclosed under the Burton resolution. We ought to turn that down. Because disclosure, disclosure will not solve the problem that we have. The problem that we have is that a group of paid people in this town who do very good work on behalf of their clients, whether it is on behalf of teachers or utility companies or home builders or what have you, they do marvelous work, but because of their access to money, because of their access to privilege, they have access to Members far beyond what our constituents have to us.

That is not fair, in an area where we are competing for ideas and competing for votes and competing to persuade our colleagues to vote one way or another, and that access that is bought by money must be ended. The bipartisan bill does that.

The Speaker's amendment takes it a step further, which I think is worthy of all of our support. Our constituents do not want us to disclose it, they want us

to stop it, and they want us to stop it now.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, as a newcomer in this Congress, my concern with many of my Republican colleagues is not that they have tried to change the operation of this House too much, but that they have changed it too little. And with all due respect to my good friend from Florida, I have to say that the Republican leadership really has broken its promise to the American people in this regard.

From day one, when the issue was the relationship between the lobby and the Members of this body, they refused to reform. We tried on January 4, we tried in May, we tried in June, we tried in September, we tried in October, again and again and again. We met a stone wall of resistance to doing anything to change those ties that bind Members of Congress to the lobby.

This year, finally, under pressure from the U.S. Senate, where 98 Members of that Senate voted to reform gift ban, finally it became obvious that some reform was going to have to happen. And I salute those Members, largely new members of the Republican caucus, who have spoken out on this issue, because it is essential that it have bipartisan support.

Yet as recently as this past Sunday on ''Meet the Press,'' Speaker GINGRICH again spoke out against the version of this bill that passed the U.S. Senate. We have a rule today that has been structured to make it as tough as possible to pass a real meaningful rule.

So today we have an opportunity to enact real reform, yet there is yet an amendment up here that would provide little more than the current system. It is essential that we not contract out the operation of this Congress to the lobby, that we rely on the Members of the Congress to do it, and not the gifts from the lobby.

Mr. FROST. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York [Mrs. MALONEY].

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

Mr. Speaker, I rise in support of the rule and for underlying bipartisan bill. Mr. Speaker, we were sent here to give Americans a better life, not to live the good life at the expense of lobbyists. But Congress has played games with gift bans for years, grandstanding against perks, but quietly preserving them.

Today we can stop playing games and pass real gift ban reform, either the Shays-Barrett gift ban bill, or the Gingrich total ban on gifts, or we can keep playing games, especially golf, and pass the Burton substitute. We need to vote against the Burton substitute.

House Resolution 250 is a good, tough gift ban. It limits single gifts to $50 and annual gifts to $100. The Burton substitute is not a gift ban; it is a gift bonanza. It will continue free round trip tickets to charity events; it says a gift under $50 is not really a gift. How many Americans would agree with that?

The only true gift ban bill before us today is the bipartisan Shays-Barrett bill, or Speaker GINGRICH's total ban, but in order to get to them, we need to vote for the rule and against the Burton substitute.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New Jersey [Mrs. ROUKEMA].

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

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of the rule and of this resolution. It has taken us too long to get to this day.

What we are doing here today is a straightforward change in the House rules to enact a strict ban on gifts to Members from lobbyists and other people with a direct interest in legislation. And, you know what? It is about time. Ross Perot is absolutely right on this one. The system is badly broken and must be fixed today. No more excuses, no more delays.

These two measures, the gift ban and the lobbying disclosure bill, are designed to correct basic faults in the system, a system that has shaken the confidence of the American people and our ability to do what is best for the country, and not what is best for our junketeering buddies.

Mr. Speaker, I do not know of any of my colleagues who can be bought off on an important issue by a trip or a dinner. But the American people perceive Washington to be nothing more than a swamp of back scratching and self-enrichment. Today we can take a step to correct that view. We must act here and now to eliminate the potential for corruption and eliminate even the appearance of junketeering buddies.

Mr. Speaker, some in this Chamber have decided to spread myths and use scare tactics on this bill. But my colleagues, I do not want you to be fooled by the loose talk on this resolution.

I really am looking forward to the day when this House cannot only do what we have to do today, but look forward to the real good government reform that the American people want and deserve, which is campaign financing reform. That will have to wait until next year. But without delay, today, we should defeat the Burton substitute. It kills reform, and support the Shays-Waldholtz-Barrett gift ban.

Mr. Speaker, I submit to you the ''Dear Colleague'' of the gentleman from Connecticut, Mr. CHRIS SHAYS, the gentlewoman from Utah, Mrs. ENID WALDHOLTZ, and the gentleman from Wisconsin, Mr. TOM BARRETT, which dispels those myths and tells the reality of this bill.

CONGRESS OF THE UNITED STATES,
*Washington, DC, November 16, 1995.*

GIFT BAN: MYTH VERSUS REALITY, PART 2

DEAR COLLEAGUE: Many questions have arisen recently during the discussion of gift ban legislation. We want to take this opportunity to dispel some of the ''myths'' you may have heard regarding the resolution.

Myth. This legislation will result in countless innocent members and staff going to jail for accidentally violating the ban.

Reality. H. Res. 250 is a rules change, not a law, and therefore could not result in any criminal violations. Just like the system that exists today, violation of the gift rules would be subject to disciplinary action by the Standards Committee.

Myth. I understand the personal friendship exemption doesn't apply if a gift was paid for with company expenses, or by someone other than my friend. Therefore, I could be in violation even if I don't know that a gift my friend gave me was paid by his company.

Reality. The rule states a member shouldn't apply the personal friendship exemption if ''to the actual knowledge of the Member, officer, or employee'' someone other than the friend paid for the gift. If you didn't know the gift was not paid for by your friend, you would not be in violation.

Myth. Sometimes my attorney waives a fee for me, just as she does for other clients. Under the H. Res. 250, I wouldn't be allowed to accept this.

Reality. The resolution exempts gifts which are ''offered to members of a group or class in which membership is unrelated to congressional employment.'' As long as your lawyer waives other clients' fees, and is not waiving your fee because you are a Member of Congress, you would not be in violation. This is similar to current rules.

Myth. I understand that personal hospitality is allowed under H.Res. 250, but that the exemption doesn't apply to free lodging at a company-owned resort. If someone invites me to stay at his condo, and I don't know that it's owned by his company, I will be in violation.

Reality. The limitations on gifts of personal hospitality are the same under H.Res. 250 as they are under current rules. You would not be in violation if you did not know the condo was company-owned.

Myth. If my friend invites me to go on his boat or use his jet ski, and I don't know that they're owned by his company, I would be in violation of the rule.

Reality. Again, if you don't know that a gift was paid by a company, you would not be in violation of the rule.

Myth. If someone gave me four tickets worth $20 each for my family to attend a baseball game, I would not be able to accept them, because the cumulative value of $80 exceeds the $50 limit.

Reality. The Standards Committee currently applies a ''simultaneous gift rule'' which would continue under H.Res. 250. Under this rule, the tickets would each be considered separate gifts and could be accepted as long as each ticket's value did not exceed $50. The total value of all tickets could not exceed $100.

Myth. Sometimes there's a charity event in my district, such as a 10K run or a tennis tournament, and the fee is waived for me. Under H.Res. 250, I couldn't participate in such events and have the fee waived.

Reality. This is not true. The resolution allows members to accept free attendance at a charity event, offered by the event's sponsor. You would not be able to accept free airfare to or lodging at a charity event.

Myth. Under the resolution, a gift to a staff member would count toward the member's limit.

Reality. A gift to a staff member does not count towards his/her member's limit, it would count toward the staff member's limit.

Myth. Sometimes I take courses or lessons and the fee is waived. Under H.Res. 250, I won't be able to do this.

Reality. Training is exempt under H.Res. 250 if such training is in the ''interest of the House''. The Standards Committee could determine if a class is in the interest of the House.

Myth. Unpaid interns would be banned under the legislation.

Reality. This is not true. Regulations regarding the service of interns already exist in House rules. H.Res. 250 does not affect these rules.

Myth. Use of government tennis courts and weight rooms would be banned.

Reality. This is not true, for two main reasons. Under the resolution ''Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract'' is exempt. In addition, opportunities which are ''offered to members of an organization . . . in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size'' are allowed.

Myth. I will not be able to take tickets to any game, even if it is a university in my district.

Reality. If the tickets are worth less than $50 each, they can be accepted. The cost of the tickets would count toward the aggregate $100 annual gift limit.

Myth. If an unsolicited gift basket comes into my office I will be in violation of the gift ban.

Reality. Provided the gift basket is worth less than $50, it can be accepted. The cost of the gift basket would count toward the aggregate $100 annual limit. If it is worth more than $50, the resolution states ''if it is not practical to return a gift because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.''

Myth. If the Chamber of Commerce has a lunch, I won't be able to go and interact with my constituents.

Reality. Food and attendance at a widely-attended event is exempt from the ban.

Myth. I will never be able to go on a fact-finding trip to gain information that I need to do my job. In addition, my constituents will not be able to invite anyone but me to speak at their events—even if there is another member of Congress who is more knowledgeable on the issue than I am.

Reality. Travel may be accepted from anyone other than a registered lobbyist, as long as it is specifically related to official business. The travel must be publicly disclosed, and entertainment cannot be paid for unless it is provided to all attendees regardless of Congressional employment. Activities which are substantially recreational in nature cannot be paid for.

Myth. My staff and I will spend countless hours on paperwork requirements required by this resolution.

Reality. There are no record-keeping requirements included in H. Res. 250. The only additional requirement is further disclosure on travel.

I hope this is helpful. If you have any questions, call Allison Clinton (Shays), Bryan George (Barrett), or Linda Toy (Waldholtz).

Sincerely,

CHRISTOPHER SHAYS,
TOM BARRETT,
ENID WALDHOLTZ.

Mr. FROST. Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Speaker, I rise in support of this bipartisan bill. Not all lobbying is bad, and not all gifts are given for cynical reasons, but there is no denying that members of Congress are getting too close to lobbyists, and it is up to us to break up the symbolic relationship between legislators and the people hired to influence them.

Many of us were elected promising to change the way Congress does business, because the American people are convinced that Members of Congress take too many free trips, take too many expensive gifts, and have too many free steak dinners.

I am not so sure they are wrong. Just look at all the political wrangling and legislative game playing that has been going on on this issue, all in the name of saving free golf trips and greens fees.

Can you imagine, in the same week that we are closing down the Federal Government, we are thinking about voting to open up free trips for golf and free trips for greens. Last Congress, my freshman class, my Democratic freshman class, led the way of fighting for a gift ban, but that died in the U.S. Senate.

The Republican leadership this year has procrastinated and capitulated and delayed long enough. Working in a bipartisan way, we have this before the floor today. Four times earlier this year we tried to do it through Democratic amendments.

Now is the time to pass it. In the elections last November, voters gave Congress a mandate to change the way Washington does business. It is time to stop the political games and start working together to make this institution more accountable.

Vote against the Burton substitute, and let us vote for real reform. Let us pass it today.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Alabama [Mr. CALLAHAN].

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

Mr. Speaker, I am going to speak on the Burton amendment when it comes up. I have listened with great interest today. All of the Members of Congress who are so concerned about ethics in this House, I wonder if any of them have taken the opportunity to read the law? We are talking about a House rule and the law of the United States which says that anyone who is in Congress who accepts any gift in return for any vote on this floor is subject to imprisonment and removal from office.

If anyone is so pious and so convinced that there are Members of Congress who are taking these bribes, it is their obligation to this Congress to name names, to tell us who is doing this. They are doing this to get a headline back in their district, and they are getting a few, but they are making a tremendous mistake.

So get headlines back in your district, and then go back and tell people who you are talking about. Then bring those names to the Attorney General and let us prosecute them.

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

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

Ms. JACKSON-LEE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I really do not want to prosecute anyone. I simply want to have the U.S. Congress stand up and do their job, and that is to recognize that we are here to do the people's business, and not to be the recipient of all the goodies that may come into our office.

These are honest people here, folks. No one is attempting to prosecute law abiding Members of the U.S. Congress. We know however debate that the in the national arena has been directed at this House improving self-regulation. But this is a simple rule that has a simple face value to it, and that is that we should not accept gifts that may intrude upon the process of government. It simply prohibited gifts except at a certain monetary value. It allows Members to do their job on behalf of the American people, but it says that gift taking from lobbyists and others is just plain wrong. It is a simple fact, and I accept it, and was glad to vote for the rule.

I would ask my colleagues to join together to ensure that the American people will know that this House has cleaned its own self up, that this House is prepared to acknowledge the fact that the business at hand is to save the taxpayers' dollars, and also to be found to be beyond reproach. It is important that we recognize that this is not a harsh rule, simply a fair rule. It is a rule that is simply fair, and simply acknowledges that we are here to work, and to work hard.

Mr. Speaker, I would ask my colleagues to think about what the image has been of this Congress, aside from the fact we have not passed a clean continuing resolution that would allow the Government to keep its doors open, not for us, but for the American people. It is time now then to tell them that we are ready to get down to work and to avoid the aspersions that have been cast upon this Congress that we spend our time taking gifts and not doing work.

It a simple rule, it is a simple process. Clean our own act up. This Congress can do it. Stop the gift. Let us do it today.

Mr. GOSS. Mr. Speaker, I yield 2¼ minutes to the distinguished gentlewoman from Ohio [Ms. PRYCE], my friend and colleagues on the Committee on Rules.

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

Mr. Speaker, today the House of Representatives will take another important step toward fulfilling our promise to the American people to change the status quo by voting on gift reform legislation.

Now, this is personally satisfying, Mr. Speaker, because many of us in the

sophomore class worked very hard since we arrived to bring about meaningful congressional reform, and now we finally have the strength of numbers to do it. I commend my colleagues and the new freshman class for all the hard work they have done to keep this important issue on the front burner, for working with our leadership to bring this to the floor this year.

Mr. Speaker, before I ran for Congress I was a judge, and when I decided to run for this seat, I called my mother and told her. And there was a long silence on the other end of the phone. And I said, ''Mother, what do you think?'' and she finally said, ''Deborah, how could you leave the bench to go to that sleazy place?''

Now, this was my own mother. I have since convinced her that things are not all that bad, but, unfortunately, I do not believe my mother is the only person in America who held this institution in such low esteem.

Now, for too long our constituents have believed that well-funded special interest groups have maintained undue influence over the legislative process. While I firmly believe that the Members and staff of this body conduct the people's business every day with honesty, integrity, and with high ethical standards, there is still a perception, much like my mother's, that Members' decisionmaking is often clouded by acts of generosity extended to them.

□ 1530

As a result, public confidence in this institution has steadily declined and the taxpayers have issued a renewed challenge to make Congress more open and accountable. As Members of Congress, we have the obligation to respond by setting higher standards for ourselves.

Mr. Speaker, this is a fair and balanced rule. It calls for honest debate on three very different proposals to strengthen current gift restrictions. Each proposal represents its own priorities and represents much hard work and sincere thought and all improve the status quo. I urge adoption of this rule and adoption of pursuant legislation to reform gift reception in this body.

Mr. FROST. Mr. Speaker, I yield such time as she may consume to then gentlewoman from California [Ms. ESHOO].

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

Ms. ESHOO. Mr. Speaker, I rise in support of the rule and the underlying bill and urge Members to support that and vote in opposition to the Burton substitute.

Mr. Speaker, I rise to urge my colleagues to reject the Burton substitute and support a complete ban on gifts.

Since arriving in Congress, I've made it my office policy not to accept any gifts from lobbyists or allow any of my staff to do so. Earlier this year, I was one of 32 Members who signed a Common Cause pledge saying that lobbyists gifts are forbidden in my office.

Now is the time to turn this voluntary pledge into the mandatory House rules for all of us.

It's important because we need to restore pubic trust in Congress and its Members. And there can be no better way to begin this process than by giving up lobbyist-provided meals, tickets, vacations, food baskets, and golf outings that have come to symbolize what's wrong with Washington and the way it operates. These gifts should be flat out eliminated.

Mr. Speaker, the Burton substitute is weak tea when what we need is strong medicine. It's time for Congress to give up gifts from lobbyists and get back to work for those who pay our salaries—the American people. I urge my colleagues to place a complete ban on lobbyist gifts.

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

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Connecticut [Mr. SHAYS], who has also been in the forefront of this matter.

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

Mr. Speaker, this is a debate I have not looked forward to because there are such strong feelings. This is kind of an in-house debate. We talk one way here and the general public on the outside hears and sees something totally different. We do not win friends, but this is a debate that we have to have.

I say we are at the crossroads in this Congress, and I particularly speak out to my Republican freshmen. They came as reformers, and already some of them are getting sucked up into this place. I believe we have to reform gift ban and lobby disclosure, and I believe the time is now.

Mr. Speaker, I salute the gentleman from Texas [Mr. ARMEY] for promising a vote. Little did I realize how many of our conference did not want him to do that. My admiration goes out to him, and the gentleman from New York [Mr. SOLOMON], who I call a seasoned veteran with a freshman heart, and the gentleman from Florida [Mr. GOSS], for the fine work he has done.

I encourage my colleagues as much as I can to defeat the Burton amendment, and I encourage the staff that are watching to wake up their Members and have them realize that if Burton passes, reform is dead. And tomorrow I know what the headlines will say. They will say this Congress is against reform. And if we do support the Burton amendment, we are against reform.

Mr. Speaker, we need to clean up our own House and we need to act quickly. I urge Members to oppose the Burton amendment. I urge Members to consider the Senate amendment, sponsored by the gentlewoman from Utah [Mrs. WALDHOLTZ] and the gentleman from Wisconsin [Mr. BARRETT] and others. It is a fine sensible proposal.

We will also have the opportunity to get rid of all gifts, which may be Members' decision, and something that we ultimately all may do, but we do not get to the Senate proposal, the Barrett proposal, the Waldholtz proposal, we do not get to the Speaker's proposal of no gift if Burton passes. The Burton amendment keeps things the way they are now, except it just discloses how sleazy this place has become.

I urge my colleagues to wake up and understand what this vote is all about. It is about whether we go forward or go backward, and I urge it to happen on a bipartisan basis.

Mr. FROST. Mr. Speaker, at this point I urge adoption of the rule, and I yield back the balance of my time.

Mr. ALLARD. Mr. Speaker, today, I rise in opposition to this rule. It is not often that I rise in opposition to a rule, as I have a great deal of respect for the gentleman from New York, the chairman of the Rules Committee. I rise in opposition to the rule not because I do not favor gift reform, but rather, I believe in the need for effective gift reform. I have always been a strong advocate for congressional reform and believe strongly in the concept of a citizen legislature. If we are to achieve these goals we must pass gift reform legislation that is truly effective. The gentlelady from Utah has proposed such legislation. Unfortunately, if this rule passes, the opportunity to vote on this truly historic piece of legislation will be greatly limited.

This rule, as presented, favors the substitute. If we wish to arrive at a real solution to the gift reform equation, we must be allowed to weigh each measure on its own merits, without the limits of this rule. Any limits placed on debate should allow each of these measures to be brought to the floor individually. This way, the U.S. House of Representatives can begin the process of removing many of the perks Congress has enjoyed over the last 40 years.

I will support the Burton substitute if it is the only piece of gift reform legislation brought to the floor, even though I believe House Resolution 250, the Congressional Gift Reform Act, to be the strongest piece of gift reform legislation presented to date.

Mr. GOSS. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, just make a few points I would like to speak to very quickly.

First of all, we are talking about House rules, not criminal statute. I say that because there are some who have put out some thoughts that there is the potential of going to jail and so forth because of these House rules we are talking about. Breaking the law is always possible and anybody can go to jail and should if they deserve to, but we are talking about the rules of the House here, not about criminal law.

Second, I would like to point out that volunteers have been brought up in some scenarios. They are subject to another rule and not part of this legislation today.

Third, there was talk about a political convention. That is not covered, as my friend from Texas has talked about. There is a specific exemption from that, and, as we know, we separate our official from our campaign functions very carefully and need to continue to do that.

Fourth, this is a bipartisan event. There are participants from both sides of the aisle and many different points

of view involved, not only in the base legislation but in the amendments that we will be discussing.

Fifth, I would like to point out that even though some have cast aspersions about GOP's leadership abilities to move this forward, we have only been here 10 months and we have it on the floor on the date we promised. The others who have been here for 40 years perhaps did not come to quite as timely a decision on this. So I think we have done OK.

Sixth, I would like to point out that on page 12 of the committee report, an incorrect reference is made to a restriction on the provision of ''free attendance'' at a widely attended event, which does not exist in House Resolution 250. For the record, there is no restriction on who may provide free attendance at such an event.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SOLOMON. Mr. Speaker, pursuant to House Resolution 268, I call up the resolution (H. Res. 250) to amend the Rules of the House of Representatives to provide for gift reform, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 268, the amendments printed in House Resolution 250 are adopted.

The gentleman from New York [Mr. SOLOMON] and the gentleman from Texas [Mr. FROST] each will be recognized for 15 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to divide our 15 minutes equally between myself and the gentleman from Indiana [Mr. BURTON], 7½ minutes each.

I yield to the gentleman from Texas [Mr. FROST] for a similar request.

Mr. FROST. Mr. Speaker, I will yield up to 7½ minutes to opponents of the legislation during this debate. It is not clear as to whether the opponents at this portion of the debate will be asking for the full 7½, but if they do, for purposes of control, I will yield up to 7½ minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York and the gentleman from Texas?

There was no objection.

The gentleman from New York [Mr. SOLOMON] is recognized for 7½ minutes.

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

Mr. Speaker, House Resolution 250 is the long-awaited House Gift Reform Act. This new rule would place tight new limits on the types and value of gifts that Members, officers, and employees may accept.

Mr. Speaker, let me say at the outset that this is a bipartisan effort. We have had people on both sides of the aisle championing these new limits for several years now.

That is not to say that our 1989 Ethics Reform Act did not set significant new standards for all branches of the Federal Government. It did as the gentleman from Utah [Mr. HANSEN] said. We eliminated the honoraria of up to $2,000, that Members used to be able to receive for speeches. It outlawed certain types of outside employment for Members, officers, and employees—such as working with or being affiliated with law firms.

And it banned certain types of gifts from all persons and not just from those having a direct interest in legislation, as was previously the case.

But the resolution before us today continues the ethics reforms we enacted back in 1989.

Moreover, this resolution continues the reform revolution set in motion on the opening day of this Congress when we overhauled the rules and procedures of this House, eliminated scores of committees and subcommittees, and downsized our committee staff by one-third. We shrunk the size of this Congress.

As the chairman of the Rules Committee, and one who has been heavily involved in reform efforts since I came to this body, I pledged that January 4, 1995, was just the beginning, that reform was an ongoing and dynamic process, and that we would continue to reform this institution as long as we were in the majority, and we are doing that today.

Mr. Speaker, I am pleased that we have continued with the reform initiatives that we set in motion on opening day. This gift rule reform resolution is just the latest chapter in that ongoing effort.

I especially want to commend the freshmen Members, like the author of this resolution, the gentlewoman from Utah, Mrs. WALDHOLTZ, an outstanding member of this body, the gentlewoman from Washington, Mrs. LINDA SMITH, the gentleman from Kansas, Mr. SAM BROWNBACK, and especially the gentleman from Connecticut, Mr. CHRIS SHAYS, and a whole host of others.

The people wanted a new Congress with new priorities and a new agenda. And they wanted a Congress that was willing to literally clean its own House.

Notwithstanding the great strides we have made in meeting the demands and expectations of the electorate, there is still a great skepticism and distrust around the country about this Government, and we have to do something about that.

Unfortunately, that public distrust extends to every branch of government, including the Congress. It is not because we have failed, or because this body is filled with dishonest Members. That is certainly not the case. This House is filled with the most honest, bright, and hardworking Members in the history of the Republic.

Notwithstanding that, the people are still skeptical, suspicious, even distrustful of public officials. It is a legacy of the past, and nothing new in our history. The people have seen too many empty promises, too much business as usual, and they want results—sometimes sooner or greater than a democracy can deliver.

Overriding all this is the age-old suspicion that politicians are only out for themselves, are too influenced by special interests, and are too little concerned with the interests of the people.

Mr. Speaker, I am proud to say that this 104th Congress is keeping its promises of the last election. We are about to deliver on the most important of those promises—something all the people want—and that is to balance the budget.

But, until we complete action on that, and the other legislation that we have already passed in this House, there remains that public skepticism and distrust. Do we really mean what we say? Will we really see it all through?

The resolution before us is part and parcel of our congressional reform efforts to dispel those public misperceptions that we are somehow not here to do the people's business, and are somehow beholden to those who supposedly lavish us with gifts.

Mr. Speaker, my colleagues know that is not the case. They know that they will not be returning to this House in the next Congress if they do not put the people first, and carry out the people's mandate and expectations.

So this resolution that significantly tightens up on the House gift and disclosure rules, is not a great sacrifice, because it does not involve any major alteration in our behavior. We do not have to make any significant changes in our behavior or conduct, because most Members do not now take or accept the kind of gifts this rule would prohibit.

But I am convinced that by adopting tighter gift rules and restrictions we will help to convince the people that we are not being unduly influenced by gifts or meals or trips or what have you. Our greatest gift is the continuing trust and support of the people and the privilege they have bestowed upon us to represent them and their interests in the people's House.

Let's give them a gift in return, and that is this small but significant step to help restore the trust of the people in their Representatives. That is not asking too much. It is the least we can do. Let's pass this gift rule and demonstrate that we are indeed worthy of the trust and responsibility the people have placed in us.

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

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

Mr. Speaker, I rise in strong support of House Resolution 250. The reform of the gift rules for House Members and staff is a bipartisan issue and one that

has been supported for many years by Members of all political stripes and by many citizen organizations. We have, in years past, made significant changes in our rules, but in spite of those reforms, many Members have recognized that there is still a need to continue to change how this institution does business.

Mr. Speaker, I am very gratified that the persistence of the gentleman from Texas [Mr. BRYANT] has finally paid off. His untiring efforts to bring this issue to the full House, along with the efforts of a broad bipartisan coalition of freshman and other junior Members, demonstrates that this issue does not belong to any one political party. My Rules Committee colleague, the gentlewoman from Utah [Mrs. WALDHOLTZ], is to be congratulated for shepherding this issue through the Rules Committee and to the floor today. I also want to thank my friend, the gentleman from Florida [Mr. GOSS], for his steadfast support for bringing this issue to the full House.

And now that the House has finally come to the moment in which it can demonstrate its commitment to reform, I want to urge all of us to think carefully about how we are going to vote today. If, as we all know, there are those in the public who will never be satisfied with what we do here, there are also other Americans who understand that the men and women elected to this institution are honorable and that we are trying to do the right thing. We are here because we want to give something back to this great Nation which has given each and every one of us so much.

Mr. Speaker, the House has three choices today: First, a substitute will be offered by the gentleman from Indiana [Mr. BURTON]. His proposal would leave the current gift rules in place but would require extensive disclosure of any gifts received or any trips taken by Members or their staff. Mr. BURTON's proposal, if I understand it correctly, would impose new disclosure requirements which will allow our constituents to decide if we are unduly influenced by lobbyists and other special interests. I submit, Mr. Speaker, that Mr. BURTON's heart is in the right place, but that his substitute simply does not get the job done. I would urge a no vote on this proposition.

The second proposition may be offered by Speaker GINGRICH if the Burton substitute does not pass. The Speaker's proposal would zero out accepting gifts. His proposal does, however, contain a number of exceptions which may or may not address the issue of how to deal with small, inexpensive gifts from constituents or other groups.

That proposal is, of course, the proposition reported by the Committee on Rules and which is sponsored by a broad bipartisan coalition. This amendment to the rules of the House reduces the allowable amount of accumulated gifts from any one source from $250 to $100 per year, and prohibits the acceptance of any gift with a value exceeding $50. With certain exceptions, lobbyists are prohibited from giving gifts to Members and staff. But most importantly, this new rule would specifically bar Members from accepting reimbursement for transportation and lodging costs associated with their attendance at charity golf, tennis, and ski tournaments.

This prohibition directly addresses the lifestyle issue which has caused this institution so much unneeded and unwarranted grief. This prohibition is key to the gift rule reform effort.

The proposal reported by the Rules Committee is not perfect, but it is a significant improvement on the current rule. I urge my colleagues to support the bipartisan proposal reported from the Rules Committee.

□ 1545

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

Mr. BURTON of Indiana. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR. Mr. Speaker, I thank the gentleman from Indiana for allowing me to weigh in on a very important topic.

Mr. Speaker, the sound of hands beating against chests today is just deafening. We have before us now something that everybody can beat their chests and say that we cleaning up the cesspool, we are cleaning up the sleaze.

Mr. Speaker, I do not know about the other Members here, but in the 11 months that I have been here I have had a parade of constituents through my offices that are church people, that are members of Little League teams, that are members of Chambers of Commerce, that are members of small and large businesses in my district, and elsewhere in the country, environmental groups, that have an absolute right. They want to come in and see me. They are not coming in with bags of cash. I do not know who my colleagues are hanging out with, those who talk about sleaze and sewers, maybe they are hanging out with a different class of people than I do coming up here from my district in Georgia.

The legislation that we are talking about here today does not address those fundamental issues that we have already addressed that are already addressed in the criminal laws and the ethical regulations in this House.

What we are talking about today is beating our chests and making the public think we are really changing something, when all we are doing is preventing people from coming into our office that may have a baseball cap to show us that they want displayed, because they are proud of something they have done. Now, we have to virtually subject those people to a pat-down search before we allow those people into our office under House Resolution 250 or under the Speaker's legislation, and ask them for a receipt.

One of our staff people cannot go out to dinner, to find some time because they do not have time during the day. They are doing the people's business. They could not go out and have a meal with some folks back home. What we are doing is cutting off our nose to spite our face. We are diverting attention from real issues here. What we are going to end up with is a god-awful piece of legislation that is a lawyer's dream.

Mr. Speaker, I have sat here just trying to focus on one bit of a discussion earlier when we were talking about this rule on whether or not attendance at a political convention is or is not exempted under here. In the space of 2 minutes, we can look through House Resolution 250 and find four different places where it may or may not be covered.

It is a nightmare. Do not pass nightmares, despite the fact that we can beat our chests and make people feel good. The Burton substitute is very proper.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

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

Mr. ABERCROMBIE. Mr. Speaker, this is general debate and I will speak again at the time of the introduction of the Burton-Brewster-Clay-Abercrombie amendment, the full disclosure amendment.

Mr. Speaker, the previous speaker just mentioned about beating on chests, and I agree with him entirely. I did not come into this institution as the last person to be sworn in by Tip O'Neill before he retired to have people stand here in the well of the House and say that there is only the ''appearance of integrity;'' that it is not an honor and a privilege to serve in this House.

Mr. Speaker, I will tell my colleagues if there is a perception out in the country that there are less than honorable people here, it is created by individuals. We cannot account for everybody who comes in here, but the voters see to it whether or not they want those folks to come back in here.

There is nothing in this bill presently before us that provides what our full disclosure amendment provides. As a matter of fact, there is no disclosure provision. I would like to know, all those who have come down here and talked about appearance, restoring integrity, the perception; that it is more important to attack the perception of the House, more important to attack that.

Mr. Speaker, I would like to know all of those who have stood down here so self-righteously proclaiming that they, of course, are ready to assume the mantle of probity; they would not be guilty, not even the odor of mendacity is about their persons.

But for the rest of us, for the rest of us, no disclosure? I would like to know whether any of those Members have

taken any money from any source that they now stand here and say they will take no money from in the form of a meal. How about a campaign contribution? I would like to see now many people who are standing down here saying, ''Not me, I would not take a meal or anything from a lobbyist.'' They would not? Mr. Speaker, then they should come down here and let me see what their campaign contribution form looks like.

Now, far be it from me that there is anything wrong with that, but what we are really talking about here is campaign reform, campaign financing. If that is what my colleagues want to attack, attack that.

There is an exception. There is an exception for campaign activities, as was pointed out by the previous speaker. Will somebody please explain to me how we are going to have an exemption for campaign activities, but at the same time say that we are actually passing a gift rule?

Mr. Speaker, I understand the motivation of someone trying to say that they are cleaning the place up. Yet, every single Member who said that also remarked that they were fully believing that the integrity of the House was intact; it was merely the perception that the House does not have that integrity which was in question.

If that is the case, let us be honest. If there is a Member in here that is a thief and a crook, then stand up and say so. That is what we have a Committee on Standards of Official Conduct for and a Justice Department for.

Mr. Speaker, I say let us have full disclosure, just as we do with our Federal election campaign reports. That amendment will be before Members. Then my colleagues can go back to their constituents and say to them, ''Yes, you can examine my record, you can examine what I did, and you make a judgment as to whether I am worthy to be in this House.''

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

Mr. BURTON of Indiana. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I would like to say for those of us who have not worked as hard as others have on this issue, we compliment the gentleman from Indiana [Mr. BURTON] on his work. A lot of people put a lot of dedicated time into this issue.

Mr. Speaker, I think we have to meet three tests if we are going to have an adequate disclosure and gift reform. One is it has to be clear. I think gray areas are the worst enemy of everybody. That is what causes problems.

Second, it has to be easy to administer. We get to the point in some of the proposals where the recordkeeping itself is going to be the issue.

Third, I think it has to meet the commonsense test. I think that the record has been, at least with respect to charities and charitable events, that Members of Congress attending as, whether we call them bait or celebrities or whatever to raise money and to raise help for cancer research, for heart research, and for other good charities, is a good thing; something we should promote and not deny.

Mr. Speaker, I think that the Burton proposal meets the clarity test, the easy-to-administer test, and the commonsense test. That is what I am going to support.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. BRYANT].

(Mr. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Speaker, this is the third year that we have spent in this House dealing with this issue. We passed it in the last Congress and we passed the conference report. The Senate did the same. As many know, it was filibustered to death in the Senate at the very end. Earlier this year the Senate voted by a margin of 98 to 0 to enact the bill that is before us today.

Mr. Speaker, many, many Members of this House and many, many Members of the other House have worked extremely hard to find a way to put together exactly the kind of bill that the gentleman from California [Mr. HUNTER] was just describing. One that made sense; one that was reasonable; one that we could live with and work with; but one at the same time that would assure the public that Members of this House were not making decisions on laws based upon their social contacts and the free things which they receive from lobbyists, the very people who are hired to influence our decisions.

There is adequate reason for them to be worried about that. If my colleagues turn on any of these television magazine shows any given night of the week, they are likely to see a sordid picture of Members of Congress all decked out in their golf regalia playing golf at some tropical clime for free, accompanied by lobbyists and representatives of some of the biggest and most powerful companies in this country.

Mr. Speaker, I would say to the gentleman from Hawaii [Mr. ABERCROMBIE] I do not believe this place has crooks in it. I do not believe this place deserves what it has been frequently called by its own Speaker, and that is to say the adjective ''corrupt.'' It is not, and I do not believe that it has been in the time that I have been here. But people are given that impression when Members cross the line and spend that much time with lobbyists.

Mr. Speaker, all we have done with this bill is say there is going to be a $50 limit. Members are not going to be able to get free meals every night of the week from the same guy and they cannot fly across country for the purpose of playing golf.

Mr. Speaker, I have spoken to the gentleman from Indiana [Mr. BURTON] about this. He sincerely believes that the role of Members in these charity golf tournaments is a public good and ought not to be curtailed in any way, but the price of that is the confidence of the public in this institution.

The fact of the matter is that when Members go to these charity golf tournaments, there is no secret who is playing golf with them, who is in their foursome, who is spending time with them. It is somebody who wants to be able to influence their decisions in this House.

Mr. Speaker, the public wants us to do away with this. The fact of the matter is that a minor inconvenience for some people, and no inconvenience for the majority of us, is all that will result from passing this bill today.

Mr. Speaker, I strongly urge Members to go ahead and get rid of this last gasp of reactionary talk about the ability of Members to do free things around this institution and around this country. Let us go ahead and pass this bill today and vote against the Burton amendment and let us finish this issue once and for all.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

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

Mr. TRAFICANT. Mr. Speaker, the Burton amendment is not the end of the world, but the truth is the perception is that it is the end of the world and Members do not want to explain votes around here.

Mr. Speaker, I think the gentleman from Alabama [Mr. CALLAHAN] was right on target. If Members are selling their vote for a luncheon, they are subject to a bribe arrest, thrown out of Congress, and going to jail.

But the bottom line is after it is all over and after we cannibalize Congress once again, the truth and the reality is we will ban gifts, but the same lobbyists who cannot take Members to lunch can give them $5,000 in the primary, $5,000 in the general, and that is not going to be changed, because that will question the fabric of a free participatory democracy.

Full disclosure is not all bad, and I will deal with the perception. But I took this time because in the companion bill where we are talking about lobbying, foreign interests lobby the Congress. In this next bill I have an amendment that sets stricter guidelines and standards and makes sure they have to register so we know who they are.

Mr. Speaker, I have been trying for 4 years to get it out, and everybody says, ''We are for it, but not this time, JIM.''

Mr. Speaker, I am going to support this cannibalization, but I believe the gentleman from Alabama [Mr. CALLAHAN] is right. We have an awful lot of laws and maybe they ought to be enforced and Congress should stop cannibalizing themselves.

Mr. Speaker, a Congress that must cannibalize itself must be perceived by

the Nation as a Congress that might just cannibalize them at some point.

□ 1600

Mr. BURTON of Indiana. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. OXLEY], my good colleague.

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

Mr. OXLEY. Mr. Speaker, I rise in support of the Burton substitute. Those of us who have been criticized for going to events whether they are charity balls or dinners or golf events or tennis events, whatever it is, on behalf of charity I think have really taken a bum rap. When you talk about perception, the perception is not reality.

I remember one of the events I had an opportunity several years ago to participate in out in Idaho was the charity event where we raised money for cancer research. Those of you who are worried that I was going to be playing with some well-heeled lobbyist, I ended up playing with the head of the Mormon Church. I can say with all honesty that, while it was a wonderful experience, he had very little influence over me other than perhaps some of my language, if I might have missed a put.

The fact is that this effort by the Members is a very honorable one. The gentleman from Indiana, gentleman from Oklahoma, others have participated in these events. I am proud of it. I am proud of the fact that I have had an opportunity to help raise money for charity. I see nothing wrong with it as long as you report it.

The gentleman's efforts to tighten the disclosure and the requirements are perfectly applicable. I do not think anybody should take advantage of this. Understand all of these are reportable. All of these rate public scrutiny, and ultimately our responsibility is to the people who elect us. Those are the people who really count.

That is really what it is all about. That is full disclosure under the Burton approach and allow us then to go and explain it to our constituents. Those are the people that elect us. We are not responsible to other members. We are not responsible to the media. We are responsible to people who sent us here. That is what the Burton proposal does. It is full disclosure, gives us an opportunity to represent our constituents the way we think they ought to be represented. If they think that we are representing them well, they will return us to office. If they are offended by that, they will kick us out.

Support the Burton amendment.

Mr. FROST. Mr. Speaker, may I inquire of the time remaining?

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). The gentleman from Texas [Mr. FROST] has 4 minutes remaining, the gentleman from Florida [Mr. GOSS] has 3½ minutes remaining, and the gentleman from Indiana [Mr. BURTON] has 2½ minutes remaining.

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

Mr. BURTON of Indiana. Mr. Speaker, I yield 2½ minutes to the gentleman from Alabama [Mr. CALLAHAN], my dear friend and colleague.

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

Mr. CALLAHAN. Mr. Speaker, we are faced today with three alternatives. One, we can accept the current bill. No. 2, we can accept the Burton amendment that he is going to offer. Or No. 3 we can accept the Gingrich amendment which will follow the Burton amendment, if it fails, and have zero gifts; maybe that is best.

I stood here and I challenged those of my colleagues that are so passionate in their belief that we are a bunch of corrupt individuals, that it is your constitutional authority to name names. And if you know of anyone who is selling his vote on the floor of this House for a golf game or for a meal or for anything else, it is your constitutional obligation to notify the Attorney General and incarcerate and make this Member who is violating the law be evicted from this House as the law so states.

So our options, as I see it today, a classical example of—a neighbor of mine, Dr. Les Grier, called me last weekend and he said: ''SONNY, the Lions Club is having a membership drive. We would like to have you as a member because you are a Member of Congress, and we think we will be able to attract other members.''

I said: ''Les, I am never there during the week. I cannot come to the meetings. I cannot afford to pay the $400 a year because I am never there to eat the meals.'' He said' ''For you we will waive the annual fees.''

So under this provision, I could not even join the Kiwanis Club as an honorary member. That, my friends, is wrong. At least under the Burton bill we would be able to accept these types of activities in our home districts. We would still have to disclose them, as the Burton bill requires, but at least we would not be convicted by an accusation by some opponent or by some individual who might dislike us for any reason.

So I encourage Members today to think what they are doing. Accept the Burton amendment as the best alternative to the three alternatives we are facing here today. Remember that this is a rule of the House that the law of the land requires us, as a member of Congress, not to sell our votes. And regardless of all of these innuendoes and regardless of all of these individuals in this House who are doing this for a headline back at home, it is absolutely wrong.

Mr. FROST. Mr. Speaker, I yield 1 minute and 30 seconds to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, Americans seek genuine reform of this Congress, not another sop or flop. They certainly seek more than the change of a number, which is little more than the substitute provides to change the level at which disclosure must occur. The problem with disclosure, among others, is that too often the beneficiaries of largess receive so many gifts they have trouble keeping track of all of them. I think of one leader in this body who disclosed his custom-made ostrich boots, but until he was asked by a reporter, he forget that he had a cruise to the Bahamas as well.

Americans do not need to count the number of gifts that people receive and read about more gift through disclosure, about the level of benevolence of the lobby to the Congress. What they want to read is that this practice has stopped.

I have the utmost respect for my colleague from Hawaii, and he is right that dealing with gifts is only part of the problem. We need to deal with campaign finance reform as well.

My colleagues remember that it was in June that Speaker GINGRICH and President Clinton shook hands on genuine reform, bipartisan reform, up in New Hampshire. It took from June until November for Speaker GINGRICH to answer that handshake, and his proposal was the appointment of a new stall commission to stall any reform on campaign finance until next year.

Do not let the need for one reform get in the way of another reform. Let us do what is right and pass some kind of genuine reform of the lobby and gift laws that the U.S. Senate did on an unanimous and bipartisan basis.

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

Mr. FROST. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Speaker, I just very briefly want to address several issues that were raised on this side, one dealing with the Lions or the Kiwanis. There is nothing in this bill that is going to prevent someone from going to Lions or Kiwanis events in their district. There are Members talking about criminal law coming into effect. That does not come into effect at all in this bill.

This bill deals with the House rules. There are no criminal sanctions contained in this legislation whatsoever. So I think it is important that we keep the debate on what is really going on here. That is whether or not we should be banning these gifts altogether. No criminal sanctions, you can still go to the Kiwanis breakfasts.

Mr. FROST. Mr. Speaker, we have no further requests during this portion of the debate, and I yield back the balance of my time.

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

Mr. Speaker, Abraham Lincoln once said

> With public sentiment, nothing can fail; without it nothing can succeed.

History has proven this to be true time and again.

And that is why restoring the public's faith in this institution must be a top priority. After all, if the people we work for do not believe in us they will not believe in the decisions we make. Despite the fact that almost every individual Member and staffer are honorable—people do not think very highly of us collectively.

Many think we have been out of touch, living in a different sort of world than they face everyday; the kind of world where gifts and meals and vacations are paid for by someone else. And because of that, they do not have confidence that the decisions we make are always in their best interests.

This is a major problem for us, especially at a time when we are seeking to make the tough choices needed to balance our budget.

Public support is crucial to the success of our mission—and in my view, responsible gift reform is crucial to that public support.

Mr. Speaker, as a member of both the Rules Committee and the Ethics Committee, it has been my chore to learn the details behind the principles at issue in this debate. I have studied current rules, the provisions of House Resolution 250, and the provisions of the alternative proposals we face.

I have listened to question and comments by dozens of our Members—in public hearings before the Rules Committee, and in one-on-one discussions. I know Members want to do the right thing—and they do have legitimate concern that we develop rules that make sense, that are understandable and effective and will not trip Members up even as they try to comply. In my view, the type of approach our Speaker may bring forward later today—involving a total ban on gifts—is the cleanest and best way to go toward accomplishing those goals. But I also believe that we could make major progress if we adopt House Resolution 250 as reported by our Rules Committee. Even though this measure has some problems, it does accomplish significant change. It gets a handle on most gifts and meals provided to Members and staff by imposing new limits. It provides for greatly expanded and more timely disclosure on travel. And it creates new restrictions on the actions of registered lobbyists.

These are all positive—and I think workable—provisions. I think they deserve support by this House. Our consitutents have asked for such improvements.

Finally, Mr. Speaker, let me say to my friend DAN BURTON, that I understand the concerns he has raised and I respect the effort he has made in crafting an alterantive to House Resolution 250. He has some solid ideas, but in my view his alternative is not sufficient to meet the necessity we face.

I worry that Americans will see the $50 threshold as too high and the allowance of travel to recreational charity events as too generous.

As I have throughout this process, I intend to listen carefully to the debate—we have a series of choices: if BURTON is too relaxed or has image problems then vote ''no'' and consider Speaker GINGRICH's full ban on gifts—if that's too tough then WALDHOLTZ is middle ground. I'll vote ''no'' on Burton ''yes'' on Gingrich because I believe that is where America is and I believe that is where we should be, too.

Mr. REED. Mr. Speaker, recent days the new House majority has shown a distinct lack of bipartisanship.

However, today, the Republicans are waking up to the need for reform and are offering legislation to ban gifts to Members of Congress. I urge all of my colleagues to join me in supporting both House Resolution 250 and the Gingrich amendment which will send a strong signal to our constituents that we don't want gifts, we don't need them, and, most importantly, that this House is not for sale.

Regrettably, there are those in this House who do not want reform. They want to continue the practices of the past. The want all Members to be tainted by their need to get free travel and lodging at golf, tennis, and sking charity events. They would have us believe that Members of Congress somehow deserve different treatment than the average American—this is just plain wrong—and I urge my colleagues to reject it.

Today's vote is long overdue, but there are other reform efforts that need to be acted upon, particularly campaign finance reform.

Last year, I voted for a campaign finance reform bill, supported by Common Cause, which would have set spending limits and reduced the influence of special interests in political campaigns. This bill never made it to the President, but I am hopeful that we can work together in a bipartisan manner to develop a fair campaign finance reform plan this year. We need campaign finance reform if we truly care about changing the nature of politics and encouraging Americans to stay involved in the system.

Mr. Speaker, I urge my colleagues to support true gift ban legislation, and I look forward to passing a campaign finance reform bill. Thank you.

Mr. PORTMAN. Mr. Speaker, I rise in support of Speaker Gingrich's substitute to H. Res. 250, the gift ban legislation. The Speaker's substitute is the only version that would ban all gifts.

This is a tough issue. There is no easy way to monitor or regulate items that we as Members of Congress receive for free.

Once you start down the path of regulating these gifts, which we already have under current law, it gets messy. We must then ask ourselves: Was the gift under ten dollars? Did I report it in a timely manner? Was he or she a lobbyist?

If we've decided it's important to go down this path, I just think it's easier, simpler and safer to establish as a general rule that all gifts should be turned down—there are fewer pitfalls to this path. However, you need two exceptions to make it workable. One, a common sense friends and family exception is necessary. Two, we need a widely attended gathering exception to allow us to attend receptions and accept meals, for example at Rotary speeches and political events.

These exceptions are in this amendment. Even with the common sense exceptions, some wonder whether this path is workable. I think the bright line test is as workable as any other set of rules, and again, is easier and safer to comply with.

I lived under these rules in the Bush White House, where I had the unenviable job of enforcing them, and here in my own Congressional office. I urge my colleagues to support this amendment as the best way to demonstrate that real reform has come to this House.

Ms. JACKSON-LEE. Mr. Speaker, as a servant of the people of the 18th Congressional District of Texas, I strongly support both House Resolution 250 which was sponsored by Congresswoman WALDHOLTZ as well as the amendment offered by Speaker GINGRICH. For many years now, Congress has suffered under the perception by the American public that its Members can be influenced and swayed by gifts from lobbyists and special interest groups. While many Members hold themselves to strict codes of conduct regarding gifts, this bill is an opportunity to strengthen rules which would put to rest all suspicions about the behavior and integrity of all Members.

This bill simply applies good, commonsense rules to the issue. It sets reasonable limits and conditions, as representatives of the people, must accept. Alarmist cries have been raised by some of my colleagues during this debate and I do not agree with, nor do I think they can justify their roars of outrage.

This bill limits to $100 the total annual gift contribution from any one source. It also allows the attendance for members at conferences, dinners or receptions which are appropriate to our duties. To address the matter of charitable activities, may I remind my colleagues that our participation in charity functions are explicitly allowed, but not transportation or lodging. That is responsive to the American people's sense of what our real job is here to work for them.

May I remind those in opposition of this bill that this is indeed a truly bipartisan effort with both sides of the aisle coming together to support this legislation. I cannot believe that what this piece of legislation proposes would not be good for this institution.

Gift reform is something that is long overdue in this legislative body and I believe that it is now time to put to rest all issues regarding the public trust. That trust is the very basis of both our Government and our society. Without the trust of those we represent, we have legitimacy and no Government.

Mr. POSHARD. Mr. Speaker, I rise today in strong support of the Congressional Gift Reform Act. This important resolution would apply more stringent limitations on gifts, meals, entertainment, and travel Members of the House of Representatives and their staff would be permitted to receive.

Americans have long asked Congress to clean itself up and this is an opportunity for us to do just that. As elected Representatives, we have a moral duty to represent our constituents as honorably as possible. It is time to finally put the interests of our Nation and its people ahead of those in Washington with deep pockets.

Current House rules allow Members and staff to receive gifts up to $250 from a single source each year excluding gifts worth less than $100 and all meals. I believe this is unacceptable. Under today's resolution, Members

of Congress and staff could not receive a total of $100 in gifts from any one source nor could they accept a single gift or meal with a cost exceeding $50. In addition, the measure bans lobbyists from paying for any travel, regardless of whether it is related to official duties or recreation. While the resolution is not a complete ban on the acceptance of gifts, which I have long supported, I believe it is a strong step in the right direction.

However, during consideration of this resolution, we may have the opportunity to vote on an amendment to completely ban gifts and meals. I encourage my colleagues to join me in supporting this measure, because I believe it would truly reduce the amount of influence lobbyists and special interests have on the legislative process.

Because I support true gift reform, I rise in opposition to the Burton amendment, because it leaves the status quo. It is simply an attempt to gut a bipartisan effort to enact effective gift reform. Under this amendment, Members would still be able to accept $250 in gifts a year and accept free travel and lodging to certain charity events.

Mr. Speaker, thank you for allowing this very bipartisan effort to be considered today. I believe our action on this measure will demonstrate to the American people Congress' sincere effort to reduce the influence of special interests and lobbyists on Capitol Hill.

Mr. CASTLE. Mr. Speaker, the Wall Street Journal recently reported that more than 70 percent of U.S. voters said they couldn't usually trust the government to do the right thing. This is a serious problem. One of the foundations of representative democracy is citizens trusting and having confidence in their elected officials. When trust and confidence dissipates, democracy cannot thrive.

We have an obligation to try and regain the public's trust. This may not be easy, as public figures are scrutinized more carefully in this media age than ever before in our Nation's history. But we must make every effort to conduct ourselves in a way that is above reproach or suspicion. We must systematically and methodically modify our behavior and our institution in ways that reassure the American people.

One of the most obvious ways to strengthen our institution is to address the issue of gifts to Members and staff. The public can see that current congressional gift rules are, quite frankly, farcical. Members and staff are free to accept gifts up to a cumulative value of $250 from anyone. But meals do not count, and gifts under $100 do not count toward the $250 limit. Recreational trips such as golf, tennis, and ski tournaments, which may be charitable but also give lobbyists unique access to Members and staff, are also permitted under current gift rules. It is extremely difficult to convince the public that this unique access does not influence the policy process.

While few, if any, Members or staff are corrupted by a free meal or tickets to a Red Sox game, given the low regard that Americans have for Congress simply must set higher standards for ourselves.

I strongly support House Resolution 250, which prohibits Members and staff from accepting any gift worth more than $50, and from accepting an aggregate of more than $100 worth of gifts from any one source in a year. It does not make the distinctions between whether or not the gift is given here in the District of Columbia, or back home. It does not make distinctions between gifts from lobbyists or nonlobbyists. The rule is clear, concise, and simple, and therefore more likely to be followed than a rule which is cumbersome or confusing.

The legislation in no way prohibits Members from performing their responsibilities to constituents. They will still be able to travel around their State and meet their constituents, eat a hamburger at a barbecue or crab legs at a crab feast, accept tee-shirts, mugs, and other locally produced products.

The bill recognizes that just because we are Members of Congress doesn't mean that we have no life or personal friends, and it contains a reasonable personal hospitality exemption.

Finally, the bill has passed the test of political palatability, as the Senate fought out the battle of compromise last summer and unanimously passed this bill.

Congressman BURTON will offer a substitute amendment to House Resolution 250 that emphasizes full disclosure of gifts rather than banning gifts. Under the Burton substitute, recreational trips would still be permitted, and Members and staff could accept gifts up to a $250 annual limit. The Burton amendment is an improvement over current law, but I believe it does not go far enough, and I intend to vote against it.

Will passage of House Resolution 250 alone restore public confidence in Congress? Perhaps not, but we cannot refuse to act simply because we may not achieve our goal promptly. I urge my colleagues to oppose the Burton amendment and support House Resolution 250 so that we can show the American people that we have heard and respect their clarion call for action.

Mr. LEVIN. Mr. Speaker, you have to wonder, really wonder, why the Burton substitute is before us.

The American people know what they want. They want a restoration of trust in the integrity of government. They want an end to business and usual. They want an end to ski trips and golf tournaments and retreats in the Bahamas where Members cozy up to the special interests.

Today, after nearly a year of stalling, the Republican leadership has finally given us two very clear opportunities to meet those expectations. House Resolution 250 bans charity junkets, imposes though new rules on meals and tickets, and restricts the largesse of lobbyists. We may also apparently have before us a bill banning all gifts, a bill which essentially tracks a rule I have in my office.

But we may never even get to vote on either of those measures. Because the Republican leadership, after trying for nearly a year to dodge this issue, has allowed the gentleman from California [Mr. BURTON] to first offer a far more lenient measure.

If Mr. BURTON'S substitute passes, the bad old status quo would be replaced by a bad new status quo, under which Members could continue to take unlimited $49 meals, day after day after day, because gifts under $50 wouldn't count.

And if Mr. BURTON'S substitute passes, Members could take travel and lodging to golf and tennis tournaments, ski vacations, and fishing trips, so long as the trip is sponsored by a charity and raises at least $1 for the charity.

Do those who back the Burton amendment really think they can fool the American people that golf tournaments and ski events are ''substantially recreational''? Do they think they can fool the American people that these events aren't paid for by special interests? Do they think they can fool the American people that there will be no lobbyists on the tennis courts?

I want to change the status quo. House Resolution 250, of which I am a cosponsor, shatters the old ways. Even the proposal offered by Mr. GINGRICH is, for once, neither too extreme nor too ideological. But the Burton proposal is simply the status quo in a new wrapping. There is no way I can support it, and I urge my colleagues to defeat the Burton substitute.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the rule, it shall be in order to consider the amendment printed in part 1 of House Report 104–341 if offered by the gentleman from Indiana [Mr. BURTON] or his designee, which shall be considered read and shall be debatable for 30 minutes, equally divided and controlled by the proponent and an opponent.

If the amendment printed in part 1 of the report is rejected or not offered, it shall be in order to consider the amendment printed in part 2 of the report, if offered by the gentleman from Georgia [Mr. GINGRICH] or his designee, which shall be considered read and shall be debatable for 30 minutes, equally divided and controlled by the proponent and an opponent.

The text of House Resolution 250, as amended, is as follows:

H. RES. 250

*Resolved,*

**SECTION 1. AMENDMENT TO HOUSE RULES.**

Rule LII of the Rules of the House of Representatives is amended to read as follows:

''RULE LII

''GIFT RULE

''1. (a)(1) No Member, officer, or employee of the House of Representatives shall knowingly accept a gift except as provided in this rule.

''(2) A Member, officer, or employee may accept a gift (other than cash or cash equivalent) which the Member, officer, or employee reasonably and in good faith believes to have a value of less than $50, and a cumulative value from one source during a calendar year of less than $100. No gift with a value below $10 shall count toward the $100 annual limit. No formal recordkeeping is required by this subparagraph, but a Member, officer, or employee shall make a good faith effort to comply with this subparagraph.

''(b)(1) For the purpose of this rule, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

''(2)(A) A gift to a family member of a Member, officer, or employee, or a gift to any other individual based on that individual's relationship with the Member, officer, or employee, shall be considered a gift to the Member, officer, or employee if it is given with the knowledge and acquiescence of the

Member, officer, or employee and the Member, officer, or employee has reason to believe the gift was given because of the official position of the Member, officer, or employee.

''(B) If food or refreshment is provided at the same time and place to both a Member, officer, or employee and the spouse or dependent thereof, only the food or refreshment provided to the Member, officer, or employee shall be treated as a gift for purposes of this rule.

''(c) The restrictions in paragraph (a) shall not apply to the following:

''(1) Anything for which the Member, officer, or employee pays the market value, or does not use and promptly returns to the donor.

''(2) A contribution, as defined in section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, a lawful contribution for election to a State or local government office or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

''(3) A gift from a relative as described in section 109(16) of title I of the Ethics in Government Act of 1978 (Public Law 95–521).

''(4)(A) Anything provided by an individual on the basis of a personal friendship unless the Member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, officer, or employee and not because of the personal friendship.

''(B) In determining whether a gift is provided on the basis of personal friendship, the Member, officer, or employee shall consider the circumstances under which the gift was offered, such as:

''(i) The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between such individuals.

''(ii) Whether to the actual knowledge of the Member, officer, or employee the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift.

''(iii) Whether to the actual knowledge of the Member, officer, or employee the individual who gave the gift also at the same time gave the same or similar gifts to other Members, officers, or employees.

''(5) Except as provided in clause 3(c), a contribution or other payment to a legal expense fund established for the benefit of a Member, officer, or employee that is otherwise lawfully made in accordance with the restrictions and disclosure requirements of the Committee on Standards of Official Conduct.

''(6) Any gift from another Member, officer, or employee of the Senate or the House of Representatives.

''(7) Food, refreshments, lodging, transportation, and other benefits—

''(A) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, officer, or employee as an officeholder) of the Member, officer, or employee, or the spouse of the Member, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, officer, or employee and are customarily provided to others in similar circumstances;

''(B) customarily provided by a prospective employer in connection with bona fide employment discussions; or

''(C) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fundraising or campaign event sponsored by such an organization.

''(8) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

''(9) Informational materials that are sent to the office of the Member, officer, or employee in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

''(10) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

''(11) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

''(12) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

''(13) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, officer, or employee, if such training is in the interest of the House of Representatives.

''(14) Bequests, inheritances, and other transfers at death.

''(15) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

''(16) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

''(17) A gift of personal hospitality (as defined in section 109(14) of the Ethics in Government Act) of an individual other than a registered lobbyist or agent of a foreign principal.

''(18) Free attendance at a widely attended event permitted pursuant to paragraph (d).

''(19) Opportunities and benefits which are—

''(A) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

''(B) offered to members of a group or class in which membership is unrelated to congressional employment;

''(C) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

''(D) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

''(E) in the form of loans from banks and other financial institutions on terms generally available to the public; or

''(F) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

''(20) A plaque, trophy, or other item that is substantially commemorative in nature and which is intended for presentation.

''(21) Anything for which, in an unusual case, a waiver is granted by the Committee on Standards of Official Conduct.

''(22) Food or refreshments of a nominal value offered other than as a part of a meal.

''(23) An item of nominal value such as a greeting card, baseball cap, or a T-shirt.

''(d)(1) A Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

''(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

''(B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

''(2) A Member, officer, or employee who attends an event described in subparagraph (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual if others in attendance will generally be similarly accompanied or if such attendance is appropriate to assist in the representation of the House of Representatives.

''(3) A Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with the event.

''(4) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, nor does it include food or refreshments taken other than in a group setting with all or substantially all other attendees.

''(e) No Member, officer, or employee may accept a gift the value of which exceeds $250 on the basis of the personal friendship exception in paragraph (c)(4) unless the Committee on Standards of Official Conduct issues a written determination that such exception applies. No determination under this paragraph is required for gifts given on the basis of the family relationship exception.

''(f) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

''2. (a)(1) A reimbursement (including payment in kind) to a Member, officer, or employee from a private source other than a registered lobbyist or agent of a foreign principal for necessary transportation, lodging and related expenses for travel to a meeting, speaking engagement, factfinding trip or similar event in connection with the duties of the Member, officer, or employee as an officeholder shall be deemed to be a reimbursement to the House of Representatives and not a gift prohibited by this rule, if the Member, officer, or employee—

''(A) in the case of an employee, receives advance authorization, from the Member or officer under whose direct supervision the employee works, to accept reimbursement, and

''(B) discloses the expenses reimbursed or to be reimbursed and the authorization to the Clerk of the House of Representatives within 30 days after the travel is completed.

''(2) For purposes of paragraph (a)(1), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of a Member, officer, or employee as an officeholder.

''(b) Each advance authorization to accept reimbursement shall be signed by the Member or officer under whose direct supervision the employee works and shall include—

''(1) the name of the employee;

''(2) the name of the person who will make the reimbursement;

''(3) the time, place, and purpose of the travel; and

''(4) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that the employee is using public office for private gain.

''(c) Each disclosure made under paragraph (a)(1) of expenses reimbursed or to be reimbursed shall be signed by the Member or officer (in the case of travel by that Member or officer) or by the Member or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

''(1) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

''(2) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

''(3) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

''(4) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

''(5) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in paragraph (d); and

''(6) in the case of a reimbursement to a Member or officer, a determination that the travel was in connection with the duties of the Member or officer as an officeholder and would not create the appearance that the Member or officer is using public office for private gain.

''(d) For the purposes of this clause, the term 'necessary transportation, lodging, and related expenses'—

''(1) includes reasonable expenses that are necessary for travel for a period not exceeding 3 days exclusive of travel time within the United States or 7 days exclusive of travel time outside of the United States unless approved in advance by the Committee on Standards of Official Conduct;

''(2) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in subparagraph (1);

''(3) does not include expenditures for recreational activities, nor does it include entertainment other than that provided to all attendees as an integral part of the event, except for activities or entertainment otherwise permissible under this rule; and

''(4) may include travel expenses incurred on behalf of either the spouse or a child of the Member, officer, or employee, subject to a determination signed by the Member or officer (or in the case of an employee, the Member or officer under whose direct supervision the employee works) that the attendance of the spouse or child is appropriate to assist in the representation of the House of Representatives.

''(e) The Clerk of the House of Representatives shall make available to the public all advance authorizations and disclosures of reimbursement filed pursuant to paragraph (a) as soon as possible after they are received.

''3. A gift prohibited by clause 1(a) includes the following:

''(a) Anything provided by a registered lobbyist or an agent of a foreign principal to an entity that is maintained or controlled by a Member, officer, or employee.

''(b) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a registered lobbyist or an agent of a foreign principal on the basis of a designation, recommendation, or other specification of a Member, officer, or employee (not including a mass mailing or other solicitation directed to a broad category of persons or entities), other than a charitable contribution permitted by clause 4.

''(c) A contribution or other payment by a registered lobbyist or an agent of a foreign principal to a legal expense fund established for the benefit of a Member, officer, or employee.

''(d) A financial contribution or expenditure made by a registered lobbyist or an agent of a foreign principal relating to a conference, retreat, or similar event, sponsored by or affiliated with an official congressional organization, for or on behalf of Members, officers, or employees.

''4. (a) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a registered lobbyist or an agent of a foreign principal in lieu of an honorarium to a Member, officer, or employee shall not be considered a gift under this rule if it is reported as provided in paragraph (b).

''(b) A Member, officer, or employee who designates or recommends a contribution to a charitable organization in lieu of honoraria described in paragraph (a) shall report within 30 days after such designation or recommendation to the Clerk of the House of Representatives—

''(1) the name and address of the registered lobbyist who is making the contribution in lieu of honoraria;

''(2) the date and amount of the contribution; and

''(3) the name and address of the charitable organization designated or recommended by the Member.

The Clerk of the House of Representatives shall make public information received pursuant to this paragraph as soon as possible after it is received.

''5. For purposes of this rule—

''(a) the term 'registered lobbyist' means a lobbyist registered under the Federal Regulation of Lobbying Act or any successor statute; and

''(b) the term 'agent of a foreign principal' means an agent of a foreign principal registered under the Foreign Agents Registration Act.

''6. All the provisions of this rule shall be interpreted and enforced solely by the Committee on Standards of Official Conduct. The Committee on Standards of Official Conduct is authorized to issue guidance on any matter contained in this rule.''.

**SEC. 2. ACCEPTANCE OF GIFTS BY THE COMMITTEE ON HOUSE OVERSIGHT.**

Clause 4(d) of rule X of the Rules of the House of Representatives is amended by striking ''and'' at the end of subparagraph (1), by striking the period at the end of subparagraph (2) and inserting ''; and'', and by adding after subparagraph (2) the following:

''(3) accepting a gift, other than as otherwise provided by law, if the gift does not involve any duty, burden, or condition, or is not made dependent upon some future performance by the House of Representatives and promulgating regulations to carry out this paragraph.''.

**SEC. 3. EFFECTIVE DATE.**

This resolution and the amendment made by this resolution shall take effect on and be effective for calendar years beginning on January 1, 1996.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Speaker, I offer an amendment in the nature of a substitute.

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

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

Amendment in the nature of a substitute offered by Mr. BURTON of Indiana: Strike all after the resolving clause and insert:

**SECTION 1. GIFT DISCLOSURE.**

(a) FINANCIAL DISCLOSURE.—Rule XLIV of the Rules of the House of Representatives is amended by adding at the end the following:

''3. Notwithstanding section 102 of the Ethics in Government Act of 1978, each report filed with the Clerk under title I of such Act for calendar year 1996 or any subsequent calendar year shall disclose any gift (including a meal) with a fair market value in excess of $50 (other than personal hospitality of an individual or any gift received from a relative of the reporting individual), as adjusted under section 102(a)(2)(A) of the Ethics in Government Act of 1978.''.

(b) GIFT RULE.—Clause 4 of Rule XLIII of the Rules of the House of Representatives is amended by striking ''$100'' and inserting ''$50''.

**SEC. 2. CONVENTIONS, ETC.**

Clause 4 of Rule XLIII of the Rules of the House of Representatives is amended by striking ''A Member'' and inserting ''(a) Except as provided in paragraphs (b), (c), and (d), a Member'' and by adding at the end the following:

''(b)(1) A Member, officer, or employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

''(A) the Member, officer, or employee participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to the Member's, officer's, or employee's official position; or

''(B) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, officer, or employee.

''(2) A Member, officer, or employee who attends an event described in subparagraph (1) may accept a sponsor's unsolicited offer of free attendance at the event for the spouse or dependent of the Member, officer, or employee.

''(3) For purposes of this paragraph, the term 'free attendance' may include waiver of all or part of a conference or other fee, the provision of lodging or transportation or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, nor does it include food or refreshments taken other than in a group setting with all or substantially all other attendees.

''(c) A Member, officer, or employee, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event of—

''(1) the event is sponsored by an organization which is listed under section 501(c)(3) of the Internal Revenue Code of 1986;

''(2) all Member, officer, employee, spouse, or dependent-related expenses are paid by the sponsoring organization and not by another corporation or individual;

''(3) the proceeds to charity from the event exceed the costs of the event; and

''(4) the participation contributed in a tangible way to the success of the event.

''(d) The restrictions contained in paragraphs (a), (b), and (c) shall not apply to a Member who is attending an event in the Member's congressional district.''.

The SPEAKER pro tempore. Under the rule, the gentleman from Indiana [Mr. BURTON] and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that the time allotted to me be divided between myself and the gentleman from Connecticut [Mr. SHAYS].

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Connecticut [Mr. SHAYS] will be recognized for 7½ minutes, and the gentleman from Indiana [Mr. BURTON] will be recognized for 7½ minutes.

Mr. FROST. Mr. Speaker, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] will be recognized for 15 minutes.

Mr. FROST. Mr. Speaker, I ask unanimous consent that 7½ minutes of my time be yielded to the gentleman from Texas [Mr. BRYANT] and the remaining 7½ minutes to the gentleman from Oklahoma [Mr. BREWSTER], and that both gentlemen be allowed to yield time.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BRYANT] will be recognized for 7½ minutes, and the gentleman from Oklahoma [Mr. BREWSTER] will be recognized for 7½ minutes.

The Chair recognizes the gentleman from Indiana [Mr. BURTON].

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Mr. BURTON of Indiana. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. DELAY], the Republican whip of the House.

Mr. DELAY. Mr. Speaker, I rise in support of the Burton substitute and in favor of full disclosure.

The time has come that the American people know exactly what their Representatives are doing here in Washington.

Are they feeding at the public trough, taking lobbyist paid vacations, getting wined and dined by special interest groups? Or are they working hard to represent their constituents?

The people, the American people, have a right to know.

Only the Burton substitute will let the American people decide what is appropriate activity and what is inappropriate activity for their Representatives.

Let us not kid ourselves here today. We are beating ourselves on the heads to prove we are pure enough to deserve the people's trust. Some Members are so distrustful of themselves and their colleagues, that they would rather we talk with no one in a casual setting, that we set up an artificial wall between us and the public.

I say the best disinfectant is full disclosure, not complete isolation. We serve our constituents poorly if we believe that all Representatives are on the take and need to be taken away from the public, and we serve no one if we set up an ethics minefield that will only bring further dishonor to this House, for activities that most Americans do every day.

Should it be unethical for a Member of Congress to eat dinner with a constituent?

Why do we not let the people decide what is right and what is wrong? Why do we not just tell the people what gifts we get, through full disclosure, and stop this ridiculous charade of public virtue at the expense of common sense.

The American people sent us here to represent them, not to hide every time they call to join them for dinner. Support full disclosure. Support the integrity of the House. Support the Burton substitute.

Mr. SHAYS. Mr. Speaker, I yield myself 15 seconds to point out that the Burton legislation is not full disclosure. Any gift under $50 is not part of the disclosure; it is not part of any limit. We can have countless numbers of gifts under $50.

Mr. Speaker, I yield 1½ minutes to the gentleman from Kansas [Mr. BROWNBACK].

Mr. BROWNBACK. Mr. Speaker, I thank the distinguished gentleman from Connecticut [Mr. SHAYS] for yielding this time to me.

Mr. Speaker, I rise in opposition to the Burton amendment, and I state as well at the very outset that I think the people that are bringing this amendment and supporting it are doing so in all good faith and what they are trying to do is a positive statement toward this body. I disagree on what they are doing versus another approach, and I also impugn no one's character and suggest that no one is selling their vote for a gift. But to me this issue is about public trust, and the public does not trust when Members of Congress receive expensive gifts, they do not trust that system, and, when we have that failure of trust in a representative democracy, that is a very, very dangerous thing to have.

That is what this issue is about. It is about the issue of public trust and a system and a public that does not trust this system, and that is why I disagree with the Burton amendment even though it is offered in all good faith by the gentleman from Indiana [Mr. BURTON] and those who support it, because it is a disclosure system, but it continues to allow a system of gifts to be able to be given to Members of Congress, a system that the public does not support.

Mr. Speaker, I support rather the Speaker's approach to going to a complete ban on all gifts, and I would urge Members to support that. The Waldholtz approach I think is a good approach as well for as far as it does further limit, but I think it is probably time to do just what the commercial days and just say no to gifts.

Mr. BREWSTER. Mr. Speaker, I yield 3 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

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

Mr. ABERCROMBIE. Mr. Speaker, I thank the gentleman from Oklahoma [Mr. BREWSTER] for yielding this time to me.

The reason that there is a perception of corruption, or whatever variation of the word is going to be used on this floor, has been used on this floor, is it keeps getting repeated here, and so people hear that in the general public even though the same people say we are all honorable except for the thieves and crooks among us, and then they do not say who the thieves and the crooks are.

Now let us get down to what the Burton amendment does, and why I am supporting it, and why a broad spectrum of people are supporting it. This has to do with the charitable events.

Now in real life some of us do try not only to do our duty, but to try to justify our existence by our relationship with our fellow human beings. I founded, along with one of the most conservative people in the Democratic caucus, the honorable gentleman from Alabama [Mr. CRAMER], who started the Children's Advocacy Center in Alabama; I heard about it, and I brought it to the State of Hawaii. We had the first statewide children's advocacy center, and any of my colleagues have been a probation officer like I have been, anybody who served in the Committee on the Judiciary who knows what sexual abuse is of children, knows what the Children's Advocacy Centers have accomplished. It takes children who have been abused and keeps them from being abused further.

Now I am to participate in an event in December. I am going to put on a charitable event for the Children's Advocacy Center, and I have appeared for them in other places around the country. I am going to be there, and I am going to put on a little, one of my famous Blues Brothers, acts. I hope some of my colleagues can catch it sometime. It is terrific, I want to tell my colleagues. If my colleagues think I am good down here, they should see me with my dark glasses and my porkpie hat. Mr. Speaker, a lot of people have a good time when that happens, but the main reason for doing it is to see to it that sexually abused children are no longer molested.

And now I am supposed to withdraw myself from that because of some perception that somebody has conjured up as to what kind of person I am or somebody else is?

Now I will tell my colleagues what else we do from Hawaii. We appear for the Aloha United Way, the United Way, that my colleagues have in their community. We have the Aloha United Way, and we went as a congressional delegation to New York City to ask people who do business in Hawaii to help us with the United Way in Hawaii.

Now somebody wants to run against me, and that is what I hear from one Member after another, the reason we cannot vote for this amendment is somebody is going to use it in a campaign commercial against us. Mr. Speaker, I invite anybody who wants to use a campaign commercial against me that I am supporting the United Way to please do so because any idiot that is going to run for office is going to use that for an excuse, and anybody here that cannot contend with an opponent that is going to be against them because they are in favor of charitable events, he deserves, or she deserves, to get elected, and my colleague does not. But I am proud to be associated with these charitable events, I am proud to appear anywhere in the country on their behalf, and I am proud to support the Burton-Clay-Brewster-Abercrombie amendment.

Mr. BRYANT of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Speaker, this may be a well-meaning amendment, but it guts the bill.

Mr. Speaker, there are millions of people in this country who are involved in the United Way. There are millions of people in this country who care about abused children. There are millions of people in this country who care about all sorts of very valuable things for our society. But do those people get their airfare paid? Do those people get golf fees paid, green fees paid, that could be $100–$200? No, of course not, of course not, and that is what the issue is here today.

I think that the people in this body are admirable, they are honorable, people, and most of them got elected here because they are involved in their community, and they have been elected for that, and they should continue to be doing that. But they should not have privileges that the people sitting in this gallery, the people sitting in this country, do not have. It is that simple. The people in this country do not want this regulated, they do not want more paperwork, they do not want more bureaucracy. Mr. Speaker, they want this practice stopped, and that is what we should do.

Mr. BURTON of Indiana. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BONO], my dear friend and colleague.

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

Mr. BONO. Mr. Speaker, this is a sad state of affairs because when people do honorable things, and then somebody writes some bill and says, ''You know, you have to stop doing that honorable thing, can't do that anymore;'' why? Mr. Speaker, because we are writing this extremely righteous bill that will make us honest. I did not know I was not honest.

Mr. Speaker, it is very sad that we cannot look our constituents in the eye and say, I don't do that, I don't do that, I just do what I do, so I'll be happy to show you or tell you whatever I do. I'll disclose that, but please let me take care of my own ethics, and if I'm not worthy, throw me out. But let me be responsible for myself. Don't make me responsible to some poorly written legislation.

Do my colleagues know that when I read this legislation I said, Well, what about my film festival that I founded in Palm Springs? Can I have my party at my house that the film festival puts on?

They said, ''We don't know.''

Mr. Speaker, if they do not know, how do we know when we are breaking the law with this bill?

I support the Burton amendment.

Mr. SHAYS. Mr. Speaker, I yield 30 seconds to the gentleman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. Mr. Speaker, I think it needs to be made very clear that no one says that anyone is doing anything illegal, and there are no criminal penalties in this bill. But I do want to say that over the years, as I have been in politics, I know when I spend time with people like we spend on these charity golf trips that we get real close to the lobbyists that sponsor them. It is the time they get, my colleagues, it is not so much the money. It is the time we spend with them that they have our ear. The American people do not have our ear that long. It is the impression. The American people believe in the last poll that I just read that just came out, 90 percent of the people believe we listen to lobbyists more than the people.

Mr. BREWSTER. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida [Mrs. FOWLER].

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

Mrs. FOWLER. Mr. Speaker, I rise today in support of the Burton amendment.

My State of Florida is known as the Sunshine State, not just because of our favorable weather conditions, but because we have led the Nation with our government in sunshine laws. In Florida, you conduct your business in public and you let the people decide if what you are doing is appropriate.

The Burton bill follows the same approach. It keeps the current $250 limit, lowers the threshold from $100 to $50 and draws open the curtains to let the sunshine in.

Everything else we are doing in this Congress is about sending power back to the people. Giving them more control over their government. That is what this bill does. Disclose everything, then let the people decide if their representative is using their office for personal gain. No other bill on the floor today provides the same level of disclosure as the Burton bill. Vote for sunshine, vote for the Burton amendment.

□ 1630

Mr. BRYANT of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, I think the gentlewoman from the other side of the aisle put it quite well with reference to this measure. We now have the opportunity to achieve on a true bipartisan basis, finally, real reform. We should not substitute for full reform something that appears to be full reform, done in the name of disclosure, which really does not change the existing law very much at all.

What the American people want is not to hear more of the details of the kind of business as usual that they have rejected. They want to see it stopped once and for all.

Many of these charitable events are done for a most charitable and worthy purpose. The only problem is that so often, it is the Member who gets most of the charity, and not the good cause that the charitable event is for.

There is still no reason that Members of Congress cannot participate in such events, contribute to their community, but the direction and the purpose needs to be for the benefit of the charity, not for the benefit of the Member. We have the opportunity today to make real progress in this area. Let us do it by rejecting this substitute.

Mr. SHAYS. Mr. Speaker, I yield 1½ minutes to my colleague, the gentleman from Wisconsin, Mr. SCOTT KLUG.

Mr. KLUG. Mr. Speaker, I thank my colleague for yielding time to me. I would also like to thank the gentleman from Wisconsin, TOM BARRETT, and the other Members of the bipartisan team who have been working on this bill and similar legislation.

Mr. Speaker, I do not doubt the intentions of my colleagues who are offering the substitute but, Mr. Speaker, you know how the road to hell was eventually paved, and in this case we also know how the cart path at Pebble Beach was paved as well.

Wisconsin's legislature has had a zero gift ban in place for a number of years, and I am not sure how I can tell people in this body, but legislation actually gets passed. Members of the Wisconsin State Legislature get laws into place without accepting alarm clocks and trips and gym bags and tee shirts and all the other bric-a-brac that shows up in our office, and they also manage to play golf and play tennis, but they do so and they pay their own way.

Mr. Speaker, our constituents sent us here to do a number of things. They have sent us here to balance the budget, and we are beginning to work on it this week. They sent us here to eventually pass term limits, and before I

leave, I hope Congress will eventually put term limits in place as well. More than anything else, they wanted us to make this a place again that we can be proud of, our constituents back home, and every one of us who serve in this institution as well. I hope we defeat the Burton amendment and pass the substitute offered by the Speaker.

Mr. Speaker, there is one other thing our constituents want us to do, by the way. They want us to pay for our own lunch.

Mr. BREWSTER. Mr. Speaker, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I support the efforts of the gentleman from Indiana [Mr. BURTON] and the gentleman from Oklahoma [Mr. BREWSTER]. I want a tough bill, but I also want to be able to continue to help my friends raise money for charity.

There is a former Congressman around here named Ralph Harding, and Ralph and I and a number of other people have combined under the present system to raise more than $1 million to help fight leukemia in this country. Senator ORRIN HATCH and I do not see things eye to eye politically, but we are good friends, and I have helped ORRIN for a number of years raise hundreds of thousands of dollars for efforts such as child care centers and halfway houses, safe houses for battered spouses down in Utah.

The system works now. I do not get anything out of this, but it works well, and we really ought to protect and shield those charities so that we continue to raise millions of dollars for needy efforts in this country. That is what the gentleman from Indiana [Mr. BURTON] and the gentleman from Oklahoma [Mr. BREWSTER] are trying to do. I support them in their efforts.

I have always worked for strong ethics legislation. I am going to continue to do that by voting for the amendment of the gentleman from Indiana and the gentleman from Oklahoma.

Mr. BRYANT of Texas. Mr. Speaker, I yield 1½ minutes to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Speaker, I would like to make three observations about this legislation. First, those of us that serve in Congress are actually serving in a fiduciary capacity. We represent the people in the congressional districts that sent us. We have a fiduciary relationship with them. It is our obligation to try to observe this in every respect.

Second, I think we should attempt to observe the same standards that are observed in the rest of government. There has been a great deal of criticism of the Supreme Court recently, and judges for accepting trips. As I understand it, the judicial branch is trying to review its rules and tighten things up.

The executive branch has gone through that process and they have a proposal; not a proposal, they have legislation and rules that they live by that are not consistent with what is being urged by the gentleman from Indiana [Mr. BURTON]. Instead, it is the same or very close to the underlying bill and the Senate legislation.

Third, I would like to just briefly comment that access is perhaps the critical thing. People are looking for access to Members of Congress. They want our time. I think we have to try to make sure that our time is given to people, not on the basis of their ability to help finance trips, but instead on the basis of our availability in our office and in our district to meet with them on the merits of the cases.

We certainly have many other areas where reform is needed. At the same time, I think we should avoid impugning the integrity of anyone in the Chamber. I do not question the motives of the gentleman from Indiana [Mr. BURTON]. I think he, too, is interested in improving the caliber of this institution, but we need legislation similar to the Senate's.

Mr. SHAYS. Mr. Speaker, I yield 1 minute to the gentleman from Michigan, Mr. PETE HOEKSTRA.

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague for yielding time to me.

Mr. Speaker, we have a vision. We want to restore the trust of the American people and the integrity of the legislative process. For the last 11 months we have been pursuing this. We have reformed welfare, Medicare, regulatory reform. We have a whole series of reforms on opening today. Today we are going to finish a couple of more pieces of business.

The Waldholtz bill is reasonable reform guidelines. We have listened to the American people. They said, ''Reform these legislative businesses and items, but also restore the process where you are personally enriched.'' The Waldholtz bill is a reasonable process. It does not ban participation in charities, it does not ban participation in charity events, it just says that when you participate in charities, just like all the other people that are participating in these events, you are expected to be charitable and carry your own weight at these events.

All the Burton bill does is it protects access to Members of Congress through privilege and special interest. It needs to stop. Vote ''no'' on Burton.

Mr. BREWSTER. Mr. Speaker, I yield myself the remainder of my time.

The SPEAKER pro tempore. The gentleman from Oklahoma [Mr. BREWSTER] is recognized for 2½ minutes.

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

Mr. BREWSTER. Mr. Speaker, I am pleased to stand in support of the Burton full disclosure amendment. I am very concerned with the Congress bashing that is quite popular with certain Members and with the media. It makes me angry to watch the news and continually see honest Members of Congress portrayed as crooks who can be influenced by meals, travel, entertainment, or other gifts in making official decisions.

By even considering this issue, we serve only to reinforce that negative image. People who oppose the Burton bill have called the supporters of the bill the so-called golf and tennis caucus. What I would like to know is how many of those Members who feel it is wrong to accept a cup of coffee from a lobbyist feel it is all right to ask for a $1,000 campaign contribution?

If a Member of Congress can have his or her vote bought for a cup of coffee or a $25 meal, then imagine what happens to that individual when they beg for and receive a $500 campaign contribution, a $1,000 contribution, or even numerous $5,000 contributions. Honesty is not for sale. If a Member feels they can be influenced by someone buying their dinner, they should not go. Neither should they call some lobbyist and ask for a $1,000 campaign contribution.

Mr. Speaker, this is not about keeping golf and tennis trips, this is about restoring credibility to this institution. If it is wrong to play golf with a lobbyist at a charity event, then why do we make it right in this legislation to play at political events that the Democratic Congressional Campaign Committee has, the national Republican Campaign Committee has, and we ask Members to call these same lobbyists asking them to bring money? If the first is wrong, so is the second.

We will never satisfy the people who are pushing this issue. You can fire your staff, take an oath of poverty, and work for free, and you will never satisfy some groups on this issue.

The Burton bill allows our constituents to judge us, not the Ethics Committee, but the people who elected us to come here to start with. Mr. Speaker, the answer to gift reform is reporting and accountability. The answer to gift reform is the Burton full disclosure amendment. I urge my colleagues to support the Burton full disclosure amendment.

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

The SPEAKER pro tompore. The gentleman from Oklahoma [Mr. BREWSTER] has 15 seconds remaining.

Mr. BRYANT of Texas. Mr. Speaker, I yield 30 seconds to the gentlewoman from Oregon [Ms. FURSE].

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

Ms. FURSE. Mr. Speaker, it is so simple. Why pass laws to make Members fill out forms to tell what they took from lobbyists? Zero is zero. No complications, no forms, no gifts.

I ask Members to defeat the substitute and vote for real reform.

Mr. SHAYS. Mr. Speaker, I yield 1 minute to the gentleman from Iowa, [Mr. GANSKE].

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

Mr. GANSKE. Mr. Speaker, I will vote for gift ban reform. I believe that

House Resolution 250 is reasonable, and that the Burton amendment just does not go far enough. I will also vote for the Gingrich amendment, which is a ban on all gifts. The Burton amendment basically allows the current system to continue, and I oppose it. If you are for the status quo, vote for the amendment.

Mr. Speaker, lobbyists represent farmers, unions, teachers, insurers, consumers, and others. They provide information on both sides of issues for the common citizens they represent. I will listen to a lobbyist for farmers, just as I do for an individual farmer, but I do not need a fancy meal in order to be well informed. Vote against the Burton amendment and vote for the Gingrich amendment, or for House Resolution 250, or for both.

Mr. SHAYS. Mr. Speaker, I yield 1 minute to the gentleman from Delaware [Mr. CASTLE].

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

Mr. Speaker, I rise in support of the gift ban reform bill and against the Burton amendment. I would just like to make several simple points. First, the current rules which we have are farcical. Why, gifts under $100 do not even count to the $250 cumulative limit we can achieve.

No. 2, the executive branch lives by tough gift rules. Gifts over $20 are banned, and the cumulative value of gifts which can be accepted is $50.

No. 3, this reform bill is not overly restrictive. Gifts over $50 are banned, and gifts under $50 may be accepted up to an aggregate of $100.

Finally, and maybe this is most important of all, the public, our constituents, probably get no unsolicited gifts whatsoever. We are arguing about the amount of the gifts we should get. I think we should not be afraid to restrict ourselves in terms of these gifts. Mr. Speaker, I urge us to consider that.

I would also urge us to look at the fact that the Senate passed this same bill unanimously last year. I would urge us to defeat the Burton bill, to consider the Gingrich amendment, as you please, and to make absolutely sure that we all vote for the reform bill in the name of the public when it comes up at the end of the day.

Mr. BREWSTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. CLAY].

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

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

Mr. Speaker, I rise in support of the amendment.

Mr. BRYANT of Texas. Mr. Speaker, I yield myself the remainder of my time.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BRYANT] is recognized for 3½ minutes.

(Mr. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

□ 1645

Mr. BRYANT of Texas. Mr. Speaker, I think it is heartwarming at this contentious time in this House's business to find so many Republicans and Democrats coming forward on the same side, and frankly on both sides, but particularly on the side of reform, because this bill has been a bipartisan effort for three years. I think if we can pass it today intact, it will be a bipartisan credit to this House, one of which we can all be very, very proud.

Mr. Speaker, the refuge that has been taken by the proponents of the Burton amendment in charitable activities I think is clever. In a few ways, maybe it is even deserved. But by and large, I think it is clever, because it suggests that all of these activities are really being done only for the benefit of charities.

The fact of the matter is, there is no prohibition in this bill for charitable activities. None whatsoever. All of the charitable activities that have been referred to which are all very fine efforts can continue to be done.

The fact of the matter is, though, that this particular charitable activity that these Members are talking about does not involve any sacrifice on their part, it involves them being flown by this charity, which is normally a charity activity sponsored by a major corporation that lobbies this House ever day of the week, flown by them clear across the country to a beautiful place to play golf for several days and then home again, and then usually they get a bag of gifts at the same time.

I do not care whether it influences your vote or not. I do not think in most cases it does, but the public sees it that way and the public loses confidence in this institution. Why in the world would anybody come here and ask that they be able to continue playing charity golf at the expense of the reputation of this institution?

The fact of the matter is that the Burton amendment will allow unlimited gifts, unlimited free tickets, unlimited meals, et cetera, from lobbyists as long as they are under $50 all year long.

Do I think that that kind of thing corrupts Members or makes them always vote with the lobbyists? No, but I do know this: It has a regular and certain subconscious effect on anybody to constantly be in the company of somebody else who is paying the bills. That is just human nature.

Mr. Speaker, it is our job here to pass legislation and rules that give the public confidence that we are not legislating in the interests of those people that are hanging around, but we are legislating in the interests of those people that sent us up here and, by the way, pay us a nice salary for doing this job.

I say to my colleagues, if you want to go on these charity golf trips, if you want to be in this activity, pay for it yourself. I urge Members to vote against the Burton amendment. Let us pass this bill and have a bipartisan project that we can be proud of.

Mr. SHAYS. Mr. Speaker, I yield 30 seconds to the gentleman from Florida [Mr. GOSS].

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

Mr. GOSS. Mr. Speaker, this partial disclosure that is proposed by the gentleman from Indiana [Mr. BURTON], my friend and colleague, has two things in it that I think Members should know about. First of all, we have a fairly significant new disclosure requirement that means reporting any gift over $50, that includes meals, will have to be reported. There is no such provision now, that is something new, and before you vote for this, I would urge that you think about that if you are planning to vote for it.

Second, Mr. Speaker, there is no exemption from disclosure requirements for gifts over $50 from personal friends. Members should know that they and their staff would be required to disclose any gift, including a meal, over $50 from a personal friend. That is also new.

Mr. SHAYS. Mr. Speaker, I yield myself the balance of my time to point out that a vote for the Burton amendment is a vote against reform. It allows gifts of up to $250 each year, or $500 per term. It allows any gifts under $50, countless gifts under $50; it allows paid vacations in the name of charity, in many cases funded by lobbyists.

The passage of the Burton amendment prevents a vote on the Senate bill and the Waldholtz-Barrett bill. It also prevents a vote on the Speaker's bill of no gift. I urge an absolute no vote on the Burton amendment.

Mr. BREWSTER. Mr. Speaker, I yield the remainder of my time to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, this has been a very civilized debate and I appreciate that from all of my colleagues. There are some things, though, that have not been explained that I think need to be explained.

Mr. Speaker, we are not talking about just prohibiting access from lobbyists, we are talking about our constituents' access, because the legislation that the gentlewoman from Utah [Mrs. WALDHOLTZ] and the gentleman from Connecticut [Mr. SHAYS] and others are sponsoring is going to limit access by our constituents. If they come to Washington and want to take us out to lunch or to dinner, we are going to have to say no in many cases, especially if we have a long-term relationship, if they are not a dyed-in-the-wool friend.

In addition to that, my colleagues, remember this: It says, gifts and meals valued at $10 or more count toward the cumulative limit of $100. Now, it says you do not have to keep records on that, but I am telling you that you are going to have to keep records on that, everything over $10. Everything over $10. Now, how many in this place are

going to be watching everything over $10?

Mr. TAYLOR of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Mr. Speaker, I would inquire of the gentleman, would it not be just as easy to buy them lunch?

Mr. BURTON of Indiana. Mr. Speaker, reclaiming my time, I would say to the gentleman from Mississippi, of course. The fact of the matter is we have constituents coming in here by the hundreds and everybody here knows that, and if my colleague has the money to buy every one of them lunch, then congratulations. I do not.

The fact of the matter is, you are going to have to keep track of everything over $10, because at some point in the future, you may be called up before the Committee on Standards of Official Conduct, and you are going to have to answer.

Now, in addition to that, remember this: If you violate the ethics laws, and we did not think when we had the House bank scandal we were going to have problems, but we did, and a lot of people were defeated and some even went to jail over it. I am telling you, we are going to have problems with this, and there is going to have to be legal fees paid.

Now, if you go before the Committee on Standards of Official Conduct and you have to plead your case because of some of these improprieties or alleged improprieties, you are going to have to hire an attorney and you are going to have to pay for it and it is going to cost you a lot of money.

Now, let us talk about my bill, my approach. It has been said by the proponents of the Waldholtz bill that they have broad bipartisan support. Well, we have broad bipartisan support on my substitute. We have over 100 cosponsors, because Members, when they find out what they are going to be up against, realize that it is better to have complete and full disclosure than to start worrying about everything over $10 that we are going to have to be accountable for.

Now, what is wrong with full disclosure? Who are we answerable to? Who put us here? Our constituents. Our constituents put us here. If we do something wrong and it is in the paper, they are going to hold us accountable. So what is wrong with disclosing everything?

Mr. Speaker, what my bill says is that everything above $50 we keep track of, if it is a meal or a gift or whatever it is. We keep track of it and we report it on our FEC report. I guarantee you, these people up here are going to be watching our FEC reports because they already do, and if we abuse our privileges in the House, they are going to report it on the front pages of our papers, and we are going to be held accountable by our constituents and maybe even thrown out of office.

So that is the way to handle it. Have full disclosure. Do not mess with this minutia that is going to get us into trouble before the Committee on Standards of Official Conduct.

Now, I would like to talk about these charities. I go to about two of these charity events a year. One is the Danny Thompson event in Sun Valley, ID. I do not even know who I am going to play with when I play in that event, because it is drawn by lottery. You do not know if it is a lobbyist or a businessman or who it is.

So this idea that we are being lobbied all the time is crazy. We have more of these lobbyists in our office every day than we do on the golf course, so that is a bogus argument. The fact of the matter is the Danny Thompson Golf Tournament has raised collectively over $3 million for cancer research, and with the private foundations that give matching funds, that translates into $30 million that has been raised for cancer research. In this past year they found a cure for kids who have lymphatic cancer that is going to save thousands and thousands of young kids' lives.

Now, is the Federal Government going to pick up the tab for that? What is wrong with us playing in a charity event that helps those things and helps those kids? I see nothing wrong with it.

The answer, my friends, is complete and full disclosure. Let those people, let the American people know what we are doing and let them be the judge, not some Committee on Standards of Official Conduct.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Pursuant to the rule, the previous question is ordered on the amendment.

The question is on the amendment in the nature of a substitute offered by the gentleman from Indiana [Mr. BURTON].

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

Mr. BURTON of Indiana. 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 154, nays 276, not voting 2, as follows:

[Roll No. 807]

YEAS—154

Abercrombie
Allard
Bachus
Baker (CA)
Baker (LA)
Barr
Barton
Bateman
Bevill
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Brown (FL)
Bryant (TN)
Bunn
Bunning
Burr
Burton
Callahan
Calvert
Chambliss
Clay
Clement
Clinger
Clyburn
Coburn
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Cooley
Crane
Crapo
Cubin
Cunningham
Danner
de la Garza
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Ehrlich
Emerson
Everett
Ewing
Fattah
Fields (TX)
Fowler
Frisa
Funderburk
Gekas
Gillmor
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Herger
Hilliard
Hostettler
Houghton
Hunter
Istook
Jefferson
Johnson, E. B.
Johnson, Sam
Jones
Kelly
Kim
King
Kingston
Klink
LaFalce
LaHood
Latham
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Livingston
Lucas
Manton
Martinez
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meek
Mfume
Montgomery
Moorhead
Moran
Murtha
Myers
Nethercutt
Ney
Norwood
Ortiz
Owens
Oxley
Packard
Parker
Pastor
Payne (NJ)
Payne (VA)
Pombo
Quillen
Radanovich
Rangel
Regula
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Saxton
Scarborough
Schaefer
Shuster
Skeen
Spence
Stearns
Stenholm
Stockman
Stump
Tanner
Tauzin
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Towns
Traficant
Volkmer
Vucanovich
Watt (NC)
Watts (OK)
Whitfield
Wicker
Williams
Wilson
Young (AK)
Zeliff

NAYS—276

Ackerman
Andrews
Archer
Armey
Baesler
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Blute
Bonior
Borski
Browder
Brown (CA)
Brown (OH)
Brownback
Bryant (TX)
Buyer
Camp
Canady
Cardin
Castle
Chabot
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Coble
Coleman
Condit
Conyers
Costello
Cox
Coyne
Cramer
Cremeans
Davis
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Engel
English
Ensign
Eshoo
Evans
Farr
Fawell
Fazio
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fox
Frank (MA)
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Hall (OH)
Hall (TX)
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Hoekstra
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Hoyer
Hutchinson
Hyde
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Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnston
Kanjorski
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Kasich
Kennedy (MA)
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Lewis (GA)
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| Minge | Roukema | Taylor (MS) |
| Mink | Roybal-Allard | Thornton |
| Moakley | Royce | Thurman |
| Molinari | Rush | Tiahrt |
| Mollohan | Sabo | Torkildsen |
| Morella | Salmon | Torres |
| Myrick | Sanders | Torricelli |
| Nadler | Sanford | Upton |
| Neal | Sawyer | Velazquez |
| Neumann | Schiff | Vento |
| Nussle | Schroeder | Visclosky |
| Oberstar | Schumer | Waldholtz |
| Obey | Scott | Walker |
| Olver | Seastrand | Walsh |
| Orton | Sensenbrenner | Wamp |
| Pallone | Serrano | Ward |
| Paxon | Shadegg | Waters |
| Pelosi | Shaw | Waxman |
| Peterson (FL) | Shays | Weldon (FL) |
| Peterson (MN) | Sisisky | Weldon (PA) |
| Petri | Skaggs | Weller |
| Pickett | Skelton | White |
| Pomeroy | Slaughter | Wise |
| Porter | Smith (MI) | Wolf |
| Portman | Smith (NJ) | Woolsey |
| Poshard | Smith (TX) | Wyden |
| Pryce | Smith (WA) | Wynn |
| Quinn | Solomon | Yates |
| Rahall | Souder | Young (FL) |
| Ramstad | Spratt | Zimmer |

NOT VOTING—2

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| Fields (LA) | Tucker |

□ 1719

Messrs. LONGLEY, WHITE, NEUMANN, HALL of Texas, WYNN, BUYER, Ms. HARMAN, and Messrs. METCALF, RAHALL, SERRANO, GILCHREST, CONDIT, SISISKY, and CHRYSLER changed their vote from ''yea'' to ''nay.''

Mr. OWENS, Ms. DANNER, and Messrs. WATTS of Oklahoma, NETHERCUTT, and ALLARD changed their vote from ''nay'' to ''yea.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

(Mr. GEPHARDT asked and was given permission to speak out of order and address the House for 1 minute.)

## LEGISLATIVE PROGRAM

Mr. GEPHARDT. Mr. Speaker, I ask for this time to inquire about the schedule for today and the rest of the week.

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

Mr. GEPHARDT. I yield to the distinguished majority leader and ask about the schedule for the rest of the day and the week.

Mr. ARMEY. I thank the gentleman for yielding.

Mr. Speaker, of course, the Members are very concerned about what will be our schedule, and we have worked very hard to come to a point where now I can give a pretty good outline of what the rest of the week and the early part of next week will look like.

If the gentleman will continue to yield, it is our hope to finish the Gift Reform Act and the Lobby Disclosure Act this evening, Mr. Speaker. Tomorrow we plan to consider the conference report on the Balanced Budget Act of 1995 and also to consider H.R. 260, legislation regarding American troops in Bosnia.

On Saturday, the House will be in session and voting, beginning about 12 noon.

The House will not be in session on Sunday, but will be in session on Monday and Tuesday.

Given the circumstances, I cannot divine further than next Tuesday, although we will inform Members early next week about the balance of the week, and I thank the gentleman for yielding.

Mr. GEPHARDT. I would like to ask the gentleman if he has a good estimate on when Members might expect to be able to leave here on Saturday afternoon or evening.

Mr. ARMEY. I thank the gentleman for his inquiry. I can only regret that it was not directed to someone else.

But my best estimate is that our work would be completed around 6 on Saturday.

Mr. GEPHARDT. Could the gentleman further inform us what might be on the schedule for Saturday and what time Members might be expected to be here on Monday?

Mr. ARMEY. The most certain thing we would have under consideration on Saturday would be further consideration of the Balanced Budget Act of 1995, upon action of the other body, and then, of course, we have some very important conference reports we would hope to get to on Saturday as well.

Mr. GEPHARDT. On Monday, what time would the gentleman think we might come in?

Mr. ARMEY. I am pleased to announce to my colleagues that we expect no votes before 2 on Monday.

Mr. GEPHARDT. And finally, could the gentleman answer about what would be the estimated time of the first vote on Saturday?

Mr. ARMEY. Saturday, I should think that we would probably have the first vote between 12:30 and 1 o'clock.

Mr. FAZIO of California. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from California.

Mr. FAZIO of California. Mr. Speaker, I thank the gentleman from yielding.

I wonder if we could learn about the activities later this evening. My understanding is that there are some 20 amendments that have been listed as possible amendments to the lobby reform bill which will follow the gift rule. Does the gentleman have a time certain tonight that we would terminate our activities, or do we just go through the evening into the morning hours dealing with the amendments, many of which have been heard but some of which are new?

Mr. ARMEY. I appreciate the gentleman's concern. Let me just say, first of all, of course, it is an open rule, and as is often the case in an open rule with a great many amendments, the managers of the bill can often work things out with the Members with amendments, and that is always the best way to come to an arrangement on time.

What I would propose doing is watching to see how well that progress can go and then perhaps making a decision about completing the bill or perhaps, in fact, giving it further consideration.

It is our hope and our desire to complete the bill tonight, and I am placing a great deal of confidence in the collegiality of the bill managers and the Members with amendments.

Mr. GEPHARDT. One more point or question. With respect, I would just urge the distinguished majority leader to perhaps look at the idea of coming in Saturday a littler earlier so that Members would have a chance, if they were going to go back to their districts on Saturday night, to be able to accomplish that.

Mr. ARMEY. It appears that the gentleman's point is well taken, and I will take it under consideration.

Mr. GEPHARDT. Let me say to the distinguished majority leader that I would hope that it might be possible, and I know the President made statements today, and the Speaker and the Senate majority leader, about trying to figure our way through this business of a continuing appropriation.

If something could be arrived at on Saturday, I assume that if that can be accomplished for a period of time that would get us past Thanksgiving, that we might be able to avoid a session on Monday and Tuesday. I know that is a very tough thing to get done and will take some time. But if that could be done, does the gentleman think we might be able to avoid Monday and Tuesday?

Mr. ARMEY. I believe that it could be possible should an accord be reached on a continuing appropriation, but at this point I have to say we have a very clear and a very important schedule before us that we would intend to work on.

Mr. FAZIO of California. If the gentleman would yield further, I have had some Members suggest that perhaps we could work on Sunday, if it would be possible to be out of here next week; in other words, keep working until we have completed our work. Is there any possibility that that could be entertained?

Mr. ARMEY. At this point, we have no plans to work on Sunday.

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

Mr. GEPHARDT. I yield to the gentleman from Michigan.

Mr. DINGELL. Could the gentleman tell us what the plans are for Wednesday and Thursday for next week? Could the distinguished gentleman from Texas tell us what the plans of the leadership are for Wednesday and Thursday of next week?

Mr. ARMEY. I thank the gentleman for his inquiry.

If I may, if the gentleman would yield further, Mr. Speaker, I hope it is in order for me to make the observation that Sunday is a Sabbath and we try to respect that. In addition, of course, the gentleman, and you are a tough crowd, and, if I may say to the Members, we are, of course, very much cognizant of Thursday, Thanksgiving Day. We are also acutely aware of the fact of the difficulties of traveling on Wednesday prior to Thursday, and we will make every effort we can to find a place where we can close business in order to enable Members to be back in their districts with their families Thanksgiving Day. I will assure the gentleman from Michigan this is a very big priority with us.

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

Mr. GEPHARDT. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I would say to the majority leader, I understand, of course, Saturday is the Sabbath, Sunday is the day of rest for many, as well, and for religious services. But, Mr. Leader, you are well aware that we have now shut down the Government for the longest period of time in history as a result of an impasse between the Congress and the President. Waiting until Monday or Tuesday to try to resolve this will not only put many, many people in the public and private sectors in great distress and trauma, but it also will incur substantially additional costs.

□ 1730

If we could resolve this by the end of the weekend so that the Federal Government could undertake operations on Monday, that would be beneficial for every American and would be in the fiscal best interests of our country, which, of course, are some of the things we have been discussing.

Toward that end, I would hope we would very seriously consider trying to resolve this impasse before the beginning of next week.

Mr. ARMEY. Mr. Speaker, I thank the gentleman, and the gentleman's expression of concern I think is very much a genuine expression and one that can only invoke the most empathic response. The gentleman did, in fact, just last night vote for a continuing resolution that would enable us to resolve the dilemma. We are moving that along as fast as we can to the White House. We are hopeful the President will sign it, in which case we will be exactly where the gentleman wants to go.

Mr. HOYER. In the event though, Mr. Leader, we are not there, what I am urging is that we continue to work with consideration for religious services for all the Members, but in that context, to continue to work straight through, so that we could try to resolve this impasse.

Mr. GEPHARDT. Mr. Speaker, I yield to the gentleman from Arizona [Mr. SALMON].

Mr. SALMON. Mr. Speaker, just an alternative thought on the schedule. I know the President and others on the other side have been critical of our not getting out the appropriations bills. Maybe we should just keep going right on up to Thanksgiving to get those appropriations bills out.

Mr. GEPHARDT. I would say to the gentleman, since we do not have our applause meter out here, we cannot decipher that.

Mr. ARMEY. If the gentleman will yield further, may I assure my colleagues, the hourly schedules and daily schedules we have outlined here for the floor, I believe, accommodate quite nicely to everything I can at this time forecast we could have available to bring to the floor within the day's outline. If other opportunities present themselves, we will certainly revisit the schedule and inform Members.

Mr. SOLOMON. Mr. Speaker, if the gentleman will yield, there will not be another vote for another 30 minutes or so, so if some of the Members want to leave, they are welcome to.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Speaker, as the designee of the gentleman from Georgia [Mr. GINGRICH], I offer an amendment printed in part 2 of House Report 104–341.

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SOLOMON: Page 2, line 3, strike ''(1)'' and strike lines 6 through 15.

Page 7, strike lines 1 through 5, and page 9, strike lines 15 through 16 and redesignate paragraphs (13) through (22) as paragraphs (12) through (21).

Page 10, line 9, insert a period after ''individual'' and strike ''if others'' and all that follows through line 12.

Page 13, beginning in line 24 strike ''3 days exclusive of travel time within the United States'' and insert ''4 days within the United States''.

Page 14, insert a period after ''employee'' in line 17 and strike ''subject to'' and all that follows through line 23.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. SOLOMON] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

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

Mr. Speaker, as the chairman of the Rules Committee, I am obliged to support the position of the committee which was to favorably report House Resolution 250 and urge its adoption. It is a good resolution and one which we can all be proud of.

At the same time, I have an obligation as a Member to support amendments that will help to improve and strengthen this resolution, and the amendment of our distinguished Speaker is such an amendment.

During our hearings on House Resolution 250, I agreed with those House Members and public witnesses who urged us to report to the House the resolution as passed by the Senate. We used that as our guidelines in reporting House Resolution 250 to the House by unanimous voice vote, with only a few technical amendments.

At the same time, I was deeply troubled by the prospect that the $10 exemption for gifts that would count toward the $50 and $100 limits would inadvertently trip up some Members and land them in the Ethics Committee on a frivolous or malicious complaint filed with that committee.

At first we considered raising the exempt threshold to those gifts under $20 which was the exempt limit in last year's bill passed by the House and Senate.

But we did not do that, because too many people would charge that we were weakening the resolution. I therefore came to conclude that the best way to avoid getting into trouble was to adopt the total gift ban recommended by the Speaker.

It retains most of the exceptions contained in the existing resolution including exemptions for gifts from close personal friends and relatives, gifts of personal hospitality, and reimbursements from private sources for travel, in connection with our official duties, such as speech making, factfinding, and substantial participation events.

The two exceptions from the gift rule that are dropped in the Gingrich-Solomon amendment are gifts of home State products made to Members, and their offices, and gifts of nominal value such as t-shirts, baseball caps, coffee mugs, etc. Members can still accept such things as commemorative plaques for their service as Members.

But I think most Members will be much more comfortable with the zero-gift rule proposed by the Speaker, because it does establish that bright line between what is acceptable and what is not acceptable.

There is no need for recordkeeping or disclosure for gifts from persons who are not close personal friends or relatives. You just cannot accept them. Period?

No meals, no free tickets, no bottles of wine, or baskets of fruit or birthday cakes—no matter what their value. What could be more simple than just saying no—in a polite way of course.

I know many Members now have such a policy in their own offices including me and to a person they indicate that it is the easiest policy in the world to live with, because there are no gray areas. If a gift comes into your office from someone who is not a friend, you just refuse to accept it.

I urge support for the Gingrich-Solomon amendment that simply says accept no gifts.

Mr. Speaker, the Gingrich-Solomon amendment also makes another important change in this resolution, and that is to delete the requirement that for a spouse or child to accompany you on a privately reimbursable trip for official

business, you must determine and certify that they are, and I quote ''appropriate to assist in the representation of the House.''

Mr. Speaker, that is demeaning, insulting, and unnecessary language. It is contrary to our family friendly policy that we established this year in this House. One Member of this House put it very bluntly but appropriately when she said: ''I don't take my husband with me to represent the House. I take him with me to keep our marriage together.''

Mr. Speaker, we don't make speeches to groups and associations for the fun of it. We do so because part of our representational function here is to help educate the public as to what we are doing in this Congress. We can not depend on the media or on people staying glued to C–SPAN for them to know what the Congress is doing.

We have an obligation to keep the people informed as to what legislation we are considering, what our agenda is, and what we have accomplished.

My wife is gracious enough to accompany me on the few trips I do take when I am invited to address associations that represent my constituents.

I do not and will not make it a condition for her accompanying me on those rare occasions that she must somehow prove that she is representing the House to justify her being with me. I want her to be with me because she is my wife and not because she is an ambassador for the House, as important as this institution is.

Mr. Speaker, in conclusion, the Gingrich-Solomon amendment is simple; it is easy to understand; and it is that bright line that is easy to comply with. It says to our Members and to this House that we do not depend on, we do not need, or we certainly do not want any kind of gifts from persons who are not friends or relatives.

It says to our constituents what they expect of us in the first place, and that is that we are willing to adopt, to comply with, and to enforce the strictest of ethical standards.

It says to the American people that there is no question that we are somehow beholden to the gifts of those who may even indirectly try to influence our behavior or voting in this House.

We are here because we believe that this Government is and should be of the people, by the people, and for the people, and, as the people's House, we are here as servants of the people for 2 short years before we must take our records and conduct, back to the people for renewal.

I urge the adoption of the amendment.

□ 1745

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

Mr. FROST. Mr. Speaker, I will manage the time, as I know of no Member who intends to rise in opposition to this amendment on our side.

The SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] is recognized for 15 minutes.

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

Ms. JACKSON-LEE. Mr. Speaker, I thank the gentleman from Texas for yielding me time, and I thank him for his leadership, along with my good friend, the gentleman from Texas, JOHN BRYANT.

I appreciate the words of the distinguished gentleman from New York and rise to support the Speaker's amendment on this issue because there are just two simple propositions that we need to pay attention to.

This amendment would result in a ban of all underlying gifts, and it would even include, though I come from the great State of Texas and they have some good barbecue, any gifts that come in as home-State products. Simply a fairness issue.

I think it is time now for the U.S. Congress to go right to the line, to go straight to the point. And the point is to ban all gifts. It bans Members from accepting free travel to events that are substantially recreational in nature. Nothing less, nothing more. Simple fairness.

Coming on this House floor on January 4, 1995, as a freshman, that was the first statement I made, a willingness to ban gifts so that we could get on with the people's business. Now we have come to this point on November 16, 1995. I join in supporting what really we should be doing, cleaning the people's House; standing up for what Americans say we should be doing, and that is doing their work. Ban all gifts. It is a good amendment.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Sanibel, FL, PORTER GOSS, one of the very distinguished Members of this body. He is not only a member of our Committee on Rules but he is a longstanding member of the Ethics Committee.

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

Mr. GOSS. Mr. Speaker, this amendment makes three major changes to the base text of House Resolution 250, leaving the rest of its provisions intact. These changes have the effect of: First, providing a general ban on all gifts—including meals. This proposal does away with the idea of dollar value thresholds—in other words, regardless of the value of a gift or meal, Members and staff would simply not be permitted to accept it. In terms of defining what constitutes a gift, this amendment retains 21 of the 23 exceptions that are in House Resolution 250—most of them commonsense mentions that provide Members with some sense of confidence that they can live normal lives; second, providing a reasonable assurance that Members can make their own decisions about when it is appropriate for them to be accompanied by their spouse or child at an event or on a trip; and third, conforming the domestic travel limit to current House rules of 4 days.

These changes make a lot of sense to me. For Members who are concerned that the dollar thresholds and triggers in House Resolution 250 could entrap Members even as they try to do the right thing. By banning all gifts the bright lines should be very clear. Having had such a policy in my office for 7 years—in fact a policy that goes beyond this proposal, because we accept no travel—I can assure my colleagues that a clear ban is workable. I urge my colleagues to support this approach—it is fair and it will go a long way in helping to restore the public's faith in this body.

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

Ms. RIVERS. Mr. Speaker, before I was elected last November, I took the common cause pledge to not accept gifts in my office, and I have adhered to that pledge throughout the time that I have been here. I introduced a bill that would do exactly what this amendment would do, it would say that in Congress we do not take gifts.

Throughout my district, I have talked about the need for Congress to operate in a bipartisan way and for Congress to clean up its House in terms of ethics, and I am pleased to support this effort today, which is both, bipartisan and reflective of our need to put ethics first.

Mr. Speaker, this is really the deimperialization of Congress. We are saying to our Nation that we will not take gifts, we will pay for our own food, we will pay for our own travel, we will pay for our own recreation. This is not revolutionary, it is not unreasonable, it is not unduly burdensome, it is simply the right thing to do. I urge a ''yes'' vote.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. BROWNBACK], one of the outstanding new Members of this body, one who has led the fight for reform since he arrived here about 11 months ago.

Mr. BROWNBACK. Mr. Speaker, I want to thank the chairman for his kinds words.

Briefly stated, this is a very important reform on trying to reestablish some public trust in elective office. I say this not to impugn anything or anybody at this institution or body, but simply that people do not trust the system. We have to change the system.

I think until we ban gifts completely, they will not trust the system. Indeed, half steps forward may actually take us backward in the public's perception of this body and trust. And that is what this is all about, about public trust.

I urge my colleagues to vote ''yes'' on this amendment, to just say ''no'' to gifts, to ban them, and to start to reestablish that public trust in this body.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague on the other side of the aisle for yielding me time, and I also want to compliment the distinguished gentleman, the chairman of the Committee on Rules, for structuring a fair rule, and also for being a partner during the last 3 weeks as we have tried to put together this reform to the gift policy in the House.

It has been a fun time, it has been a learning time, but, most importantly, I think tonight, as we complete this process, we can demonstrate that we have gone through a process of listening to the American people, we have spent a tremendous amount of time listening to Members, Members of both sides of the aisle, and recognize that they have all approached this issue with a lot of emotion, a lot of good will, and a lot of genuine interest in doing the right thing.

Mr. Speaker, I think tonight we will have the opportunity to do the right thing. We will have an opportunity to set a clear, new standard on the gifts that House Members can accept. This does not preclude us from interacting in an effective and efficient way with our constituents, with those that are here to educate us on the issues, this just moves a whole set of concerns, issues that have been associated with how constituents and other individuals may interact with Congress.

We are going to set a new standard. I applaud the Speaker for bringing this idea and this concept to the floor, and I think we have a real opportunity to say the new standard is we will accept no gifts. Our interaction with our constituents, our interaction with those that are here to educate us on the issues will deal purely with the substance of the various issues.

Mr. Speaker, I think this is a good opportunity to set a standard, to set a standard which perhaps the other body will also follow.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut, Mr. CHRIS SHAYS, one of the true leaders of reform in this House.

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

Mr. SHAYS. Mr. Speaker, I rise in support of the Gingrich amendment to House Resolution 250 and commend the gentleman from Georgia on his valuable contribution to this debate.

A total gift ban, as proposed in the Gingrich amendment, makes sense. It's simple, straightforward and strong.

The American people want gift reform and this amendment goes even further than the Senate-passed rule many of us have been advocating. I thank Speaker GINGRICH for coming forward with this bold proposal, and urge its adoption.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania, Mr. JOHN FOX, another outstanding new Member of this body, another leader in reform since he arrived here 11 months ago.

Mr. FOX of Pennsylvania. Mr. Speaker, no one runs for this office to receive gifts from lobbyists. No one runs for reelection for that purpose. There is a public expectation we should not receive gifts, trips or entertainment. Our citizens do not. We need to help restore the confidence in the House by passing the Gingrich-Solomon amendment. No gifts mean no recordkeeping. The concept is overdue. Please vote for the amendment.

Mr. FROST. Mr. Speaker, may I ask the time remaining on each side.

The SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] has 10½ minutes remaining and the gentleman from New York [Mr. SOLOMON] has 3½ minutes remaining.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

□ 1800

Mr. DURBIN. Mr. Speaker, it was good fortune in life as a college student to go to work for U.S. Senator Paul Douglas of Illinois, a man who literally wrote the book on ethics and government.

He had a gift policy in the early 1960's, where he would not accept a gift of value more than $2.50. He ended up retuning almost everything. Sometimes it created embarrassment and a stir, but it was a standard that he lived by and people respected him for that.

Mr. Speaker, I am going to support this bipartisan effort. It holds Members of Congress to a higher standard, and we should be held to that standard. I have personally established a gift ban in my office and it has been in place for quite some time. This disclosure and the gift-ban provisions here are consistent with that, and I think a good measure for this House to follow. I am sorry it has taken us this long to bring this matter before us.

Mr. Speaker, having said that, now that we have established ourselves a higher standard for Members of Congress, let me suggest that we are in the midst of a governmental crisis where we are holding Members of Congress to a lower standard. I make reference to the bill I introduced, H.R. 1221, ''No budget, no pay.''

We sent home 800,000 Federal employees without pay while Members of Congress still receive their paychecks. We have said to those widows and dependents of veterans, ''You may not get a check December 1, but your Congressman will.'' We have said to our staff people, ''You may not get a check for your services, but your Congressman will.''

Frankly, I think this is an outrage. Members of Congress have basically created a political crisis which could be solved in a heartbeat. I frankly think if we turned off the TV cameras and the machines printing congressional checks, this crisis would be over in 15 minutes.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Speaker, if I understand this correctly, there are three schools of thought driving the gift ban. The first is that some believe Members of Congress regularly, or even occasionally, sell their vote for a dinner or a golf game. If anyone seriously believes this, instead of bringing a bill to the floor, they should bring a complaint to the Committee on Standards of Official Conduct. I do not think anyone who knows this institution or its Members could believe that this is the case.

The second theory maintains that the problem is not reality; the problem is perception. They think that the people believe that we are easily bribed and we need to prohibit these bribes in order to placate the populace. In other words, they say that on a day when the Government is shut down over budget problems and we are on the brink of entering a conflict in Bosnia, the American people want us to go through this self-flagellation to restore the appearance of integrity. I am not sure that is what we ought to be spending our time on.

The third school of thought maintains that our constituents will reelect us as long as we make a grand show of how terrible this institution or its Members are. If we make it clear to everyone that we are trying to clean this place up and that we are trying to somehow play the integrity guardian of this place, then they will never consider us politicians.

Mr. Speaker, in the Bible it says that hypocrites stand on the street corner and pray out loud. Well, I think we ought to restore the confidence of the public by doing the public good.

Mr. Speaker, I do not go to dinner with lobbyists. I have no interest in gifts. I do not play golf. I do not like to travel. More importantly, I do not take any PAC money. I do not take any money outside the district. I find it ridiculous that the suggestion here is that if Members take a $25 dinner from a lobbyist, they might be bribed, but if they accept $5,000 from a PAC, they will not be bribed.

The only gift, for example, that would interest me right now is that we get our work done, and we can all go home. But, Mr. Speaker, I will vote for this legislation.

Mr. FROST. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Speaker, I want to speak in favor of this amendment.

Mr. Speaker, I want to share with the House my own experience in business, because we went through this same challenge in the companies that I founded and ran, and we finally decided that we could tinker around with different ways of trying to deal with the problem, if there is such a problem, of purchasing influence by suppliers through entertainment and gifts.

Mr. Speaker, if, in fact, my colleagues believe that there is an ethical vulnerability, and obviously that is what we are saying because we do have rules in this area already, then the way to really solve it, the way to really end it once and for all, is to create a zero-tolerance standard, because what that does with a zero-tolerance standard is that it draws the brightest of bright lines. It makes it crystal clear on a daily basis. There is absolutely no question in anybody's mind and everyone knows what the standard is.

Mr. Speaker, we are talking about a standard of no gift, zero tolerance, no question. It is crystal clear. It is very simple. So long as Members take on the yoke of representation in this House, Members will know without any question, without any doubt, exactly what their responsibility in this area is with respect to the acceptance of gifts.

Mr. Speaker, that is why I support the amendment. I urge my colleagues to do the same thing, and I hope it passes.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina [Mr. GRAHAM].

Mr. GRAHAM. Mr. Speaker, it is good to be working on something that we can agree on today and really improve the quality of Government. It is not about whether Members can be bought. That is not the issue here. I respect the Members of this body. Nobody is going to be bought because they go to dinner.

Mr. Speaker, if Members have a propensity to being bought, they can get bought no matter what rules we have. That is not the issue. The issue is to make this body more businesslike and reflect the value system that the American public wants us to adopt.

Mr. Speaker, I came from South Carolina, the legislature there, where we had several people unfortunately go to jail because they did get bought. We had a lot of rules, but they still got bought. We looked at the situation in South Carolina and we said, ''Let us adopt bright-line rules and make people feel better about this institution.'' In South Carolina, legislators cannot take anything from a registered lobbyist.

Mr. Speaker, let me tell my colleagues this: Government still works. Lobbyists do not need to give me anything to tell me about their business interest, to tell me what they would like to happen with their Government. We can sit down and we can talk and I will listen and I will do what I think is best for my district. We do not need money to change hands; we do not need gifts to change hands.

Military officers, and I was one for 6½ years, cannot take anything from the contractors that they deal with.

Mr. Speaker, what we are trying to do is run this place in a more businesslike fashion and restore public trust. The issue is not about being bought. The issue is changing Congress to make sure that we live in a system that is very similar to the average, everyday American.

The gift situation needs to be changed, and I congratulate the Speaker for putting in a zero-tolerance level as the standard. I congratulate the Democratic Party for helping us to get there to restore faith in our Congress. This is a small step forward, but it is a good step forward.

Mr. FROST. Mr. Speaker, how much time do I have remaining.

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). The gentleman from Texas [Mr. FROST] has 4 minutes remaining, and the gentleman from New York [Mr. SOLOMON] has 3½ minutes remaining.

Mr. FROST. Mr. Speaker, do I understand that the gentleman from New York only has one speaker who will close?

Mr. SOLOMON. Mr. Speaker, that is correct.

Mr. FROST. Mr. Speaker, I yield the remainder of my time to the gentleman from Texas [Mr. BRYANT].

(Mr. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Speaker, I am glad we are at this point, finally, after all these years of effort on the part of many people on both sides of the aisle, and we are about to prohibit the acceptance of gifts. Mr. Speaker, I think it is right that we do so.

I can only observe that we spent a good part of that 2½ years trying to hammer out a compromise between those who were opposed to doing anything and those of us who wanted a complete ban, and the compromise that we came up with it what is in the bill that is known as the Waldholtz bill before the House today.

Had we known the Speaker was going to come forward with an amendment to take it down to zero, we would have embraced that in the first place. I am glad he has done it. I would point out that his bill, like the underlying bill, has many, many exceptions to it, including gifts from relatives and gifts based on personal friendship, and attendance at lobby-attended events and so forth, which are good exceptions. I support them.

Mr. Speaker, I notice in the gentleman's provisions that he specifically left out of the list of exceptions, items of little intrinsic value, such as baseball caps and greeting cards. I am curious to know, and this is an actual question, not a rhetorical question, if that was intentional. If it was not intentional, I wonder is it would not be a good idea to fix it while we have a chance.

Mr. SOLOMON. Mr. Speaker, if the gentleman would yield, I would say to the gentleman, it was not intentional and we would accept a unanimous consent to remove it.

MODIFICATION OFFERED BY MR. BRYANT OF TEXAS TO THE AMENDMENT OFFERED BY MR. SOLOMON

Mr. BRYANT of Texas. Mr. Speaker, reclaiming my time, if that is appropriate at this time, I ask unanimous consent to do that.

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

There was no objection.

Mr. BRYANT of Texas. Mr. Speaker, finally, I would say to the Members of the House it is not only that Lord that works in mysterious ways; it is the U.S. Congress. However we got here, I am glad we are here. We ought to vote for it and be proud of it as a bipartisan product and move on to other business.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. So the Chair can be clear about the impact of that unanimous consent request, the gentleman from New York will suspend one moment so we can make certain of the import of that.

Mr. SOLOMON. Mr. Speaker, I would ask the gentleman from Texas [Mr. BRYANT] I do not know if he has the bill there, but on page 9, lines 21 and 22, there is a section that says, an item of nominal value such as a greeting card, baseball cap, or T-shirt.

Mr. BRYANT of Texas. Yes.

Mr. SOLOMON. And that was the one the gentleman was talking about?

Mr. BRYANT of Texas. That is the one I was referring to.

Mr. SOLOMON. The other item was on page 7, which was donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any other recipient.

Mr. BRYANT of Texas. I would like to include that in the unanimous consent request, although I did not before.

Mr. SOLOMON. The others were taken out for the same reason, unintentionally. If the gentleman from Texas wants to include that, we would accept it.

Mr. BRYANT of Texas. Mr. Speaker, I would do so and if it is not necessary to rearticulate that, I will leave it that way.

Mr. SOLOMON. So that the Speaker and the Clerk understand, on page 7, we are removing lines 7 through 11, and on page 9 we are removing lines 21 and 22. That is the Byrant unanimous consent request.

The SPEAKER pro tempore. The Chair understands this to be the unanimous consent request. The Clerk will read what the Chair understands to be the modification that is being requested.

The Clerk read as follows:

Modification offered by Mr. BRYANT of Texas to the amendment offered by Mr. SOLOMON.

In the second paragraph of the amendment offered by Mr. SOLOMON of New York, strike out Instructions. On page 9, strike lines 21 through 22.

Mr. SOLOMON. And page 7, lines 7 through 11.

POINT OF ORDER

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

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. ABERCROMBIE. Mr. Speaker, is this being made available in writing to the Members?

The SPEAKER pro tempore. The Clerk is attempting to report the modification proposed by the unanimous-consent request.

Mr. ABERCROMBIE. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. The gentleman reserves the right to object and the gentleman's point of order is noted.

If the gentleman will suspend for a moment while the Chair verifies the unanimous-consent request.

Mr. SOLOMON. I just sent it to the desk.

The SPEAKER pro tempore. The Clerk will now rereport the modification that is the subject of the unanimous-consent request of the gentleman from Texas [Mr. BRYANT], realizing that there is a reservation of objection by the gentleman from Hawaii.

The Clerk read as follows:

Modification offered by Mr. BRYANT of Texas to the amendment offered by Mr. SOLOMON:

Strike out the second paragraph of the instructions.

The SPEAKER pro tempore. Is there objection to the modification offered by the gentleman from Texas [Mr. BRYANT]?

Mr. ABERCROMBIE. Reserving the right to object, Mr. Speaker, could we have it explained once more? Perhaps the gentleman from Texas [Mr. BRYANT] or the gentleman from New York [Mr. SOLOMON] would explain at this juncture precisely what it is that will be allowed or disallowed, whichever makes the most sense in terms of an explanation.

Mr. Speaker, I yield to either the gentleman from Texas or the gentleman from New York.

The SPEAKER pro tempore. The gentleman from Hawaii will suspend. The gentleman from Hawaii has the floor and may yield to whomever he may wish.

Mr. ABERCROMBIE. Mr. Speaker, I yield to the gentleman from Texas [Mr. BRYANT] or the gentleman from New York, if he feels he can contribute to the explanation.

The SPEAKER pro tempore. There is an explanation forthcoming about an important unanimous-consent request.

□ 1815

The gentleman from Hawaii has yielded to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT of Texas. Mr. Speaker, the amendment to the bill simply says that there will be no gifts accepted by any Member unless they fall under specific exemptions. Those exemptions are the same exemptions that are in the Senate rules, that are in the underlying rule which the gentleman from Georgia [Mr. GINGRICH] has amended, with two omissions that were inadvertent, one of those is home State products of minimal value for display or distribution, and the other is items of little intrinsic value such as baseball caps or greeting cards. Those were accidentally omitted from the list of exceptions and, accordingly, I made a unanimous consent request that they be added back into the list of exceptions thereby permitting Members to accept those without worrying about any problems.

Mr. ABERCROMBIE. Mr. Speaker, continuing my reservation of objection, what concerns me here is, the reason I raised the question, the reason that I am doing this is that I am concerned that we are now arriving at a point where we are listing what is proscribed, or are we listing what is included in that which is accepted? If it is not specifically named in this legislation, does that mean then that we run the risk of having it considered something which is forbidden?

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

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

Mr. SOLOMON. Mr. Speaker, the answer is yes.

Mr. BRYANT of Texas. Mr. Speaker, if the gentleman will continue to yield, I am not sure what the gentleman from New York [Mr. SOLOMON] answered yes to. I want to make it very clear.

Mr. ABERCROMBIE. Mr. Speaker, reclaiming my time, I am exactly clear as to what the gentleman from New York [Mr. SOLOMON] just said. Mr. SOLOMON just said that in regard to what you just named—greeting cards and baseball caps—that will now be allowed. Presumably, had that not been included at this point, or the attempt made to include it at this point, you could get greeting cards which would be illegal. You could get baseball caps which would be illegal. The question I asked, and why I am reserving the right to object is, I am trying to find out—excuse me, not I—but if we do not list everything that is allowed, does that mean that that which does not appear in this specific list of exemptions may very well at some point be considered as being illegal and will we have to find that out as we go along?

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

Mr. ABERCROMBIE. I yield to the gentleman from Iowa.

Mr. NUSSLE. Mr. Speaker, if I could even go one step further than that, I think the beauty of this amendment, prior to this unanimous-consent request, was that it is a clear signal to the lobbyists, do not send anything. Then we do not have to decide. Then there is not a problem.

Now we are saying that baseball caps and other items, other items of minimal value, now it becomes a judgment call not only on the giver but also the receiver as to what else may be included, which goes to the gentleman's point, but also to what is of minimal value.

The beauty of this amendment, which was a gift ban, which exempted out the family and everything else, was that it not only was a suggestion to us but it was a clear signal to those who might want to give. I think that was the beauty of it. I would hope that the gentleman would continue to object.

Mr. ABERCROMBIE. Mr. Speaker, I have not objected yet.

Mr. NUSSLE. If the gentleman does not, I might.

Mr. ABERCROMBIE. Mr. Speaker, I appreciate the editorial clarity, but I am trying to find out here from the chairman of the Committee on Rules, who is now being advised on all sides, Mr. Speaker, I thank you for your patience in this, but I do think it is crucial to the understanding of the bill before us.

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). So that Members may have clarity of thought, the gentleman from Hawaii still controls the floor under a reservation of objection.

Mr. BRYANT of Texas. Mr. Speaker, will the gentleman yield?

Mr. ABERCROMBIE. Further reserving the right to object, I yield to the gentleman from Texas.

Mr. BRYANT of Texas. Mr. Speaker, the specific item which was inadvertently left out of the Gingrich amendment said, and it said this for several years in its text, items of little intrinsic value, such as baseball caps and greeting cards. Items of little intrinsic value, we want to leave that in there so there is no problem for any Member. That is all we are trying to do here. My unanimous-consent request, which has been approved by the other side, is simply to leave it in there.

Mr. ABERCROMBIE. Mr. Speaker, we are exchanging these words verbally right now. I am looking at the amendment to House Resolution 250, gift reform. The amendment retains exceptions for, and then it lists quite a number of items. If I understand it correctly, there is now a unanimous-consent request that language be added to that list of exemptions; am I correct?

Mr. SOLOMON. Mr. Speaker, if the gentleman will continue to yield, yes, the gentleman is correct.

Mr. ABERCROMBIE. Mr. Speaker, could the gentleman repeat the language at this time, please.

Mr. SOLOMON. Mr. Speaker, I would be glad to. If the gentleman has the underlying legislation, the proposal before him, on page 7, lines 7 through 11, they are allowed under the underlying legislation. And the Gingrich amendment would prohibit them. This is what the underlying legislation allows.

Mr. ABERCROMBIE. Reclaiming my time, is the gentleman referring to, on page 7, ''donations of products from the State.''——

Mr. SOLOMON. Mr. Speaker, that is correct.

Mr. ABERCROMBIE. ''That a Member represents that are intended primarily for promotional purposes, such

as display or free distribution, and are of minimal value to any individual recipient''?

Mr. SOLOMON. Mr. Speaker, if the gentleman will continue to yield, exactly. And then flip the page to page 9.

Mr. ABERCROMBIE. Page 9?

Mr. SOLOMON. Yes, lines 21 and 22.

Mr. ABERCROMBIE. An item of nominal value such as greeting cards, baseball cap or T shirt.

Mr. SOLOMON. Keep in mind ''such as.''

Mr. ABERCROMBIE. Yes. Now, is it the case that by inadvertence this was left out of the bill?

Mr. SOLOMON. The underlying legislation, it was specifically left in. In other words, as an allowed gift. Under the Gingrich legislation, it was inadvertently prohibited.

Mr. ABERCROMBIE. Mr. Speaker, in the Gingrich legislation that is now before us, it was inadvertently left out; is that correct?

Mr. SOLOMON. Mr. Speaker, that is correct.

Mr. ABERCROMBIE. So if this is accepted, the unanimous consent request is accepted, those two elements that appeared in the underlying bill would now appear in the Gingrich legislation?

Mr. SOLOMON. Mr. Speaker, that is correct.

Mr. ABERCROMBIE. Mr. Speaker, continuing my reservation of objection, it occurs to me that the ''such as'' may be illustrative, but is it supposed to be illustrative of the amount of money, when we say intrinsic value, are we talking about, is it your understanding, Mr. SOLOMON, that that has a dollar value, when the phrase intrinsic value is utilized to describe——

Mr. SOLOMON. Mr. Speaker, minimal, nominal value, yes.

Mr. Speaker, the gentleman from Georgia [Mr. GINGRICH] our Speaker, has to leave in about 3 minutes. There are 3½ minutes remaining in the debate.

Mr. BRYANT of Texas. Mr. Speaker, I withdraw my unanimous-consent request for the time being.

The SPEAKER pro tempore. The gentleman's request is withdrawn for the time being.

Mr. SOLOMON. Mr. Speaker, on opening day the Speaker of this House directed the Republican Members of this House to reform this Congress. We put through profound changes, such as shrinking the number of committees, subcommittees, eliminating proxy voting and opening up sunshine for these committees. He also directed us to continue the reforms of this House. This is one of them.

Mr. Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. GINGRICH], the great Speaker of this House.

Mr. GINGRICH. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for yielding time to me.

Mr. Speaker, I want to thank the gentleman from Texas [Mr. FROST] for the way he handled this this afternoon and enabled Members to participate in a bipartisan manner.

I want to thank the gentleman from Texas [Mr. BRYANT], because the truth is when we first drafted this we did not intend to drop out the T shirt part in particular. Members who go and they try to help with charities and a lot of other things. I appreciate his bringing it to our attention. I hope when I am done he can actually finish working that out with the gentleman from Hawaii and really make that unanimous-consent request a second time.

I also thought, however, that the gentleman from Maryland [Mr. GILCHREST] had a very important point. I want to mention here to the House the testimony I made a few days ago to the House Committee on Government Reform and Oversight about establishing a bipartisan commission to look at the entire fabric of power in the information age, from lobbying to gifts to campaign financing to party financing to independent expenditures, because the truth is, we can ban gifts and then we end up with a PAC giving $5,000. We can outlaw PAC's and then we end up with an independent expenditure of $500,000. There are all sorts of things that go on in the information age that we do not record very well, we do not understand very well. And we are not going to have any one or two reforms that automatically improve it.

I do believe that I had an obligation to offer this amendment. Let me explain why. I think that the Speaker has an obligation to try to protect all the Members of the House. I was told by several members of the Committee on Standards of Official Conduct and several former members of the Committee on Standards of Official Conduct that the rules adopted by the Senate were clearly unenforceable and would in the end end up with Members by the most innocent of just forgetting things over the course of an entire year traveling back and forth to home, the kind of schedules we keep, inadvertently ending up in the kind of violations that would for the first time cause real problems and lead Members to innocently end up either being entrapped or finding themselves in trouble they had no notion of.

The gentleman from Utah [Mr. HANSEN], who had been for many years our ranking member, made the point that we have never actually had an ethics case involving a gift. So at one level one can say, why are we changing it? But if we are going to change it in the direction that the Senate chose, then I think frankly we have an obligation to change it decisively and clearly.

I just think that we have to recognize that there is bipartisan support for trying to figure out how should we operate. We win an election. We are here for 2 years. We serve the people. What should the standards be?

My conclusion was that the simplest, the cleanest and the clearest standard was to say, no gifts. That may well mean what the gentleman from Pennsylvania [Mr. WALKER] was saying a while ago, we may literally have to set up a repository that anonymous gifts end up at go to a charity or to go somewhere because people literally will drop things off. But the rule ought to be, no gifts. Personal friends, yes, Members have every right to have a personal life. Family, yes, we hope Members have a family life. We want you to, despite the recent schedule.

But the fact is that there is a clear line and rather than have all sorts of little nuances and regulations and red tape, I would urge my colleagues to vote for this amendment to end accepting gifts from lobbyists and others who give them the gift because they are a Member of Congress. There is no way around it. They did not get the gift before they were elected, they are not going to get the gift after they leave. That is different from personal friends and it is different from family, and I think it is the right thing, to just end it and take this as step one.

Then I hope the House will join me before the year is out in voting for a bipartisan commission to look at the totality of what we have to do to clean up this system and make it fair for the average American.

The SPEAKER pro tempore. The Chair would advise Members, at this point the gentleman from New York [Mr. SOLOMON] has one-half minute remaining, and the gentleman from Texas [Mr. FROST] has 2 minutes remaining.

The Chair will now entertain the unanimous-consent request.

MODIFICATION OFFERED BY MR. BRYANT OF TEXAS TO THE AMENDMENT OFFERED BY MR. SOLOMON

Mr. BRYANT of Texas. Mr. Speaker, I ask unanimous consent that the language found at page 7, lines 1 through 5, and page 9, lines 15 and 16, be reintroduced as exceptions.

Mr. SOLOMON. Mr. Speaker, the gentleman is on the introduced bill and not on the bill before us. The gentleman should be on the Gingrich amendment.

The SPEAKER pro tempore. The Clerk will report the proposed modification.

Modification offered by Mr. BRYANT of Texas to the Amendment offered by Mr. SOLOMON: Strike out the second paragraph of the amendment.

□ 1830

Mr. BRYANT of Texas. Mr. Speaker, I ask unanimous consent that we do what the Clerk just read.

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Is there objection to the request of the gentleman from Texas?

Mr. NUSSLE. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Speaker, I have a parliamentary inquiry.

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

Mr. FRANK of Massachusetts. Mr. Speaker, is there any way, under the rule reported out, that the House could amend the pending amendment short of a unanimous-consent request?

Mr. SOLOMON. Not short of a unanimous-consent request.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Mr. FRANK of Massachusetts. So that no amendment would be allowed?

The SPEAKER pro tempore. Only by unanimous consent.

Mr. FROST. Mr. Speaker, I yield back the balance of my time.

PARLIAMENTARY INQUIRIES

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

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

Mr. ABERCROMBIE. I would like to know, Mr. Speaker, whether with the objection the possibility of the two items mentioned by the gentleman from New York [Mr. SOLOMON] in response to the request from the gentleman from Texas [Mr. BRYANT] are now out of the Gingrich amendment with respect to that which appears in the underlying bill.

The SPEAKER pro tempore. The Chair is not at liberty to interpret the modification that was suggested.

Mr. ABERCROMBIE. Further parliamentary inquiry, Mr. Speaker, and the reason I am asking is that it may determine how I will vote and, perhaps, others will vote.

The SPEAKER pro tempore. The Chair would advise the gentleman from Hawaii that the modification was not agreed to by unanimous consent.

Mr. ABERCROMBIE. Does that mean, any further parliamentary inquiry because I want to understand the meaning of it, and I think I am entitled to that before I vote, I am entitled to understand it. If everybody else in the room understands it, that is fine; I intend to have a full understanding before I vote.

Mr. Speaker, I ask unanimous consent to extend the time by 2 minutes.

The SPEAKER pro tempore. The Chair would like to make sure all heard the unanimous-consent request. Will the gentleman restate it?

Mr. ABERCROMBIE. It is to extend the time of debate another 2 minutes.

The SPEAKER pro tempore. To be controlled by? Equally divided?

Mr. ABERCROMBIE. By me.

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

Mr. SOLOMON. Reserving the right to object, Mr. Speaker, we would not object to the time being extended for the gentleman from Texas [Mr. FROST] or for myself, but we could not do it for the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, I think I need to get a clear understanding. I will do it under the parliamentary inquiry, but I thought it might be more in order if there was an opportunity for members to maybe, perhaps, discuss it.

The SPEAKER pro tempore. Then the gentleman from Hawaii has a parliamentary inquiry that is being entertained by the Chair?

Mr. ABERCROMBIE. Mr. Speaker, I will stay with the parliamentary inquiry, and I withdraw my unanimous-consent request.

The SPEAKER pro tempore. The gentleman withdraws his unanimous-consent request.

Mr. ABERCROMBIE. The parliamentary inquiry, Mr. Speaker, is that if I, or anybody else on the floor, wishes to vote for a bill which contains the two elements as enunciated by the gentleman from New York [Mr. SOLOMON] and the gentleman from Texas [Mr. BRYANT], would I then vote against the Gingrich proposal as presently before the body and then vote, should that fail, for the underlying legislation? If I wanted to vote for a bill which contained all of the exemptions listed in the underlying bill, minus those two, which I believe would have been added had there not been objection to the unanimous-consent request made by the gentleman from Texas [Mr. BRYANT]——

The SPEAKER pro tempore. The Chair would advise the gentleman, given a request for regular order, that the gentleman is not stating a proper parliamentary inquiry, but the Chair understands his dilemma. The Chair cannot advise the Member as to the import of this amendment. The Chair can only say it is a modification by unanimous consent.

Mr. ABERCROMBIE. Mr. Speaker, I cannot hear you.

Mr. Speaker, I am doing my best to make a parliamentary inquiry within the boundaries of the rules.

The SPEAKER pro tempore. A parliamentary inquiry is being made by the gentleman from Hawaii. The Chair will entertain that first, and then will take up any others.

The Chair would advise the gentleman from Hawaii that the Chair is not at liberty to interpret the import of any amendments currently pending. The Chair will simply say that a modification was proposed by unanimous-consent request, objection was heard, so the underlying amendment remains the same as it was debated now on the floor.

The gentleman from New York [Mr. SOLOMON] has one-half minute remaining. The gentleman from Texas [Mr. FROST] has yielded back.

It may answer the gentleman from Hawaii's parliamentary inquiry to have the gentleman from New York use that one-half minute.

Mr. ABERCROMBIE. Mr. Speaker, maybe I did not state it correctly, and I will make a further parliamentary inquiry then. There are obviously Members who want to vote.

The SPEAKER pro tempore. The Chair will indulge the gentleman from Hawaii [Mr. ABERCROMBIE] for one more inquiry.

Mr. ABERCROMBIE. Mr. Speaker, I understand that there are Members who are now prepared to vote. I am glad they have all received wisdom. I do not pretend to have it.

My parliamentary inquiry is:

Should the Gingrich proposal as presently before us be defeated, would we then be voting on the underlying legislation which would contain the two elements which do not now exist, as I understand it, in the Gingrich proposal because the unanimous-consent was objected to?

The SPEAKER pro tempore. Without objection, the Clerk will report the pending Solomon amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON: Page 2, line 3, strike ''(1)'' and strike lines 6 through 15.

Page 7, strike lines 1 through 5, and page 9, strike lines 15 through 16 and redesignate paragraphs (13) through (22) as paragraphs (12) through (21).

Page 10, line 9, insert a period after ''individual'' and strike ''if others'' and all that follows through line 12.

Page 13, beginning in line 24 strike ''3 days exclusive of travel time within the United States'' and insert ''4 days within the United States''.

Page 14, insert a period after ''employee'' in line 17 and strike ''subject to'' and all that follows through line 23.

The SPEAKER pro tempore (during the reading). The Chair would advise the gentleman from Hawaii [Mr. ABERCROMBIE] that the Clerk is reading the pending amendment offered by the gentleman from New York [Mr. SOLOMON] as the designee of the gentleman from Georgia [Mr. GINGRICH].

PARLIAMENTARY INQUIRIES

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

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

Mr. SOLOMON. I ask the gentleman from Hawaii [Mr. ABERCROMBIE] to listen to my parliamentary inquiry.

Mr. Speaker, is it not a fact that in the Waldholtz legislation pending before us there is an exception which allows Members to accept nominal values such as greeting cards, baseball caps, and T-shirts? The answer is yes.

The SPEAKER pro tempore. The Chair is not at liberty to interpret the underlying amendment, but the gentleman is the offeror of the amendment.

Mr. SOLOMON. Well then, Mr. Speaker, is it not a fact that in the Gingrich amendment it strikes the exception which allows the gentleman from Hawaii to accept a T-shirt?

The SPEAKER pro tempore. The gentleman is not stating a proper parliamentary inquiry.

Mr. FRANK of Massachusetts. Parliamentary inquiry, Mr. Speaker.

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

Mr. FRANK of Massachusetts. Mr. Speaker, under the new regime have we now debated T-shirts more than we have debated the defense budget today?

The SPEAKER pro tempore. The gentleman has not stated a proper parliamentary inquiry.

The Chair at this point would advise Members that the gentleman from New York [Mr. SOLOMON] has one-half minute remaining in the debate and the gentleman from Texas [Mr. FROST] has yielded back the balance of his time.

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

Mr. Speaker, the amendment before us is the Gingrich amendment which does strike the exception which allows Members to accept T-shirts, greeting cards. If the Gingrich amendment passes, it will ban all gifts except those exceptions allowed in the underlying legislation. I would urge Members to vote for the Gingrich amendment.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the rule, the previous question is ordered on the amendment.

The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

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

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 422, noes 8, not voting 2, as follows:

[Roll No. 808]

AYES—422

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

NOES—8

Fattah
Hastings (FL)
King
Murtha
Myers
Rahall
Towns
Williams

NOT VOTING—2

Fields (LA)
Tucker

□ 1900

Mr. RAHALL and Mr. HASTINGS of Florida changed their vote from ''aye'' to ''no.''

Messrs. SMITH of Michigan, SANFORD, and LAFALCE changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. (Mr. INGLIS of South Carolina). Pursuant to House Resolution 268, the previous question is ordered on the resolution, as amended.

The question is on the resolution, as amended.

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

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 422, noes 6, not voting 4, as follows:

[Roll No. 809]

AYES—422

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss

Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—6

Fattah
Goodling
King
Myers
Towns
Williams

NOT VOTING—4

Fields (LA)
Murtha
Sabo
Tucker

□ 1919

So, the resolution, as amended was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PROVIDING FOR THE CONSIDERATION OF H.R. 2564, LOBBYING DISCLOSURE ACT OF 1995

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 269 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 269

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2564) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill of failure to comply with clause 2(l)(6) of rule XI are waived. General debate shall be confined to the bill and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five minute rule. The bill shall be considered as read. All points of order against any amendment printed in the report of the Committee on Rules accompanying this resolution are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except on motion to recommit with or without instructions.

SEC. 2. If H.R. 2564 is passed by the House in a form that is identical to S. 1060, as passed by the Senate, then at any time thereafter it shall be in order without intervention of any point of order to consider the Senate bill in the House. The previous question shall be considered as ordered on the Senate bill to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this resolution, all time is yielded for the purpose of debate only.

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution (H. Res. 269) providing for the consideration of the bill (H.R. 2564) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, and that I may include extraneous material.

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

There was no objection.

Mr. GOSS. Mr. Speaker, with this rule, the House begins important discussions of reform that will, I hope, assist in restoring the public confidence in this institution and its practices. With this rule we embark on the first of the triumvirate of issues that concern Americans most about the mechanics of how this democracy functions: Lobby reform, gift reform and campaign finance reform. Beginning now with lobby reform, we will work to rewrite an outdated, inadequate and exceedingly vague series of rules pertaining to registered lobbyists and, specifically, public disclosure of their activities.

I am generally an ardent supporter of open rules, and today I bring to the House an open rule for consideration of this lobby reform bill—a rule that should have the support of all members. I should note, however, that in this special case, I have some reservations about what will happen if amendments are adopted to this bill. The reason for my concern is that this issue—lobby reform—has been bottled up in the Congress for years. This year, we have a real chance to break the logjam and send a good bill to the President for signature. The other body has already passed the identical measure we begin with today—and if the House passes the same bill without amendment, the measure could head straight to the White House without further delay. In my view, that would be the optimal result. Although I believe very strongly in the merit of several of the amendments members will hear today—most notably a proposal to restrict lobbying with taxpayer funds by executive branch officials and a proposal to restrict lobbying by organizations that are taxpayer-funded through grants—I intend to vote against all amendments to this bill because of my overriding belief that we've got to get the essence of lobby reform passed and signed into law now. I have learned from past efforts on this and other difficult subjects that, if you load up these bills with new ideas, late in the process, you become spoilers of the good in pursuit of the perfect. I hope my colleagues will consider that as they cast their votes today.

Mr. Speaker, that being said, Members should know that this is a wide open rule, providing that any Member may offer an amendment to H.R. 2564 if that amendment conforms to the standing rules of the House. The rule provides two hours of general debate, equally divided and controlled by the chairman and ranking member of the Judiciary Committee. The rule waives clause 2(1)(6) of rule XI—the 3-day layover rule—against consideration of the bill and it waives all points of order

against two amendments printed in the Rules Committee report.

Mr. Speaker, those amendments—one offered by Mr. MCINTOSH and the other offered by Mr. ISTOOK—pertain to disclosure by non-profit organizations that lobby and restrictions on the lobbying activities of federal grantees. It is my understanding that the sponsors of these amendments have received some conflicting advice from the Parliamentarian as to whether or not waivers are actually necessary. However, given the great interest among members in these issues, the majority on the rules committee felt that we should provide these waivers just to be sure. The rule further provides one motion to recommit with or without instructions and a procedure to allow for a hook-up with the bill from the other body, should the house pass H.R. 2564 without amendment. Finally, if that hook-up happens, the rule provides one motion to recommit for the bill from the other body.

Mr. Speaker, in closing, let me commend my colleague from Florida, Mr. CANADY, for his hard work on this subject—and for his efforts to reach across party lines and make this a truly bipartisan effort. I think most members are agreed that lobby reform is not—and should not be—a partisan issue, and it is my hope that we will act with dispatch today to get this matter onto the President's desk. Support this rule and the bill.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HALL of Ohio asked and was given permission to revise and extend his remarks.)

Mr. HALL of Ohio. Mr. Speaker, I would like to commend my colleague from Florida, Mr. GOSS, as well as my colleagues on the other side of the aisle for bringing this resolution to the floor.

House Resolution 269 is an open rule which will allow full and fair debate on H.R. 2564, a bill which strengthens reporting requirements for lobbyists who contact executive and legislative branch officials and their staff.

As my colleague from Florida has described, this rule provides 2 hours of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

Under this rule, amendments will be allowed under the 5-minute rule, the normal amending process in the House. All Members, on both sides of the aisle, will have the opportunity to offer amendments.

The rule waives all points of order against two amendments. One, by Mr. ISTOOK, would restrict lobbying activities of organizations that receive Federal grants. This amendment is similar to other recent Istook amendments that have been attached to appropriations bills.

The second amendment which receives a waiver is by Mr. MCINTOSH. This amendment establishes new and detailed reporting requirements for nonprofit organizations that lobby Federal, State, or local governments.

The bill is a fair proposal that will give the American people more information about the influences of the legislative process.

Mr. Speaker, this is not a perfect rule. I am disappointed that Rules Committee waived points of order against the two amendments. I believe that these two amendments should be subject to the same requirement for germaneness that all other amendments must meet.

During committee, Mr. MOAKLEY made a motion to strike the waiver for these two floor amendments. Mr. MOAKLEY'S motion was defeated along nearly a straight party line vote.

However, it is better to be inclusive than too restrictive. Therefore, I urge adoption of this open rule which will permit full debate on this bill and allow Members an opportunity to offer amendments.

□ 1930

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

Mr. GOSS. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Ohio [Ms. PRYCE], an extremely valued member of the Committee on Rules.

Ms. PRYCE. Mr. Speaker, I am pleased to join my colleague from Sanibel, Florida, Mr. GOSS, in supporting this wide-open rule providing for the consideration of the Lobbying Disclosure Act of 1995. Requiring greater disclosure of lobbying activities in Congress on the executive branch is one of the most important elements of our bipartisan reform agenda, and I congratulate my chairman and colleagues on the Committee on Rules for bringing this bill to the floor under an open amendment process.

I also want to congratulate our leadership for allowing the House to consider lobby reform legislation while we are working very hard to resolve differences over the budget and annual appropriations process. It should be very clear to the American people and to the guardians of the status quo that this Congress is firmly committed to changing the institution.

Under the terms of this fair resolution, any Member can be heard on any germane amendment to the bill at the appropriate time. Almost all of the amendments we discussed in the Committee on Rules yesterday appeared to be germane to this debate and can be offered while the bill is open to amendment under the 5-minute rule.

Mr. Speaker, for nearly 40 years of being in the minority and having very little control over the agenda, Republicans in the House are understandably anxious to press ahead with our agenda. Last year the Republican freshman class put together a bold comprehensive list of congressional reforms, and, despite being in the minority at that time, we were successful in many of our commonsense proposals. This year sophomore Members, as we are, together with the very active reform minded freshman class and with the help of many of our Democratic colleagues we have continued to fight for real change and reform.

As our colleagues will recall, in the first day of the new Congress the House passed a sweeping set of reforms that included everything from banning proxy voting, cutting committee staffs and overhauling the committee system. Following that, we had the first-ever vote on congressional term limits. We passed two very important budget process reform items, a balanced budget constitutional amendment and a workable line-item veto proposal. Today we are about to add to our list of promises kept by passing legislation which requires the full disclosure of efforts by paid lobbyists to influence the decisionmaking process of both executive and legislative branches of government.

Disclosing the activities of those who want to influence the Federal Government is simply a public right-to-know issue. Our constituents want nothing more than to know who is getting paid to lobby their elected Members, how much they are receiving in compensation and who the clients are.

Mr. Speaker, a lot of bipartisan work has gone into crafting this bill. The fact that the Committee on the Judiciary reported it by an overwhelming vote of 30 to zero reflects strong support on both sides of the aisle for enacting meaningful lobby reform this year.

We should not miss the opportunity to give the American people what they want, what they deserve and what they are entitled to. That is more openness and accountability in government. Together with the new gift restrictions that the House overwhelmingly adopted bipartisanly today, this legislation will help reassure the American people that their leaders in Congress are getting the job done without undue influence from special interests.

Finally, Mr. Speaker, let me say that all of us here would like to improve public confidence in government and their elected officials and representatives. The bill soon to come before us will give us the opportunity to do just that by increasing Congress's accountability to the people that we serve. I urge my colleagues to adopt this fair and open rule and pass this legislation.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

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

Mr. TRAFICANT. Mr. Speaker, I want to commend the majority party for bringing the issue. I also want to say that, when we are talking about lobbying, the issue that I would like to

address are the foreign lobbyists that lobby our Government on behalf of foreign interests. This issue has been covered under the Foreign Agents Registration Act of 1938 which was promulgated initially to deal with undercover spy operations of Nazi propaganda. Since then, this has changed, folks. Now we have very slick operators who represent trade, industrial and competitive issues. They have been able to avoid the registration, and the law is so archaic, it will not bring it around.

This bill, and I want to give credit to the chairman, does address some of those issues. But it does not go far enough. I give a lot of credit to it, but I am hearing, we are for this, Jim, we are for it for 4 years but not now.

Let me say this. Right now the penalties are so great under this provision, it is like taking a bazooka to kill a gnat, a flee. As a result, the Department of Justice is not pursuing cases where people, literally, do not register. We have had GAO report after GAO report saying that we are just not getting individuals to file and identify themselves. The Traficant bill in essence takes the Foreign Agents Registration Act and technically changes it to the Foreign Interest Registration Act. There are no exemptions. If you represent the interests of a trade issue, you represent a commercial issue, you must register.

The GAO said out of 3,000 possible who should register in their last report, only 775 did register. The Traficant amendment brings about common sense civil penalties for minor infractions. the penalty could be as low as $2,000 for failure to in fact register. But for serious violations and other complications, the Department of Justice can throw the book at them.

We have been offering these exemptions. Let me say this to the majority party. You want to do something about lobbying, Democrats have supported you, but let me tell you what you are doing. If you do not come down tough on those high-powered people that lobby our Government on behalf of foreign governments, we will have failed with the integrity of this particular legislative initiative.

I am asking that my colleagues review my amendment. The leaders are saying, we do not want to complicate this, and the other body, we do not want to get it beat. We like your stuff. If other amendments pass to this bill, this bill is going to carry some different changes. The Traficant amendment should be incorporated without a fight because, my colleagues, we have allowed some powerful lobbyists to influence legislative and government decisions, and they do not even, have not even been registering under our law.

So with that, I would appreciate that any Member who wants information on this to contact my office.

Mr. GOSS. Mr. Speaker, I am not sure whether the gentleman from Ohio needed a waiver or not. I think in an open rule he would be able to proceed.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Speaker, I would like to first thank the majority leader for scheduling a vote on this very important bill of lobby disclosure and to thank the gentleman from New York [Mr. SOLOMON] and the gentleman from Florida [Mr. GOSS] and the other members of the Committee on Rules for having an open vote.

I am hoping at the end that this bill will remain as it is, unamended and sent directly to the President instead of sent to the Senate where it could likely die. I particularly want to thank the gentleman from Florida [Mr. CANADY] and the gentleman from Massachusetts [Mr. FRANK] for keeping this bill clean in subcommittee and in the full committee.

I just want to weigh in as strongly as I can that lobby disclosure has basically not changed since the late 1940s. In 1946 we passed a lobby disclosure bill. The courts basically gutted that law in the early 1950s. We have, it is estimated, 40- to 60,000 lobbyists in Washington. Only about 4,000 or so are registered. This bill is necessary. The President supports it. The President deserves for us to send it to him rather than back to the Senate. I am hopeful that the chairman of the subcommittee and the ranking member, if there are logical amendments to this bill, are able to hold hearings on those amendments but not incorporate them in this bill.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

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

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman for yielding to me.

As we did in the last Congress, he and I worked together, and we have achieved some reform, and I believe we will go to achieve it now. I have spoken to the chairman of the subcommittee. I wish things were different and that we had more confidence that, if we sent something back to the other body, it would not just sink into the La Brea tar pits. But given the experience, I am committed and I know more importantly the people, the chairman of subcommittee is committed. There will be a number of amendments offered that many of us will think well of, and it will be our intention I hope to bring out a second bill. But we would like to keep this one free of amendment because that is the difference between simply sending it back to the Senate and having no hope of sending it for signature.

Mr. HALL of Ohio. I yield 1 minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, what the gentleman from Connecticut is saying, I think we have agreement, those of us who have worked on this, we, many of us plan to vote against all amendments, even some that in other contexts we would favor because we want to get a bill to the President. That will then leave us, I think, with the job of having another round of hearings and markup and send a second bill over there.

We do not want to jeopardize this bill. That is why many of us who have been working on this with all of the Perils of Pauline we have been through, we have a chance now to send the lobbying bill to become law before the end of year, and then we will start on the second round.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Speaker, I would like to thank the gentleman for the incredible work he did on congressional accountability when he was in the majority and also when he was in the minority. We can work on a bipartisan basis, I think, to pass this bill unamended and then to work for logical reform.

Mr. FRANK of Massachusetts. Mr. Speaker, I would say to the gentleman, I agree with him; we can work on a bipartisan basis. It is just not as much fun.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. MCHALE].

Mr. MCHALE. Mr. Speaker, it may not be as much fun, but it certainly is more productive. I for one welcome the bipartisan spirit that I am confident will surround this debate.

I rise in strong support of H.R. 2564, the Lobbying Disclosure Act. My words in many ways will echo the bipartisan comments previously made by the gentleman from Florida [Mr. GOSS], the gentleman from Ohio [Mr. HALL], the gentleman from Massachusetts [Mr. FRANK] and the gentlewoman from Ohio [Ms. PRYCE].

Last January I stood at this very microphone and fought with my colleague on behalf of the Congressional Accountability Act when the gentleman from Connecticut, [Mr. SHAYS] and I and others said that it was time that Members of Congress should be covered by the same laws that govern all other American citizens. Today's effort on behalf of 2564 is very much in that tradition.

Let me first of all indicate, Mr. Speaker, the quality of the current law. The current lobbying disclosure legislation originally passed in 1946 as noted by my friend, Mr. SHAYS, is in my view totally inadequate. The current law is a piece of legislative Swiss cheese with more holes than substance. Again it has been noted briefly a couple of moments ago out of some 14,000 Washington lobbyists, only 4,000 have been required to register under the provisions of existing law, law that is woefully inadequate to the task at hand. Some 50 years after its enactment, we can do better.

The legislative history of H.R. 2564 is straightforward. The language we are

considering today, if we are wise enough not to amend it, is identical to language that passed in the Senate on July 25 in an overwhelming unanimous bipartisan vote, 98 to 0. If we pass language today without amendment, the bill will go straight to the President's desk, and after 50 years of inadequacy on the subject of lobbying disclosure, we will finally have a law that measures up to the task.

The bill covers paid professional lobbyists, those who spend 20 percent or more of their time lobbying and are paid more than $5,000 during a 6-month period. It requires the semiannual report. Documents are to be filed with the Clerk of House and the Secretary of the Senate and shall be available for full public inspection. Grassroots lobbying activities are protected as they are under the Constitution, and we do not infringe upon those activities in any way.

Finally, Mr. Speaker, let me once again emphasize, this is the type of bipartisan action the American people have requested. Today's legislation reflects great credit on the gentleman from Florida [Mr. CANADY], the gentleman from Massachusetts [Mr. FRANK], and the gentleman from Connecticut [Mr. SHAYS].

I urge an affirmative vote on the rule and the defeat of all amendments.

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

Mr. MCHALE. I yield to the gentleman from Connecticut.

Mr. SHAYS. I thank the gentleman. He introduced this bill identical to what the Senate did and then incorporated his bill and the committee bill. I just want to thank the gentleman for his leadership on this issue and to say that it has been a pleasure to work with him as well. I am sorry I left him out of my salutes because he deserves to be on the very top.

Mr. MCHALE. Mr. Speaker, I would note that the quality of the bill was much improved when the name of the gentleman from Florida [Mr. CANADY] was moved to the front.

Mr. HALL of Ohio. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California [Ms. WOOLSEY].

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

Mr. WOOLSEY. Mr. Speaker, the American people are sick and tired of wealthy special interests peddling influence through the halls of Congress. We need to change the way Washington works, and we need to do it now.

□ 1945

For too long, Congress has been held hostage by lobbyists trying to force their special interest agendas on the American public. And too often, they are successful.

H.R. 2564 is the first truly comprehensive lobbying reform bill in almost 50 years. This bill will let the American people know who the lobbyists are and how much they are spending to influence Members of Congress.

The Senate passed this important bill unanimously. We don't need to change it. We need to pass it and send it to the President right away. Let us not delay this much needed reform any longer.

Mr. Speaker, it is time to restore faith in American Government. Vote for honest government. Vote for this bill and vote for it without amendment.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

Mr. Speaker, I, contrary to published reports in the local newspaper this morning, will support this rule. I would add parenthetically that I have received an apology from the newspaper for making a mistake, and that started my day in a very pleasant way, but people have been asking me why I would not support this rule. I am supporting this rule. I urge others to do the same.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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## POSTPONING VOTES AND LIMITING DEBATE TIME ON AMENDMENTS TO H.R. 2564, LOBBYING DISCLOSURE ACT OF 1995

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 2564 pursuant to House Resolution 269 the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment, and that the Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than 15 minutes; and further, that debate on each amendment to the bill and any amendments thereto be limited to 30 minutes equally divided and controlled by the proponent of the amendment to the bill and an opponent.

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

Mr. SKAGGS. Reserving the right to object, Mr. Speaker, and I do not expect that I will object, but I just want to inquire of the gentleman if it is further his understanding that agreement has been reached informally with the proponents of certain of the amendments that have been noticed on this bill that they will not come up tonight, namely the amendment protected by the rule offered by the gentleman from Indiana [Mr. MCINTOSH], the amendment protected in the rule to be offered by the gentleman from Oklahoma [Mr. ISTOOK], and two other amendments offered by the gentleman from Indiana [Mr. MCINTOSH] dealing with the same general subject?

Mr. CANADY of Florida. Mr. Speaker, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Florida.

Mr. CANADY of Florida. Mr. Speaker, it is my understanding that the gentleman from Oklahoma [Mr. ISTOOK] and the gentleman from Indiana [Mr. MCINTOSH] have both agreed that those amendments would not be brought before the House this evening.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

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

Mr. FRANK of Massachusetts. Let me give the gentleman further assurance. It is my guess that there being a significant majority of Members left that have any brains, that within about 20 minutes after this unanimous-consent request there will not be any Members left in this place. Therefore any amendment that is offered would be at the suffrage of people who did not want to suggest the quorum problem, so I would assure my friend, if there was any problem, that all of a sudden we would be deterred by the lack of a quorum.

Mr. SKAGGS. I appreciate the gentleman's further assurances.

Further on my reservation, the ½ hour equally divided debate time that was included in the UC request would apply to each and all amendments to the bill either considered tonight or at such subsequent date as we might resume debate on this legislation; is that correct?

Mr. CANADY of Florida. That is correct.

Mr. FRANK of Massachusetts. Will the gentleman yield to me further under his reservation of objection?

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

Mr. FRANK of Massachusetts. Let me say to the gentleman who has been very responsible for this, and I appreciate our ability to work together, while we would have the power under this unanimous-consent request to roll votes when we resumed, I would assume that a spirit of comity would govern whether or not we use that; that is, if there was not agreement on both sides, we would not roll the votes when we come back at it on the next time.

Mr. SKAGGS. Mr. Speaker, I yield to the gentleman from Florida.

Mr. CANADY of Florida. It would certainly be my desire that that power be exercised in consultation with the minority and other interested parties so that the interests of all Members of the House could be fully protected.

Mr. SKAGGS. Further reserving the right to object, and in the same vein, I think, and as I understand it, there are some logical groupings of amendments,

and it might make sense to apply some sense of germaneness and mutual relevancy as we look at which might be rolled, and I assume the gentleman would agree to take those kinds of factors into consideration as well.

Mr. CANADY of Florida. Yes; of course the Chair will be making the decisions as to when the rolling of amendments will take place and who will be recognized to offer an amendment, but it would certainly be my desire to work with all Members to take into account those considerations.

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentleman would yield, let me say the subcommittee chairman has been perfectly fair, and I think there is no problem.

Mr. SKAGGS. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Tim Sanders, one of his secretaries.

## LOBBYING DISCLOSURE ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 269 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2564.

□ 1951

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2564) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, with Mr. KOLBE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida [Mr. CANADY] will be recognized for 1 hour, and the gentleman from Massachusetts [Mr. FRANK] will be recognized for 1 hour.

The Chair recognizes the gentleman from Florida [Mr. CANADY].

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today this House is presented with an historic opportunity to end 40 years of inaction on the issue of lobbying disclosure reform. H.R. 2564, the Lobbying Disclosure Act of 1995, provides for the effective disclosure of those who lobby the executive and legislative branches of Government, what legislation they are attempting to influence, and how much they are being compensated to do so.

An identical measure passed the Senate on July 25 by a vote of 98 to zero. However, the Senate vote should not be taken as a sign that lobbying disclosure reform legislation is a sure bet for even the 104th Congress, which has been far more reform-minded than those which came before. Indeed, for more than 40 years, there is only one word to describe the attempts at meaningful reform of the laws governing disclosure of lobbying activities—that word is ''gridlock.'' Over the years, Congress has tried again and again, but failed again and again, to pass meaningful lobbying disclosure legislation.

The Supreme Court's narrow construction of the 1946 Regulation of Lobbying Act in U.S. versus Harriss unquestionably made the legislation virtually meaningless. But the Court in that same opinion also demonstrated that it was sympathetic to the need for lobbying disclosure. In fact, the Court made it plain that Congress needed to be aware of the activities of interest and pressure groups.

As Chief Justice Earl Warren stated, ''The full realization of the American ideal of government by elected representatives depends to no small extent on their ability to properly evaluate * * *'' lobbying activities. ''Otherwise the voice of the people may all too easily be drowned out by the voice of special interest groups seeking favored treatment while masquerading as proponents of the public weal.''

Ironically, in 1950 the staff director of the Joint Committee on the Organization of Congress, George Galloway, said in reference to the 1946 act that ''after the lobbying law had been in operation for a few years, experience would reveal any defects in it which could be corrected by amending and strengthening the Act.'' Unfortunately, Mr. Galloway could not have been more wrong. Yes, the act has revealed its extensive defects. However, every attempt to strengthen the act has turned into an exercise in futility.

The history of lobbying disclosure reform is a history of inaction and stalemate. From 1956 to 1959, major revisions to the Lobbying Act were proposed. No action was taken on those proposals.

In 1965, the Senate's Committee on Rules and Administration issued a report recommending that administration of the Lobbying Act be assigned to the Comptroller General. No action was taken on this recommendation.

In 1967, measures strengthening the Lobbying Act passed the Senate. President Johnson urged the House to take similar action, but the House failed to do so.

In 1970, the Committee on Standards of Official Conduct, newly established in the wake of the Bobby Baker investigations, reported a complex lobbying disclosure bill titled the Legislative Activities Disclosure Act. This major effort at lobbying reform ultimately came to naught.

In 1976, a bill was approved in the Senate, but the House did not act until the final day of the 94th Congress. There was no time to reconcile the different bills passed by each chamber of Congress. Once again nothing was accomplished.

In 1977, the House Judiciary Committee and the full House passed lobbying disclosure legislation, but the Senate bill was held up in committee.

In 1979, the House Judiciary Committee once again reported a measure, but the House leadership held up floor consideration until the Senate showed it could get a bill through committee. The bill never made it through the Senate Committee.

In 1992, after years of study by the Senate Committee on Governmental Affairs, the first version of the Lobbying Disclosure Act was introduced. However, the Senate did not consider the bill in the 102d Congress.

Just last year in the 103d Congress, this House passed a lobbying disclosure reform bill by an overwhelming majority. The Senate passed an identical bill last year, but cloture could not be obtained on the Conference Committee report in the Senate. Thus the effort failed.

In some years as this history shows, one chamber passed lobbying reform and the other chamber then failed to act. In other years, the legislation died in conference between the House and the Senate. At other times, there was simply no movement forward.

The bottom line was always the same: Gridlock. But today this House can end the gridlock. Today this House can pass the Lobbying Disclosure Act without amendment. Today this House can send the Senate-passed bill directly to the President's desk for his signature. This is an historic opportunity we cannot let slip away from us.

The Committee on the Judiciary reported this legislation last week with no amendments and no dissenting votes. Today this House will consider a number of amendments to this bill. Some of the amendments have considerable merit; others have less merit; and a few are quite simply bad ideas.

But all of the amendments have one thing in common: they threaten to derail this important reform bill. If this issue goes back to the Senate, and if history is any guide, we may very well hear nothing more about lobbying reform during this Congress. We should not forsake the good in order to achieve the ''perfect'' lobbying disclosure reform bill. The risk of derailing this bill is simply too great.

Mr. Chairman, let me briefly describe what this bill does. H.R. 2564 is designed to strengthen public confidence in Government by replacing the existing patchwork of lobbying disclosure laws with a single, uniform statute which covers the activities of paid, professional lobbyists. The Act streamlines disclosure requirements to ensure that meaningful information is provided and requires all paid, professional lobbyists to register and file regular, semiannual reports identifying

their clients, the issues on which they lobby, and the amount of their compensation.

□ 2000

It also creates a more effective and equitable system for administering and enforcing the disclosure requirements.

Under the bill, a lobbyist is defined as any individual who is employed or retained for compensation for services that include more than one lobbying contact, other than an individual whose lobbying activities constitute less than 20 percent of the time engaged in the services provided by such individual to that client over a 6-month period.

Lobbyists for hire are exempted from these disclosure requirements if their total income from a particular client does not exceed $5,000 in a semiannual period. ''In-house'' lobbyists are also exempted from registration if their total lobbying expenses do not exceed $20,000 in a semiannual period.

If we are to succeed today, and as the House continues with consideration of this bill later this week, I urge my colleagues to defeat any and all amendments to this bill so we may send it directly to the President for his signature. If we amend this bill, I fear that history may repeat itself, and this Congress will become just another chapter in the 40-year history of failure to enact meaningful lobbying disclosure reform. Today we have a golden opportunity to move forward to end 40 years of gridlock on this issue. I urge all of my colleagues to support H.R. 2564 without amendment.

Mr. Chairman, I would conclude by thanking a number of Members who have played a critical role in moving this legislation forward. First, I would like to thank the gentleman from Massachusetts [Mr. FRANK], who is the ranking member on the Subcommittee on the Constitution of the Committee on the Judiciary. The gentleman from Massachusetts [Mr. FRANK] has played a key role in moving this legislation through the Committee on the Judiciary and bringing it to the floor today. I want to express my gratitude to him for his diligent efforts on behalf of this important legislation.

I also want to thank my colleague on the Committee on the Judiciary, the gentleman from Texas [Mr. BRYANT]. The gentleman from Texas has worked hard on this legislation for quite a while. In the last Congress he played the key role in moving the legislation forward. Ultimately, that effort failed, but the gentleman from Texas [Mr. BRYANT] has made an invaluable contribution to this whole subject. I want to acknowledge him.

Further, I should thank my colleague, the gentleman from Connecticut [Mr. SHAYS]. Mr. SHAYS has been diligent in pursuing this issue of lobbying disclosure reform as he has pursued the issue of gift reform, and I am grateful to him for his assistance.

I also want to thank the gentleman from Pennsylvania [Mr. MCHALE] for his leadership on this issue, as the House has moved forward with the consideration of it.

Mr. Chairman, this is truly a bipartisan issue. There is strong support for this effort on both the Democratic side of the House and the Republican side of the House. This is not an issue that should be viewed in a partisan way at all. This is an issue about making information available to the American people, so the American people can know what is going on in the corridors of power here in Washington. For too long, lobbying activities have not been disclosed. For too long, there have been questions about the propriety of certain activities. I believe that the best disinfectant is sunlight, and this sort of disclosure law will help eliminate many of the concerns that have been previously expressed.

Mr. Chairman, I look forward to the continued debate on this issue. I believe that this House will rise to the occasion and break the 40 years of gridlock and give the American people the sort of disclosure that they deserve on this important issue.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the generous words of my colleague, the gentleman from Florida [Mr. CANADY]. The subcommittee on which we jointly serve, under his chairmanship, played a very important role in this. There was some resistance to that role when the bill that we are in effect dealing with now, the House version of a Senate bill, when the Senate bill came over it was held at the desk. The Speaker, for reasons that were never made explicit, did not want to refer it to us.

I think it is fair to say that there have been people in this House who were not eager to see this bill become law, but their resistance was overcome by the persistence of a number of Members, and I think it is interesting that the reluctance never quite came out in public. The gentleman from Florida [Mr. CANADY] is right when he said that sunlight can be the best disinfectant.

It was, in fact, important in bringing this bill forward because there were people who wished it would go away, but it did not go away. They were not prepared to confront it.

Legislation very similar to this passed the House in the previous Congress. I think the record that the former Speaker, Tom Foley, compiled in a number of areas has been insufficiently appreciated, particularly in the reform area. Under his Speakership the House did do a version of the Congressional Compliance Act, very close to what is now the law. The House did pass this bill. The two pieces of legislation, some other reforms, campaign finance reform, all ran into problems in the Senate. The procedures of the Senate are part of the problem. The Senate has very different rules than the House, and the filibuster and other rules interfered.

That is why I join the gentleman from Florida [Mr. CANADY], the chairman of the subcommittee, as well as the gentleman from Pennsylvania, the gentleman from Connecticut, the bipartisan group that has been actively advocating this, and my friend, the gentleman from Texas. All of us, Democratic and Republican, who have been advocates of this lobbying reform either through our committee position or through sponsorship of the bill, or both, believe that it is very important that Members join us in voting against amendments.

Mr. Chairman, I want to express my appreciation to the chairman of the Committee on Rules, to the chairman of the full Committee on the Judiciary, and the subcommittee, because they did the honorable thing. It is an open rule. I suppose it is unusual for supporters of a bill to come to the floor and say, ''One, we are glad to have an open rule; two, we hope none of the amendments are adopted.'' But I think that is a position which shows respect for democratic procedures and some confidence in the House.

We do believe that the adoption of amendments, no matter how meritorious, bring this bill back into the kind of perilous back and forth that they have had before. We want to explain to people, people have said, ''You are being too cautious. After all, it passed overwhelmingly.''

As the gentleman from Florida pointed out in his history, this legislation has the history of receiving more verbal support and less actual support than almost anything. Everybody is for this, but it still dies. Everybody is for it, but something happens to it, so the fact that it was not a close vote in the Senate does not mean that if we amend it and send it back, it will come merrily whispering back here.

This is legislation that a lot of people do not like. If we give them opportunities to trip it up it will be tripped up. We now stand closer to changing the lobbying law in a direction that will improve it than in anybody's memory, because we now have a bill out of the Senate and it is here, and we have the power to send it to the President of the United States for his signature.

Any amendment here, no matter how meritorious, will put this bill back into the Senate and cause the kind of problems that have happened before, because, as I said, it is a bill that has a lot of people laying in ambush for it. So what I want to repeat is what the gentleman from Florida [Mr. CANADY] I know agrees with: We do not believe this is the end to lobbying legislation; indeed, we believe it is the beginning. We could actually pass a bill that makes reforms. We, I think, agree, and others agree with us, not that we have identical views, but we agree that further reform is necessary.

Mr. Chairman, I look forward to a two-step process. We will send this bill

to the President and he will sign it, and it will become law. We will show people we can do something. Then we will deal with some of the other very worthwhile amendments that people have had.

Finally, I just want to say that among those who should be given some credit is the chairman of our Democratic Caucus, the gentleman from California, [Mr. FAZIO] who through his role on the Legislative Subcommittee of the Committee on Appropriations pushed hard for this, and it took a lot of people to get it here. It is clearly an improvement.

We should note that, to my knowledge, every organization in the private sector, in the volunteer sector that monitors lobbying from the standpoint of wanting to reform procedures agrees that we should pass this bill. There are people from a range of organizations who came to us and said, ''Yes, it could be improved. This could be made better, but do not do that now, please, because we think it is best to send this bill to the President.''

So we can tell Members that there is an overwhelming consensus from the advocates of this bill in the House, from those of us on the committee, from the advocates in the voluntary community, from the people who felt we need reform. They overwhelmingly believe that a commitment to true reform is best demonstrated by passing this bill as is, and then, under the leadership of the gentleman from Florida, fairly soon after, starting the process of hearing and markups. We may well have a second bill. However, if we do not get this one forward, I think we risk being added to the list of glorious failures in the effort to reform.

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

Mr. CANADY of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from Delaware, [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am not going to take anything close to 5 minutes, with the hour of the night and the work we have been doing. I would just like to second everything we have heard already in the rules discussion, what the gentleman from Massachusetts [Mr. FRANK] has said, what the gentleman from Florida [Mr. CANADY] has said, particularly in the area of not amending this legislation. I do not care how meritorious an amendment could be, it could be fatal to the passage of a very important step in progressing with true lobbying reform.

We have already heard the history here of 50 years of different Members of Congress on both sides of the aisle finding a whole variety of reasons why they are not able to support the basic elements of lobbying reform, disclosure, the things we needed to do in order to make sure that we are dealing with the problem that is perceived, and I think to some degree is a reality, of dealing with lobbyists in the United States of America and in the Congress of the United States of America. I would hope we would all follow that.

I believe this bill before us today meets the basic purpose of lobbying disclosure, which is quite simple: Require people who are paid to lobby Congress to disclose who is paying them, how much they are being paid, and what they are paid to lobby about. It is not much more complicated than that. I congratulate the Senate and the sponsor here for capturing the essence of this.

The bill takes care of this by carefully defining who is a lobbyist and which lobbyist must register; again, something which is, in my view, very imprecise today and ill-defined in the laws of the United States of America. Of course, it makes it very difficult to follow exactly who are the lobbyists, what is the problem, and what should we be doing about it.

I congratulate all of those who have put it together. The bottom line is that the House of Representatives must pass lobbying reform legislation this year that ultimately can be signed into law, and there is no reason for a delay. Through the process tonight and the votes that may be taken on other days as we deal with this particular piece of legislation, we must resist it.

This is a good bill. I am proud to be a cosponsor of it. I encourage all of us to follow it very carefully, to understand what is in it, and as we did with the gift ban reform today, which I think turned out in a way that only a few could dream about before, we can pass this, too, and we will have taken two tremendous strides in making Congress a more respected and better-perceived place by the public, as they look at what we are doing in our jobs here.

Mr. Chairman, I wish the sponsor very good luck with all of this as we deal with this in the days to come, and urge its passage.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. BRYANT] who has had more to do with this bill legislatively, I think, than any Member in the House, both in the last session and in this one.

(Mr. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Chairman, I thank the gentleman very much for yielding time to me, and would first like to thank him for his kind remarks and his very hard work on this bill. I would very much like to thank the gentleman from Florida [Mr. CANADY] for his very kind remarks a moment ago.

It is very interesting tonight, this is the second bill in a row that we have taken up in the midst of maybe the most heated, partisan standoff in recent history in the Congress, and while it goes on around us, we have taken up two bills that were totally bipartisan, and I think reflect on the great work this Congress can do when the two sides work together well.

I would like to also say about the gentleman from Florida [Mr. CANADY], his deserves great praise this year. Last year when we were moving it through in the past majority, though, he was also with us from the beginning, even when it was tough, even when at the last it took on kind of a partisan tone. I just want to say thank you to him for being loyal to the cause no matter what happened, and congratulate him for how far he has brought it today.

Mr. Chairman, this bill has no opponents. Therefore, I am not going to talk a long time, but it does have a threat to its success. That is those who, no doubt well-meaning individuals, want to offer amendments. I suspect that many of them are good amendments, things that I would love to vote for, and both the gentleman from Massachusetts and the gentleman from Florida would approve as well. But the fact of the matter is that the history of this effort has already been given tonight by two speakers.

We have tried over and over and over to pass it. We got it all the way through the House to the Senate, to the conference committee, out of the conference committee, back to the Senate, and it was filibustered to death last year. We have a chance this time, a golden opportunity, to actually pass it. If we simply pass it tonight with no amendments, it will then go to the President for signature, and we will have really achieved something that everybody has been trying to achieve for years and years and not been able to do.

What will we have achieved? We will have passed legislation that allows the public to see what is really going on here with regard to lobbying the Congress; now, under this bill, the executive branch as well.

The bill closes a raft of loopholes that are in the existing lobbying laws which are not really very useful in their current state. It covers professional lobbyists, and lawyers cannot get off the hook. They have to register just like nonlawyers, and it exempts anybody who spends less than 20 percent of their time lobbying, so average people who just want to petition their government are not going to be affected by this, nor are the representatives of various institutions who need to come from time to time. A professional lobbyist would have to register, however.

What it requires is disclosure of who is paying how much to whom to lobby which Federal agencies or which Houses of Congress, and on what issues. It requires this disclosure in a simplified way, so the public can inquire and can find out what is really going on in the legislative process.

□ 2015

I am proud to be associated with the bill. As I said, since it has no opponents, I do not think a lot of time should be taken talking about it, but I

strongly urge Members who are considering offering amendments, in view of the fact this is an open rule, not to do so. Because no matter how well meaning they may be, they could be the cause of letting this bill be killed. Because if it goes back, has to go to conference committee, once again I think we will see it go down the drain.

Finally, Mr. Chairman, I want to reiterate my thanks to the gentleman from Florida [Mr. CANADY] and to the gentleman from Massachusetts [Mr. FRANK] and urge Members to vote for the bill against the amendments.

Mr. CANADY of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I thank the gentleman from Florida [Mr. CANADY], and I want to associate myself with all the remarks so far.

Mr. Chairman, on March 3, I introduced a freestanding piece of legislation, H.R. 1130, to radically alter how special interests lobby the Federal Government. The bill before us now, H.R. 2564, contains a vital provision of my legislation. This provision, placed in this bill at my behest by Senator SIMPSON, prohibits tax-exempt lobbying organizations, that is 501(c)(4) groups, from receiving Federal funds.

I just was not able to find room for it on the House floor schedule, and the fast train moved by, so Senator SIMPSON was nice enough to accommodate me, and was strongly, if not passionately, for exactly what I was trying to accomplish.

Mr. Chairman, there are over 142,000 of these 501(c)(4) groups, and most of them do good work. They are in the sole business, some of them, however, of lobbying the Federal Government. That is what they were created to do. Collectively, they own over $35 billion in assets. They spend nearly $18 billion each year running their organizations, pursuing their agendas, and pushing their causes.

It is all great. Covered by free speech. But certainly one of the most egregious examples of a conflict of interest that I think I have ever heard of is for political advocacy groups to receive the tax dollars of hard working American citizens. Presidents of some of these 142,000 organizations often reap hundreds of thousands of dollars in salaries.

Just a couple of examples. The President of AARP makes over, way over, $300,000 a year. That is two full Congress people and a chief of staff, who is rather senior. the five senior executives of the Mutual of America Life Insurance Company, and yes, Mr. Chairman, they are a tax-exempt lobbying organization, they make a combined, five people, $2.7 million. Why do they need the hard-earned money of taxpayers? This is an absurdity.

A political advocacy group can now, under current law, lobby Congress to create a new program; and then, once created, apply for and receive Federal funds dispensed through that very same program. Then they come back to Congress and lobby for continued or increased funding of that very same program or a new program.

Of course, these lobbying groups have not successfully manipulated this system by luck. They have argued that no Federal funds they receive are used for lobbying, because, of course, that is against the law. They will also argue that any money they receive is designated for administering of various social programs created by Congress, some good, some not so good, some even counterproductive. But they have many elderly housing and senior citizen employment jobs, for example, at EPA, the Environmental Protection Agency.

What they and their defenders fail to address, and we have seen this happen for decades with the old melted down evil empire, is the fungible nature of money. One dollar from someone else's pocket frees up one dollar in their own pockets. Imagine the outcry if the Michigan militia were to receive Federal dollars from a literacy program to teach children how to read. Reasonable minds would understand that such funds are wholly fungible; and, notwithstanding the arguably deserving nature of the reading program, the militia's political nature should, of course, preclude them as a grantee.

Mr. Chairman, the political nature of tax-exempt lobbying organizations is exactly the point that we should address when it comes to ultimately deciding who gets Federal funding and who does not.

Not long ago outrage was expressed when it was discovered that the Nation of Islam was receiving taxpayer funding. There is no doubt about it, alarm bells would have been ringing, rightly, all over Capitol Hill if the bigoted, the disgraceful, racist KKK was a Federal grantee providing day care or low-income housing.

Whether from the far left of the political spectrum, all the way to the far right, or every stop in between, this provision should stop that. It would cover the National Rifle Association as well as AARP or NCSC. It is my firm belief that political advocacy groups should not receive one penny of taxpayer funds for any program.

Mr. Chairman, the Dornan language in H.R. 2564 puts a stop to this gross example of everything that is wrong with some of the lobbying on this Capitol Hill. I thank the manager of the bill for its inclusion and and I thank everybody for working so hard on this.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I thank the gentleman very much for yielding time to me.

I would like to join in piling on as far as the praise that ought to be dispensed tonight, not only to floor managers of the bill, the gentlemen at the desks, but also my friend, the gentleman from Texas [Mr. BRYANT], the gentleman from Pennsylvania [Mr. MCHALE], certainly the gentleman from Connecticut [Mr. SHAYS], all of whom deserve the thanks of the Members for pushing this legislation so vigorously.

Mr. Chairman, the gentleman from Oklahoma and the gentleman from Indiana, however, have given notice that they will try to attach their controversial and much traveled Istook-McIntosh amendment to this bill. Do my colleagues remember that amendment? It would create a reporting, paperwork, litigation and bureaucratic nightmare for businesses, charities, civic organizations, churches and other groups.

My colleagues remember that amendment. It would restrict the ability of organizations like the Red Cross and the YMCA to talk to any level of government, State, Federal or local, about the pressing problems this Nation's communities face every day.

It would, in the words of George Will, make lawyers happy. It would erect a litigation-breeding, regulatory regime of baroque complexity regarding political expression, according to noted conservative columnist George Will. Or it represents what former Republican Congressman and former president of the American Conservative Union, Mickey Edwards, calls Big Brother with a vengeance.

Mr. Chairman, my colleagues remember that amendment. Well, it is back. The only thing new is that the proponents have cut the Istook-McIntosh amendment into four pieces to be offered as four amendments to the lobby reform bill before us. I call this approach the Kentucky Fried Chicken method of legislating. You take a whole bill and cut it into pieces hoping that this will somehow make it easier to swallow.

They have pulled their amendment apart hoping it will seem more reasonable. Well. Mr. Chairman, parts is parts. Whether it is one amendment or four amendments, the Istook-McIntosh proposal is still enough to make anyone choke. Or perhaps more accurately, it is enough to strangle any charity in red tape.

The first of the amendments, the Istook offering, would set limits for businesses or other organizations use of their own funds to talk to virtually any government official at any level about nearly anything, including regulations, contracts, loans, permits, renewals, licenses, awards, if that organization, business or nonprofit received any Federal funds.

In addition to businesses and charities, if Members can believe this, these regulated organizations include colleges and universities and State and local governments that use any independent contractors to help them with their government relations.

These regulated organizations, yes, even States and local governments, would be required to file annual reports

with the Federal Government detailing every penny they use to talk to any level of government. And on top of that, today's Istook amendment broadly expands the current Tax Code definition of lobbying to include any contact about ''a program, policy, or position'' of a government agency.

The next serving consists of three McIntosh amendments. One would create a bounty hunter lawsuit system that would encourage harassing lawsuits against tens of thousands of regulated charities, businesses and other groups. This is nothing but a lawyer relief proposal. This amendment incorporates what is called the False Claims Act, which will allow any zealous citizen, regardless of motive, to sue any charity, business or other group claiming some violation of this whole block of Istook-McIntosh regulations, and to collect as a bounty up to 30 percent of the treble damages provided for under the False Claims Act.

So anybody who does not happen to agree, for instance, with Catholic Charities or Planned Parenthood, has every incentive to sue and try to collect money for their trouble.

Another McIntosh amendment would also create an additional paperwork reporting and bureaucratic maze for any organization described under section 501 of the Tax Code, including charities, civic organizations, churches, veterans groups, business groups such as the Chamber of Commerce, and many others if they receive almost anything from the Federal Government. As far as I can figure, virtually all section 501 organizations are likely to be regulated.

These regulated groups would also have to file reports with the Federal Government detailing the use of the group's own funds on political advocacy, lobbying, their endorsements, coalition memberships, the names of those they have hired to do their government relations work, any in-kind support or payments to participate in any initiative or referendum.

Finally, the third McIntosh amendment would create a system that treats any group of 501(c)(4) organizations who happen to use the same name or represent themselves as being affiliated as if they were one single organization for purposes of the limitations and regulations that are contemplated here. This would mean, for instance, that all Rotary Clubs around the country would have to somehow collect from the thousands of local Rotary chapters all of the public policy involvement and spending information and then file it with the Federal Government.

There are many other organizations that would fall into the same trap, including the National Rifle Association, Disabled American Veterans, the National League of Cities, Veterans of Foreign Wars, Ladies Auxiliary, and the International Olympic Commission.

Mr. Chairman, whether this is offered to us in four ugly pieces or one ugly whole, the Istook-McIntosh proposal is a bureaucratic swamp that will interfere with the mission of charities, bog down American businesses, and encourage unnecessary and absolutely pointless litigation. It should be defeated in all its forms. It should be defeated both because of its own lack of merit and because of the effect it and any other amendment will have on the prospects for final enactment of this legislation as has already been well discussed this evening.

Mr. Chairman, I thank the gentleman again for the time.

Mr. CANADY of Florida. Mr. Chairman, I yield 7 minutes to the gentleman from Tennessee [Mr. BRYANT].

Mr. BRYANT of Tennessee. Mr. Chairman, I thank my colleague from Florida for yielding me this time.

I would begin by saying that this is the Lobbying Disclosure Act, and in some of the early debate on this we have heard about the thousands and thousands of lobbyists who frequent the halls of Congress and how only about 4,000 of these folks are registered.

□ 2030

I do want to say something, though, positive about lobbyists. I have not been up here that long. I have been here as a freshman about a year now, and I have found a couple of words that I think are misused and abused quite often. That is the words ''lobbyists'' and ''bureaucrats.''

Mr. Chairman, I have found out that these folks are real people. They have beating hearts and they have families and children, and so forth. They work at their jobs very hard. The lobbyists I have found are good people. They represent a lot of people when they come up here to Washington, when they come to our offices. They represent folks back home who do not have the opportunity to visit in Washington and see us personally. They often have good information, education, and they often disagree with each other.

But with that said, Mr. Chairman, I think this bill is very appropriate, and I would support it. I think what we need is more accountability, more sunshine, as the gentleman from Florida [Mr. CANADY] has mentioned, and more disclosure. I think that would be wholesome for this system. I think it has been evidenced by the fact that the other body passed this same bill by a score of 98 to nothing on July 25.

Mr. Chairman, a week or so ago I was proud to be a part of the House Committee on the Judiciary who considered this bill, and again saw a strong bipartisan effort in support of this bill. There were 30 people who voted for it and no one voted against it.

By passing this Lobbying Disclosure Act, I think we can end the business as usual that we see up here and certainly the perception by the folks back home that there is business as usual up here, and it is not good business. We can demonstrate that we want disclosure of lobbying activities and thus improve the level of accountability and the legislative process itself.

Now, I know there is not a lot of disagreement about what is in this bill, but I would like to go over some of it. My colleague, the gentleman from Texas [Mr. BRYANT], indicated that he expected some controversial amendments, but that everyone agrees pretty much what is in the base bill.

Mr. Chairman, I would like to tell the people back in the district that I represent what this bill actually does do, though. It is going to require these lobbyists to identify their clients and the people that they lobby. They will have to register to do that. They will need to disclose the general issues on which they are lobbying, and they will also have to tell how much money they are being paid to do this lobbying.

We have a fine definition of what a lobbyist is. I think it is one that is fair. It does not get into the problem some of the lobbying bills of last year got into, some of the groups that really are not lobbyists, and I do not think we are going to see any type of problem there.

The definition that we have in this bill truly identifies the lobbyist who walks the Halls of Congress, who represents many people up here, who lobbies Congressmen and their staff and who gets paid to do it.

More about this bill. It does not create any new bureaucracy. There is an awful lot of talk about adding more jobs. This does not do that. We use the services of the Clerk of the House and the Secretary of the Senate to implement the disclosure requirements, which will be done on a semiannual basis.

Second, the bill contains no criminal penalties. The lobbyists who knowingly violate this bill may receive civil fines up to $50,000. Third, grassroots lobbying organizations are affected under this legislation. As I mentioned earlier, last year's controversial provisions are not in this bill.

Mr. Chairman, H.R. 2564 also addresses the problem of nonprofit organizations using taxpayer money to lobby and this bill does it in a very clean, simple manner. The bill adopts the Simpson amendment from the other body. Its provisions simply state that 501(c)(4) organizations, which are the lobbying arms of many nonprofit groups, if they engage in lobbying, they are ineligible. They cannot receive Federal funds.

These kinds of nonprofit organizations can choose to lobby and not receive Federal funds, or to receive Federal funds and not lobby. This provision does not affect the normal charities who do not lobby and are identified as 501(c)(3) under the Internal Revenue Code.

Such diverse organizations as the U.S. Chamber of Commerce, the American Association of Association Executives, the American League of Lobbyists, and the Alliance for Justice, all support this legislation.

There is one other part of this particular bill that I do like, and I want to add it as part of my discussion, because I think it is important. Under the current law, our U.S. Trade Representative cannot aid or advise a foreign entity on matters before any officer or employee of any department or agency of the United States within 3 years after the termination of this individual service. What this bill does is make that a lifetime ban for activity on the part of a former trade representative or a deputy trade representative in conducting any of these relationships.

Moreover, it takes the reverse also in determining who is eligible to serve an administration as a deputy trade representative or as a trade representative. It would disqualify any person who has represented a foreign entity or aided or advised a foreign entity in any trade negotiation or trade dispute.

Mr. Chairman, I think altogether we have something here that is a very sound bill and I am proud to rise again in a bipartisan effort to support this very fine lobbying bill and urge my colleagues to vote for it.

Mr. Chairman, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. MCHALE], one of the main sponsors of this bill.

Mr. MCHALE. Mr. Chairman, many years ago Lt. Gen. Arthur MacArthur, Gen. Douglas MacArthur's father, wrote to his superiors saying, and I quote:

> I have just been offered $250,000 and the most beautiful woman I have ever seen to betray my trust. I am depositing the money with the Treasury of the United States and request immediate relief from this command. They are getting too close to my price.

Mr. Chairman, the American people are concerned that not every high-ranking official of our Government may have General MacArthur's sense of humor or his high sense of integrity.

Mr. Chairman, H.R. 2564 is the most significant lobbying reform in the last 50 years. The legislation under which we operate this evening has been in effect since 1946. It is woefully inadequate, and there is a bipartisan recognition that the law needs to be reformed and it needs to be reformed tonight.

Under H.R. 2564, paid professional lobbyists will be required to file semiannual reports detailing their identity, their clients, the lobbying issues upon which they have contacted covered officials, and the money spent when contacting Members of Congress, executive agencies, senior staff and, General MacArthur would be pleased to know, high-ranking military officers.

Lobbying is a constitutionally protected activity, but one best exercised with maximum public exposure. In politics, as elsewhere, sunshine is the best disinfectant. Mr. Chairman, I am pleased to stand at this microphone tonight and recognize that on this occasion, one of so many that we have missed during the past 11 months, so many missed opportunities during the 104th Congress, recognize this evening that in a bipartisan effort with the gentleman from Florida [Mr. CANADY], with the gentleman from Massachusetts [Mr. FRANK] seated immediately to my right, the gentleman from Connecticut [Mr. SHAYS] having shepherded this bill from the beginning, and all of these Members having at least allowed my participation, we are about to bring before the membership of this House the most extraordinary change in the lobbying law of the United States considered in the last 5 decades.

We have done it with, I think, an extraordinary sense of the importance of the ability of the people under the Constitution to petition their government. As pointed out by one of the previous speakers, unlike earlier legislation, we have provided sufficient attention to detail in guaranteeing the right to petition the government, in protecting the rights of grassroots lobbying.

Mr. Chairman, the legislation that we now consider I anticipate will receive the same bipartisan measure of support that it received on July 25 when the Members of the U.S. Senate voted 98 to zero to pass it. It is critically important for those of us who advocate genuine lobbying reform that we keep the bill clean this evening and that we resist the temptation to adopt any one amendment because, frankly, those who would kill this bill lack the courage to do so on the floor, but might be successful in a conference committee.

Therefore, having experienced that defeat previously, I urge the Members to oppose all amendments, vote for the bill, and send it to the President, where I anticipate he will promptly sign it.

Mr. CANADY of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. FLANAGAN], the vice chairman of the Subcommittee on the Constitution.

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

Mr. FLANAGAN. Mr. Chairman, I rise in strong support of H.R. 2564, the Lobbying Disclosure Act of 1995, and urge my colleagues to support it too by opposing all amendments. Any amendment adopted today to this bill could ultimately serve to kill lobbying disclosure reform this year in Congress.

Mr. Chairman, although this bill isn't perfect—in fact, it could go further in controlling and disclosing lobbying activities here in Washington—it is a conscientious, bipartisan attempt to end over a half century of gridlock on this issue. But, I warn you that gridlock will remain if this bill isn't kept clean and, instead, is loaded with extraneous amendments. I would like to remind all of my colleagues, that if a single word is changed to this bill, it will have to go back to the dim, dark dungeons of the other body where many, many bills go, but only a few come back, and even fewer become law.

For over five decades, Congress has tried to enact meaningful lobbying reform proposals, like this one, only to have their efforts thwarted because of House-Senate differences. Just last year, both Chambers of Congress passed different lobbying disclosure bills. However, because those proposals were different and those differences were never rectified in conference, neither of them were ever enacted into law.

Mr. Chairman, given the history of gridlock on this issue, it is important that the Lobbying Disclosure Act we have before us today not be weighed down with extraneous amendments that will only serve to derail real lobbying reform efforts this year and probably in this Congress.

The proposal we are considering today is identical to S. 1060, the other body's lobbying disclosure legislation which passed that Chamber earlier this year by a vote of 98 to zero. The House should now follow the Senate's lead by passing their language today so a bill can be placed on the President's desk this weekend, a bill he will certainly sign into law.

Mr. Chairman, this legislation, which is sponsored by the Republican gentleman from Florida [Mr. CANADY] and the Democratic gentleman from Massachusetts [Mr. FRANK], is a good bill. It is a genuine attempt to impose new disclosure requirements for lobbyists who contact legislative and executive branch officials and their staff, and it deserves the support of every member of the House of Representatives.

Specifically, the bill requires all paid, professional lobbyists who contact Federal Government officials, including Congressmen, or their staff to identify their clients, the general issues on which they lobby, and how much they are paid. Under this bill, lobbyists must register and report semiannually with the Clerk of the House and the Secretary of the Senate so their information is readily available to the public. If lobbyists knowingly fail to register or disclose false information, they will be turned over to the Justice Department where they will be prosecuted and faced with a maximum civil penalty of $50,000.

This bill protects average citizens' right to petition Government by defining a lobbyists as ''any individual who is employed or retained for compensation for services that include more than one lobbying contact.'' This language will ensure that no person's first amendment rights are violated and that genuine grassroots lobbying is exempted from this bill.

With all this said, I again urge my colleagues to withhold from offering or voting for amendments so we can have a strong lobbying disclosure reform law on the books—something that has not occurred in this country in over 40 years.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE], a member of the Committee on the Judiciary.

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

Ms. JACKSON-LEE. Mr. Chairman, I rise to applaud the gentleman from Florida [Mr. CANADY] and the ranking member [Mr. FRANK] and their bipartisan effort to really put forward a very, very good bill.

Mr. Chairman, interestingly enough, one of the many responsibilities that we have in the U.S. Congress and one that I frankly enjoy, is the opportunity to listen to and to interact with those who come to present their issues. Most often, those are individual citizens who have come to express their views about an issue.

If there is an amendment I cherish more, it is certainly the first amendment that protects our right for freedom of expression. However, I think it is extremely important that we recognize that this bill still applauds and affirms that right. This Lobby Disclosure Act, H.R. 2564, a bipartisan legislation, clearly reaffirms what my colleagues have already taken to the floor, the right of lobbyists to present their views on behalf of their clients.

The legislation only requires that lobbyists file semiannual reports on the following which include, the legislation that they are lobbying Members. A simple request. That simply means what is the lobbyist there lobbying the Member about, so that it relates to their responsibilities and their clients' interests.

□ 2045

The amount of income received from clients, the expenses incurred by lobbying organizations and, of course, these reports are to be made public. I think foremost we need to realize that lobbyists are doing their job and they are pressing forward under the first amendment, they rise to express their beliefs or their arguments on behalf of citizens mostly of this country.

This bill is good because it exempts small firms. For example, individuals and lobbying firms that spend less than $5,000 within a 6-month period would be exempted from the bill's registration requirements. In addition, organizations spending less than $20,000 on lobbying expenses during a 6-month period would also be exempted from these requirements.

Furthermore, individuals who spend less than 20 percent of their time on lobbying activities would not have to meet the registration requirements. It strikes a fair balance between the rights of our citizens under the first amendment and the Constitution to express their views.

I always look for a local flavor to legislation, and there is a local flavor to this lobbying bill. There is a good part that responds to the accusations that have been made about lobbyists and lobbyists' activities. But then we have the amendments, the baby Istook amendment that I hope we will reject.

This evening the United Negro College Fund is having a dinner in Houston, an organization that has supported educating youngsters across this Nation. I would imagine if the Istook amendment was passed and if the United Negro College Fund, a national organization, desired to press us on educational issues to educate young people, they would be denied under this amendment. For example, the Ensemble Theater, a local community theater in my community that brings arts to those who might not have the opportunity, if they joined in to a national arts group and wanted to press this Congress under the first amendment to enhance arts dollars, they would be forbidden.

Then the Houston Partnership, an organization that has promoted the city of Houston and encourages international trade, might join into the national Chamber of Commerce and be denied under the Istook amendment or any others.

Then the Clear Lake Economic Council that wanted to fight to preserve the jobs of those citizens at the Johnson Space Center would be denied. And then Hester House, an institution that supports the rights and needs of children in Houston, formerly Congresswoman Barbara Jordan and Mickey Leland grew up in the Hester House. That organization might be denied, under the McIntosh proposal and the baby Istook amendments, to press the point of providing more Medicaid, more health care for our children.

We have got good legislation on the table. We have got a good bill that acknowledges that lobbyists have rights to press constitutional issues, their rights under the first amendment on behalf of their clients. But in fact what may happen to those who will be denied is that important points will not be made, important points from organizations like United Negro College Fund, the Boy Scouts, and the Girl Scouts.

So we need legislation that reaffirms the rights of Americans under the first amendment whether they come to us as lobbyists or come to us as individuals. This sunshine law discloses any questions that we may have through a very fine registration program, through an evidencing of who you represent as a lobbyist and whether in fact you are pressing the issues of your client. That is fair, my colleagues. I will tell you that it is not fair to deny those who would come, who simply want to press their points and organize such as AARP, when we were organizing about the Medicare issue in the U.S. Congress and senior citizens came and organized rallies on the grassy area out front, to deny them that right. That is not the kind of bill that I think these two fine gentlemen have offered. So I would simply say, vote separately for this bill and leave the amendments alone and we will have a fair bill.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise in the strongest possible support of the lobbying reform proposal before us this evening. I applaud the gentleman from Florida and Massachusetts for bringing this bill to the floor. In the 104th Congress, we have passed many reform initiatives, including the Congressional Accountability Act, to make Congress follow the same laws that all Americans must follow.

Earlier this year, the House passed term limits, and earlier tonight we passed gift ban legislation. It is my hope, as someone who refuses all PAC contributions, that we will enact in this Congress campaign finance reform that bans all PAC contributions to House and Senate campaigns.

But tonight we have before us a solid bill to reform the way lobbyists do business in Congress. This important issue has achieved bipartisan support as evidenced by a unanimous vote reporting the legislation out of the Committee on the Judiciary. Hopefully this bipartisan cooperation will spill over into the budget debate and help us reach a balanced budget as well.

Clearly, Americans have many questions about how lobbyists work in Washington, DC. In its current form, this bill does not tie the hands of groups or individuals who seek to make their voice heard in the legislative process. This legislation is simply a more stringent disclosure of lobbyists activities. Under this proposal, registered lobbyists must disclose the congressional Chamber and Federal agencies they approach, the issues they discuss with the relevant officials and the amount of money they spend on their efforts. This is basic commonsense reform.

The freshman and sophomore classes constitute half the Members of this Congress. We came to Washington on a promise to change the way this House, this Congress and this Federal Government operate. This bill is one more step in fulfilling that commitment.

I would urge my colleagues to pass the bill as written, as any amendment will delay implementation and possibly kill the bill in this Congress. There will be efforts to include other provisions in the general area of lobbying disclosure and reform. But the bill before us tonight is not the vehicle for those additional provisions.

I urge all my colleagues to pass the bill without additional amendments so

we will see lobbying reform become law this year.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. BARRETT], one of those who has been active on behalf of this bill.

Mr. BARRETT of Nebraska. Mr. Chairman, most Americans who have watched television this week or read newspapers certainly are under the impression that Democrats and Republicans cannot get along at all. It is unfortunate because this is one of those instances where Democrats and Republicans have worked very well together. I think it is important that we point that out to the American people.

I want to pay tribute to the gentleman from Florida [Mr. CANADY] and the gentleman from Connecticut [Mr. SHAYS] on the Republican side, both of whom have been very active on this measure, the gentleman from Massachusetts [Mr. FRANK], the gentleman from Pennsylvania [Mr. MCHALE], and the gentleman from Texas [Mr. BRYANT], who also have been active on the Democratic side.

What we have shown here is, if the two parties have people in them who talk to each other and communicate, we can actually do things that move this country forward. This bill is an excellent example of a bill that will move this country forward because the lobbying disclosure provisions that have already passed the U.S. Senate under unanimous vote in July of this year are provisions that virtually everyone agrees with. These are provisions that will make it easier not only for the American people to know what is going on in Congress but actually make it easier for the lobbyists not to be buried in paperwork.

It provides some streamlining provisions that make more sense, some commonsense proposals that have been introduced into this law. It also requires disclosure of who is paying whom how much to lobby, which Federal agencies and Houses of Congress. It is important for the American people to know who the people are that are sinking dollars into this institution. I think that this is a good step forward.

It also closes some loopholes in existing lobbying registration laws. Probably most importantly, it covers all professional lobbyists. Unfortunately, with the loopholes that we have in the current law, there are too many people who can come and work the halls of this Congress but never have to actually register as lobbyists.

So I applaud all the Members on both sides of aisle who have worked on this measure, and it is my hope that we move forward. I also hope very strongly that we avoid the Istook amendment and other amendments because these amendments will only have the effect of killing this bill.

Mr. CANADY of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, I was prepared this evening to offer an amendment that would permanently ban Members, former Members of Congress forever from lobbying on behalf of a foreign government. I had intended to offer that amendment because I believe very strongly that it is wrong for former Members to use their job here as a revolving door to cash in later on behalf of a foreign government. Currently there is a 1-year ban on that activity, not a lifetime ban.

Americans all across this land are very upset with the role that lobbyists play here in Washington and with good reason. All too often our elected leaders represent perhaps the most influential lobbyists rather than the people who elected them. Executive branch officials, I might note, are in fact barred for life from lobbying on behalf of foreign governments. The underlying bill that we are taking up today, H.R. 2564, also bars U.S. trade officials from representing foreign countries for life.

As we work to restore the public confidence in this Congress, we should apply that same standard to Members who serve here. I feel that we need to encourage folks to become public servants for the right reasons and that reward for helping people while you serve, not using that service to benefit our own pockets. It is not right that taxpayers send their representatives to Washington to fight for them and then that elected official leaves office and perhaps sells that knowledge to another government at the expense of the American people. Each of us were sent here to represent our own districts and our State and certainly our country. And it would be wrong for us to use that experience to represent someplace else.

I understand the debate that is going on tonight. The bill that has come over from the Senate, the committee chairman, subcommittee chair as well as the ranking side prefer no amendments because they want to get this bill through. In a number of private discussions that I have had with Members this evening, I feel that it may be more prudent in fact to offer this at another time on another bill, but in fact in this Congress to get the job done. I might.

Mr. Chairman, I yield to the gentleman from Florida [Mr. CANADY] for some clarification of that.

Mr. CANADY of Florida. Mr. Chairman, let me commend the gentleman on this amendment. I believe that this amendment addresses a very important issue. I believe that it is wrong for Members of Congress who have left the Congress to then run out and find a foreign client, a foreign government to represent here in Washington. I think that is an abuse of the system and something that should not continue.

I believe that we should consider restrictions on that sort of activity. It would be my intention as chairman of the Subcommittee on the Constitution to hold hearings on this subject as well as other related issues that we are not addressing in this bill but which do need to be addressed. I appreciate the gentleman from Michigan.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

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

Mr. FRANK of Massachusetts. Mr. Chairman, I appreciate the constructive spirit in which the gentleman is approaching this. I think he has a very good amendment. I have not had a chance to give a lot of thought but it seems very good to me. If I had to vote on it right now, I would vote for it. But I think it will obviously be a useful thing for us to have at the hearings, the markup.

I hope something very much like it will emerge. I believe and I know my friend from Florida agrees. It is very likely that we will want to do another bill because there are a number of good ideas that have come up. I will be urging that we go forward with this, and I am very, very likely to be supporting legislation of the sort the gentleman from Michigan offered. I appreciate the spirit of trying to get this bill through that he would give us a chance to do it in that manner.

Mr. UPTON. Reclaiming my time, I appreciate those comments from both my friends. I would at this point indicate that I will not offer my amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman will continue to yield, let us all hope that he is a role model for our colleagues.

Mr. UPTON. I will not offer therefore my amendment this evening and look forward to working with both gentlemen in the future.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York [Mrs. LOWEY].

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

Mrs. LOWEY. Mr. Chairman, George Will's conservative credentials are second to none, but in the case of the Istook amendment, even card-carrying conservatives like Mr. Will cannot hold their nose and support this legislation.

This amendment slams the doors of the political process in the faces of the Girl Scouts, Mothers Against Drunk Driving, and thousands of community-based nonprofit organizations across this great Nation. In doing so, it will create untold amounts of government redtape and bureaucracy for America's charities.

Mr. Chairman, we need this lobby reform bill now more than ever. This is a Congress where the NRA writes the gun laws, the polluters write the Clean Water Act, and the Christian Coalition dictates social policy. That's the problem—and the American people know it. But does anyone in this Chamber, or anyone in America, really think that the Girl Scouts and the YMCA have too much power and influence in Washington? Of course not.

Several weeks ago, Mr. Chairman, I was successful in passing legislation in

this body that will finally get tough with underage drinking and driving, a crime that claims thousands of lives every year. My zero tolerance legislation was offered with the encouragement, support, and cooperation of Mothers Against Drunk Driving.

As a charity, MADD operates under the existing laws that govern charities, including those which limit advocacy work. However, MADD will be directly impacted by the Istook amendment because it works with the Department of Transportation and the Department of Justice to combat drunk driving and assist the victims of this crime. In the words of MADD's national president, the Istook amendment will have ''a chilling effect'' on MADD's ability to fulfill its mission.

Mr. Chairman, MADD was started in 1980 Candy Lightner, who in attempting to bring the drunk driver who killed her daughter to justice, found the system rigged against her. Since 1980, it has been MADD's leadership that has been instrumental in curbing the carnage on our roadways. However, had the Istook provision been in effect 15 years ago, MADD would not have been able to bring us to where we are today.

As George Will has stated, the Istook amendment will ''erect a litigation-breeding regulatory regime of baroque complexity.''

Let's not punish Girls Scouts. Defeat this extremist amendment.

□ 2100

Mr. CANADY of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut [Mr. SHAYS] who has done more than any other person to move forward with the agenda of reform on gifts and lobbying than any other person in the Congress.

Mr. SHAYS. Mr. Chairman, I thank the gentleman for yielding this time to me, but there have been so many who have been working on reform, and I think one of the reasons why I have stayed here tonight is it is rather comforting and calming to be in an environment where Republicans and Democrats are working together for a common cause. It may not be as exciting, but it sure is relaxing.

I first want to thank the subcommittee chairman and the ranking member, the gentleman from Florida [Mr. CANADY], the chairman, and the gentleman from Massachusetts [Mr. FRANK], the ranking member, for doing yeoman's work in getting this bill out of their subcommittee intact, identical to the way the Senate passed the bill, getting it through the full committee intact identical to the way the Senate passed this bill, and for good reasons. The Senate passed a fine bill. They passed it way back in July, and candidly we probably would not even be dealing with this legislation today if it was not for the work of Mr. LEVIN and Mr. COHEN and Mr. MCCONNELL, and the work that they did in the Senate in giving us a bill that we can present to the President of the United States if it leaves this Chamber without amendment.

Mr. Chairman, we have one gigantic choice. We can amend the bill and send it to the Senate, where it may pass eventually someday, some year at some time, or we can send it to the President where he will put his signature and for the first time in nearly 50 years we will have an updated and better lobby disclosure bill.

The Lobbying Disclosure Act of 1995 deserves to be made law. It will for the first time require the registration of people who have not been registered before. It will require them to disclose general information about what they do and how much they spend, and I know that in addition to the fine work of the gentleman from Florida [Mr. CANADY] and the gentleman from Massachusetts [Mr. FRANK] he has had a supportive committee on both sides, Republican and Democrat, and I particularly want to thank the gentleman from Tennessee [Mr. BRYANT] and the gentleman from Illinois [Mr. FLANAGAN] and the gentleman from Virginia [Mr. GOODLATTE] for their help, and also the gentleman from Texas [Mr. BRYANT] on the other side of the aisle, the gentleman from Wisconsin [Mr. BARRETT] on the other side of the aisle, the gentleman from Pennsylvania [Mr. MCHALE] on the other side of the aisle. This is legislation that the gentleman from Pennsylvania [Mr. MCHALE introduced in support of what the Senate has done. There really is no excuse for us to cave in and do candidly, and when I say ''candidly'' it almost sounds like the gentleman's name, candidly to do what unfortunately some in my own leadership want to have happen, they want this bill amended.

Mr. Chairman, for some reason my colleagues want it sent back to the Senate. For some reason they want it to go to conference. I do not understand why. To me it is simply the wrong way to go. There are going to be some excellent proposals made, and it is going to be tempting to go along with those proposals, but we have a chairman and the ranking member of the committee who have agreed to take these good proposals, to take action on them, and bring them back to the floor of the House as a separate bill, and then we can send that bill to the Senate, and let us see what happens.

I would just like to read from the language that accompanied the Lobbying Disclosure Act of 1995, two paragraphs, and one of the things that the gentleman from Florida [Mr. CANADY] pointed out is that in 1991 the General Accounting Office, GAO, found that almost 10,000 of the 13,500 individuals and organizations listed in the book ''Washington Representatives'' were not registered under the 1946 act. GAO interviewed a small sample of the unregistered Washington representatives listed. Three-quarters of those interviewed contacted both Members of Congress and their staffs, dealt with Federal legislation, and sought to influence the actions of Congress or the executive branch. We have 10,000 of the 13,500 listed as Washington representatives not registered as lobbyists. I mean there is a reason. When we passed the act many years ago in 1946, the Federal Regulation of Lobbying Act of 1946, the Senate, the Supreme Court, significantly weakened that act in 1954 and basically made it pretty much unworkable. The 1946 act requires anybody whose principal purpose is influencing legislation to register with the Clerk of the House or the Secretary of the Senate. It simply is not being done because the Senate gutted that requirement.

So I am concerned a bit about the fact that we will seek and discuss amendments tonight. I am concerned that tomorrow we may just have one vote after another. All it is going to take is just one amendment to basically send this bill back to the Senate. There will be for some reason some people satisfied and happy that we have sent it back to the Senate. For the life of me I do not understand why we would not want to know who is a lobbyist, know what they do, and how much money is involved.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Chairman, I would like to first thank the ranking member of the Committee on the Judiciary, the gentleman from Massachusetts [Mr. FRANK], for yielding me this time. Now I would like to thank the gentleman from Florida [Mr. CANADY] for offering this legislation today, and I would like to rise in support of the Lobbying Disclosure Act of 1995 as it has been introduced. This bill makes important and substantive changes to the current regulations related to the lobbying process. I do have concerns, however, about a particular provision.

For the purposes of clarification of this provision, I would like to enter into a colloquy with the gentleman from Florida [Mr. CANADY], the chairman of the subcommittee and the author of this legislation.

Section 18 of H.R. 2564 prevents 501(c)(4) organizations, as defined under the Internal Revenue Code of 1986 from receiving a Federal ''award, grant, contract, loan or any other form'' if such organizations want to engage in lobbying activity.

I have been contacted by members of the Disabled American Veterans from my home State of Rhode Island. They are concerned and have expressed concern that section 18 of H.R. 2564 may preclude them from utilizing space at local Veterans Administration facilities. The DAV, the Disabled American Veterans, works for the physical, social, mental, and economic rehabilitation of wounded and disabled veterans, obtains fair and just compensation, adequate medical care, and oftentimes

suitable gainful employment for wartime veterans who became disabled in service to our country. They deserve every bit of it.

Annually, the DAV provides assistance to 300,000 veterans and their families—at no charge to the veteran and no charge to the Federal Government. I am concerned that section 18 would place in jeopardy the vital services provided by the DAV.

As my colleagues, the gentleman from Florida [Mr. CANADY] knows, these veterans' organizations often use the facilities, these veterans' facilities, as an opportunity for them to reach out to the same constituency that the veterans' facilities are mandated to reach out to. They do not want to be shut out, and I think that what we want to do is help them help us in the Federal Government do the job that we are trying to do on behalf of our veterans, and I would ask my colleague, the gentleman from Florida [Mr. CANADY] to clarify this section for me.

Mr. CANADY of Florida. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from Florida.

Mr. CANADY of Florida. Mr. Chairman, I thank the gentleman from Rhode Island for yielding, and I appreciate the gentleman's expression of concern on this issue.

Section 18 provides that organizations described in section 501(c)(4) of the Internal Revenue Code which ''engage in lobbying activities shall not be eligible for the receipt of Federal funds constituting an award, grant, contract, loan or any other form.'' It is my understanding that ''any other form'' as referred to in this section means any other form of Federal funds. It is my intention that use of a borrowed room by the Disabled American Veterans would not constitute receipt of Federal funds and the DAV would not run afoul of this provision.

I believe that this should address the concern raised by the Disabled American Veterans, an organization which does so much to help so many American veterans.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank my colleagues for his assistance on this matter, commend him, and look forward to continuing to work with him on behalf of our veterans, and I thank him for his explanation and clarification of this. I think it honors the spirit of what the DAV is trying to do, and I think it also honors the spirit of our bill, so in both of those respects I would like to commend the author, once again like to commend the ranking member, the gentleman from Massachusetts [Mr. FRANK], and I appreciate the opportunity this evening to speak on behalf of the bill.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, I just wanted to continue the colloquy which was very ably started by the gentleman from Rhode Island [Mr. KENNEDY]. I, too, rise to assure the veterans beyond the DAV, to the Purple Heart veterans, American Legion, the VFW, and all other veterans' groups of service men and women who have done so much for our country, when it comes to any activity as described that has been by the gentleman from Rhode Island [Mr. KENNEDY] and other activities that the gentleman from Massachusetts [Mr. FRANK] and I would describe to our colleagues, are all of them, as far as the gentleman is concerned, protected under the legislation and it would not rise to any infraction on their part?

Mr. CANADY of Florida. Mr. Chairman, if the gentleman would yield, that is absolutely correct. This principle would apply to other organizations who are serving in a similar manner.

Mr. FOX of Pennsylvania. I know, because speaking for all 435 Members of this House, and I am sure the 100 Members in the other Chamber, would want to have that protection knowing that the veterans we are trying to serve, work with, would in fact be protected under this legislation.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. CANADY of Florida. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I just would like to join in and agree, although I should note that presently there are only 433 Members of this House.

Mr. FOX of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. CANADY of Florida. I yield to the gentleman from Pennsylvania.

Mr. FOX of Pennsylvania. We added a few in this partisan reform Congress.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, the events of the last week have shaken the public's confidence in this great house.

Now, we have the chance to restore some of that confidence by passing the lobbying disclosure bill.

The time for delay is over.

It is time the public knew who is lobbying who and for how much.

It is time Members stop taking contributions from lobbyists for legal defense funds or charities they control.

The people send us here to represent them in the greatest legislative body ever conceived.

That is what it's all about.

Not the lobbyists.

Not the trips.

Not the gifts.

And the American people know that.

We need to send a clear, bipartisan message that we understand that all of us together and that we know that too.

Finally, we need to reject any amendment that would restrict the ability of businesses, universities, and charitable organizations from using their own money, just because they receive some federal funding.

A lobbying disclosure bill passed the other body 98–0.

Let us pass this bill with the same bipartisan spirit and reject any extremist amendment designed to make it partisan.

Mr. CANADY of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia [Mr. GOODLATTE], a member of the Committee on the Judiciary.

Mr. GOODLATTE. Mr. Chairman, I would like to thank the gentleman from Florida [Mr. CANADY], my good friend, the chairman of our subcommittee, and the ranking minority member, the gentleman from Massachusetts [Mr. FRANK] for the strong bipartisan support of this important legislation that we have been struggling for years to bring forward, and I also very much appreciate the very kindly way that this debate has proceeded.

□ 2115

We are in general agreement about this, but I would hope that we would have the same kind of level of debate. Even at times when we are in strong disagreement on the underlying issues, we should never let the debate break down, as it does sometimes.

Congressional reforms have been a major priority since last year's elections. For instance, we have taken steps to clean up sloppy administrative and financial practices in the House of Representatives. We have passed into law the Congressional Accountability Act, making Members of Congress subject to the same laws that we pass and impose on everyone else. Now we are focusing on lobbying reform and rules governing gifts to Members of Congress, which rules we just changed earlier this evening. The people that I talk to feel that lobbyists have too much power and more access to the government than average folks. They are right to feel that way. That is why we are taking strong steps to rein in lobbying activity abuse.

Existing rules governing lobbying are unclear, contain weak enforcement provisions, and lack clear guidance as to who is to register as a lobbyist. This bill will take care of this problem. The main focus of this legislation is to provide for meaningful disclosure by full-time lobbyists. Currently, only those lobbyists who, in their personal judgment, believe it is their principle purpose to lobby must register. In other words, it is up to the individual lobbyist to decide whether or not to register.

This legislation, however, carefully defines the term ''lobbyist.'' Someone who spends more than 20 percent of his or her time engaged in lobbying activities for a client in a 6-month period is considered to be a lobbyist. That person must register with the Clerk of the House and the Secretary of the Senate.

Lobbyists will be required to file a semiannual report which contains information about clients, issues, and

Federal agencies in which their lobbying activities are involved, and the ability of the government to enforce lobbying rules is strengthened, but the controversial provisions related to grassroots lobbying contained in last year's bill have been removed, and I think that will be a great reassurance to a great many Americans concerned abut their individual right to contact their Representatives in Congress and make their voice heard. This bill in no way will interfere with that right.

In addition to creating an effective system of disclosure for lobbyists of domestic clients, this bill amends the Foreign Agents Registration Act. That act addresses the disclosure of interests of foreign individuals, corporations, and governments. Under this legislation, major loopholes in these requirements are eliminated, which will greatly enhance the disclosure of lobbying by foreign interests.

The House of Representatives is known as the people's House, and the people's business should be conducted without undue influence. These reforms will help make sure that happens.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

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

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of H.R. 2564, the Lobbying Disclosure Act of 1995 and urge my colleagues to approve a clean bill with no further amendment.

My reason for supporting a clean bill is simple. If we pass this bill as is, it goes directly to the President for his signature. If we amend this legislation, it goes back to the Senate and into likely oblivion.

Let's be clear—amending this bill means killing lobby reform for this Congress. And that would be Washington business-as-usual at its worst. The same type of business-as-usual that has kept lobbying reform bottled up for 40 years.

Mr. Chairman, this important legislation requires meaningful disclosure of the activities of paid lobbyists, by requiring more information than ever before, and it covers lobbying of both the Congress and the Executive Branch.

Any individual who receives at least $5,000 from a single client in a 6-month period for lobbying purposes or an organization which spends more than $20,000 in a 6-month period for lobbying activities is required to register semiannually with the Clerk of the House of Representatives and the Secretary of the Senate.

Registered lobbyists must disclose the congressional chamber and federal agencies they approached, the issues they discuss with the officials, and the amount of money they spent on their lobbying effort.

If foreign entities—such as a company or government—are involved, the lobbyist must state this on the disclosure report. All of this information will be easily available to the House and Senate, as well as to the public.

The bill sets up violations guidelines for people who fail to register or disclose false information. The Clerk of the House of Representatives and the Secretary of the Senate must turn over potential violators to the Department of Justice, which will decide whether to prosecute. Lobbyists found guilty face a maximum civil penalty of $50,000 per violation.

H.R. 2564 also: prevents tax deductions for lobbying expenses, which were eliminated in 1993, from being restored; prohibits 501(c)(4) corporations who lobby Congress from receiving federal grants; repeals the Ramspeck Act, which allows former Congressional or judicial employees to obtain civil service employment without taking the civil service exam; prohibits former U.S. trade representatives or deputies, from representing a foreign government, political party, or business; expands the existing financial disclosure statement for Members of Congress by adding more categories to describe the value of personal assets and liabilities.

This legislation includes meaningful reforms of this outdated system. But lets dispell some of the misconceptions surrounding H.R. 2564.

This bill does not: Create a new bureaucracy—Implementation will be carried out by the Clerk of the House and the Secretary of the Senate.

This bill: Contains no criminal penalties—Only lobbyists who knowingly violate the law may be subjected to civil fines.

This bill: Does not cover grass roots lobbying and does not hinder the ability of ordinary citizens to petition Congress.

Mr. Chairman, this bill is not perfect. But we cannot allow the perfect to be the enemy of the very good. We cannot allow this legislation to suffer the same fate as reform bills in the past.

This is serious reform—another important step toward changing Washington's business-as-usual.

I am afraid it is more than reputation. I am afraid that in the minds of many of us here in this body, we are really in need of serious reform, and must dispel any hint or any smell of business as usual.

Let us do the right thing. I urge my colleagues to oppose any amendments to this bill. As meritorious as some may seem, approving any of them means the destruction of the Lobbying Disclosure Act and any reform in this Congress.

Mr. TOWNS. Mr. Chairman, last week during a 216–210 vote on the very same matter, I voted no. Unfortunately, there was some kind of malfunction in the voting machine and my vote was not recorded.

I want to state for the record that my position on the gentleman from Oklahoma's amendment has not changed. I remain opposed to limitations on any of our citizens' right to petition their Government. Simply because you are a university, a business, or a charitable organization should not force you to give up your first amendment rights.

I would urge opposition to this measure by my colleagues. Let us not trample on first amendment protections in an effort to silence critics of the policies promoted by our colleagues across the aisle.

Ms. WOOLSEY. Mr. Chairman, I rise in opposition to the conference report for H.R. 2564, the Defense appropriations bill for fiscal year 1995.

Mr. Chairman, this bill will prohibit military women who are stationed overseas from obtaining an abortion in a military hospital—even if they use their own money to pay for this procedure.

Mr. Chairman, this provision of H.R. 2564 will put the lives of military women in danger, because they will be forced to use third-world clinics or unsafe back alley facilities.

It is true that, as Representative YOUNG pointed our earlier, I voted yesterday for the conference report on H.R. 2020, the Treasury-Postal appropriations bill for fiscal year 1996. I voted for this bill because I know that this measure is necessary to get our Nation's Federal employees back to work.

Under this bill, Federal employees will lose their ability to use their own health insurance to pay for a full range of reproductive services. This is a travesty, and I fought against this provision when it was considered initially by the House.

Nevertheless, I believe that there is a critical difference between the anti-choice provisions in the Defense appropriations bill and the Treasury-Postal appropriations bill.

The difference is that when a military woman needs an abortion, and she is stationed overseas in a third-world nation, the only medical facility which is likely to be clean and safe, with well trained doctors, will be the base Hospital. Plain and simple, I cannot support a bill which denies military women the chance to use the only decent available medical facility.

Today, the anti-choice forces are hoping to score another victory by denying military women, who happen to be stationed overseas, access to a safe and legal abortion.

Military women defend our country with their lives. Now their lives will be in jeopardy if the Defense appropriations conference report passes.

Is this what you would want for your daughter? is this what you would want for your granddaughter?

I urge my colleagues to protect a military woman's constitutional right to reproductive choice. Vote no on the conference report for H.R. 2126.

Mr. DAVIS. Mr. Chairman, I rise in strong support of the Clinger amendment.

The Clinger amendment will save taxpayer dollars and protect career civil servants from being drafted into hardball political advocacy.

Federal workers are routinely being pressured to participate in partisan lobbying campaigns. These lobbying efforts are often offensive to the civil servant's personal values and damaging to his or her career.

What do you think happens to the career employee who expects to serve during numerous Presidencies but who gets caught up in

partisan lobbying efforts by his agency? Well, the next administration with a different political stripe comes in and is naturally suspicious of that civil servant's professional judgment and independence.

The Clinger amendment simply says: Let us leave the political talk to presidentially appointed and Senate confirmed appointees and let the dedicated career Federal workers that I represent get their jobs done free of politics.

I am especially alarmed by some of the unsolicited political propaganda that was mailed to all members of the Virginia General Assembly this year by the Environmental Protection Agency. State senators and delegates complained about this junk mail that featured false statements in opposition to the Unfunded Mandates Reform Act of 1995 and some of the regulatory reform initiatives.

I support an open and vigorous exchange of ideas, and I am proud to serve in a body that epitomizes the free exchange of political thought. While there will always be a time and place for political advocacy, our system of government depends on a dedicated corps of civil servants who actually fulfill the mission crafted by Congress and the President—free of being enlisted in partisan lobbying campaigns.

Surely the President, his hundreds of Senate-confirmed appointees, combined with the thousands of nonprofit and for-profit advocacy organizations in this town can adequately express the full range of diverse policy and political opinions without requiring the taxpayer to finance lobbying campaigns by Federal agencies that harm the careers of civil servants.

I urge my colleagues to unanimously support this important amendment offered by the distinguished chairman of the Government Reform and Oversight Committee.

Mr. LEVIN. Mr. Chairman, there are critics of lobbying reform who hold the cynical belief that if this bill can be amended, it will get bogged down in the Senate, and lobby reform will die.

That would be tragic.

I very much believe in the open, democratic system in our Nation where people can communicate with their elected representatives, directly or through others. To do so is an important aspect of our democracy.

I also believe the American public is entitled to know who is lobbying whom, and who is spending how much.

But today the lobbying disclosure system we have is chaotic and badly broken. It has so many loopholes that the public has no clear idea whatsoever about how lobbyists are spending millions of dollars.

If you take the long view, this is our best chance since 1948, when President Truman called for reform of the lobbying disclosure law, to do the job, and do the job right.

This bill is a good bill as it stands. The Senate supported it unanimously and its leaders on this issue played an indispensable role in its design and passage.

The administration today said the President will sign this bill in its current form.

And now, it is our turn. If we do this right, the American people will be able to know what they are entitled to know: Who is paying how much, to whom, to lobby Congress and the executive branch.

All week long, the American people have been given one reason after another to wonder if there is any issue on which the Senate, and the House, and the President can cooperate. This is surely one such issue.

Put that together with gift ban we passed earlier tonight, and I believe we will have taken two very important steps toward restoring trust in the integrity of Government. I sincerely hope campaign finance reform will be next, and soon.

Mr. LATOURETTE. Mr. Chairman, I rise today to speak in support of the Clinger antilobbying amendment, which would prohibit Federal agencies from using appropriated funds to promote public support or opposition for a legislative proposal.

This amendment is not about stifling free speech, it is not about muzzling lobbying activities. What the Clinger amendment is about, ladies and gentlemen, is the Congress laying down the law and saying ''It is wrong for us to spend a dime of taxpayer money so Federal agencies can lobby the Congress and attempt to shape legislation to suit that agency's agenda or whims.''

As a member of the Transportation and Infrastructure Committee, I saw this practice first hand as we worked on legislation overhauling the Clean Water Act. The Environmental Protection Agency actually allowed its employees to prepare lobbying materials for the committee members. These included fact sheets which had little to do with facts. Instead, these were thinly guised agency propaganda filled with political undertones.

One of the arguments that has been advanced is that this amendment is unconstitutional. That argument is without merit.

The constitutional argument apparently has two prongs—one claims that the first amendment is impacted; the other focuses on the separation of powers between this branch and the executive branch.

It's difficult to see how the first amendment guarantees of Federal officials would be impacted. The language isn't as restraining as the Hatch Act; employees on their own dime may enjoy the freedoms of speech, association, expression, and the right to petition. And, if I understand the CRS opinion correctly, nearly identical language has been included in the Interior Department appropriations for about 15 years.

Turning for a moment to the separation of powers issue, clearly the proposed action is within the authority granted to Congress by the Constitution; the administration's constitutional rights are found in article II, section 3—that is, the President shall ''take care that the laws are faithfully executed'' or to ''recommend to Congress' consideration such measures as he deems necessary and expedient.''

Chairman Clinger's amendment doesn't restrict the administration's ability to enforce or administer the laws of the United States. It doesn't restrict direct contact with Members, and it exempts the President and his Senate-confirmed appointees so it in no way hampers the President from faithfully executing the laws nor providing suggestions to Congress.

However, Federal agency employees should not be preparing lobbying materials to influence the legislative process. It it's a part of their job description then their job description needs to be rewritten. This is a wildly inappropriate use of taxpayer funds, and we as a Congress should seek to stop it, not just for the 104th Congress, but in the future.

What Chairman CLINGER has proposed is a commonsense amendment. It is not harsh, it is not radical, it does not jeopardize the Constitution or our right to free speech.

I think Americans would be appalled to know that at the Department of Veterans Affairs, employee check stubs contain a message from Secretary Jesse Brown urging opposition to the House budget plan.

That the U.S. Department of the Interior sent a letter to public land constituents indicating opposition to the Livestock Grazing Act.

That the U.S. Corps of Engineers and the U.S. Fish and Wildlife Service assembled a ''Taking it Too Far'' slide show and panel discussion to oppose the takings legislation.

That the Corporation for American Service [Americorp] published its first annual report containing selected press clips praising Americorp and criticizing congressional action.

Who pays for all this? You, the public. Is this how you want Federal employees to use their time, crafting political propaganda? I don't think so.

The American people know this is wrong, and they should be offended that this practice has been allowed to exist so long without any adequate remedy.

Maybe I could muster up some sympathy for those who oppose this amendment if we were faced with some dire shortage of lobbyists in this town. Of course, that's not the case.

This morning, just out of curiosity's sake, my office called the Office of Records and Registrations to get the latest tally on the number of lobbyists. Right now, we have 6,531 active lobbyist registrants on Capitol Hill; that's more than twice the number of people who live in my hometown, Madison Village, OH.

Of course, it only gets worse. If you tally up the lobbyists who are active registrants with clients, we've got—get this—12,556 lobbyists. And on the inactive, but still registered front, we've got another 37,181 lobbyists.

Forgive me for stating the obvious, but it sounds to me like we've got our lobbying needs covered and we can make do without Federal employees, who do not even register as lobbyists, jumping into the fray. Where I come from, I'd say we've already got more lobbyists here than you can shake a stick at.

Enough's enough. Let the Federal agency employees do their real jobs. Support the Clinger amendment.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, this bill is considered read for amendment under the 5-minute rule.

The text of H.R. 2564 is as follows.

H.R. 2564

*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 ''Lobbying Disclosure Act of 1995''.

**SEC. 2. FINDINGS.**

The Congress finds that—

(1) responsible representative Government requires public awareness of the efforts of paid lobbyists to influence the public decisionmaking process in both the legislative and executive branches of the Federal Government;

(2) existing lobbying disclosure statutes have been ineffective because of unclear statutory language, weak administrative and enforcement provisions, and an absence of clear guidance as to who is required to register and what they are required to disclose; and

(3) the effective public disclosure of the identity and extent of the efforts of paid lobbyists to influence Federal officials in the conduct of Government actions will increase public confidence in the integrity of Government.

**SEC. 3. DEFINITIONS.**

As used in this Act:

(1) AGENCY.—The term ''agency'' has the meaning given that term in section 551(1) of title 5, United States Code.

(2) CLIENT.—The term ''client'' means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees. In the case of a coalition or association that employs or retains other persons to conduct lobbying activities, the client is the coalition or association and not its individual members.

(3) COVERED EXECUTIVE BRANCH OFFICIAL.—The term ''covered executive branch official'' means—

(A) the President;

(B) the Vice President;

(C) any officer or employee, or any other individual functioning in the capacity of such an officer or employee, in the Executive Office of the President;

(D) any officer or employee serving in a position in level I, II, III, IV, or V of the Executive Schedule, as designated by statute or Executive order;

(E) any member of the uniformed services whose pay grade is at or above O–7 under section 201 of title 37, United States Code; and

(F) any officer or employee serving in a position of a confidential, policy-determining, policy-making, or policy-advocating character described in section 7511(b)(2) of title 5, United States Code.

(4) COVERED LEGISLATIVE BRANCH OFFICIAL.—The term ''covered legislative branch official'' means—

(A) a Member of Congress;

(B) an elected officer of either House of Congress;

(C) any employee of, or any other individual functioning in the capacity of an employee of—

(i) a Member of Congress;

(ii) a committee of either House of Congress;

(iii) the leadership staff of the House of Representatives or the leadership staff of the Senate;

(iv) a joint committee of Congress; and

(v) a working group or caucus organized to provide legislative services or other assistance to Members of Congress; and

(D) any other legislative branch employee serving in a position described under section 109(13) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(5) EMPLOYEE.—The term ''employee'' means any individual who is an officer, employee, partner, director, or proprietor of a person or entity, but does not include—

(A) independent contractors; or

(B) volunteers who receive no financial or other compensation from the person or entity for their services.

(6) FOREIGN ENTITY.—The term ''foreign entity'' means a foreign principal (as defined in section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)).

(7) LOBBYING ACTIVITIES.—The term ''lobbying activities'' means lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others.

(8) LOBBYING CONTACT.—

(A) DEFINITION.—The term ''lobbying contact'' means any oral or written communication (including an electronic communication) to a covered executive branch official or a covered legislative branch official that is made on behalf of a client with regard to—

(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government;

(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license); or

(iv) the nomination or confirmation of a person for a position subject to confirmation by the Senate.

(B) EXCEPTIONS.—The term ''lobbying contact'' does not include a communication that is—

(i) made by a public official acting in the public official's official capacity;

(ii) made by a representative of a media organization if the purpose of the communication is gathering and disseminating news and information to the public;

(iii) made in a speech, article, publication or other material that is distributed and made available to the public, or through radio, television, cable television, or other medium of mass communication;

(iv) made on behalf of a government of a foreign country or a foreign political party and disclosed under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

(v) a request for a meeting, a request for the status of an action, or any other similar administrative request, if the request does not include an attempt to influence a covered executive branch official or a covered legislative branch official;

(vi) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act;

(vii) testimony given before a committee, subcommittee, or task force of the Congress, or submitted for inclusion in the public record of a hearing conducted by such committee, subcommittee, or task force;

(viii) information provided in writing in response to an oral or written request by a covered executive branch official or a covered legislative branch official for specific information;

(ix) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of the Congress or an agency;

(x) made in response to a notice in the Federal Register, Commerce Business Daily, or other similar publication soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications;

(xi) not possible to report without disclosing information, the unauthorized disclosure of which is prohibited by law;

(xii) made to an official in an agency with regard to—

(I) a judicial proceeding or a criminal or civil law enforcement inquiry, investigation, or proceeding; or

(II) a filing or proceeding that the Government is specifically required by statute or regulation to maintain or conduct on a confidential basis,

if that agency is charged with responsibility for such proceeding, inquiry, investigation, or filing;

(xiii) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

(xiv) a written comment filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(xv) a petition for agency action made in writing and required to be a matter of public record pursuant to established agency procedures;

(xvi) made on behalf of an individual with regard to that individual's benefits, employment, or other personal matters involving only that individual, except that this clause does not apply to any communication with—

(I) a covered executive branch official, or

(II) a covered legislative branch official (other than the individual's elected Members of Congress or employees who work under such Members' direct supervision),

with respect to the formulation, modification, or adoption of private legislation for the relief of that individual;

(xvii) a disclosure by an individual that is protected under the amendments made by the Whistleblower Protection Act of 1989, under the Inspector General Act of 1978, or under another provision of law;

(xviii) made by—

(I) a church, its integrated auxiliary, or a convention or association of churches that is exempt from filing a Federal income tax return under paragraph 2(A)(i) of section 6033(a) of the Internal Revenue Code of 1986, or

(II) a religious order that is exempt from filing a Federal income tax return under paragraph (2)(A)(iii) of such section 6033(a); and

(xix) between—

(I) officials of a self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act) that is registered with or established by the Securities and Exchange Commission as required by that Act or a similar organization that is designated by or registered with the Commodities Future Trading Commission as provided under the Commodity Exchange Act; and

(II) the Securities and Exchange Commission or the Commodities Future Trading Commission, respectively;

relating to the regulatory responsibilities of such organization under that Act.

(9) LOBBYING FIRM.—The term ''lobbying firm'' means a person or entity that has 1 or more employees who are lobbyists on behalf of a client other than that person or entity. The term also includes a self-employed individual who is a lobbyist.

(10) LOBBYIST.—The term ''lobbyist'' means any individual who is employed or retained by a client for financial or other compensation for services that include more than one lobbying contact, other than an individual whose lobbying activities constitute less than 20 percent of the time engaged in the services provided by such individual to that client over a six month period.

(11) MEDIA ORGANIZATION.—The term ''media organization'' means a person or entity engaged in disseminating information to the general public through a newspaper, magazine, other publication, radio, television, cable television, or other medium of mass communication.

(12) MEMBER OF CONGRESS.—The term ''Member of Congress'' means a Senator or a Representative in, or Delegate or Resident Commissioner to, the Congress.

(13) ORGANIZATION.—The term ''organization'' means a person or entity other than an individual.

(14) PERSON OR ENTITY.—The term ''person or entity'' means any individual, corporation, company, foundation, association,

labor organization, firm, partnership, society, joint stock company, group of organizations, or State or local government.

(15) PUBLIC OFFICIAL.—The term ''public official'' means any elected official, appointed official, or employee of—

(A) a Federal, State, or local unit of government in the United States other than—

(i) a college or university;

(ii) a government-sponsored enterprise (as defined in section 3(8) of the Congressional Budget and Impoundment Control Act of 1974);

(iii) a public utility that provides gas, electricity, water, or communications;

(iv) a guaranty agency (as defined in section 435(j) of the Higher Education Act of 1965 (20 U.S.C. 1085(j))), including any affiliate of such an agency; or

(v) an agency of any State functioning as a student loan secondary market pursuant to section 435(d)(1)(F) of the Higher Education Act of 1965 (20 U.S.C. 1085(d)(1)(F));

(B) a Government corporation (as defined in section 9101 of title 31, United States Code);

(C) an organization of State or local elected or appointed officials other than officials of an entity described in clause (i), (ii), (iii), (iv), or (v) of subparagraph (A);

(D) an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

(E) a national or State political party or any organizational unit thereof; or

(F) a national, regional, or local unit of any foreign government.

(16) STATE.—The term ''State'' means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

**SEC. 4. REGISTRATION OF LOBBYISTS.**

(a) REGISTRATION.—

(1) GENERAL RULE.—No later than 45 days after a lobbyist first makes a lobbying contact or is employed or retained to make a lobbying contact, whichever is earlier, such lobbyist (or, as provided under paragraph (2), the organization employing such lobbyist), shall register with the Secretary of the Senate and the Clerk of the House of Representatives.

(2) EMPLOYER FILING.—Any organization that has 1 or more employees who are lobbyists shall file a single registration under this section on behalf of such employees for each client on whose behalf the employees act as lobbyists.

(3) EXEMPTION.—

(A) GENERAL RULE.—Notwithstanding paragraphs (1) and (2), a person or entity whose—

(i) total income for matters related to lobbying activities on behalf of a particular client (in the case of a lobbying firm) does not exceed and is not expected to exceed $5,000; or

(ii) total expenses in connection with lobbying activities (in the case of an organization whose employees engage in lobbying activities on its own behalf) do not exceed or are not expected to exceed $20,000,

(as estimated under section 5) in the semiannual period described in section 5(a) during which the registration would be made is not required to register under subsection (a) with respect to such client.

(B) ADJUSTMENT.—The dollar amounts in subparagraph (A) shall be adjusted—

(i) on January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) since the date of enactment of this Act; and

(ii) on January 1 of each fourth year occurring after January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) during the preceding 4-year period,

rounded to the nearest $500.

(b) CONTENTS OF REGISTRATION.—Each registration under this section shall contain—

(1) the name, address, business telephone number, and principal place of business of the registrant, and a general description of its business or activities;

(2) the name, address, and principal place of business of the registrant's client, and a general description of its business or activities (if different from paragraph (1));

(3) the name, address, and principal place of business of any organization, other than the client, that—

(A) contributes more than $10,000 toward the lobbying activities of the registrant in a semiannual period described in section 5(a); and

(B) in whole or in major part plans, supervises, or controls such lobbying activities.

(4) the name, address, principal place of business, amount of any contribution of more than $10,000 to the lobbying activities of the registrant, and approximate percentage of equitable ownership in the client (if any) of any foreign entity that—

(A) holds at least 20 percent equitable ownership in the client or any organization identified under paragraph (3);

(B) directly or indirectly, in whole or in major part, plans, supervises, controls, directs, finances, or subsidizes the activities of the client or any organization identified under paragraph (3); or

(C) is an affiliate of the client or any organization identified under paragraph (3) and has a direct interest in the outcome of the lobbying activity;

(5) a statement of—

(A) the general issue areas in which the registrant expects to engage in lobbying activities on behalf of the client; and

(B) to the extent practicable, specific issues that have (as of the date of the registration) already been addressed or are likely to be addressed in lobbying activities; and

(6) the name of each employee of the registrant who has acted or whom the registrant expects to act as a lobbyist on behalf of the client and, if any such employee has served as a covered executive branch official or a covered legislative branch official in the 2 years before the date on which such employee first acted (after the date of enactment of this Act) as a lobbyist on behalf of the client, the position in which such employee served.

(c) GUIDELINES FOR REGISTRATION.—

(1) MULTIPLE CLIENTS.—In the case of a registrant making lobbying contacts on behalf of more than 1 client, a separate registration under this section shall be filed for each such client.

(2) MULTIPLE CONTACTS.—A registrant who makes more than 1 lobbying contact for the same client shall file a single registration covering all such lobbying contacts.

(d) TERMINATION OF REGISTRATION.—A registrant who after registration—

(1) is no longer employed or retained by a client to conduct lobbying activities, and

(2) does not anticipate any additional lobbying activities for such client,

may so notify the Secretary of the Senate and the Clerk of the House of Representatives and terminate its registration.

**SEC. 5. REPORTS BY REGISTERED LOBBYISTS.**

(a) SEMIANNUAL REPORT.—No later than 45 days after the end of the semiannual period beginning on the first day of each January and the first day of July of each year in which a registrant is registered under section 4, each registrant shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives on its lobbying activities during such semiannual period. A separate report shall be filed for each client of the registrant.

(b) CONTENTS OF REPORT.—Each semiannual report filed under subsection (a) shall contain—

(1) the name of the registrant, the name of the client, and any changes or updates to the information provided in the initial registration;

(2) for each general issue area in which the registrant engaged in lobbying activities on behalf of the client during the semiannual filing period—

(A) a list of the specific issues upon which a lobbyist employed by the registrant engaged in lobbying activities, including, to the maximum extent practicable, a list of bill numbers and references to specific executive branch actions;

(B) a statement of the Houses of Congress and the Federal agencies contacted by lobbyists employed by the registrant on behalf of the client;

(C) a list of the employees of the registrant who acted as lobbyists on behalf of the client; and

(D) a description of the interest, if any, of any foreign entity identified under section 4(b)(4) in the specific issues listed under subparagraph (A).

(3) in the case of a lobbying firm, a good faith estimate of the total amount of all income from the client (including any payments to the registrant by any other person for lobbying activities on behalf of the client) during the semiannual period, other than income for matters that are unrelated to lobbying activities; and

(4) in the case of a registrant engaged in lobbying activities on its own behalf, a good faith estimate of the total expenses that the registrant and its employees incurred in connection with lobbying activities during the semiannual filing period.

(c) ESTIMATES OF INCOME OR EXPENSES.—For purposes of this section, estimates of income or expenses shall be made as follows:

(1) Estimates of amounts in excess of $10,000 shall be rounded to the nearest $20,000.

(2) In the event income or expenses do not exceed $10,000, the registrant shall include a statement that income or expenses totaled less than $10,000 for the reporting period.

(3) A registrant that reports lobbying expenditures pursuant to section 6033(b)(8) of the Internal Revenue Code of 1986 may satisfy the requirement to report income or expenses by filing with the Secretary of the Senate and the Clerk of the House of Representatives a copy of the form filed in accordance with section 6033(b)(8).

**SEC. 6. DISCLOSURE AND ENFORCEMENT.**

The Secretary of the Senate and the Clerk of the House of Representatives shall—

(1) provide guidance and assistance on the registration and reporting requirements of this Act and develop common standards, rules, and procedures for compliance with this Act;

(2) review, and, where necessary, verify and inquire to ensure the accuracy, completeness, and timeliness of registration and reports;

(3) develop filing, coding, and cross-indexing systems to carry out the purpose of this Act, including—

(A) a publicly available list of all registered lobbyists, lobbying firms, and their clients; and

(B) computerized systems designed to minimize the burden of filing and maximize public access to materials filed under this Act;

(4) make available for public inspection and copying at reasonable times the registrations and reports filed under this Act;

(5) retain registrations for a period of at least 6 years after they are terminated and reports for a period of at least 6 years after they are filed;

(6) compile and summarize, with respect to each semiannual period, the information contained in registrations and reports filed with respect to such period in a clear and complete manner;

(7) notify any lobbyist or lobbying firm in writing that may be in noncompliance with this Act; and

(8) notify the United States Attorney for the District of Columbia that a lobbyist or lobbying firm may be in noncompliance with this Act, if the registrant has been notified in writing and has failed to provide an appropriate response within 60 days after notice was given under paragraph (6).

**SEC. 7. PENALTIES.**

Whoever knowingly fails to—

(1) remedy a defective filing within 60 days after notice of such a defect by the Secretary of the Senate or the Clerk of the House of Representatives; or

(2) comply with any other provision of this Act; shall, upon proof of such knowing violation by a preponderance of the evidence, be subject to a civil fine of not more than $50,000, depending on the extent and gravity of the violation.

**SEC. 8. RULES OF CONSTRUCTION.**

(a) CONSTITUTIONAL RIGHTS.—Nothing in this Act shall be construed to prohibit or interfere with—

(1) the right to petition the government for the redress of grievances;

(2) the right to express a personal opinion; or

(3) the right of association,

protected by the first amendment to the Constitution.

(b) PROHIBITION OF ACTIVITIES.—Nothing in this Act shall be construed to prohibit, or to authorize any court to prohibit, lobbying activities or lobbying contacts by any person or entity, regardless of whether such person or entity is in compliance with the requirements of this Act.

(c) AUDIT AND INVESTIGATIONS.—Nothing in this Act shall be construed to grant general audit or investigative authority to the Secretary of the Senate or the Clerk of the House of Representatives.

**SEC. 9. AMENDMENTS TO THE FOREIGN AGENTS REGISTRATION ACT.**

The Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.) is amended—

(1) in section 1—

(A) by striking subsection (j);

(B) in subsection (o) by striking ''the dissemination of political propaganda and any other activity which the person engaging therein believes will, or which he intends to, prevail upon, indoctrinate, convert, induce, persuade, or in any other way influence'' and inserting ''any activity that the person engaging in believes will, or that the person intends to, in any way influence'';

(C) in subsection (p) by striking the semicolon and inserting a period; and

(D) by striking subsection (q);

(2) in section 3(g) (22 U.S.C. 613(g)), by striking ''established agency proceedings, whether formal or informal.'' and inserting ''judicial proceedings, criminal or civil law enforcement inquiries, investigations, or proceedings, or agency proceedings required by statute or regulation to be conducted on the record.'';

(3) in section 3 (22 U.S.C. 613) by adding at the end the following:

''(h) Any agent of a person described in section 1(b)(2) or an entity described in section 1(b)(3) if the agent is required to register and does register under the Lobbying Disclosure Act of 1995 in connection with the agent's representation of such person or entity.'';

(4) in section 4(a) (22 U.S.C. 614(a))—

(A) by striking ''political propaganda'' and inserting ''informational materials''; and

(B) by striking ''and a statement, duly signed by or on behalf of such an agent, setting forth full information as to the places, times, and extent of such transmittal'';

(5) in section 4(b) (22 U.S.C. 614(b))—

(A) in the matter preceding clause (i), by striking ''political propaganda'' and inserting ''informational materials''; and

(B) by striking ''(i) in the form of prints, or'' and all that follows through the end of the subsection and inserting ''without placing in such informational materials a conspicuous statement that the materials are distributed by the agent on behalf of the foreign principal, and that additional information is on file with the Department of Justice, Washington, District of Columbia. The Attorney General may by rule define what constitutes a conspicuous statement for the purposes of this subsection.'';

(6) in section 4(c) (22 U.S.C. 614(c)), by striking ''political propaganda'' and inserting ''informational materials'';

(7) in section 6 (22 U.S.C. 616)—

(A) in subsection (a) by striking ''and all statements concerning the distribution of political propaganda'';

(B) in subsection (b) by striking '', and one copy of every item of political propaganda''; and

(C) in subsection (c) by striking ''copies of political propaganda,'';

(8) in section 8 (22 U.S.C. 618)—

(A) in subsection (a)(2) by striking ''or in any statement under section 4(a) hereof concerning the distribution of political propaganda''; and

(B) by striking subsection (d); and

(9) in section 11 (22 U.S.C. 621) by striking '', including the nature, sources, and content of political propaganda disseminated or distributed''.

**SEC. 10. AMENDMENTS TO THE BYRD AMENDMENT.**

(a) REVISED CERTIFICATION REQUIREMENTS.—Section 1352(b) of title 31, United States Code, is amended—

(1) in paragraph (2) by striking subparagraphs (A), (B), and (C) and inserting the following:

''(A) the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on behalf of the person with respect to that Federal contract, grant, loan, or cooperative agreement; and

''(B) a certification that the person making the declaration has not made, and will not make, any payment prohibited by subsection (a).'';

(2) in paragraph (3) by striking all that follows ''loan shall contain'' and inserting ''the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on behalf of the person in connection with that loan insurance or guarantee.''; and

(3) by striking paragraph (6) and redesignating paragraph (7) as paragraph (6).

(b) REMOVAL OF OBSOLETE REPORTING REQUIREMENT.—Section 1352 of title 31, United States Code, is further amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

**SEC. 11. REPEAL OF CERTAIN LOBBYING PROVISIONS.**

(a) REPEAL OF THE FEDERAL REGULATION OF LOBBYING ACT.—The Federal Regulation of Lobbying Act (2 U.S.C. 261 et seq.) is repealed.

(b) REPEAL OF PROVISIONS RELATING TO HOUSING LOBBYIST ACTIVITIES.—

(1) Section 13 of the Department of Housing and Urban Development Act (42 U.S.C. 3537b) is repealed.

(2) Section 536(d) of the Housing Act of 1949 (42 U.S.C. 1490p(d)) is repealed.

**SEC. 12. CONFORMING AMENDMENTS TO OTHER STATUTES.**

(a) AMENDMENT TO COMPETITIVENESS POLICY COUNCIL ACT.—Section 5206(e) of the Competitiveness Policy Council Act (15 U.S.C. 4804(e)) is amended by inserting ''or a lobbyist for a foreign entity (as the terms 'lobbyist' and 'foreign entity' are defined under section 3 of the Lobbying Disclosure Act of 1995)'' after ''an agent for a foreign principal''.

(b) AMENDMENTS TO TITLE 18, UNITED STATES CODE.—Section 219(a) of title 18, United States Code, is amended—

(1) by inserting ''or a lobbyist required to register under the Lobbying Disclosure Act of 1995 in connection with the representation of a foreign entity, as defined in section 3(7) of that Act'' after ''an agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938''; and

(2) by striking out '', as amended,''.

(c) AMENDMENT TO FOREIGN SERVICE ACT OF 1980.—Section 602(c) of the Foreign Service Act of 1980 (22 U.S.C. 4002(c)) is amended by inserting ''or a lobbyist for a foreign entity (as defined in section 3(7) of the Lobbying Disclosure Act of 1995)'' after ''an agent of a foreign principal (as defined by section 1(b) of the Foreign Agents Registration Act of 1938)''.

**SEC. 13. SEVERABILITY.**

If any provision of this Act, or the application thereof, is held invalid, the validity of the remainder of this Act and the application of such provision to other persons and circumstances shall not be affected thereby.

**SEC. 14. IDENTIFICATION OF CLIENTS AND COVERED OFFICIALS.**

(a) ORAL LOBBYING CONTACTS.—Any person or entity that makes an oral lobbying contact with a covered legislative branch official or a covered executive branch official shall, on the request of the official at the time of the lobbying contact—

(1) state whether the person or entity is registered under this Act and identify the client on whose behalf the lobbying contact is made; and

(2) state whether such client is a foreign entity and identify any foreign entity required to be disclosed under section 4(b)(4) that has a direct interest in the outcome of the lobbying activity.

(b) WRITTEN LOBBYING CONTACTS.—Any person or entity registered under this Act that makes a written lobbying contact (including an electronic communication) with a covered legislative branch official or a covered executive branch official shall—

(1) if the client on whose behalf the lobbying contact was made is a foreign entity, identify such client, state that the client is considered a foreign entity under this Act, and state whether the person making the lobbying contact is registered on behalf of that client under section 4; and

(2) identify any other foreign entity identified pursuant to section 4(b)(4) that has a direct interest in the outcome of the lobbying activity.

(c) IDENTIFICATION AS COVERED OFFICIAL.—Upon request by a person or entity making a lobbying contact, the individual who is contacted or the office employing that individual shall indicate whether or not the individual is a covered legislative branch official or a covered executive branch official.

**SEC. 15. ESTIMATES BASED ON TAX REPORTING SYSTEM.**

(a) ENTITIES COVERED BY SECTION 6033(b) OF THE INTERNAL REVENUE CODE OF 1986.—A registrant that is required to report and does report lobbying expenditures pursuant to section 6033(b)(8) of the Internal Revenue Code of 1986 may—

(1) make a good faith estimate (by category of dollar value) of applicable amounts

that would be required to be disclosed under such section for the appropriate semiannual period to meet the requirements of sections 4(a)(3), 5(a)(2), and 5(b)(4); and

(2) in lieu of using the definition of ''lobbying activities'' in section 3(8) of this Act, consider as lobbying activities only those activities that are influencing legislation as defined in section 4911(d) of the Internal Revenue Code of 1986.

(b) ENTITIES COVERED BY SECTION 162(e) OF THE INTERNAL REVENUE CODE OF 1986.—A registrant that is subject to section 162(e) of the Internal Revenue Code of 1986 may—

(1) make a good faith estimate (by category of dollar value) of applicable amounts that would not be deductible pursuant to such section for the appropriate semiannual period to meet the requirements of sections 4(a)(3), 5(a)(2), and 5(b)(4); and

(2) in lieu of using the definition of ''lobbying activities'' in section 3(8) of this Act, consider as lobbying activities only those activities, the costs of which are not deductible pursuant to section 162(e) of the Internal Revenue Code of 1986.

(c) DISCLOSURE OF ESTIMATE.—Any registrant that elects to make estimates required by this Act under the procedures authorized by subsection (a) or (b) for reporting or threshold purposes shall—

(1) inform the Secretary of the Senate and the Clerk of the House of Representatives that the registrant has elected to make its estimates under such procedures; and

(2) make all such estimates, in a given calendar year, under such procedures.

(d) STUDY.—Not later than March 31, 1997, the Comptroller General of the United States shall review reporting by registrants under subsections (a) and (b) and report to the Congress—

(1) the differences between the definition of ''lobbying activities'' in section 3(8) and the definitions of ''lobbying expenditures'', ''influencing legislation'', and related terms in sections 162(e) and 4911 of the Internal Revenue Code of 1986, as each are implemented by regulations;

(2) the impact that any such differences may have on filing and reporting under this Act pursuant to this subsection; and

(3) any changes to this Act or to the appropriate sections of the Internal Revenue Code of 1986 that the Comptroller General may recommend to harmonize the definitions.

**SEC. 16. REPEAL OF THE RAMSPECK ACT.**

(a) REPEAL.—Subsection (c) of section 3304 of title 5, United States Code, is repealed.

(b) REDESIGNATION.—Subsection (d) of section 3304 of title 5, United States Code, is redesignated as subsection (c).

(c) EFFECTIVE DATE.—The repeal and amendment made by this section shall take effect 2 years after the date of the enactment of this Act.

**SEC. 17. EXCEPTED SERVICE AND OTHER EXPERIENCE CONSIDERATIONS FOR COMPETITIVE SERVICE APPOINTMENTS.**

(a) IN GENERAL.—Section 3304 of title 5, United States Code (as amended by section 2 of this Act) is further amended by adding at the end thereof the following new subsection:

''(d) The Office of Personnel Management shall promulgate regulations on the manner and extent that experience of an individual in a position other than the competitive service, such as the excepted service (as defined under section 2103) in the legislative or judicial branch, or in any private or nonprofit enterprise, may be considered in making appointments to a position in the competitive service (as defined under section 2102). In promulgating such regulations OPM shall not grant any preference based on the fact of service in the legislative or judicial branch. The regulations shall be consistent with the principles of equitable competition and merit based appointments.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 2 years after the date of the enactment of this Act, except the Office of Personnel Management shall—

(1) conduct a study on excepted service considerations for competitive service appointments relating to such amendment; and

(2) take all necessary actions for the regulations described under such amendment to take effect as final regulations on the effective date of this section.

**SEC. 18. EXEMPT ORGANIZATIONS.**

An organization described in section 501(c)(4) of the Internal Revenue Code of 1986 which engages in lobbying activities shall not be eligible for the receipt of Federal funds constituting an award, grant, contract, loan, or any other form.

**SEC. 19. AMENDMENT TO THE FOREIGN AGENTS REGISTRATION ACT (PUBLIC LAW 75–583).**

Strike section 11 of the Foreign Agents Registration Act of 1938, as amended, and insert in lieu thereof the following:

''SECTION 11. REPORTS TO THE CONGRESS.—The Attorney General shall every six months report to the Congress concerning administration of this Act, including registrations filed pursuant to the Act, and the nature, sources and content of political propaganda disseminated and distributed.''.

**SEC. 20. DISCLOSURE OF THE VALUE OF ASSETS UNDER THE ETHICS IN GOVERNMENT ACT OF 1978.**

(a) INCOME.—Section 102(a)(1)(B) of the Ethics in Government Act of 1978 is amended—

(1) in clause (vii) by striking ''or''; and

(2) by striking clause (viii) and inserting the following:

''(viii) greater than $1,000,000 but not more than $5,000,000, or

''(ix) greater than $5,000,000.''.

(b) ASSETS AND LIABILITIES.—Section 102(d)(1) of the Ethics in Government Act of 1978 is amended—

(1) in subparagraph (F) by striking ''and''; and

(2) by striking subparagraph (G) and inserting the following:

''(G) greater than $1,000,000 but not more than $5,000,000;

''(H) greater than $5,000,000 but not more than $25,000,000;

''(I) greater than $25,000,000 but not more than $50,000,000; and

''(J) greater than $50,000,000.''.

(c) EXCEPTION.—Section 102(e)(1) of the Ethics in Government Act of 1978 is amended by adding after subparagraph (E) the following:

''(F) For purposes of this section, categories with amounts or values greater than $1,000,000 set forth in sections 102(a)(1)(B) and 102(d)(1) shall apply to the income, assets, or liabilities of spouses and dependent children only if the income, assets, or liabilities are held jointly with the reporting individual. All other income, assets, or liabilities of the spouse or dependent children required to be reported under this section in an amount or value greater than $1,000,000 shall be categorized only as an amount or value greater than $1,000,000.''.

**SEC. 21. BAN ON TRADE REPRESENTATIVE REPRESENTING OR ADVISING FOREIGN ENTITIES.**

(a) REPRESENTING AFTER SERVICE.—Section 207(f)(2) of title 18, United States Code, is amended by—

(1) inserting ''or Deputy United States Trade Representative'' after ''is the United States Trade Representative''; and

(2) striking ''within 3 years'' and inserting ''at any time''.

(b) LIMITATION ON APPOINTMENT AS UNITED STATES TRADE REPRESENTATIVE AND DEPUTY UNITED STATES TRADE REPRESENTATIVE.—Section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)) is amended by adding at the end the following new paragraph:

''(3) LIMITATION ON APPOINTMENTS.—A person who has directly represented, aided, or advised a foreign entity (as defined by section 207(f)(3) of title 18, United States Code) in any trade negotiation, or trade dispute, with the United States may not be appointed as United States Trade Representative or as a Deputy United States Trade Representative.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to an individual appointed as United States Trade Representative or as a Deputy United States Trade Representative on or after the date of enactment of this Act.

**SEC. 22. FINANCIAL DISCLOSURE OF INTEREST IN QUALIFIED BLIND TRUST.**

(a) IN GENERAL.—Section 102(a) of the Ethics in Government Act of 1978 is amended by adding at the end thereof the following:

''(8) The category of the total cash value of any interest of the reporting individual in a qualified blind trust, unless the trust instrument was executed prior to July 24, 1995 and precludes the beneficiary from receiving information on the total cash value of any interest in the qualified blind trust.''.

(b) CONFORMING AMENDMENT.—Section 102(d)(1) of the Ethics in Government Act of 1978 is amended by striking ''and (5)'' and inserting ''(5), and (8)''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply with respect to reports filed under title I of the Ethics in Government Act of 1978 for calendar year 1996 and thereafter.

**SEC. 23. SENSE OF THE SENATE THAT LOBBYING EXPENSES SHOULD REMAIN NONDEDUCTIBLE.**

(a) FINDINGS.—The Senate finds that ordinary Americans generally are not allowed to deduct the costs of communicating with their elected representatives.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that lobbying expenses should not be tax deductible.

**SEC. 24. EFFECTIVE DATES.**

(a) Except as otherwise provided in this section, this Act and the amendments made by this Act shall take effect on January 1, 1996.

(b) The repeals and amendments made under sections 13, 14, 15, and 16 shall take effect as provided under subsection (a), except that such repeals and amendments—

(1) shall not affect any proceeding or suit commenced before the effective date under subsection (a), and in all such proceedings or suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted; and

(2) shall not affect the requirements of Federal agencies to compile, publish, and retain information filed or received before the effective date of such repeals and amendments.

The CHAIRMAN. Pursuant to the order of the House of today, the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by the resolution.

The Chairman of the Committee of the Whole may reduce to not less than

5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

Further, debate on each amendment to the bill and any amendments thereto will be limited to 30 minutes, to be equally divided and controlled by the proponent of the amendment and an opponent.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. FOX OF PENNSYLVANIA

Mr. FOX of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FOX Pennsylvania: Page 23, insert after line 2 the following:

(d) PROHIBITION ON GIFTS.—

(1) IN GENERAL.—No lobbyist who is registered under section 4 may provide any gift to a Member of the House of Representatives, a Senator, or an officer or employee of the House of Representatives or the Senate unless the lobbyist is related to the Member, Senator, or officer or employee.

(2) DEFINITION.—For the purpose of paragraph (1), the term ''gift'' means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

(3) EXCEPTION.—The restriction in paragraph (1) shall not apply to the following:

(A) Anything for which the Member, Senator, officer, or employee pays the market value, or does not use and promptly returns to the donor.

(B) A contribution, as defined in section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) that is lawfully made under that Act, a contribution for election to a State or local government office limited as prescribed by section 301(8)(B) of such Act, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

(C) A gift from a relative as described in section 109(5) of title I of the Ethics in Government Act of 1978 (Public Law 95–521).

(D)(i) Anything provided by an individual on the basis of a personal friendship unless the Member, Senator, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the Member, Senator, officer, or employee and not because of the personal friendship.

(ii) In determining whether a gift is provided on the basis of personal friendship, the Member, Senator, officer, or employee shall consider the circumstances under which the gift was offered, such as:

(I) The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between such individuals.

(II) Whether to the actual knowledge of the Member, Senator, officer, or employee the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift.

(III) Whether to the actual knowledge of the Member, Senator, officer, or employee the individual who gave the gift also at the same time gave the same or similar gifts to other Members, officers, or employees.

(E) A contribution or other payment to a legal expense fund established for the benefit of a Member, Senator, officer, or employee that is otherwise lawfully made in accordance with the restrictions and disclosure requirements of the Committee on Standards of Official Conduct.

(F) Any gift from another Member, Senator, officer, or employee of the Senate or the House of Representatives.

(G) Food, refreshments, lodging, and other benefits—

(i) resulting from the outside business or employment activities (or other outside activities that are not connected to the duties of the Member, Senator, officer, or employee as an officeholder) of the Member, Senator, officer, or employee, or the spouse of the Member, Senator, officer, or employee, if such benefits have not been offered or enhanced because of the official position of the Member, Senator, officer, or employee and are customarily provided to others in similar circumstances;

(ii) customarily provided by a prospective employer in connection with bona fide employment discussions; or

(iii) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fundraising or campaign event sponsored by such an organization.

(H) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

(I) Informational materials that are sent to the office of the Member, Senator, officer, or employee in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

(J) Awards or prizes which are given to competitors in contests or events open to the public, including random drawings.

(K) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

(L) Donations of products from the State that the Member represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.

(M) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to a Member, Senator, officer, or employee, if such training is in the interest of the Senate or House of Representatives.

(N) Bequests, inheritances, and other transfers at death.

(O) Any item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

(P) Anything which is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

(Q) A gift of personal hospitality (as defined in section 109(14) of the Ethics in Government Act) of an individual other than a registered lobbyist or agent of a foreign principal.

(R) Free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event provided by the sponsor of the event.

(S) Opportunities and benefits which are—

(i) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

(ii) offered to members of a group or class in which membership is unrelated to congressional employment;

(iii) offered to members of an organization, such as an employees' association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

(iv) offered to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

(v) in the form of loans from banks and other financial institutions on terms generally available to the public; or

(vi) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

(T) A plaque, trophy, or other item that is substantially commemorative in nature and which is intended solely for presentation.

(U) Anything for which, in an unusual case, a waiver is granted by the Committee on Standards of Official Conduct.

Mr. FOX of Pennsylvania (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FRANK of Massachusetts. Mr. Chairman, I reserve a point of order on the amendment. We have not had a chance to see it yet.

The CHAIRMAN. The point of order is preserved.

Pursuant to the order of the House of today, the gentleman from Pennsylvania [Mr. FOX] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

Mr. CANADY of Florida. Mr. Chairman, I rise in opposition to the amendment and claim the 15 minutes in opposition.

Mr. Chairman, I yield 7½ minutes of that time to the gentleman from Massachusetts [Mr. FRANK] and ask unanimous consent that he may be permitted to yield blocks of time to other Members.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. FOX] will be recognized for 15 minutes, the gentleman from Florida [Mr. CANADY] will be recognized for 7½ minutes, and the gentleman from Massachusetts [Mr. FRANK] will be recognized for 7½ minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I first want to say at the outset that H.R. 2564 is a bill whose

time has arrived. It would provide for the disclosure of lobbying activities to influence the Federal Government and for other purposes, and I think that Members in the Chamber realize that each of those who are here tonight as committee chairs, the gentleman from Massachusetts [Mr. FRANK] and the gentleman from Florida [Mr. CANADY] have done a great deal of work in bringing this legislation forward, and they have my gratitude and that of the other Members, my colleagues, for what they have done to this date.

Mr. Chairman, this legislation is excellent. I have an amendment which I believe is consistent with the bill, and I would say at this time that we have a duty to our constituents to restore accountability to the relationship between lobbyists and Members of Congress. We must work to obtain a higher standard in order to regain the trust of the American people who are sick and tired of business as usual.

My amendment helps to sustain our mission of enacting true lobby reform. The amendment would prohibit registered lobbyists from giving gifts to Members, officers, and employees of Congress. Exemptions apply, including gifts from friends or relatives. Quite simply, the amendment complements House Resolution 250, which was adopted this afternoon, by placing the responsibility on the lobbyist, Mr. Chairman, as opposed to solely on the recipient.

On the floor today we have heard from many Members expressing their frustration with the expansion of gift rules by which they must ethically abide, but without any accountability by the lobbyists. This is quite a disparity, if we are to enact true accountability to the relationships between lobbyists and Members of Congress.

Mr. Chairman, I know that my colleagues are concerned about any amendments that come before this House with regard to this important bill. However, I believe that this amendment is a strengthening provision and not a weakening one. While I endorse all of the provisions in this legislation, I firmly believe that my amendment will made a good bill even better, and we can finally attain the lobby reform we want in this country that will restore the people's trust and confidence in this House, and I believe this amendment will go a long way in maintaining the trust people want to have in their Congress.

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

The CHAIRMAN. The Chair would inquire of the gentleman from Massachusetts [Mr. FRANK] whether he will insist on his point of order.

Mr. FRANK of Massachusetts. Mr. Chairman, I will not insist now, I will withdraw it, but I would encourage any Members who do have any amendments to get them to us. I know the gentleman meant no discourtesy, it moved more rapidly than he had anticipated and it was not his fault, but now that we are in the amendment process, any Members who have amendments, if they could get them to us so we could review them for parliamentary purposes, that would expedite things.

Mr. Chairman, I withdraw my reservation of the point of order.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the gentleman's amendment, although I certainly commend the gentleman for his interests in the receipt of gifts by Members of Congress. That is an issue, of course, that has consumed the considerations of the House today as we have moved forward with the passage of a change in the House rules which will essentially prohibit Members from receiving gifts.

In light of that action by the House today, I find that this amendment is a little unusual. I do not know that there is a need for this amendment in light of the action of the House, that the House took earlier this very day.

Let me further say, Mr. chairman, that my primary reason for opposing this amendment, in addition to the fact that it is unnecessary and duplicative of the restrictions that we imposed on ourselves by our own actions earlier today, this amendment, like all the other amendments which are going to be offered, may be offered with the very best of intentions, but if a single one of these amendments is adopted that poses a great threat to this bill. It poses a threat to derail this reform effort.

We have recounted the history of 40 years of inaction and stalemate and gridlock on this subject of lobbying disclosure reform. Now is the time to move beyond the gridlock.

□ 2130

So, I would urge the Members of the House to vote against the amendment. I would encourage the gentleman to withdraw his amendment, in light of the action taken earlier today by the House on this subject. But, I commend the gentleman for his interest in the issue, and would simply ask that the Members look at this in the proper context.

Mr. Chairman, I know the gentleman is interested in reform, but this amendment, which is advanced in the name of reform, will actually have the potential to derail this major reform effort, so I would oppose the amendment.

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

Mr. FOX of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to respond briefly to the point raised with regard to the prior legislation, which was a rule adopted this afternoon under the Gingrich-Solomon amendment.

Mr. Chairman, frankly, while that placed a duty on the Members not to accept gifts from lobbyists, this legislation takes it one step further to protect the Member by saying the lobbyists cannot give us gifts, and rather than have a Member who is trying to comply with the law be entrapped, here under this legislation we would not have lobbyists giving gifts to Members. Mr. Chairman, in the spirit of what is right and fair about Congress, this should not be necessary.

Mr. Chairman, I appreciate the opportunity to clarify.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I appreciate the gentleman's intentions, but I would join with the gentleman from Florida [Mr. CANADY] in opposing this on two grounds. First, it will interfere with the likelihood of this bill becoming law if we send this back to the Senate and we have differences between our gift ban and the Senate ban.

In fact, one of the things we talked about was whether or not Members could receive products from their home State. Now, with the objection of the gentleman from Iowa before, products from the State were ruled out under the gift ban, but they are an exception here. So, we have somewhat of a mismatch between them.

Beyond that, I would say to the gentleman from Pennsylvania, I do not think it is an appropriate thing for us to say, namely, that having passed the rule that said we could not accept these things, we somehow need further protection against the temptation of having them offer them to us.

To say that the Members need further protection because it would be against the rule for the Member to because it would be against the rule for the Member to accept it and we therefore, want to make sure the lobbyist does not offer it, I think does the Members a disservice. And as far as the unwary Member, I think the notion of a Member sauntering aimlessly through the halls and being ambushed by a gift-bearing lobbyist and before the Member has time to reject the gift, the Committee on Standards of Official Conduct ''police'' come and the Member is hauled off to the basement of the Capitol to be made to give up the T-shirt that was now illegal for him to receive, because we are not letting Members have T-shirts. I just think that the notion that we, having adopted a stiff rule that says Members cannot accept gifts, that we need to protect Members against the temptation of people offering them gifts is unwise.

But over and above that, Mr. Chairman, I would hope the gentleman would agree with us then even if he believes that this has merit, and it has some merit, it is not worth the jeopardy we would encounter in the other body if we were to change this. I would just say to the gentleman from Pennsylvania, I have heard us get all tangled up in T-shirts. I can just imagine what the Members of the other body would do.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just make the point that this amendment has been explained as an amendment to protect Members of Congress. I do not think we need protection. I think we can ensure that we follow the Rules of the House. We do not need to impose penalties on people outside the House to ensure that we do not violate our own rules.

It would be quite a shame to pass an amendment to protect Members of the House and, in the process, derail this important reform effort. I think our focus needs to be on protecting the American people and ensuring that the American people have access to the information they are entitled to have about lobbying activities here in Washington. That is what this bill does.

This amendment, although it is very well intended and I respect the gentleman's motives, I know that he is entirely supportive of the legislation and he has no intent to cause harm to it. I believe despite the gentleman's pure intentions, the consequence of adopting this amendment can be very harmful to our effort.

Mr. Chairman, if it is adopted, it will prevent this House from taking up the Senate bill, passing it, and sending it directly to the President. That is the direct result of the adoption of this or any other amendment. I urge that the Members of the House defeat this and all other amendments.

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

Mr. FOX of Pennsylvania. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. ENGLISH].

Mr. ENGLISH of Pennsylvania. Mr. Chairman, it is a violation of the law to offer a policeman a bribe, much as it is a violation of the law for the policeman to accept the bribe. I think it is somehow fundamental here that we should sanction this behavior on both ends.

Similarly, if we are serious about a gift ban, I think we should also impose a sanction on the deliberate and intentional giving of a gift that is illegal.

Mr. Chairman, I think that the Fox amendment is a distinct improvement on this underlying bill, which I am a strong supporter of and intend to offer an amendment to as well.

Let me just suggest to the gentlemen who have been making a very eloquent argument here that this bill should be kept pristine, that there should be no role of the House in improving this legislation, may I suggest that we are considering a reform bill here, but not the Pentateuch. There is nothing sacred about the underlying bill.

Mr. Chairman, I think it is incumbent upon us in the House of Representatives to pass the best reform bill that we possibly can. If we have to take that to conference, then we should have the discipline to insist that our conferees come forward with a product that we can approve and send to the White House. I do not think we should skip a step merely out of convenience.

Mr. FOX of Pennsylvania. Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I did want to say that the gentleman said we were arguing this bill was pristine. I did not argue that it was pristine. Indeed, the gentleman from Florida and I think it could benefit from some further amendment.

Mr. Chairman, what we believe is that at this point, we jeopardize the chance to get anything if we amend it. We, therefore, are proposing not that this never be changed, but that we do it in a two-step process; that we get a bill signed into law, and that we immediately begin to take up a second round.

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

Mr. CANADY of Florida. Mr. Chairman, may I inquire of the Chair regarding the amount of time remaining.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. FOX] has 10 minutes remaining, the gentleman from Florida [Mr. CANADY] has 4 minutes remaining, and the gentleman from Massachusetts [Mr. FRANK] has 4½ minutes remaining.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield my time to the gentleman from Florida [Mr. CANADY].

The CHAIRMAN. The gentleman from Massachusetts yields the time back to the gentleman from Florida.

The gentleman from Florida now has 8½ minutes.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, it is intoxicating to be in an environment where we are working on a bipartisan basis. I did not think so soon I would actually stand up and oppose one of my best friends in Congress, and someone who I have such high respect for, but I oppose the amendment of the gentleman from Pennsylvania [Mr. FOX] primarily based on the fact that he puts in tremendous jeopardy an effort that began in the Senate, came to the Committee on the Judiciary, was passed by the subcommittee and the full committee without amendment, to finally get us to reform the Lobbying Disclosure Act.

Mr. Chairman, if I recall, the gentleman from Pennsylvania was born in 1947. In 1946, before the gentleman was born, was the last time we amended the Lobbying Disclosure Act, and it was gutted in 1954 by the Supreme Court.

Mr. Chairman, we need to get a strong lobby disclosure bill. This amendment, in my judgment, however strongly the gentleman from Pennsylvania and others feel about it, does not merit placing in jeopardy such an important bill that we could send to the Senate if it is not amended.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

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

Mr. FRANK of Massachusetts. Mr. Chairman, I just want to say to the gentleman from Connecticut, because he is a good friend, I appreciate his spirit of friendship to other Members. I would point out to the gentleman that under the gift rule, Members are allowed to give other Members presents, so the gentleman from Connecticut can give a birthday present to the gentleman from Pennsylvania, now that he remembers his birthday, and it does not have to be a product of the gentleman's own State.

Mr. SHAYS. Mr. Chairman, reclaiming my time, but I do not want to give him this present.

Mr. FOX of Pennsylvania. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. WELLER].

Mr. WELLER. Mr. Chairman, first I want to commend my friends and colleagues, the gentleman from Florida [Mr. CANADY] and the gentleman from Massachusetts [Mr. FRANK] and all the Members that have invested so much time in this lobbying reform bill, which is so important to our effort to change how Washington works.

Mr. Chairman, like the gentleman from Pennsylvania [Mr. FOX] who is initiating the amendment that we are considering, this freshman class was elected to change how Washington works and brings a lot of new ideas to the Congress. I think that is what is really important about why I stand in support of the amendment of the gentleman from Pennsylvania.

This amendment prohibits lobbyists from offering gifts to Members of Congress. Think about this. We adopted pretty much a comprehensive gift ban. Nothing. No gifts that Members of Congress can accept, with a few exceptions such as birthdays from personal friends and families. A very limited number of exceptions.

But, Mr. Chairman, I ask my colleagues to think about this. There may be lobbyists out there who may want to take advantage of that rule that we have imposed to set a Member up and somehow offer a gift to a Member of Congress, so they can turn around and initiate an ethics violation against that Member of Congress for campaign purposes.

What this amendment does, this amendment essentially puts the onus, the burden, on the lobbyist and prohibits them from offering the gift in the first place. There are 435 Members of this body. I recognize that the only Members of this body that had input into this bill so far are members of the Committee on the Judiciary. That does not total 435 Members, and I think it is very important that the sponsors of all the amendments being offered have the full opportunity to offer them and of course the House, the 435 Members of the House have the opportunity to vote on them.

When the vote comes up for the amendment offered by the gentleman from Pennsylvania, I plan to vote ''aye'' because I believe this is a good idea to prohibit a lobbyist from offering a gift to a Member of Congress. Let us not allow a Member to be put in a bad situation. We made a decision not to accept gifts today. Let us make sure the lobbyists do not offer them.

Mr. CANADY of Florida. Mr. Chairman, I reserve the balance of my time.

Mr. FOX of Pennsylvania. Mr. Chairman, I first of all, I appreciate those Members who spoke in support of the amendment. I do appreciate those who have written the bill and the long history it took to bring this legislation to fruition. As my colleagues know, I strongly support the legislation, as was noted by the author, the gentleman from Florida [Mr. CANADY].

Mr. Chairman, this legislation is excellent. The amendment we think makes it stronger. In fact, I feel certain it does make it stronger. It places an affirmative duty on the lobbyist not to give the gift.

As it was described by the gentleman from Pennsylvania [Mr. ENGLISH] and the gentleman from Illinois [Mr. WELLER], others could thwart that process by in fact leaving gifts at Members' offices and reporting it later for political gain. Mr. Chairman, we know that appearance is reality in politics, and this would keep service with integrity at the forefront.

Mr. Chairman, no one who is offering amendments, I believe, especially mine is not being offered, to thwart the effort. The fact that there has not been amendment to the bill since 1946 is regrettable, but the 104th Congress did not start until January 4 this year, and I am pleased to see that there is a bipartisan effort to move this legislation forward.

The people of the United States have a zero tolerance when it comes to the gifts. My colleagues can see how quickly we passed House Resolution 250 today, because no one believes that those who come to Congress should privately benefit from that experience in the way of gifts or trips or entertainment. No one runs for this office to receive the gifts. No one runs for reelection for that purpose as well.

Mr. Chairman, this is the people's House and the public wants to keep the confidence in our House. By not having gifts, we do not have to worry about the recordkeeping that we will forget because we are too busy trying to get legislation adopted, answering constituent problems, or doing casework, work which is most important.

□ 2145

This is a concept that is long overdue. I believe it is as important as the bill itself to having lobbying disclosure. It is a bipartisan bill. I believe that to maintain the integrity of the office, to make sure it is consistent with H. Res. 250, I believe the amendment is consistent with the bill. It complements the bill. It is given in good faith. I think both the Republican and Democratic floor leaders know of the fact that I come here with the idea of comity, cooperation and to make sure that we are only doing the best for America, for this House and for the ethics that we want to see pursued and upheld. It is in that spirit that the amendment was offered and is being supported by a few of my colleagues and hopefully a great number more tomorrow.

I hope that the makers understand that we all want to see the legislation itself, H.R. 2564, passed and adopted so that we have for the first time the modern improvement and disclosure of lobbying activities in the United States as well as making sure that lobbyists do not offer gifts to Congressmen because that is also not in the spirit of what this Congress is all about.

Mr. Chairman, I yield back the balance of my time.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume. I want to again express my admiration to the gentleman from Pennsylvania. He is a valuable Member of the House. I respect his motivation in bringing forward this amendment.

But I have to consider the history of the way the issue of lobbying disclosure reform has been dealt with. The gentleman from Pennsylvania, who spoke earlier, indicated that the House and the Senate should have an opportunity to work on this issue. I believe.

The fact of the matter is that the House and the Senate have been working on this issue for 40 years, but nothing has happened to pass a law. I do not want us to continue to work on it during this Congress and see the same result that we have seen over the last 40 years. We have seen this history of failure after failure. It is simply time that we break the gridlock. It is time for this Congress on a bipartisan basis to recognize that we have to get the job done, that we may not have a perfect bill, but that we have a bill that moves us forward in a significant way.

If the House adopts amendments, what will happen? I do not have a crystal ball to tell Members for certain how things will flow from that, but I can look at the history of the way this issue has been dealt with. And that history leads me to believe that there is a very great chance that this bill would go back to the Senate and that would be the last we would hear of it.

In this Congress. That would be such a shame. We have an historic opportunity to take up this bill, which has come true through the Senate and is identical to the bill that has emerged from the Committee on the Judiciary. We can take up that Senate bill and pass it and put it on the President's desk for him to sign. I believe that the President would sign it. I believe that we can make this reform happen and I believe that is what we should do.

This amendment will interfere with that. I would urge the Members of the House to defeat the amendment offered by my good friend from the State of Pennsylvania.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. FOX].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FOX of Pennsylvania. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Pennsylvania [Mr. FOX] will be postponed.

Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. CLINGER

Mr. CLINGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CLINGER: Beginning on page 25, redesignate sections 8 through 24 as sections 9 through 25, respectively, strike ''this Act'' each place it occurs and insert ''this Act (other than section 8)'', and insert after line 2 the following:

**SEC 8. PROHIBITION ON USE OF APPROPRIATIONS FOR LOBBYING.**

(a) IN GENERAL.—Subchapter III of chapter 13 of title 31, United States Code, is amended by adding at the end the following new section:

**''§ 1354. Prohibition on lobbying by Federal agencies**

''(a) PROHIBITION.—Except as provided in subsection (b), until or unless such activity has been specifically authorized by an Act of Congress and notwithstanding any other provision of law, no funds made available to any Federal agency, by appropriation, shall be used by such agency for any activity (including the preparation, publication, distribution, or use of any kit, pamphlet, booklet, public presentation, news release, radio, television, or film presentation, video, or other written or oral statement) that is intended to promote public support or opposition to any legislative proposal (including the confirmation of the nomination of a public official or the ratification of a treaty) on which congressional action is not complete.

''(b) CONSTRUCTION.—

(1) COMMUNICATIONS.—Subsection (a) shall not be construed to prevent officers or employees of Federal agencies from communicating directly to Members of Congress, through the proper official channels, their requests for legislation or appropriations that they deem necessary for the efficient conduct of the public business or from responding to requests for information made by Members of Congress.

''(2) OFFICIALS.—Subsection (a) shall not be construed to prevent the President, Vice President, any Federal agency official whose appointment is confirmed by the Senate, any official in the Executive Office of the President directly appointed by the President or Vice President, or the head of any Federal agency described in paragraph (2) or (3) of subsection (d), from communicating with the American public, through radio, television, or other public communication media, on the views of the President for or against any pending legislative proposal. The preceding sentence shall not permit any such official to delegate to another person the authority to make communications subject to the exemption provided by such sentence.

''(c) COMPTROLLER GENERAL.—

''(1) ASSISTANCE OF INSPECTOR GENERAL.—In exercising the authority provided in section 712, as applied to this section, the Comptroller General may obtain, without reimbursement from the Comptroller General, the assistance of the Inspector General within whose Federal agency activity prohibited by subsection (a) of this section is under review.

''(2) EVALUATION.—One year after the date of the enactment of this section, the Comptroller General shall report to the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate on the implementation of this section.

''(3) ANNUAL REPORT.—The Comptroller General shall, in the annual report under section 719(a), include summaries of investigations undertaken by the Comptroller General with respect to subsection (a).

''(d) DEFINITION.—For purpose of this section, the term 'Federal agency' means—

''(1) any executive agency, within the meaning of section 105 of title 5; and

''(2) any private corporation created by a law of the United States for which the Congress appropriates funds.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1353 the following new item:

''1354. Prohibition on lobbying by Federal agencies.''.

(c) APPLICABILITY.—The amendments made by this section shall apply to the use of funds after the date of the enactment of this Act, including funds appropriated or received on or before such date.

Mr. CLINGER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Pennsylvania [Mr. CLINGER] and a Member opposed will each be recognized for 15 minutes.

Mr. CANADY of Florida. Mr. Chairman, I rise in opposition to the amendment and claim the 15 minutes in opposition. I yield 7½ minutes of that time to the gentleman from Massachusetts [Mr. FRANK] and ask unanimous consent that he may be permitted to yield blocks of time to other Members.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 15 minutes, the gentleman from Florida [Mr. CANADY] will be recognized for 7½ minutes, and the gentleman from Massachusetts [Mr. FRANK] will be recognized for 7½ minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, at the outset let me say that I want to commend the gentleman from Florida [Mr. CANADY] and the gentleman from Massachusetts [Mr. FRANK] for this legislation. And I know the long hours, months, years almost that has gone into bringing this measure before us tonight.

I am also sensitive to the concerns that they have raised this evening about wanting to keep a clean bill. I can understand their concern that we might again jeopardize the hope of getting true lobby reform legislation. But I would remind the Members of this body that this is an open rule. The Committee on Rules did provide us with an open rule. The amendment which I am bringing forward, I think, fits very admirably into the legislation that is being considered. It is an improving measure. It will definitely strengthen the bill, I think. And I think it also, I would suggest that it would be remiss of us to be intimidated by what the other body may or may not do. I think we need to do our work, do our business here, and trust that the other body will be reasonable in this regard.

I would tell Members at the outset that we have had strong indications from Members of the other body that they would be supportive of the inclusion in this measure.

What we are addressing, Mr. Chairman, in this legislation is a matter of some concern and one that I think is shared by most of the Members of this body. That is, what the executive branch does with taxpayer dollars in the way of lobbying.

Frankly, I got this idea for this amendment because we were receiving many, many concerns from many Members where they had heard from their constituents that they had been exposed to various efforts by one or another executive branch agency to apply grass roots lobbying. Initially it was just a trickle and then it was a flood.

We have had many, many examples of this. As they say, the proof is in the pudding, and we have compiled a top 10 reasons to support the Clinger amendment. And there are examples that include an employee check stub from the Department of Veterans Affairs opposing the House budget plan. Secretary Ron Brown had an invitation to attend a briefing to oppose the Mica commerce legislation.

There was a letter that we received from the National Spa and Pool Institute complaining about receiving lobbying materials from an agency that regulates that industry, namely the EPA. And Members might ask, as certainly I did, is there not a law on the books that would preclude an executive branch agency from lobbying through grass roots organizations to try and bring pressure to bear on the Congress. There is. The law is on the books. It is the Anti-Lobbying Act, passed in 1919. It is a criminal statute. The law itself is very unclear and has been the subject of numerous opinions, often conflicting, on what it means and how broadly it reaches.

During the last 75 years, Mr. Chairman, no one, not one individual, has been prosecuted under this law. Frankly, having the Department of Justice as the enforcing agency is a little bit like having the fox guarding the chicken coop.

The amendment that I am offering is modeled after a provision that has been included, civil provision that has been included in the Interior appropriations bill since 1978. So this is not a partisan issue. This has been applied to Republican administrations since it was put into the Interior appropriations bill in 1978. The amendment covers only Federal agencies and provides that no funds would be used for any activity that is intended to promote public support or opposition to any legislative proposal, including preparation of pamphlets, kits, booklets, et cetera. However Federal officials can continue to communicate directly with Members of Congress and provide information and respond to requests from Members.

In addition, the President, the Vice President, Senate confirmed appointees and other White House officials would be able to continue to communicate positions to the public. This is a reasonable and not an unduly restrictive amendment. The comptroller general would enforce the provisions if the funds have been expended in violation. And in addition, the GAO must report on the implementation of the legislation one year after enactment.

This is good government reform, Mr. Chairman. If we apply lobbying reform to Congress, we should also apply it to the executive branch.

For those who are thinking perhaps this is a partisan effort, and there may be those on the other side who would suggest that there was partisan animus here, I would like to point out that it really is not. Once enacted into law, such a provision would remain through all future administrations, and there were certainly examples we could point to during past years. The Reagan defense department organized defense contractors and spent money on a grass roots campaign to build support for the C–5B. That was wrong. It should not have been allowed to go forward, just as some of the activity that is going on in this administration should not be allowed to go forward.

So, as I said, Mr. Chairman, we do have strong indication the Senate would be willing to accept this. I would stress the fact again, we really should not allow ourselves to be intimidated and allow our business to be thwarted by what the other body may or may not do. I urge support of the amendment.

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

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to express my admiration for the gentleman from Pennsylvania.

I have looked at this amendment. I think that this amendment does address a real problem that exists. Based on my review of it, I believe it is an

idea that I would support. However, I do not believe that this bill should be subjected to this amendment. I think this is the wrong place to bring this up.

This is an issue that is within the jurisdiction of the committee that the gentleman from Pennsylvania chairs. I know that this is an issue on which he has devoted or to which he has devoted a considerable amount of time. I believe that it is an issue which could move forward.

I fully accept that the gentleman here is acting because he believes that this is a problem that needs to be addressed and intends no harm to this bill. But my fear, again, is that, if we look at the history of the way this issue of lobbying disclosure reform has proceeded, we see that there have been many slips along the way that have prevented the ultimate success of various efforts.

Now, I think we can repeat history in this Congress, and I do not know that there is any way that we can be assured that the Senate would accept this language or any other language. That is something that the Senate decides. But what I am concerned about is the very real fact that we have to recognize that there are people who do not want this legislation to pass, people who do not want lobbying disclosure.

I do not believe that the gentleman from Pennsylvania is opposed to this. I believe that he supports the underlying bill. I have every confidence of that. But there are people who wish to see this bill derailed. I have seen evidence of that in a number of different ways. I think we have to be cognizant of that, and we have to be aware that this opportunity can slip away from us.

It is here. We have it. We have a good bill. It is a bill that has wide support. It has support from many of the people who are going to be subjected to the very requirements that are imposed by the bill. It is recognized as a reasonable, responsible approach, and it is something that we can go to the American people with and we can tell them that we are acting to protect their rights. We are acting to ensure that they have the knowledge that they are entitled to have.

I want to make sure that we do that in short order. I wanted to make certain that no amendments are adopted that will prevent us from moving forward to that goal.

Again, I respect the gentleman who is offering the amendment. I appreciate his interest in this issue. Quite frankly, when I spoke of different categories of amendments that would be considered, I said that there were some with merit, some that had less merit, and some that were simply bad ideas. I think that this is one of the amendments that is meritorious because I do believe there are problems. I do not think this is a partisan issue because, as the gentleman said, this would affect the current administration and future administrations. But there is a way to accomplish this goal.

I do not believe the way to accomplish this goal is by threatening the lobbying disclosure bill. This is really a somewhat different issue. It is within the jurisdiction of a different committee. I believe that the gentleman from Pennsylvania [Mr. CLINGER] could move forward with his idea as a separate bill. I believe that the Congress would adopt it.

This is not the time to bring it up. This is not the vehicle. I would urge the Members of the House to reject this amendment so that we can get on with the process of breaking the gridlock that has existed for the last 40 years on lobbying disclosure reform.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

I agree with the thrust of the gentleman from Florida's comments. I would add a couple. Let us stress this is not within the Committee on the Judiciary's jurisdiction, and it is not about the regulation of private lobbyists.

□ 2200

We have a bill brought out by the Committee on the Judiciary that deals with private lobbyists. This has in common the word ''lobbying'' but it is a different set of issues. This is a potential abuse of public funds by the executive branch. That presents a very different set of issues than the question of disclosure and influence from various private interests, and putting the two together really does not have a great deal of legislative justification except there is a train leaving the station, and people who have a good idea would like to jump to it. That would not necessarily be a problem except that it can jeopardize passage.

The gentleman from Pennsylvania fairly said this is not partisan. This kind of lobbying has been done by Democratic and Republican administrations in the past, they do it in the future, but that is part of the problem because Democratic and Republican administrations will oppose this bill. This is not simply a Senate problem. This invites a veto. It invites a veto from President Clinton, it would have invited a veto from President Bush, it would have invited a veto from President Reagan.

So, I would hope the gentleman from Pennsylvania [Mr. CLINGER], using his chairmanship of the committee, would bring up a piece of legislation separately and let us deal with it, but I acknowledge what he says is true. This is not a partisan one, this is an interbranch one, but we have got a piece of legislation that addresses a real problem that we have been assured, because we have got a letter from the White House, they will sign it. The Senate has passed it. We send it to them, they will sign it.

Now the gentleman asks to add to that a matter not of partisan strife, but of interbranch strive, and to take where we have a consensus bill, to regulate and improve the regulation of private-sector lobbying and add to it a bill, which as my friend from Pennsylvania candidly said, and I agree with him, it is more of an executive branch versus a legislative rather than a partisan one, to add that is to invite a veto or to have people in the Senate who are like this, suddenly become defenders of executive branch prerogative and lobby against it.

So far that reason, because it is a different subject, and because the gentleman from Pennsylvania [Mr. CLINGER] has the ability to bring the bill out—the gentleman from Pennsylvania can bring this bill out at any time, it can come to the floor, we can debate it. I have some questions about some of the substance. It says, for instance, that press releases or oral statements can be done by the direct appointee but they cannot delegate it. As I read this, the problem the way it is drafted is, if the Secretary of State asked a non-Presidential appointee to draft a press release on an issue that was pending before the Congress, that would be a violation. I think that is overdrafted. I would like to deal with that, but let us deal with it in a separate bill brought out by the gentleman's committee, because to take this matter of executive versus legislative prerogative and add it to this other bill is probably more complicated than almost anything else. That is not to go to the merits of it, but it is clearly inviting a veto or a Senate filibuster before we get to a veto, and it will, I think, endanger the bill.

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

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I state at this point that the amendment is germane to the discussion this evening.

Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. TAUZIN], the prime cosponsor of this amendment.

Mr. TAUZIN. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. CLINGER] for yielding this time to me, and indeed I join him in cosponsorship of this amendment. It is a very worthy amendment. I, too, am delighted with the bipartisan nature of this debate tonight and would want to commend all the parties. It is about time for this.

Let me say right up front this is the right place for this amendment. This bill is the right bill for this amendment, and I support this bill as I support this amendment. Why is it the right place for this amendment? This is a bill designed to deal with inappropriate lobbying influences upon this Congress. One of the most inappropriate lobbying influences upon this Congress is a use of taxpayer funds by agencies of our own executive government to influence and indeed to use those funds

to hopefully affect the outcome of legislation before this body. The evidences of it are numerous. The outrageous evidences of it have come to the floor only just recently before this body. Examples of it are like the one I would cite where SBA actually sent materials out to small businesses across America to urge them to support, support the Clinton health plan last year, actively lobbying businesses that they are supposed to help organize to engage themselves in a campaign for a proposition before this House and the Senate. Examples like that are numerous.

Second, the inappropriateness of this use of taxpayer funds in support of issues, in opposition to issues, before this Congress is often in collusion with private lobby groups who work before this body to influence the decisions that are made here. Here is a typical example. ''Taking it too far, a slide slow and panel discussion held at LSU in Baton Rouge.'' Sponsored by whom? Sponsored by the Coastal Energy and Environmental Resources Center, Sierra Club, Delta Chapter, U.S. Fish and Wildlife Service, and the Corps of Engineers to learn more about regulatory takings and the harmful potential effects of taking bills before the Congress, agencies of our Government using taxpayer funds to work with lobby groups organized to influence legislation before this Congress.

Mr. Chairman, no one, no one should allow that to happen under Democratic or Republican regimes. If ever there was a nonpartisan amendment that was offered in the right place at the right time, this is it. We ought to adopt this amendment. We ought to say affirmatively in the law that agencies of our Government indeed can communicate with Congress, agencies of our Government can indeed express administrative positions to the general public, but no agency ought to use taxpayer funds whether by themselves or in collusion with private lobby groups to influence the outcome of legislation before this body. That ought to be illegal. This amendment makes it illegal.

Mr. CANADY of Florida. Mr. Chairman, I yield to myself such time as I may consume.

Mr. Chairman, the gentleman from Louisiana [Mr. TAUZIN] makes some very important points. He has pointed out some examples which are very troubling. They trouble me, and I believe that the Congress should act to deal with those problems. I simply do not think that this is the right place or the right time, and I would like to follow up on the excellent point that the gentleman from Massachusetts made.

This issue represents a conflict between the legislative branch and the executive branch. It is fraught with the potential for a veto, and I do not believe that lobbying disclosure reform should be held hostage to this issue of executive branch lobbying, and I am afraid that that is what would happen. I am afraid that we would see a scenario in which this bill would be sent to the President, potentially with this in it, if everything went as we would like to have it, and we were able to get it through both houses, it would go to the President, and the President would veto it, and once again we would have failed to address the critical issue of lobbying disclosure reform that the Congress has been working on for 40 years without any product in terms of a new law being passed.

I respect the motivations of the proponents of this amendment, as I have said. I understand that they have identified a real problem, they are looking for a way to address it. But this is not the only vehicle in town. We are seeing a plethora of amendments coming forward, and I will guarantee my colleagues, given the history of this, I do not know that this is such a great vehicle to begin with, given the way this issue has not moved to final passage, so I would urge them maybe to re-evaluate whether this is indeed such a good vehicle.

The point is, if we can keep these amendments off, the House will have the opportunity to send this bill directly to the President, see it passed into law, and in the midst of all the conflict that is going on in Washington now, all the fighting that is going on and the stalemate that we see, and we all have our different views of why that is and who is to blame, but in the midst of that if we could pass this bipartisan reform effort and send it to the President for his signature, I think we would be sending a message to the American people that we can work together.

When we will listen to one another and when we will focus on the good of the American people, we can accomplish something that will benefit the people of this country, and this disclosure effort is good for democracy, it will help restore public confidence in the system of government established by our Constitution, and it will help eliminate some questions that now exist about the lobbying activities that go on in Washington.

So I would urge that we move forward with that effort, and reject this amendment and all other amendments to this bill.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, I thank the gentleman from Massachusetts for yielding me this time, and I say that I was contemplating not opposing this amendment for two reasons: One, I like it, and second, it is being offered by the chairman of the Committee on Government Reform and Oversight, who is my chairman, and I believe the best chairman in Congress. He has made that committee such an outstanding committee. I hope he does not tell the gentleman from Ohio [Mr. KASICH] that I said that.

My big concern is that this amendment has never had a hearing, never really had the opportunity to be considered, and I would like to encourage my chairman to offer this as a bill, take it up in our committee, allow people on both sides of the aisle to come before the committee, allow the administration to defend some of the outrageous things they have been doing and some that have been done in previous administrations, because this has been an abuse.

What a golden opportunity to set on the record a document that would justify its passage, and so I hope that by the time I wake up tomorrow the chairman of my Committee on Government Reform and Oversight will realize that it really belongs in the Committee on Government Reform and Oversight. This is not the right place or the right time in my judgment to tack on so many amendments to this lobby disclosure bill when it has not passed in over 50 years or 49 years. When nothing has gotten through this Chamber in nearly 50 years, to me it is just to invite a very unfortunate situation, and that is that lobby disclosure will once again be killed.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HORN], chairman of the Subcommittee on Government Management, Information, and Technology.

Mr. HORN. Mr. Chairman, this has been a great day for reform. This is the second great day this year. The first was the first day of this Congress when we applied the workplace laws. Thanks to my colleague, the gentleman from Connecticut [Mr. SHAYS], we got rid of proxies, we cut committee staff, term limits on committee chairs.

Reform is growing in this country. A good example is California. Within 2 months, 100,000 people signed up to start a new reform party in California. People want us to get the job done. Today we had a great victory. The Speaker's proposal to ban all gifts was overwhelmingly adopted except by a handful of Members.

Now we need to finish this day tonight and tomorrow. We ought to accept reasonable amendments. The Clinger amendment is a reasonable amendment. I happen to think the Traficant amendment to deal with foreign lobbyists is a reasonable amendment. I do not think we who have equal bicameral status with the other body should simply tailor things to what we think might or might not be done in the other body. They have to feel the pressure of the people, they will feel the pressure of the people. A President that vetoes this bill because this provision is in it will feel the wrath of the people. So will the Members of the United States Senate feel that wrath.

The fact is here we have a complete misuse of taxpayer money by government officials regardless of party. It goes back for years. We need to hone

this in at the source of it, and it is Cabinet officers that are using civil servants that are there to operate programs to stir up kits for them and fliers and all the rest that can be used by lobby groups to come here and tell us the glories of this program or that program.

□ 2215

Let those lobby groups pay their own way. We should not have to be using taxpayer dollars.

Thomas Jefferson had it right when he talked about religious freedom. We ought to be talking about political freedom. We said, in conclusion, ''To compel a man to furnish contributions of money for propaganda and opinion which he disbelieves and abhors is sinful and tyrannical.'' I thank Jefferson was right. I think the clinger amendment comes at the right time. We have a whole series of cases. We do not need to hold a hearing to find that it exists. It exists.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Unfortunately, Mr. Chairman, partisanship does now appear to be rearing its head. We now see a threat to this bill. The gentleman from California was fair and talked about problems in previous administrations and an executive branch problem, but the gentleman who just spoke and the other gentleman used this as a platform to attack the Clinton administration. That is going to unravel this kind of consensus.

There was documentation only about recent problems. Yes, there have been tensions between the executive and the legislative, but the gentleman from California and the gentleman from Louisiana want to make this into a platform for attacking the current administration. No, you are not going to easily get a bill both back again through the other body and then signed by the President when it does this.

I am very surprised to hear my friend, the gentleman from California, say this does not need hearings. Every bill needs hearings and a markup to make sure you get it right. For example, this bill does, it seems to me to say that a press release can only be done if it deals with any pending legislative issue, including a nomination by the Cabinet head himself or herself. It says you cannot delegate this. Saying that you respond to an oral request for an interview, it can only be done by the Cabinet head himself or herself. No legislation does not need a hearing.

I think if this is what we are going to have, that this kind of partisan attack on one administration, no reference, except the gentleman from Pennsylvania, to the fact that this has been done previously, then you are not going to get legislation. If you care about it, you control the subcommittee and the committee, where is your bill? Why did you not bring a bill out? If this is so important, what have you been waiting for? Have your hearing, have your markup, bring a bill and let us debate it, but do not catch a ride on this train when you know it is going to derail it.

The CHAIRMAN. The gentleman from Florida [Mr. CANADY] has the right to close.

Mr. CLINGER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Kansas [Mr. TIAHRT].

Mr. TIAHRT. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding time to me.

Mr. Chairman, I think it is very significant to note it has been 40 years since we got to this now. I do not want to wait another 40 years before we get to the part of the problem that we have. I think this Clinger amendment addresses some of the important problems that we have now. I am sorry, I am a freshman here. I do not have a lot of experience on previous administrations. I do want to thank the current administration, because I think they had something to do with me being here.

I have found that there are agencies today that are abusing the system by sending out mailings in the hopes of influencing legislation. These are not individuals, these are not nonprofit groups, these are not private sector companies, these are Federal agencies that are using lobbying money, using money to lobby for more tax dollars to be spent on their agency.

In June this year, the Department of Energy sent out a mailing that was timed in correspondence, they sent out 10,000 of these to private individuals and businesses, at the cost of $3.50 each. June was selected to oppose some current legislation coming out, H.R. 993, the bill to abolish the Department of Energy. Part of the propaganda read, ''Dismantling the Department of Energy only is likely to disrupt Secretary O'Leary's efforts to reshape the department and produce meaningful savings.''

Let us talk about some of the meaningful expenditures. This is the agency that has over 500 public relations employees, costing taxpayers $25 million. This the agency that has spent over $46,000 to hire a private investigation firm to develop a list of unfavorable people, and ''to work on these people a little.'' Does that sound like lobbying, to work on these people a little? This is the agency that has hired a personal media consultant for Secretary O'Leary at a cost of $75,000 per year. These are all abuse.

This money does not go toward any valid mission of the Department of Energy, not toward environment management, not toward developing an agency energy policy, not toward finding one drop of oil, not one valid mission. I think it is an abuse of taxpayer dollars. That is why I support the Clinger amendment.

The CHAIRMAN. I would advise Members, the gentleman from Pennsylvania [Mr. CLINGER] has 2½ minutes remaining, the gentleman from Massachusetts [Mr. FRANK] has one-half minute remaining, and the gentleman from Florida [Mr. CANADY] has one-half minute remaining.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield the remainder of my time to the gentleman from Florida [Mr. CANADY].

The CHAIRMAN. The gentleman from Florida [Mr. CANADY] now has 1 minute remaining.

Mr. CLINGER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Oregon [Mr. COOLEY].

Mr. COOLEY. Mr. Chairman, I rise in support of the Clinger amendment. For too long executive branch employees have improperly used appropriated funds to foster public support or opposition to pending legislation before Congress. Without a doubt, such activities are a blatant misuse of taxpayers' funds. The Clinger amendment does not impact any other Federal agency, it only targets the Federal Government. We must stop agencies from punching in at work, putting on their lobby hats, and taking taxpayers to the cleaners. The type of activity by the Federal bureaucrats is clearly not legitimate, and the Clinger amendment will halt all this abuse. The Clinger amendment is a key part of real government reform. It is not partisan in any way, and would apply permanently to no matter what administration was in place.

There have been abuses in previous administrations, but nothing has been done. The Department of Justice as the enforcing agency, we are giving a pack of wolves a red-carpet route to the sheep herd.

Federal bureaucracies should not be picking favors to one group or another pursuant to their own self-interest. Their jobs are to carry out the law passed by Congress not give speeches on congressional legislation or play lobbyists.

Enough is enough. I urge my colleagues to support the endeavors and vote on the Clinger amendment. If we do not make the most of this opportunity to hold Federal bureaucracies accountable for fulfilling their proper duty, then we in Congress should be held accountable. Let us not drop the ball on this one, let us support the amendment.

Mr. CLINGER. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] has 1 minute remaining.

Mr. CLINGER. Mr. Chairman, I am sensitive to the fact that there is concern here about passing true lobby reform. I would point out, however, that we do have time. This is, after all, only the first session of the 104th Congress, so if there is a need to go to a conference, that can be done. May I also say that there are other ways in which this can be done, if in fact this piece of legislation happens to bog down.

Let me just in closing point out some of the organizations that have strongly endorsed this legislation: the National Taxpayers Union, the National Federation of Independent Businessmen, the

Chamber of Commerce, the Competitive Enterprise Institute, the National Association of Wholesaler-Distributors, Citizens Against Government Waste, the Chamber of Commerce, and many, many others.

Mr. Chairman, this is an amendment that has broad-based support because the need is very apparent. The abuse that has been throughout many administrations needs to be corrected. This amendment does correct it, does it in a reasonable and very fair way. I would urge support of the amendment.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I ask that the Members of the House keep their eye on the ball as we go through this debate. We have to keep focused on what the underlying bill is about and what we are trying to accomplish in the underlying bill. That is to reform lobbying disclosure, to have meaningful disclosure of lobbying activities that go on here in Washington with the executive branch and the legislative branch.

The gentleman from Pennsylvania [Mr. CLINGER] has what I believe is a good idea, an idea which addresses a real problem, but I believe that his idea should go through the committee process, it should be subjected to the hearing process, there should be a markup, and his idea should move forward as a separate initiative. It only has the potential for derailing this bill which has been worked on for so long by so many different people. I know that is not the gentleman's intention, but I am very much afraid that that may be the consequence if his amendment is adopted. I urge the Members of the House to defeat this proposed amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. CLINGER].

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

Mr. CANADY of Florida. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Pennsylvania [Mr. CLINGER] will be postponed.

The point of no quorum is considered withdrawn.

Mr. CANADY of Florida. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose, and the Speaker pro tempore [Mr. FOX of Pennsylvania] having assumed the chair, Mr. KOLBE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 2564) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, had come to no resolution thereon.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT AND WAIVING POINTS OF ORDER AGAINST CORRECTED CONFERENCE REPORT ON H.R. 2491, SEVEN-YEAR BALANCED BUDGET RECONCILIATION ACT OF 1995

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–348) on the resolution (H. Res. 272) authorizing a specified correction in the form of the conference report to accompany the bill (H.R. 2491) to provide for reconciliation pursuant to section 105 of the concurrent resolution on the budget for fiscal year 1996, and waiving points of order against the corrected conference report, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2606, PROHIBITION ON FUNDS FOR BOSNIA DEPLOYMENT

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–349) on the resolution (H. Res. 273) providing for consideration of the bill (H.R. 2606) to prohibit the use of funds appropriated to the Department of Defense from being used for the deployment on the ground of United States Armed Forces in the Republic of Bosnia and Herzegovina as part of any peacekeeping operation, or as part of any implementation force, unless funds for such deployment are specifically appropriated by law, which was referred to the House Calendar and ordered to be printed.

## HOUR OF MEETING ON TOMORROW

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that when the House adjourns today, that it adjourn to meet at 9:30 a.m. tomorrow.

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

There was no objection.

## LOBBYING DISCLOSURE ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 269 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2564.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2564). To provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, with Mr. KOLBE in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from Pennsylvania [Mr. CLINGER] had been disposed of.

Are there further amendments to the bill?

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer amendment.

The Clerk read as follows:

Amendment offered by Ms. KAPTUR: Page 39, redesignate sections 22 through 24 as sections 23 through 25, respectively, and insert after line 10 on page 39 the following:

**SEC. 22. LIMITATION ON REPRESENTING OR ADVISING CERTAIN FOREIGN ENTITIES.**

(a) AMENDMENT.—Section 207(f) of title 18, United States Code, is amended to read as follows:

''(f) RESTRICTIONS RELATING TO FOREIGN ENTITIES.—

''(1) PERMANENT RESTRICTION.—Any person who is an officer or employee described in paragraph (3) and who, after the termination of his or her service or employment as such officer or employee, knowingly acts as an agent or attorney for or otherwise represents or advises, for compensation, a government of a foreign country or a foreign political party, if the representation or advice relates directly to a matter in which the United States is a party or has a direct and substantial interest, shall be punished as provided in section 316 of this title.

''(2) FIVE-YEAR RESTRICTION.—Any person who is an officer or employee described in paragraph (3) and who, within 5 years after the termination of his or her service or employment as such officer or employee, knowingly acts as an agent or attorney for or otherwise represents or advises, for compensation—

''(A) a person outside of the United States, unless such person—

''(i) if an individual, is a citizen of and domiciled within the United States, or

''(ii) if not an individual, is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States, or

''(B) a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country,

if the representation or advice relates directly to a matter in which the United States is a party or has a direct and substantial interest, shall be punished as provided in section 216 of this title.

''(3) PERSONS TO WHOM RESTRICTIONS APPLY.—The officers and employees referred to in paragraphs (1) and (2) to whom the restrictions contained in such paragraphs apply are—

''(A) the President of the United States; and

''(B) any person subject to the restrictions contained in subsection (c), (d), or (e).

''(4) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'compensation' means any payment, gift, benefit, rewards, favor, or gratuity which is provided, directly or indirectly, for services rendered;

''(B) the term 'government of a foreign country' has the meaning given that term in section 1(e) of the Foreign Agents Registration Act of 1938, as amended;

''(C) the term 'foreign political party' has the meaning given that term in section 1(f) of the Foreign Agents Registration Act of 1938, as amended;

''(D) the term 'United States' means the several States, the District of Columbia, and

any commonwealth, territory, or possession of the United States; and

''(E) the term 'State' includes the District of Columbia and any commonwealth, territory, or possession of the United States.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendment made by subsection (a) take effect on January 1, 1996.

(2) EFFECT ON EMPLOYMENT.—

(A) The amendment made by subsection (a) do not, except as provided in subparagraph (B), apply to a person whose service as an officer or employee to which such amendment apply terminated before the effective date of such amendment.

(B) Subparagraph (A) does not preclude the application of the amendment made by subsection (a) to a person with respect to service as an officer or employee by that person on or after the effective date of such amendment.

Ms. KAPTUR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

□ 2230

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Ohio [Ms. KAPTUR] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the assistance of our esteemed colleagues, the gentleman from Florida [Mr. CANADY] and the gentleman from Massachusetts [Mr. FRANK] in allowing us to talk about this amendment this evening.

Mr. Chairman, the amendment is one that has been introduced in bill form in this Congress since the year 1985. There have been extensive hearings held on the content of this bill in several Congresses. For various reasons, because of its content and because of the pace of the legislative process, we have never been able to move this language on to a bill that was headed for presidential signature.

The acronym for this bill is FACEIT, the Foreign Agents Compulsory Ethics In Trade Act, and its purpose is to close the revolving door between government service and lobbying on behalf of foreign interests.

Mr. Chairman, our bill introduced with bipartisan support over the last decade, has two parts. The first is to impose a permanent restriction on high-level government officials from representing, aiding, or advising foreign governments and foreign political parties once they leave the employment of the United States and attempt to go back and lobby, advise, the very same clients before the very same agencies that they had worked for.

The second part of this bill would impose a 5-year prohibition on high-level officials against representing, aiding, or advising what we term ''foreign interests,'' and these are defined in the bill as well.

Let me say that in March of 1992, the General Accounting Office published a report which we requested entitled ''Former Federal Officials Representing Foreign Interests Before the U.S. Government.'' That report identified dozens of former high-level Federal officials, those who had served on the White House staff, those who had served at the highest level of Cabinet-level agencies, congressional staff, even some Members of Congress, executive agency officials in various administrations, who left the employment of the people of the United States, and then attempted and are representing foreign interests before the very agencies that they had served in years past.

We, in earlier years, thought it would be sufficient to merely ask for disclosure. In other words, the current law says to people, ''If you are conducting this type of activity, all you need to do is register.'' Well, lo and behold, the GAO found that numerous foreign agents simply do not register at all.

Mr. Chairman, the current law operates much like a sieve with very large holes in it. There is absolutely no enforcement and the disclosure process itself is extremely flawed. Our bill would ensure that our Federal officials are working on behalf of the people of this country and that they serve the government of the United States.

In my own personal experience here, I have seen too many officials of this country use their positions to seek post-employment opportunities. I might just say for the record, and I have said it in public hearings and I have said it here on the floor before, I have experience in my own district.

Mr. Chairman, the way I got into this was a businessman from my own district had come here to Washington, had gone on trade missions around the world with high-level government officials, and divulged certain aspects of his production, the products that he sold, what his competition was, to the government officials that accompanied him on these trade missions.

He came back to Washington 2 years later and he found that the people that he had spoken with were now working for his competition. Mr. Chairman, his question to me, when I met him as a fairly new Member of Congress, he said to me, ''Why should I tell you anything?'' I said, ''Well, I am very interested in what problems you are facing as a businessman trying to move your product into international markets.'' He had lost complete trust in the government of the United States because of what he had experienced. This is absolutely wrong.

Mr. Chairman, the reason it has been so hard to get this bill passed is because the people conducting these activities make lots and lots of money. Just think about the trade arena. The average person who is serving our government in trade negotiating capacity has a tenure today of less than a year and a half. We are beaten consistently in trade negotiations around the world because we have people who do not have the tenure, experience, and breadth of people negotiating for other countries.

Mr. Chairman, it is possible to work in a position in this government and maybe earn a salary of $100,000 a year, which sounds like big money in Toledo, Ohio, but then those same people can be offered four times as much as that the day after they leave the government to represent the very same clients before the agency that they just left.

Mr. Chairman, that is absolutely wrong. We need to plug the hole in that dike completely and restore integrity to the trademarking and other functions of this government.

The other aspect, what happens inside these agencies where we have people with integrity working very hard, when they see their compadres and compatriots in these agencies merely milking it for what they can get for themselves, it is totally demoralizing to serve in these various agencies and capacities in our government.

So, our purpose in this is to close the revolving door permanently for those who have such high-level knowledge that they can literally compromise the interests of this country, and it is to set a standard of integrity for those who would serve our people, and then try to cash in on it.

We have a cooling off period that we think is realistic in this bill. I think it will restore confidence among people like the businessman from my community who lost his respect for the government of the United States and the people who serve it here in our Nation's Capital.

Mr. Chairman, I would ask for favorable consideration by the committee and express a complete willingness to work with the gentleman from Florida to attach this legislation to this bill, or to work with the gentleman in any manner that could make an idea that is now a decade old a reality for the people of our country.

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

Mr. CANADY of Florida. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Florida is recognized for 15 minutes.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say to the gentlewoman from Ohio, I believe that her amendment addresses a very important issue. Earlier this evening, the gentleman from Michigan [Mr. UPTON] was on the floor discussing an amendment that addresses a similar issue. Actually, the same issue in a somewhat different way.

Mr. Chairman, I believe that this is an issue which deserves attention. I believe it should have been addressed before, and it would certainly be my commitment to the gentlewoman from Ohio to do everything I can to see that this issue is addressed, because I believe that there are abuses, and I believe that people are utilizing the knowledge they have gained to disadvantage the Government of the United States. That, I think, is unfortunate. They are using it to benefit foreign interests in a way that certainly is abusive.

So, I would support an effort to address this, and I would tell the gentlewoman that I will do everything I can to hold hearings on this subject. I am opposing all amendments to this bill, because we believe that the time for lobbying disclosure reform is here. We have an historic opportunity to move forward with legislation in the House, and pass a bill which we can send directly to the President for him to sign.

My concern is if we add any amendments, we will derail that effort and, therefore, even amendments that address important issues such as this I must oppose. But, I would certainly tell the gentlewoman I will work with her in any way to see that this issue is addressed in the future.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. CANADY of Florida. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I do remember and I was chair of the Administrative Law Subcommittee, which then had jurisdiction over this. I remember we began working on it and as we were dealing with some of the difficult issues like appropriately defining foreign entities at the time with international conglomerates, I then left that subcommittee chairmanship.

But, Mr. Chairman, I believed then, and believe now, that the gentlewoman is absolutely right. The gentleman from Michigan had a related issue that dealt specifically with former Members of Congress and he wants to deal with their representation of foreign governments.

The gentleman from Ohio [Mr. TRAFICANT] has had some concerns there. My view is, now that we have a consolidated jurisdiction here, is that one of the bills we should be dealing with as soon as we are through with this, is the notion of bringing out some legislation in the next session that would be a look at this whole question of foreign representation, and particularly the leveraging that people might get in working for our government and using it against them.

I was glad to hear the gentleman from Florida say that. I would be glad to be a participant in that effort. I think the gentlewoman is absolutely right.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. CANADY of Florida. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I want to thank both the gentleman from Florida [Mr. CANADY] and the gentleman from Massachusetts [Mr. FRANK]. I have to say, I recall my testimony before the subcommittee chaired by the gentleman from Massachusetts, and I was always welcomed. Some of the thinking that we refined in those years has helped us move to this point.

I thank the gentleman for working with us and being so open to us, and I thank the gentleman from Florida for offering to hold hearings on this matter and bringing in other Members who may have related measures.

Mr. Chairman, I think as the audience and American people are listening to us tonight, this is on the minds of a lot of the public. They have questioned why we as a Congress cannot move a measure through here. I think with the strong leadership of the gentleman from Florida and the support of the gentleman from Massachusetts and other Members in this institution, we can really do something and give the 21st century the kind of service here in Washington that our people deserve.

Mr. Chairman, I thank the gentleman from Florida for yielding time to me.

Mr. Chairman, I ask unanimous consent to withdraw my amendment at this point, and ask that we be one of the first witnesses that the gentleman welcomes to his committee when he holds that set of hearings.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. ENGLISH OF PENNSYLVANIA

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ENGLISH of Pennsylvania: Page 39, line 9, strike ''**REPRESENTATIVE**'' and insert ''**OFFICIAL**''.

Page 39, line 13, strike ''or'' and insert a comma and in line 14 insert before the close quotation marks a comma and the following: ''Secretary of Commerce, or Commissioner of the International Trade Commission''.

Page 39, line 18, strike ''APPOINTMENT'' through ''REPRESENTATIVE'' in line 20 and insert ''APPOINTMENTS.''

Page 40, line 4, strike ''or as a'' and insert a comma and insert before the first period in line 5 a comma and the following: ''Secretary of Commerce, or Commissioner of the International Trade Commission''.

Page 40, line 8, strike ''or as a'' and insert a comma and in line 9 insert before ''on'' a comma and the following: ''Secretary of Commerce, or Commissioner of the International Trade Commission''.

Mr. ENGLISH of Pennsylvania (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Pennsylvania [Mr. ENGLISH] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

Mr. CANADY of Florida. Mr. Chairman, I rise in opposition to the amendment, and claim the 15 minutes in opposition. I yield 7½ minutes of that time to the gentleman from Massachusetts [Mr. FRANK], and ask unanimous consent that he may be permitted to yield blocks of time to other Members.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. ENGLISH] will be recognized for 15 minutes, the gentleman from Florida [Mr. CANADY] will be recognized for 7½ minutes, and the gentleman from Massachusetts [Mr. FRANK] will be recognized for 7½ minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. ENGLISH].

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer an amendment on my own behalf and on behalf of the gentleman from Ohio [Mr. TRAFICANT] a strong supporter of American workers and a strong advocate of a strong trade policy for America.

Mr. Chairman, I rise in strong support of the underlying bill, and I want to say at the outset that I think we need to extend a great deal of credit to the gentleman from Florida and the gentleman from Massachusetts, who are speaking here tonight. I believe the bill before us is a strong one, and I believe on several key points it needs to be strengthened even further.

One of the areas where I believe that this bill strongly merits support is its inclusion of a lifetime ban on the employment of the U.S. Trade Representative or deputy trade representative subsequent to leaving public service by foreign entities. This prohibition is coupled by a prohibition on the appointment of individuals who have aided or advised foreign companies or foreign interests to the position of trade representative or deputy trade representative.

My amendment builds on and amplifies that provision, addressing a significant oversight by extending this ban to the position of Secretary of Commerce and the position of member of the International Trade Commission.

Mr. Chairman, in my view this restriction is very, very important because it addresses a fundamental conflict of interest that exists within our trade hierarchy. Mr. Chairman, we are engaged in a trade war and we cannot allow our generals to trade allegiances on their retirement. If we do so, we compromise the interests of American workers, American farmers, American companies, when we allow trade officials to switch sides of the negotiating table.

In my view, this House has an obligation to block the revolving door that allows the trade talent that we have nurtured to cash in on their expertise at the expense of American workers. My amendment offered here today sends a clear message to the political class in Washington that we will no longer tolerate trade quislings or economic Benedict Arnolds.

□ 2245

In my view, it is appropriate that we extend this restriction to the Secretary of Commerce and to the International Trade Commission, because they play a seminal role in overseeing and administering trade policy in America.

The Secretary of Commerce has responsibility for leading key trade missions. The Secretary is familiar with trade policy and helps shape it. The Secretary of Commerce is familiar with the trade objectives of key American companies and overseas the Eximbank and other key trade programs that we depend on as part of our trade policy. The Secretary of Commerce also plays a significant role in the enforcement of our trade laws.

Similarly, the International Trade Commission provides advice on trade negotiations. The Commission rules on import relief for domestic industries. The Commission also provides for investigations of predatory dumping practices by our competitors.

The Commission advises the president on the domestic consequences of our trade policy and assesses the injury to American workers from imports. Overall, the ITC plays a fundamental role in shaping and administering our trade policy.

I urge my colleagues, recognizing that many of my colleagues would like to keep this bill free of amendment, to consider supporting this amendment to stop U.S. trade officials from using their position from cashing in on their expertise and insider knowledge at the expense of U.S. workers, farmers, companies and jobs.

I urge support of this amendment to stop former government officials from using their specialized knowledge of U.S. trade laws and regulations from benefiting by aiding our competitors. We should insist the employment restrictions in this bill apply to all of our trade officials.

So I urge support for the English-Traficant amendment. And I also urge this House to ultimately support this important piece of lobbying reform legislation which does us great credit.

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

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I believe that the gentleman from Pennsylvania has brought forward an amendment that has considerable merit. Again, my opposition to this amendment does not relate to the substance of the amendment but to the potential impact that this amendment can have on our effort to move forward with reforming lobbyist disclosure in the bill that is before us.

In the bill that is before us, in section 21, there is a ban on the U.S. Trade Representative and the Deputy U.S. Trade Representative from representing, aiding or advising a foreign entity on matters before any officer or employee of any Department or agency of the United States. That is a lifetime ban in the bill.

Under existing law, there is a 3-year ban on the U.S. Trade Representative and a one-year ban on the U.S. Deputy Trade Representative.

The bill that is before the House now also places a limitation on appointments to the post of U.S. Trade Representative and Deputy U.S. Trade Representative by providing that anyone who has represented, aided or advised a foreign entity in any trade negotiation or trade dispute with the United States may not be appointed as U.S. Trade Representative or Deputy U.S. Trade Representative. So it is a two-way sort of prohibition. We are trying to stop the revolving door from going in either direction. That is in the bill.

Those prohibitions which improve and expand on the prohibitions in existing law are applied to the U.S. Trade Representative and Deputy U.S. Trade Representative.

I understand that a strong case can be made for applying similar prohibitions to others, such as the Secretary of Commerce and to Commissioners of the International Trade Commission. I would simply suggest that in this instance, though, what may be a perfect solution to this conflict of interest situation that exists is the enemy of a good solution and a good bill. I understand that that is not the intention of the gentleman from Pennsylvania.

I will say that I have had conversations with the gentleman from Pennsylvania, as we started to move this legislation forward. He has, throughout the process, expressed his support for the legislation. And I know that he is a firm supporter of lobbying disclosure reform.

But I believe that by adopting his amendment, this House would threaten the success of that effort. And after 40 years, I simply think it is time that we move on, we pass a bill and send it to the President. We have that opportunity. Now is the time to act. I do not believe that we need to delay.

For that reason, I must oppose the amendment offered by the gentleman from Pennsylvania, although I recognize his good intentions and the validity of the point behind the amendment.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say, I again agree with my friend from Florida. I would make note here, I think this is very much an area where we should be legislating. We had our colleague from Michigan [Mr. UPTON] offer an amendment that has some overlap here. Our colleague from Ohio, to be honest, I think if we were going to move now, I would have a problem because we have not had hearings on this yet. We have a lot of hearings. let me say, at no point will I criticize my friend from Florida for not having had a hearing. Because he has too many hearings. So I will not object to that.

I would say that I would hope and I think it has been very clear here that we set aside a day for hearing and a markup in subcommittee of this whole question of how do you deal with restrictions on representing foreign entity. One of the problems I remember from when we had the hearings was the gentlewoman from Ohio. It is a problem these days to get a good definition of a foreign entity, with the internationally owned conglomerates. That is something which I believe we can do but takes some doing.

We have had three different amendments, all of which I support in concept but have a different angle on this. I would hope that we could defer on this because I know the chairman plans to move on this.

I think one other bill we would probably be dealing with would be a regulation of foreign representation within the United States. We are going to talk some more about the coauthor, the gentleman from Ohio [Mr. TRAFICANT] about the Foreign Agents Registration Act.

I would say to my colleagues, this is of some complexity. I honestly do not think we could adopt all of these amendments now with the assurance that we had not created some problems, some overlap, et cetera. I would hope we could agree that we would have a day, a few days where we would have hearings and then a markup and come out sometime early next spring with a comprehensive billing dealing with the regulation of representation of foreign interests in the United States.

In that spirit, I would vote against this amendment if it comes to a vote now, but I hope I will see it and the gentleman from Michigan and the gentlewoman from Ohio, the other gentleman from Ohio, that we will be able to put together a very comprehensive package of which we can all be proud.

Mr. Chairman, I yield back the balance of my time.

Mr. ENGLISH of Pennsylvania. Mr. Chairman I yield 2 minutes to the very distinguished gentleman from Illinois [Mr. WELLER].

Mr. WELLER. Mr. Chairman, earlier in some comments I had made, I commended the gentleman from Florida [Mr. CANADY], and the gentleman from Massachusetts [Mr. FRANK] for their leadership in bringing this bill to the House floor. But I failed also to give credit to some Members that made sure that today's action occurred. That is the leadership of this House.

There are some who called into question whether or not we would have time to deal with gift and lobbying reform this year because of this House's commitment to balancing the budget, which is of course our No. 1 priority to live within our means. But we set aside time to deal with the need for gift and lobbying reform. I particularly want to thank the House Republican leadership for keeping their word.

Now, some have said that, if we do not keep this bill pristine as it came out of the Senate, pristine as it came out of the House Committee on the Judiciary that we may not have lobbying reform. We have a commitment from the House leadership that we are going to have lobbying reform. Should the House decide as a result of some of these good ideas that are being offered in these amendments to improve the bill, I believe that fairly soon we will have a lobbying bill sent to the President. We have to take a couple extra weeks. It could be a better bill and do a better job.

The English-Traficant amendment improves the bill. These are good ideas and, frankly, in an area that needs to be addressed.

The issue that the gentleman from Pennsylvania [Mr. ENGLISH] is trying to address is to eliminate the abuse by former U.S. trade officials using the contacts that they made while they were supposedly representing the United States of America for personal enrichment at the expense of the American worker, whether in Erie, PA or Joliet, IL. The present bill focuses on this problem by expanding existing restrictions on employing former U.S. Trade Representatives and their deputies and foreign entity lobbyists.

Now the bill of course expands the current law. But also I want to point out that the English amendment broadens the bill to include the Secretary of Commerce and Commissioners from the International Trade Commission, people who make extensive contact with foreign interests, and we certainly want to avoid any conflict of interest.

My colleagues, I urge adoption of the English amendment. It just makes sense, if you care about American workers. If you care about American jobs, let us vote for the English amendment.

Mr. CANADY of Florida. Mr. Chairman, I reserve the balance of my time.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. FOX] a very distinguished voice of reform, my colleague.

Mr. FOX of Pennsylvania. Mr. Chairman, I want to also applaud the efforts of the gentleman from Massachusetts [Mr. FRANK], and as well the gentleman from Florida [Mr. CANADY] for their outstanding efforts in making sure that lobbying disclosure reform will be a reality this year for the first time in a number of years. But I also am particularly proud to join with the effort for what Mr. ENGLISH and Mr. TRAFICANT are doing here today as well. That is to make a good bill better by the adoption of the English-Traficant amendment. Mr. ENGLISH has been working with a number of other leaders here in Congress to make sure that business opportunities are enhanced and that ethics are protected.

In that spirit, I come to Members tonight to support H.R. 2564, the Lobbying Disclosure Reform Act. As written, the bill makes crucial steps toward eliminating the abuse by former U.S. trade officials using their contacts for personal enrichment at the expense of the American worker. We applaud the bill's overall improvement of current law. Presently, U.S. Trade Representatives have a 3-year restriction before they can aid or advise a foreign entity on matters before any U.S. official.

This bill does toughen current law by extending the 3-year restriction to a lifetime ban and including the Deputy Trade Representative and preventing the appointment to either position of anyone who has previously aided or advised a foreign entity on trade issues.

But we believe the bill needs to go further. It is more or less a loophole because the Traficant-English amendment will make sure that other officials are included as well. The Secretary of Commerce and the Commissioners of the International Trade Commission are all crucially involved in America's trade. The English-Traficant amendment would include these positions with the bill's restrictions on the U.S. Trade Representative and the Deputy Trade Representative.

The time has come to stop former government trade officials from using their beltway contacts to ride the revolving door from public service to personal profit at the expense of the American people. I would ask my colleagues to strongly support the English-Traficant amendment to the lobbying disclosure reform to make a good bill even better.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think we have made the case here very strongly for this amendment. I think it is very difficult to argue with. I think it is a matter of equity for American workers. It is a matter of sound trade policy.

I think it is something that we need to provide as a fundamental protection to our institutions and to American companies. Let me say that I acknowledge the concerns of the advocates of reform, lobbying reform, who are here today. I want to join with them. I want to push for a good bill, a strong bill.

My sense is that, since we are operating under an open rule, there will be changes in this underlying bill. On that basis, I offer this amendment because I think it is an authentic improvement on this bill and an enhancement of a very important provision that I think is central to any lobbying reform.

The gentlemen who are here tonight have long been pushing lobbying reform, and that has proven to be a Sisyphean task. In Greek mythology, Sisyphus was a figure who was consigned throughout eternity to roll a boulder up a hill only to reach the peak of the hill and have the boulder roll down the other side and be forced to restart the process.

□ 2300

I recognize that lobbying reform is an initiative that has been out there a long time, has moved forward and always at the peak. There has been a failure to get it done. I believe that we need to move forward on this Sisyphean task, and I believe that during this session, with the support of this leadership in the House of Representatives, and on a bipartisan basis, we will be able to achieve fundamental lobbying reform.

Mr. Chairman, I yield back the balance of my time.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, again I want to commend the gentleman from Pennsylvania on his interest in this issue. I am very interested in this issue. I believe that the subject of this amendment and other amendments that have been brought forward tonight on the subject of the revolving door and the representation of foreign interests demands the attention of the Congress, and, as the chairman of the Subcommittee on the Constitution, I certainly intend to do everything I can to see that this issue is addressed. I believe that we need to hold hearings, I believe that we need to have input from a wide range of witnesses on this issue and other related issues, and I believe that we need to act on it. I believe that we should move forward with the legislation on this subject. I cannot tell my colleagues what the exact contours of that should be and exactly how it should be structured, but I believe that in this Congress we should move forward with an initiative on this general subject.

Having said that, I must again make this point, however, that I do not believe that the bill before us in the House tonight is the appropriate vehicle for amendments such as this. There are already provisions in the bill that address this general subject. I think we are taking a step forward in the provisions of the bill by placing a lifetime ban on the U.S. Trade Representative and Deputy U.S. Trade Representative that will prevent them from representing any foreign entity on matters before agencies of the United States. Those individuals play a key role in our policy, our trade policy, and I believe that imposing a lifetime ban on them is a big step forward.

I do not think that we should risk derailing this bill by accepting the amendment offered by the gentleman from Pennsylvania in expanding on the prohibition. I believe that his amendment, the substance of his amendment, should be considered in the regular legislative process. I give my commitment

that I will do that, but I must oppose this amendment, as I oppose all other amendments to this bill, because we are at the peak of the mountain now. We are just there, and this is not something that we have been working on in the Congress for a few years. We have been working on this issue in this Congress for 40 years, actually more than 40 years. As long as I have been alive, Congress has been struggling with this issue, acting a little here, a little there, but never bringing anything to completion, never passing a law to address this important need for lobbying disclosure reform. It is time we did that. We should not let some good ideas get in the way of accomplishing this important task.

So, Mr. Chairman, I urge the Members of the House to defeat the amendment offered by the gentleman from Pennsylvania.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. ENGLISH].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Pennsylvania [Mr. ENGLISH] will be postponed.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. WELLER

Mr. WELLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WELLER: Page 21, line 9, strike ''and'', in line 14 strike the period and insert ''; and'', and after line 14 insert the following:

(5) a report of honoraria (as defined in section 505(3) of the Ethics in Government Act of 1978) paid to a media organization or a media organization employee, including when it was provided, to whom it was provided, and its value.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Illinois [Mr. WELLER] and a Member opposed to the amendment will each be recognized for 15 minutes.

Mr. CANADY of Florida. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Illinois [Mr. WELLER] and claim the 15 minutes in opposition.

Mr. Chairman, I yield 7½ minutes of that time to the gentleman from Massachusetts [Mr. FRANK] and I ask unanimous consent that he be permitted to yield blocks of time to other Members.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Illinois [Mr. WELLER] will be recognized for 15 minutes, the gentleman from Florida [Mr. CANADY] will be recognized for 7½ minutes, and the gentleman from Massachusetts [Mr. FRANK] will be recognized for 7½ minutes.

The Chair recognizes the gentleman from Illinois [Mr. WELLER].

Mr. WELLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am offering an amendment today to a bill that I stand in strong support of, H.R. 2564, the Lobby Reform Act of 1995. It is a good bill, and I offer an amendment which I believe will make a better bill.

According to poll data taken early this spring, the public's trust of the media fared even worse than Congress'. That is why I feel it is imperative that this legislation include disclosure requirements that take into account the role the media plays in political debate and legislative outcomes.

Because a journalists's acceptance of honoraria could influence the type of information he or she will include in his or her report, I am introducing an amendment that will place the burden on lobbyists to disclose all honoraria that are paid to a member of the press, including when it was provided, to whom it was provided and its value. This is a matter of giving the public access to all the information that helps to shape the final outcome of a legislative product.

If I might also note, I am extremely pleased to see our Chamber taking the necessary steps to once and for all prove to the American people that we are dead serious about cleaning house and keeping business on the up and up.

Today, the House will vote and prove to the public that not only is Congress cleaning up its act, but that is requiring the people it does its business with to also clean up their act. I believe that my amendment strengthens H.R. 2564 by providing the public with information regarding what special interest money has been paid to the public's main source of information—the media.

I realize that members of the media may take issue with my amendment. Therefore, I would like to take a moment to address some potential points of contention:

First off, members of the media may argue that this amendment strips members of the process corps of their amendment right. I disagree. To the contrary, what this provides to those members of the media that do not accept honoraria, is a potential endorsement of their objectivity in their reporting of the people's business. This amendment places the burden of disclosure on the lobbying community not the press. The public has the right to know who is receiving special interest money whether it is a Member of Congress or a member of the media. I also want to point out that Members of Congress are prohibited from accepting honoraria.

Also, some may argue that this amendment is not necessary because members of the media should not be held to the same accountability as a Member of Congress. Again, I disagree. The influence that the media holds over the public is insurmountable. As the main link between Washington and the average citizen, every media, every reporter—whether it be written, visual or audio—has an immediate impact on the public's perception of what is going on. The public deserves to know if the information they are receiving is potentially tainted by an honoraria fee of perhaps even the $35,000 paid to the conveyor of the information.

I know what some may be thinking—$35,000—do they really earn that much for a speaking engagement? Yes, in one well publicized instance it caused the American Broadcast Corporation [ABC] to incorporate a tough new office policy in regard to speaking fees. According to Robert Friedman with the St. Petersburg Times, ABC prohibits ''staff from accepting a speaking fee from 'any group which you cover or might reasonably expect to cover.'" Obviously some of the media see nondisclosure of honoraria as opening itself up to the potential perception of impropriety.

Mr. Chairman, I insert the following articles into the RECORD at this time.

[From the New Yorker magazine, Sept. 12, 1994]

FEE SPEECH

(By Ken Auletta)

The initial hint of anger from twenty-five or so members of the House Democratic leadership came on an hour-and-a-quarter-long bus ride from Washington to Airlie House, in rural Virginia, one morning last January. They had been asked by the Majority Leader, Richard A. Gephardt, of Missouri, to attend a two-day retreat for the Democratic Message Group, and as the bus rolled southwest the convivial smiles faded. The members of the group began to complain that their message was getting strangled, and they blamed the media. By that afternoon, when the Democrats gathered for the first of five panels composed of both partisans and what were advertised as ''guest analysts, not partisan advisers,'' the complaints were growing louder. The most prominent Democrats in the House—Gephardt; the Majority Whip, David E. Bonior, of Michigan; the current Appropriations Committee chairman, David R. Obey, of Wisconsin; the Democratic Congressional Campaign chairman, Vic Fazio, of California; Rosa L. DeLauro, of Connecticut, who is a friend of President Clinton's; and about twenty others—expressed a common grievance: public figures are victims of a powerful and cynical press corps. A few complained of what they saw as the ethical obtuseness of Sam Donaldson, of ABC, angrily noting that, just four days earlier, ''Prime Time Live,'' the program that Donaldson co-anchors, had attacked the Independent Insurance Agents of America for treating congressional staff people to a Key West junket. Yet several months earlier the same insurance group had paid Donaldson a thirty-thousand-dollar lecture fee.

By four-thirty, when the third panel, ostensibly devoted to the changing role of the media, was set to begin, the Democrats could no longer contain their rage, lumping the press into a single, stereotypical category—you—the same way they complained that the press lumped together all members of Congress.

They kept returning to Donaldson's lecture fees and his public defense that it was ethically acceptable for him to receive fees because he was a private citizen, not an elected official. The Airlie House meeting was off the record, but in a later interview Representative Obey recalled having said of journalists. ''What I find most offensive lately is that we get the sanctimonious-Sam defense: 'We're different because we don't write the laws.' Well, they have a hell of a lot more power than I do to affect the laws written.''

Representative Robert G. Torricelli, of New Jersey, recalled have said, ''What startles many people is to hear television commentators make paid speeches to interest groups and then see them on television commenting on those issues. It's kind of a direct conflict of interest. If it happened in government, it would not be permitted.'' Torricelli, who has been criticized for realizing a sixty-nine-thousand-dollar profit on a New Jersey savings-and-loan after its chairman advised him to make a timely investment in its stock, says he doesn't understand why journalists don't receive the same scrutiny that people in Congress do. Torricelli brought up an idea that had been discussed at the retreat and that he wanted to explore: federal regulations requiring members of the press to disclose outside income—and most particularly television journalists whose stations are licensed by the government. He said that he would like to see congressional hearings on the matter, and added. ''You'd get the votes if you did the hearings. I predict that in the next couple of Congresses you'll get the hearings.''

Gephardt is dubious about the legality of compelling press disclosure of outside income, but one thing he is sure about is the anger against the media which is rising within Congress. ''Most of us work for more than money,'' he told me. ''We work for self-image. And Congress's self-image has suffered, because, members think, journalistic ethics and standards are not as good as they used to be.''

The press panel went on for nearly three hours, long past the designated cocktail hour of six. The congressmen directed their anger at both Brian Lamb, the C–SPAN chairman, and me—we were the two press representatives on the panel—and cited a number of instances of what they considered reportorial abuse. The question that recurred most often was this: Why won't journalists disclose the income they receive from those with special interests?

It is a fair question to ask journalists, who often act as judges of others' character. Over the summer, I asked it of more than fifty prominent media people, or perhaps a fifth of what can fairly be called the media elite—those journalists who, largely on account of television appearances, have a kind of fame similar to that of actors. Not surprisingly, most responded to the question at least as defensively as any politician would. Some of them had raised an eyebrow when President Clinton said he couldn't recall ten- or fifteen-year-old details about Whitewater. Yet many of those I spoke to could not remember where they had given a speech just months ago. And many of them, while they were unequivocal in their commentary on public figures and public issues, seemed eager to dwell on the complexities and nuances of their own outside speaking.

Sam Donaldson, whose annual earnings at ABC are about two million dollars, was forthcoming about his paid speeches: in June, he said that he had given three paid speeches so far this year and had two more scheduled. He would not confirm a report that he gets a lecture fee of as much as thirty thousand dollars. On being asked to identify the three groups he had spoken to, Donaldson—who on the March 27th edition of the Sunday-morning show ''This Week with David Brinkley'' had ridiculed President Clinton for not remembering that he had once lent twenty thousand dollars to his mother—said he couldn't remember. Then he took a minute to call up the information from his computer. He said that he had spoken at an I.B.M. convention in Palm Springs, to a group of public-information officers, and to the National Association of Retail Druggists. ''If I hadn't consulted my computerized date book, I couldn't have told you that I spoke to the National Association of Retail Druggists,'' he said. ''I don't remember these things.''

What would Donaldson say to members of Congress who suggest that, like them, he is not strictly a private individual and should make full disclosure of his income from groups that seek to influence legislation?

''First, I don't make laws that govern an industry,'' he said. ''Second, people hire me because they think of me as a celebrity; they believe their members or the people in the audience will be impressed.'' He went on, ''Can you say the same thing about a member of Congress who doesn't even speak—who is hired, in a sense, to go down and play tennis? What is the motive of the group that pays for that?'' He paused and then answered his own question: ''Their motive, whether they are subtle about it or not, is to make friends with you because they hope that you will be a friend of theirs when it comes time to decide about millions of dollars. Their motive in inviting me is not to make friends with me.''

Would he concede that there might be at least an appearance of conflict when he takes money from groups with a stake in, say, health issues?

Donaldson said, ''At some point, the issue is: What is the evidence? I believe it's not the appearance of impropriety that's the problem. It's impropriety.'' Still, Donaldson did concede that he was rethinking his position; and he was aware that his bosses at ABC News were reconsidering their relaxed policy.

Indeed, one of Donaldson's bosses—Paul Friedman, the executive vice-president for news—told me he agreed with the notion that on-air correspondents are not private citizens. ''People like Sam have influence that far exceeds that of individual congressmen,'' Friedman said, echoing Representative Obey's point. ''We always worry that lobbyists get special 'access' to members of government. We should also worry that the public might get the idea that special-interest groups are paying for special 'access' to correspondents who talk to millions of Americans.''

Unlike Donaldson, who does not duck questions, some commentators chose to say nothing about their lecturing. The syndicated columnist George Will, who appears weekly as a commentator on the Brinkley show, said through an assistant, ''We are just in the middle of book production here. Mr. Will is not talking much to anyone.'' Will is paid twelve thousand five hundred dollars a speech, Alicia C. Shepard reports in a superb article in the May issue of the American Journalism Review.

ABC's Cokie Roberts, who, according to an ABC official, earns between five and six hundred thousand dollars annually as a Washington correspondent and is a regular commentator on the Brinkley show in addition to her duties on National Public Radio, also seems to have a third job, as a paid speaker. Among ABC correspondents who regularly moonlight as speakers, Roberts ranks No. 1. A person who is in a position to know estimates that she earned more than three hundred thousand dollars for speaking appearances in 1993. Last winter, a couple of weeks after the Donaldson-''Prime Time'' incident, she asked the Group Health Association of America, before whom she was to speak in mid-February, to donate her reported twenty-thousand-dollar fee to charity. Roberts did not return three phone calls—which suggests that she expects an openness from the Clinton Administration that she rejects for herself. On that March 27th Brinkley show, she described the Administration's behavior concerning Whitewater this way: ''All of this now starts to look like they are covering something up.''

Brit Hume, the senior ABC White House correspondent, earns about what Roberts does, and is said to trail only Roberts and Donaldson at ABC in lecture earnings. This could not be confirmed by Hume, for he did not return calls.

At CNN, the principal anchor, Bernard Shaw, also declined to be interviewed, and so did three of the loudest critics of Congress and the Clinton Administration; the conservative commentator John McLaughlin, who now takes his ''McLaughlin Group'' on the road to do a rump version of the show live, often before business groups; and the alternating conservative co-hosts of ''Crossfire,'' Pat Buchanan and John Sununu.

David Brinkley did respond to questions, but not about his speaking income. Like Donaldson and others, he rejected the notion that he was a public figure. Asked what he would say to the question posed by members of Congress at the retreat, Brinkley replied, ''It's a specious argument. We are private citizens. We work in the private marketplace. They do not.''

And if a member of Congress asked about his speaking fee, which is reported to be eighteen thousand dollars?

''I would tell him it's none of his business,'' Brinkley said. ''I don't feel that I have the right to ask him everything he does in his private life.''

The syndicated columnist and television regular Robert Novak, who speaks more frequently than Brinkley, also considers himself a private citizen when it comes to the matter of income disclosure. ''I'm not going to tell you how many speeches I do and what my fee is,'' he said politely. Novak, who has been writing a syndicated column for thirty-one years, is highly visible each weekend on CNN as the co-host of the ''Evans & Novak'' interview program and as a regular on ''The Capital Gang.''

What would Novak say to a member of Congress who maintained that he was a quasi-public figure and should be willing to disclose his income from speeches?

''I'm a totally private person,'' he said. ''Anyone who doesn't like me doesn't have to read me. These people, in exchange for power—I have none—they have sacrificed privacy.''

In fact, Novak does seem to view his privacy as less than total; he won't accept fees from partisan political groups, and, as a frequent critic of the Israeli government, he will not take fees from Arab-American groups, for fear of creating an appearance of a conflict of interest. Unlike most private citizens, Novak, and most other journalists, will not sign petitions, or donate money to political candidates, or join protest marches.

Colleagues have criticized Novak and Rowland Evans for organizing twice-a-year forums—as they have since 1971—to which they invite between seventy five and a hundred and twenty-five subscribers to their newsletter, many of whom are business and financial analysts. Those attending pay hundreds of dollars—Novak refuses to say how much—for the privilege of listening to public officials speak and answer questions off the

record. ''You talk about conflicts of interest!'' exclaimed Jack Nelson, the Los Angeles Times Washington bureau chief. ''It is wrong to have government officials come to speak to businesses and you make money off of it.''

Mark Shields, who writes a syndicated column and is the moderator of ''The Capital Gang'' and a regular commentator on ''The MacNeil/Lehrer NewsHour,'' is a busy paid lecturer. Asked how much he earned from speeches last year, he said, ''I haven't even totalled it up.'' Shields said he probably gives one paid speech a week, adding, ''I don't want, for personal reasons, to get into specifics.''

Michael Kinsley, who is the liberal co-host of ''Crossfire,'' an essayist for The New Republic and Time, and a contributor to The New Yorker, is also reluctant to be specific. ''I'm in the worst of all possible positions,'' he said. ''I do only a little of it. But I can't claim to be a virgin.'' Kinsley said he appeared about once every two months, but he wouldn't say what groups he spoke to or how much he was paid. ''I'm going to do a bit more,'' he said. ''I do staged debates—mini 'Crossfire's'—before business groups. If everyone disclosed, I would.''

The New Republic's White House correspondent, Fred Barnes, who is a regular on ''The McLaughlin Group'' and appears on ''CBS This Morning'' as a political commentator, speaks more often than Kinsley, giving thirty or forty paid speeches a year, he said, including the ''McLaughlin'' road show. How would Barnes respond to the question posed by members of Congress?

''They're elected officials,'' he said. ''I'm not an elected official. I'm not in government. I don't deal with taxpayers' money.''

Barnes's ''McLaughlin'' colleague Morton M. Kondracke is the executive editor of Roll Call, which covers Congress. Kondracke said that he gave about thirty-six paid speeches annually, but he would not identify the sponsors or disclose his fee. He believes that columnists have fewer constraints on their speechmaking than so-called objective reporters, since columnists freely expose their opinions.

Gloria Borger, a U.S. News & World Report columnist and frequent ''Washington Week in Review'' panelist, discloses her income from speeches, but only to her employer. Borger said she gave one or two paid speeches a month, but she wouldn't reveal her fee. ''I'm not an elected official,'' she said.

Like Borger, Wolf Blitzer, CNN's senior White House correspondent, said that he told his news organization about any speeches he made. How many speeches did he make in the last year?

''I would guess four or five,'' he said, and repeated that each one was cleared through his bureau chief.

What would Blitzer say to a member of Congress who asked how much he made speaking and from which groups?

''I would tell him 'None of your business,'" Blitzer said.

Two other network chief White House correspondents NBC's Andrea Mitchell and CBS's Rira Braver—also do little speaking. ''I make few speeches,'' Mitchell said. ''Maybe ten a year. Maybe six or seven a year. I'm very careful about not speaking to groups that involve issues I cover.'' She declined to say how much she earned. For Braver, the issue was moot. I don't think I did any,'' she said, referring to paid speeches in the past year.

ABC's ''Prime Time Live'' correspondent Chris Wallace, who has done several investigative pieces on corporate-sponsored congressional junkets, said he made four or five paid speeches last year. ''I don't know exactly,'' he said. Could he remember his fee?

''I wouldn't say,'' he replied.

Did he speak to business groups?

''I'm trying to remember the specific groups,'' he said, and then went on. ''One was the Business Council of Canada. Yes, I do speak to business groups.''

So what is the difference between Chris Wallace and members of Congress who accept paid junkets?

''I'm a private citizen,'' he said, ''I have no control over public funds, I don't make public policy.''

Why did Wallace think that he was invited to speak before business groups?

''They book me because they feel somehow that it adds a little excitement or luster to their event,'' he said. He has been giving speeches since 1980, he said, and ''never once has any group called me afterward and asked me any favor in coverage.''

But isn't that what public officials usually say when Wallace corners them about a junket?

Those who underwrite congressional junkets are seeking ''access'' and ''influence,'' he said, but the people who hire him to make a speech are seeking ''entertainment.'' When I mentioned Wallace's remarks to Norman Pearlstine, the former executive editor of the Wall Street Journal, he said, ''By that argument, we ought not to distinguish between news and entertainment, and we ought to merge news into entertainment.''

ABC's political and media analyst Jeff Greenfield makes a ''rough guess'' that he gives fifteen paid speeches a year, many in the form of panels he moderates before various media groups—cable conventions, newspaper or magazine groups, broadcasting and marketing associations—that are concerned with subjects he regularly covers. ''It's like 'Nightline,' but it's not on the air,'' he said. He would not divulge his fee, or how much he earned in the past twelve months from speeches.

Greenfield argued that nearly everything he did could be deemed a potential conflict. ''I cover cable, but I cover it for ABC, which is sometimes in conflict with that industry,'' he said. Could he accept money to write a magazine piece or a book when he might one day report on the magazine publisher or the book industry? He is uneasy with the distinction that newspapers like the Wall Street Journal or the Washington Post make, which is to prohibit daily reporters from giving paid speeches to corporations or trade associations that lobby Congress and have agendas, yet allow paid college speeches. (Even universities have legislative agendas, Greenfield noted.) In trying to escape this ethical maze, Greenfield concluded, ''I finally decided that I can't figure out everything that constitutes a conflict.''

Eleanor Clift, of Newsweek, who is cast as the beleaguered liberal on ''The McLaughlin Group,'' said that she made between six and eight appearances a year with the group. Her fee for a speech on the West Coast was five thousand dollars, she said, but she would accept less to appear in Washington. She would not disclose her outside speaking income, and said that if a member of Congress were to ask she would say, ''I do disclose. I disclose to the people I work for. I don't work for the taxpayers.''

Christopher Matthews, a nationally syndicated columnist and Washington bureau chief of the San Francisco Examiner, who is a political commentator for ''Good Morning America'' and co-host of a nightly program on America's Talking, a new, NBC-owned cable network, told me last June that he gave between forty and fifty speeches a year. He netted between five and six thousand dollars a speech, he said, or between two and three hundred thousand dollars a year. Like many others, he is represented by the Washington Speakers Bureau, and he said that he placed no limitations on corporate or other groups he would appear before. ''To be honest, I don't spend a lot of time thinking about it,'' he said. ''I give the same speech.''

David S. Broder, of the Washington Post, who has a contract to appear regularly on CNN and on NBC's ''Meet the Press,'' said that he averaged between twelve and twenty-four paid speeches a year, mostly to colleges, and that the speeches are cleared with his editors at the Post. He did not discuss his fee, but Howard Kurtz, the Post's media reporter, said in his recent book ''Media Circus'' that Broder makes up to seventy-five hundred dollars a speech. Broder said he would support an idea advanced by Albert R. Hunt,the Wall Street Journal's Washington editor, to require disclosure as a condition of receiving a congressional press card. To receive a press card now, David Holmes, the superintendent of the House Press Gallery, told me, journalists are called upon to disclose only if they receive more than five per cent of their income from a single lobbying organization. Hunt said he would like to see the four committees that oversee the issuing of congressional press cards—made up of five to seven journalists each—require full disclosure of any income from groups that lobby Congress. He said he was aware of the bitter battle that was waged in 1988, when one committee issued new application forms for press passes which included space for detailed disclosure of outside income. Irate reporters demanded that the application form be rescinded, and it was. Today, the Journal, along with the Washington Post, is among the publications with the strictest prohibitions on paid speeches. Most journalistic organizations forbid reporters to accept money or invest in the stocks of the industries they cover. But the Journal and the Post have rules against reporters' accepting fees from any groups that lobby Congress or from any for-profit groups.

Hunt, who has television contracts with ''The Capital Gang'' and ''Meet the Press,'' said that he averaged three or four speeches a year, mostly to colleges and civic groups, and never to corporations or groups that directly petition Congress, and that he received five thousand dollars for most speeches.

William Safire, the *Times* columnist, who is a regular on ''Meet the Press,'' was willing to disclose his lecture income. ''I do about fifteen speeches a year for twenty thousand dollars a crack,'' he said. ''A little more for overseas and Hawaii.'' Where Safire parts company with Hunt is that he sees nothing wrong with accepting fees from corporations. He said that in recent months he had spoken to A.T. & T., the Pharmaceutical Research and Manufacturers of America, and Jewish organizations. Safire said that because he is a columnist his opinions are advertised, not hidden. ''I believe firmly in Samuel Johnson's dictum 'No man but a blockhead ever wrote except for money,'" he went on. ''I charge for my lectures. I charge for my books. I charge when I go on television. I feel no compunction about it. It fits nicely into my conservative, capitalist—with a capital 'C'—philosophy.''

Tim Russert, the host of ''Meet the Press,'' said that he had given ''a handful'' of paid speeches in the past year, including some to for-profit groups. He said that he had no set fee, and that he was wary of arbitrary distinctions that say lecturing is bad but income from stock dividends is fine. Russert also raised the question of journalists' appearing on shows like ''Meet the Press,'' which, of course, have sponsors. ''Is that a conflict? You can drive yourself crazy on this.''

Few journalists drive themselves crazy over whether to accept speaking fees from the government they cover. They simply don't. But enticements do come from unusual places. One reporter, who asked to remain anonymous, said that he had recently turned down a ten-thousand dollar speaking fee from the Central Intelligence Agency. A spokesman for the C.I.A., David Christian, explained to me, ''We have an Office of Training and Education, and from time to time we invite knowledgeable non-government experts to talk to our people as part of our training program.'' Does the agency pay for these speeches? ''Sometimes we do, and sometimes we don't,'' he said. Asked for the names of journalists who accepted such fees, Christian said the he was sorry but ''the records are scattered.''

Time's Washington columnist, Margaret Carlson, who is a regular on ''The Capital Gang,'' laughed when I asked about her income from speeches and said, ''My view is that I just got on the gravy train, so I don't want it to end.'' Carlson said she gave six speeches last year, at an average of five thousand dollars a speech, including a panel appearance in San Francisco before the American Medical Association (with Michael Kinsley, among others). She made a fair distinction between what she did for a fee and what Treasury Secretary Lloyd Bentsen tried to do in 1987, when, as Senate Finance Committee chairman, he charged lobbyists ten thousand dollars a head for the opportunity to join him for breakfast once a month. ''We are like monkeys who get up onstage,'' Carlson said, echoing Chris Wallace. ''It's mud wrestling for an hour or an hour and a half, and it's over.''

There are journalistic luminaries who make speeches but, for the sake of appearances, do not accept fees. They include the three network-news anchors—NBC's Tom Brokaw, ABC's Peter Jennings and CBS' Dan Rather—all of whom say that they don't charge to speak or they donate their fees to charity. ''We don't need the money,'' Brokaw said. ''And we thought it created an appearance of conflict.'' Others who do not accept fees for speaking are Ted Koppel, of ABC's ''Nightline''; Jim Lehrer, of ''The MacNeil/Lehrer News Hour''; Bob Schieffer, CBS' chief Washington correspondent and the host of ''Face the Nation''; and C-SPAN's Brian Lamb.

ABC's senior Washington correspondent, James Wooten, explained how, in the mid-eighties, he decided to change his ways after a last lucrative weekend: ''I had a good agent and I got a day off on Friday and flew out Thursday after the news and did Northwestern University Thursday night for six thousand dollars. Then I got a rental car and drove to Milwaukee, and in midmorning I did Marquette for five or six thousand dollars. In the afternoon, I went to the University of Chicago, to a small symposium, for which I got twenty-five hundred to three thousand dollars. Then I got on a plane Friday night and came home. I had made fifteen thousand dollars, paid the agent three thousand, and had maybe two thousand in expenses. So I made about ten thousand dollars for thirty-six hours. I didn't have a set speech, I just talked off the top of my head.'' But his conscience told him it was wrong. ''It's easy money,'' Wooten said.

As for me, *The New Yorker* paid my travel expenses to and from the congressional retreat. In the past twelve months, I've given two paid speeches; the first, at New York's Harmonic Club, was to make an opening presentation and to moderate a panel on the battle for control of Paramount Communications, for which I was paid twelve hundred dollars; the second was a speech on the future of the information superhighway at a Manhattan luncheon sponsored by the Baltimore-based investment firm of Alex, Brown & Sons, for which my fee was seventy-five hundred dollars. I don't accept lecture fees from communications organizations.

Like the public figures we cover, journalists would benefit from a system of checks and balances. Journalistic institutions, including *The New Yorker*, too seldom have rigorous rules requiring journalists to check with an editor or an executive before agreeing to make a paid speech; the rules at various institutions for columnists are often even more permissive. Full disclosure provides a disinfectant—the power of shame. A few journalistic institutions, recently shamed, have been taking a second look at their policies. In mid-June, ABC News issued new rules, which specifically prohibit paid speeches to trade associations or to any ''for-profit business.'' ABC's ban—the same one that is in place at the *Wall Street Journal* and the *Washington Post*—prompted Roberts, Donaldson, Brinkley, Wallace, and several other ABC correspondents to protest, and they met in early August with senior news executives. They sought a lifting of the ban, which would allow them to get permission on a case-by-case basis. But a ranking ABC official says. ''We can agree to discuss exceptions but not give any. Their basic argument is greed, for Christ's sake!'' Andrew Lack, the president of NBC News, said that he plans to convene a meeting of his executives to shape an entirely new speaking policy. ''My position is that the more we can discourage our people from speaking for a fee, the better,'' he said. And CBS News now stipulates that all speaking requests must be cleared with the president or the vice-president of news. Al Vecchione, the president of MacNeil/Lehrer Productions, admitted in June to having been embarrassed by the American Journalism Review piece. ''We had a loose policy,'' he said. ''I just finished rewriting our company policy.'' Henceforth, those associated with the program will no longer accept fees to speak to corporate groups or trade associations that directly lobby the government. The New Yorker, according to its executive editor, Hendrik Hertzberg, is in the process of reviewing its policies.

Those who frequently lecture make a solid point when they say that lecture fees don't buy favorable coverage. But corruption can take subtler forms than the quid pro quo, and the fact that journalists see themselves as selling entertainment rather than influence does not wipe the moral slate clean. The real corruption of ''fee speech,'' perhaps, is not that journalists will do favors for the associations and businesses that pay them speaking fees but that the nexus of television and speaking fees creates what Representative Obey called ''an incentive to be even more flamboyant'' on TV—and, to a lesser extent, on the printed page. The television talk shows value vividness, pithiness, and predictability. They prefer their panelists reliably pro or con, ''liberal'' or ''conservative,'' Too much quirkiness can make a show unbalanced; too much complexity can make it dull. Time's Margaret Carlson told me, not entirely in jest, ''I was a much more thoughtful person before I went on TV. But I was offered speeches only after I went on TV.'' Her Time colleague the columnist Hugh Sidey said that when he stopped appearing regularly on television his lecture income shrivelled. Obey wishes that it would shrivel for the rest of the pundit class as well. An attitude of scorn often substitutes for hard work or hard thought and it's difficult to deny that the over-all result of this dynamic is a coarsening of political discourse.

Celebrity journalism and the appearance of conflicts unavoidably erode journalism's claim to public trust. ''My view is that you're going to start having character stories about journalists,'' Jay Rosen, a journalism professor at New York University and the director of the Project on Public Life and the Press, told me recently. ''It's inevitable. If I were a big-name Washington journalist, I'd start getting my accounts together. I don't think journalists are private citizens.''

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[From the American Journalism Review, June 1995]

TAKE THE MONEY AND TALK

(By Alicia C. Shepard)

It's speech time and the Broward County Convention Center in Fort Lauderdale.

ABC News correspondent and NPR commentator Cokie Roberts takes her brown handbag and notebook off of the ''reserved'' table where she has been sitting, waiting to speak. She steps up to the podium where she is gushingly introduced and greeted with resounding applause.

Framed by palm fronds, Roberts begins her speech to 1,600 South Florida businesswomen attending a Junior League-sponsored seminar. Having just flown in from Washington, D.C., Roberts breaks the news of the hours-old arrest of a suspect in the Oklahoma City bombing. She talks of suffragette Susan B. Anthony, of how she misses the late House Speaker Tip O'Neill, of the Republican takeover on Capitol Hill. Then she gives her listeners the inside scoop on the new members of Congress.

''They are very young,'' says Roberts, 52. ''I'm constantly getting it wrong, assuming they are pages. They're darling. They're wildly adept with a blow dryer and I resent them because they call me ma'am.'' The audience laughs.

After talking for an hour on ''Women and Politics,'' Roberts answers questions for 20 minutes. One woman asks the veteran correspondent, who has covered Washington since 1978, when there will be a female president.

''I think we'll have a woman president when a woman is elected vice president and we do in the guy,'' Roberts quips.

This crowd loves her. When Roberts finishes, they stand clapping for several minutes. Roberts poses for a few pictures and is whisked out and driven to the Miami airport for her first-class flight back to Washington.

For her trouble and her time, the Junior League of Greater Fort Lauderdale gave Roberts a check for $35,000. ''She's high, very high,'' says the League's Linda Carter, who lined up the keynote speakers. The two other keynote speakers received around $10,000 each.

The organization sponsored the seminar to raise money for its community projects, using Roberts as a draw. But shelling out $35,000 wouldn't have left much money for, say, the League's foster care or women's substance abuse programs or its efforts to increase organ donors for transplants.

Instead, Roberts tab was covered by a corporate sponsor. JM Family Enterprises. The $4.2 billion firm is an umbrella company for the largest independent American distributor of Toyotas. The second-largest privately held company in Florida, it provides Toyotas to 164 dealerships in five southern states and runs 20 other auto-related companies.

But Roberts doesn't want to talk about the company that paid her fee. She doesn't like to answer the kind of questions she asks politicians. She won't discuss what she's paid, whom she speaks to, why she does it or how it might affect journalism's credibility when she receives more money in an hour-and-a-half from a large corporation than many journalists earn in a year.

''She feels strongly that it's not something that in any way shape or form should be discussed in public.'' ABC spokeswoman Eileen Murphy said in response to AJR's request for an interview with Roberts.

Roberts' ABC colleague Jeff Greenfield, who also speaks for money, doesn't think it's a good idea to duck the issue. ''I think we ought not not talk about it.'' he says. ''I mean that's Cokie's right, obviously,'' he adds, but ''if we want people to answer our questions, then up to a reasonable point, we should answer their questions.''

The phenomenon of journalists giving speeches for staggering sums of money continues to dog the profession. Chicago Tribune Washington Bureau Chief James Warren has created a cottage industry criticizing colleagues who speak for fat fees. Washington Post columnist James K. Glassman believes the practice is the ''next great American scandal.'' Iowa Republican Sen. Charles Grassley has denounced it on the Senate floor.

A number of news organizations have drafted new policies to regulate the practice since debate over the issue flared a year ago (see ''Talk is Expensive,'' May 1994). Time magazine is one of the latest to do so, issuing a flat-out ban on honoraria in April. The Society for Professional Journalists, in the process of revising its ethics code, is wrestling with the divisive issue.

The eye-popping sums star journalists receive for their speeches, and the possibility that they may be influenced by them, have drawn heightened attention to the practice, which is largely the province of a relatively small roster of well-paid members of the media elite. Most work for the television networks or the national news weeklies; newspaper reporters, with less public visibility, aren't asked as often.

While the crescendo of criticism has resulted in an official crackdown at several news organizations—as well as talk of new hardline policies at others—it's not clear how effective the new policies are, since no public disclosure system is in place.

Some well-known journalists, columnists and ''Crossfire'' host Michael Kinsley and U.S. News & World Report's Steven V. Roberts among them, scoff at the criticism. They assert that it's their right as private citizens to offer their services for whatever the market will bear, that new policies won't improve credibility and that the outcry has been blown out of proportion.

But the spectacle of journalists taking big bucks for speeches has emerged as one of the high-profile ethical issues in journalism today.

''Clearly some nerve has been touched,'' Warren says. ''A nerve of pure, utter defensiveness on the part of a journalist trying to rationalize taking [honoraria] for the sake of their bank account because the money is so alluring.''

A common route to boarding the lecture gravy train is the political talk show. National television exposure raises a journalist's profile dramatically, enhancing the likelihood of receiving lucrative speaking offers.

The problem is that modulated, objective analysis is not likely to make you a favorite on ''The Capital Gang'' or ''The McLaughlin Group.'' Instead, reporters who strive for objectivity in their day jobs are often far more opinionated in the TV slugfests.

Time Managing Editor James R. Gaines, who issued his magazine's recent ban on accepting honoraria, sees this as another problem for journalists' credibility, one he plans to address in a future policy shift. ''Those journalists say things we wouldn't let them say in the magazine. . . .'' says Gaines, whose columnist Margaret Carlson appears frequently on ''The Capital Gang.'' ''It's great promotion for the magazine and the magazine's journalists. But I wonder about it when the journalists get into that adversarial atmosphere where provocation is the main currency.''

Journalists have been ''buckraking'' for years, speaking to trade associations, corporations, charities, academic institutions and social groups. But what's changed is the amount they're paid. In the mid-1970s, the fees peaked at $10,000 to $15,000, say agents for speakers bureaus. Today, ABC's Sam Donaldson can get $30,000, ABC's David Brinkley pulls in $18,000 and the New York Times' William Safire can command up to $20,000.

When a $4.2 billion Toyota distributor pays $35,000 for someone like Cokie Roberts, or a trade association pays a high-profile journalist $10,000 or $20,000 for an hour's work, it inevitably raises questions and forces news executives to re-examine their policies.

That's what happened last June at ABC. Richard Wald, senior vice president of news, decided to ban paid speeches to trade associations and for-profit corporations—much to the dismay of some of ABC's best-paid correspondents. As at most news organizations, speaking to colleges and nonprofits is allowed.

When Wald's policy was circulated to 109 employees at ABC, some correspondents howled (see Free Press, September 1994). Protests last August from Roberts, Donaldson, Brinkley, Greenfield, Brit Hume and others succeeded only in delaying implementation of the new guidelines. Wald agreed to ''grandfather in'' speeches already scheduled through mid-January. After that, if a correspondent speaks to a forbidden group, the money must go to charity.

''Why did we amend it? Fees for speeches are getting to be very large,'' Wald says. ''When we report on matters of national interest, we do not want it to appear that folks who have received a fee are in any way beholden to anybody other than our viewers. Even though I do not believe anybody was every swayed by a speech fee. I do believe that it gives the wrong impression. We deal in impressions.''

The new policy has hurt, says ABC White House correspondent Ann Compton. Almost a year in advance, Compton agreed to speak to the American Cotton Council. But this spring, when she spoke to the trade group, she had to turn an honorarium of ''several thousand dollars'' over to charity. Since the policy went into effect, Compton has turned down six engagements that she previously would have accepted.

''The restrictions how have become so tight, it's closed off some groups and industries that I don't feel I have a conflict with,'' says Compton, who's been covering the White House off and on since 1974. ''It's closed off, frankly, the category of organizations that pay the kind of fees I get.'' She declines to say what those fees are.

And it has affect her bank account. ''I've got four kids . . .'' Compton says. ''It's cut off a significant portion of income for me.''

Some speakers bureaus say ABC's new policy and criticism of the practice have had an impact.

''It has affected us, definitely,'' says Lori Fish of Keppler Associates in Arlington, Virginia, which represents about two dozen journalists. ''More journalists are conscious of the fact that they have to be very particular about which groups they accept honoraria from. On our roster there's been a decrease of some journalists accepting engagements of that sort. It's mainly because of media criticism.''

Other bureaus, such as the National Speakers Forum and the William Morris Agency, say they haven't noticed a difference. ''I can't say that the criticism has affected us,'' says Lynn Choquette, a partner at the speakers forum.

Compton, Donaldson and Greenfield still disagree with Wald's policy but, as they say, he's the boss.

''I believe since all of us signed our contracts with the expectation that the former ABC policy would prevail and took that into account when we agreed to sign our contracts for X amount,'' Donaldson says, ''it was not fair to change the policy midstream.'' Donaldson says he has had to turn down two speech offers.

Greenfield believes the restrictions are unnecessary.

''When I go to speak to a group, the idea that it's like renting a politician to get his ear is not correct,'' he says. ''We are being asked to provide a mix of entertainment and information and keep audiences in their seats at whatever convention so they don't go home and say, 'Jesus, what a boring two-day whatever that was.' ''

Most agree it's the size of the honoraria that is fueling debate over the issue. ''If you took a decimal point or two away, nobody would care,'' Greenfield says. ''A lot of us are now offered what seems to many people a lot of money. They are entertainment-size sums rather than journalistic sizes.''

And Wald has decided ''entertainment-size sums'' look bad for the network, which has at least a dozen correspondents listed with speakers bureaus. It's not the speeches themselves that trouble Wald. ''You can speak to the American Society of Travel Agents or the Electrical Council.'' he says, ''as long as you don't take money from them.''

But are ABC officials enforcing the new policy? ''My suspicion is they're not, that they are chickenshit and Cokie Roberts will do whatever the hell she wants to do and they don't have the balls to do anything,'' says the Chicago Tribune's Warren, whose newspaper allows its staff to make paid speeches only to educational institutions.

There's obviously some elasticity in ABC's policy. In April, Greenfield, who covers media and politics, pocketed $12,000 from the National Association of Broadcasters for speaking to 1.000 members and interviewing media giants Rupert Murdoch and Barry Diller for the group. Wald says that was acceptable.

He also says it was fine for Roberts to speak to the Junior League-sponsored business conference in Fort Lauderdale, even though the for-profit JM Family Enterprises paid her fee.

''As long as the speech was arranged by a reasonable group and it carried with it no tinct from anybody, it's okay,'' says Wald. ''I don't care where they [the Junior League] get their money.''

Even with its loopholes, ABC has the strictest restrictions among the networks. NBC, CBS and CNN allow correspondents to speak for dollars on a case-by-case basis and require them to check with a supervisor first. Last fall, Andrew Lack, president of NBC News, said he planned to come up with a new policy. NBC spokesperson Lynn Gardner says Lack has drafted the guidelines and will issue them this summer. ''The bottom line is that Andrew Lack is generally not in favor of getting high speaking fees,'' she says.

New Yorker Executive Editor Hendrik Hertzberg also said last fall that his magazine would review its policy, under which writers are supposed to consult with their editors in ''questionable cases.'' The review is still in progress. Hertzberg says it's likely the magazine will have a new policy by the end of the year.

''There's something aesthetically offensive to my idea of journalism for American journalists to be paid $5,000, $10,000 or $20,000 for some canned remarks simply because of his or her celebrity value,'' Hertzberg says.

Rewriting a policy merely to make public the outside income of media personalities guarantees resistance, if not outright hostility. Just ask John Harwood of the Wall Street Journal's Washington bureau. This year, Harwood was a candidate for a slot on the committee that issues congressional press passes to daily print journalists.

His platform included a promise to have daily correspondents list outside sources of income—not amounts—on their applications for press credentials. Harwood's goal was fuller disclosure of outside income, including speaking fees.

''I'm not trying to argue in all cases it's wrong,'' says Harwood. ''But we make a big to-do about campaign money and benefits lawmakers get from special interests and I'm struck by how many people in our profession also get money from players in the political process.''

Harwood believes it's hypocritical that journalists used to go after members of Congress for taking speech fees when journalists do the same thing. (Members of Congress are no longer permitted to accept honoraria.)

''By disclosing the people who pay us,'' says Harwood, ''we let other people who may have a beef with us draw their own conclusions. I don't see why reporters should be afraid of that.''

But apparently they are. Harwood lost the election.

''I'm quite certain that's why John lost,'' says Alan J. Murray, the Journal's Washington bureau chief, who made many phone calls on his reporter's behalf. ''There's clearly a lot of resistance,'' adds Murray, whose newspaper forbids speaking to for-profit companies, political action committees and anyone who lobbies Congress. ''Everybody likes John. But I couldn't believe how many people said—even people who I suspect have very little if any speaking incomes—that it's just nobody's business. I just don't buy that.''

His sentiment is shared in the Periodical Press Gallery on Capitol Hill, where magazine reporters applying for press credentials must list sources of outside income. But in the Radio-Television Correspondents Gallery, where the big-name network reporters go for press credentials, the issue of disclosing outside income has never come up, says Kenan Block, a ''MacNeil/Lehrer NewsHour'' producer.

''I've never heard anyone mention it here and I've been here going on 11 years,'' says Block, who is also chairman of the Radio-Television Correspondents Executive Committee. ''I basically feel it's not our place to police the credentialed reporters. If you're speaking on the college circuit or to groups not terribly political in nature, I think, If anything, people are impressed and a bit envious. It's like, 'More power to them.'''

But the issue of journalists' honoraria has been mentioned at Block's program.

Al Vecchione, president of McNeil/Lehrer Productions, says he was ''embarrassed'' by AJR's story last year and immediately wrote a new policy. The story reported that Robert MacNeil accepted honoraria, although he often spoke for free; partner Jim Lehrer said he had taken fees in the past but had stopped after his children got out of college.

''We changed [our policy] because in reading the various stories and examining our navel, we decided it was not proper,'' Vecchione says. ''While others may do it, we don't think it's proper. Whether in reality it's a violation or not, the perception is there and the perception of it is bad enough.''

MacNeil/Lehrer's new policy is not as restrictive as ABC's, however. It says correspondents ''should avoid accepting money from individuals, companies, trade associations or organizations that lobby the government or otherwise try to influence issues the NewsHour or other special * * * programs may cover.''

As is the case with many of the new, stricter policies, each request to speak is reviewed on a case-by-case basis. That's the policy at many newspapers and at U.S. News.

Newsweek tightened its policy last June. Instead of simply checking with an editor, staffers now have to fill out a form if they want to speak or write freelance articles and submit it to Ann McDaniel, the magazine's chief of correspondents.

''The only reason we formalized the process is because we thought this was becoming more popular than it was 10 years ago,'' McDaniel says, ''We want to make sure [our staff members] are not involved in accepting compensation from people they are very close to. Not because we suspect they can be bought or that there will be any improper behavior but because we want to protect our credibility.''

Time, on the other hand, looked at all the media criticism and decided to simply end the practice. In an April 14 memo. Managing Editor Gaines told his staff, ''The policy is that you may not do it.

Gaines says the new policy was prompted by ''a bunch of things that happened all at once.'' He adds that ''a lot of people were doing cruise ships and appearances and have some portion of their income from that, so their ox is gored.''

The ban is not overwhelmingly popular with Time staffers. Several, speaking on a not-for-attribution basis, argue that it's too tough and say they hope to change Gaines' mind. He says that won't happen, although he will amend the policy to allow paid speeches before civic groups, universities and groups that are ''clearly not commercial.''

''Academic seminars are fine,'' he says. ''If some college wants to pay expenses and a $150 honorarium, I really don't have a problem with that.''

Steve Roberts, a senior writer with U.S. News & World Report and Cokie Roberts' husband, is annoyed that some media organizations are being swayed by negative publicity. He says there's been far too much criticism of what he believes is basically an innocuous practice. Roberts says journalists have a right to earn as much as they can by speaking, as long as they are careful about appearances and live by high ethical standards.

''This whole issue has been terribly overblown by a few cranks,'' Roberts says. ''As long as journalists behave honorably and use good sense and don't take money from people they cover, I think it's totally legitimate. In fact, my own news organization encourages it.''

U.S. News not only encourages it, but its public relations staff helps its writers get speaking engagements.

Roberts says U.S. News has not been intimidated by the ''cranks,'' who he believes are in part motivated by jealousy. ''I think a few people have appointed themselves the critics and watchdogs of our profession. I, for one, resent it.''

His chief nemesis is Jim Warren, who came to Washington a year-and-a-half ago to take charge of the Chicago Tribune's bureau. Warren, once the Tribune's media writer, writes a Sunday column that's often peppered with news flashes about which journalist is speaking where and for how much. The column includes a ''Cokie Watch.'' named for Steve Roberts' wife of 28 years, a woman Warren has written reams about but has never net.

''Jim Warren is a reprehensible individual who has attacked me and my wife and other people to advance his own visibility and his own reputation,'' Roberts asserts. ''He's on a crusade to make his own reputation by tearing down others.''

While Warren may work hard to boost his bureau's reputation for Washington coverage, he is best known for his outspoken criticism of fellow journalists. Some reporters cheer him on and fax him tips for ''Cokie Watch.'' Others are highly critical and ask who crowned Warren chief of the Washington ethics police.

Even Warren admits his relentless assault has turned him into a caricature.

''I'm now in the Rolodex as inconoclast, badass Tribune bureau chief who writes about Cokie Roberts all the time,'' says Warren, who in fact doesn't. ''But I do get lots of feedback from rank-and-file journalists saying, 'Way to go. You're dead right.' It obviously touches a nerve among readers.''

So Warren writes about Cokie and Steve Roberts getting $45,000 from a Chicago bank for a speech and the traveling team of television's ''The Capital Gang'' sharing $25,000 for a show at Walt Disney World. He throws in parenthetically that Capital Gang member Michael Kinsley ''should know better.''

Kinsley says he would have agreed a few years ago, but he's changed his tune. He now believes there are no intrinsic ethical problems with taking money for speaking. He does it, he wrote in The New Republic in May, for the money, because it's fun and it boosts his ego.

''Being paid more than you're worth is the American dream,'' he wrote. ''I see a day when we'll all be paid more than we're worth. Meanwhile, though, there's no requirement for journalists, alone among humanity, to deny themselves the occasional fortuitous tastes of this bliss.''

To Kinsley, new rules restricting a reporter's right to lecture for largesse don't accomplish much.

''Such rules merely replace the appearance of corruption with the appearance of propriety,'' he wrote. ''What keeps journalists on the straight and narrow most of the time is not a lot of rules about potential conflicts of interest, but the basic reality of our business that a journalist's product it out there for all to see and evaluate.''

The problem, critics say, is that without knowing who besides the employer is paying a journalist, the situation isn't quite that clear-cut.

Jonathan Salant, president of the Washington chapter of the Society of Professional Journalists, cites approvingly a remark by former Washington Post Executive Editor Ben Bradlee in AJR's March issue: ''If the Insurance Institute of America, if there is such a thing, pays you $10,000 to make a speech, don't tell me you haven't been corrupted. You can say you haven't and you can say you will attack insurance issues in the same way, but you won't. You can't.''

Salant thinks SPJ should adopt an absolute ban on speaking fees as it revises its ethics code. Most critics want some kind of public disclosure at the very least.

Says the Wall Street Journal's Murray, ''You tell me what is the difference between somebody who works full time for the National Association of Realtors and somebody who takes $40,000 a year in speaking fees from Realtor groups. It's not clear to me there's a big distinction. I'm not saying that because you take $40,000 a year from Realtors that you ought to be thrown out of the profession. But at the very least, you ought to disclose that.''

And so Murray is implementing a disclosure policy. By the end of the year, the 40

journalists working in his bureau will be required to list outside income in a report that will be available to the public.

''People are not just cynical about politicians,'' says Murray. ''They are cynical about us. Anything we can do to ease that cynicism is worth doing.''

Sen. Grassley applauds the move. Twice he has taken to the floor of the Senate to urge journalists to disclose what they earn on the lecture circuit.

''It's both the amount and doing it,'' he says. ''I say the pay's too much and we want to make sure the fee is disclosed. The average worker in my state gets about $21,000 a year. Imagine what he or she thinks when a journalist gets that much for just one speech?''

Public disclosure, says Grassley, would curtail the practice.

Disclosure is often touted as the answer. Many journalists, such as Kinsley and Wall Street Journal columnist Al Hunt—a television pundit and Murray's predecessor as bureau chief—have said they will disclose their engagements and fees only if their colleagues do so as well.

Other high-priced speakers have equally little enthusiasm for making the information public. ''I don't like the idea,'' says ABC's Greenfield. ''I don't like telling people how much I get paid.''

But one ABC correspondent says he has no problem with public scrutiny. John Stossel, a reporter on ''20/20,'' voluntarily agreed to disclose some of the ''absurd'' fees he's earned. Last year and through March of this year Stossel raked in $160,430 for speeches—$135,280 of which was donated to hospital, scholarship and conservation programs.

''I just think secrecy in general is a bad thing,'' says Stossel, who did not object to ABC's new policy. ''We [in the media] do have some power. We do have some influence. That's why I've come to conclude I should disclose, so people can judge whether I can be bought.''

(Stossel didn't always embrace this notion so enthusiastically. Last year he told AJR he had received between $2,000 and $10,000 for a luncheon speech, but wouldn't be more precise.)

Brian Lamb, founder and chairman of C-SPAN, has a simpler solution, one that also has been adopted by ABC's Peter Jennings, NBC's Tom Brokaw and CBS' Dan Rather and Connie Chung. They speak, but not for money.

''I never have done it,'' Lamb says. ''It sends out one of those messages that's been sent out of this town for the last 20 years: Everybody does everything for money. When I go out to speak to somebody I want to have the freedom to say exactly what I think. I don't want to have people suspect that I'm here because I'm being paid for it.''

On February 20, according to the printed program, Philip Morris executives from around the world would have a chance to listen to Cokie and Steve Roberts at 7 a.m. while enjoying a continental breakfast. ''Change in Washington: A Media Perspective with Cokie and Steve Roberts,'' was the schedule event at the PGA resort in Palm Beach during Philip Morris' three-day invitational golf tournament.

A reporter who sent the program to AJR thought it odd that Cokie Roberts would speak for Philip Morris in light of the network's new policy. Even more surprising, he thought, was that she would speak to a company that's suing ABC for libel over a ''Day One'' segment that alleged Philip Morris adds nicotine to cigarettes to keep smokers addicted. The case is scheduled to go to trial in September.

At the last minute, Cokie Roberts was a no-show, says one of the organizers. ''Cokie was sick or something'' says Nancy Schaub of Event Links, which put on the golf tournament for Philip Morris. ''Only Steve Roberts came.''

Cokie Roberts won't talk to AJR about why she changed her plans. Perhaps she got Dick Wald's message.

''Of course, it's tempting and it's nice,'' Wald says of hefty honoraria. ''Of course, they [ABC correspondents] have rights as private citizens. It's not an easy road to go down. But there are some things you just shouldn't do and that's one of them.''

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[From the Columbia Journalism Review, May–June 1995]

WHERE THE SUN DOESN'T SHINE—FINANCIAL DISCLOSURE FOR JOURNALISTS DOESN'T FLY

(By Jamie Stiehm)

Journalists don't like to politick on their own behalf; they'd much rather cover politics as a spectator sport. But every so often a few souls in Washington are asked—if not told—by their bureau chiefs to run for the prestigious Standing Committee of Correspondents in one of the congressional press galleries. In the case of the daily newspaper gallery, this is an inner circle, democratically elected, that makes important logistical decisions affecting coverage of both Congress and the national political conventions. Hence the tendency of the bigger newspapers and wire services to exercise their clout to get their people in there.

So this year, chances are that if he had kept quiet, John Harwood of the Wall Street Journal, the only candidate from one of the ''Big Four'' national newspapers, would have won. But instead, Harwood chose to ignite a controversial issue that has divided the journalistic community ever since Ken Auletta's September 12 New Yorker article made it the talk of the town: whether journalists should disclose to their peers and the public their ''outside income''—that is, income earned from speeches and sources other than their day jobs.

''I think it's time we do a better job of disclosing the sort of potential conflicts we so often expose in the case of public officials,'' Harwood wrote to 2,000 colleagues in a campaign letter. In an interview, he adds, ''Given the impact the media have on public policy discussions, we should be willing to subject ourselves to more scrutiny.''

This philosophy did not play too well with the masses. As they paid campaign calls around town, Harwood and the Journal's Washington bureau chief, Alan Murray, could hardly help noticing that the disclosure proposal did not excite enthusiasm. ''I was surprised,'' Murray states flatly, ''to find out so many of my colleagues oppose the right thing to do.''

Yet only a handful of daily gallery members, the so-called celebrity journalists who make substantial money from speaking engagements, would likely have serious outside income to disclose. (Harwood himself says that he earned only $300 last year from an outside source, for a speech he gave to the World Affairs Council.) The vast majority of the gallery members are beat reporters who might reasonably resent what some see as an invasion of privacy. ''What business of the gallery is it what my income is?'' says Stephen Green, of Copley News Service, who also ran and lost. ''People who are paying your salary should decide whether you have a conflict or not.'' Alan Fram of The Associated Press, the big winner, opposed disclosure partly on the ground that reporters are private citizens, not public officials.

Fram and Green see ''philosophical perils,'' as Green put it, in ''licensing'' reporters by requiring them to reveal certain facts and activities. ''That opens up a door we don't want to walk through,'' says Fram. ''What's the next step? Voting registration?''

Of the three press galleries that accredit reporters on Capitol Hill—the daily, periodical, and radio-TV galleries—only the periodical press gallery requires members to list all sources of earned income. This rule has always applied to the periodical gallery, largely because it receives more applications from people who might be moonlighting as trade association lobbyists, government consultants, or corporate newsletter writers.

Harwood argues that he only wants the daily gallery to do what the periodical gallery already does: put the sources, not the amounts, of outside income on record for any other gallery member to look up. He would go one step further, however, and make records available to the general public, not just journalistic peers: ''Put the judgment out there.''

Would writing these things down prevent anything impure from taking place? Maybe: environmental lawyers, for example, have found that the most effective laws are the ''sunshine'' statutes that made certain polluting practices less common simply by requiring companies to report them.

Anyway, the results are in. Out of a field of five, Harwood lost narrowly to the three winners: Fram of AP, Sue Kirchhoff of Reuters, and Bill Welch of USA Today, none of whom share his views. Is financial disclosure for journalists an idea whose time has come? If Harwood's loss is a good sounding of the current state of journalistic opinion, the answer is: not yet.

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[From the Rocky Mountain News, Sept. 17, 1995]

MEDIA MORALITY: JOURNALISTS WHO PLAY LOOSE WITH RULES COMPROMISE CREDIBILITY

Lots of people hate journalists, and who can blame them?

We can be sanctimonious scolds and know-it-all nags.

We're full of unsolicited advice for every politician, police chief, pro athlete and parent, but when somebody turns the spotlight on our own behavior, we can react like Richard Nixon in bunker mode.

We expect leaders of government and private industry to live by rules that we sometimes don't apply to ourselves. We also expect those same leaders to drop what they're doing and talk to us whenever we have questions—often embarrassing ones—for them. But nobody is more defensive or evasive than a journalist who finds herself on the wrong end of the microphone.

Example: ABC News talking head Cokie Roberts recently caught some well-deserved grief for her outrageous speaking fees (such as $35,000 for a quick performance in Fort Lauderdale earlier this year). She became so annoyed with questions about her lucrative sideline that she quit talking to the press about the subject. If Roberts were a politician, she'd be badgered to a frazzle if she tried to get away with such arrogance, but some big-time journalists go easy on their peers.

In recent weeks, though, the extravagant speaking fees pulled down by such celebrity pundits as Roberts, David Brinkley, Michael Kinsley and William Safire have finally penetrated the public's consciousness. As a result, the skittish bosses of some of the new punditocracy have been re-examining their rules.

Roberts' boss at ABC handed down a new policy that prohibits his staff from accepting a speaking fee from ''any group which you cover or might reasonably expect to cover'' in the future. If journalists could accurately predict what next week's news is going to be, that rule might make some sense. In real

life, the rule has done little to curb ABC's speakers-for-hire.

The simpler and more honest rule was the one set down by James Gaines, managing editor of Time: ''To be sure that everyone knows our policy on accepting fees and/or expenses for outside speaking engagements . . . I want to make it perfectly clear: The policy is that you may not do it.''

This issue is not about forcing Cokie Roberts to get by on the sad little salary that ABC pays her for what is supposed to be her real job. Instead, it is about preserving the most important commodity that she has to offer: credibility.

When you're willing to rent yourself out for $35,000 a night—and worse yet, when you're unwilling to reveal the identities of the customers who have rented you—how can you expect your audience to have any faith in the integrity of your work?

That's not the only way in which the new punditocracy cashes in while compromising its credibility. Another example; Roberts' ABC colleague, George Will, is similarly mum about the various conflicts of interests that he and his lobbyist wife have created for themselves.

When Will writes about the businesses and foreign governments his wife has been paid to represent, he doesn't bother to disclose the connection to his readers. He also didn't let readers in on the depth of his chummy connections with the Reagans and their underlings during their years in power.

This isn't a partisan issue. How are we supposed to trust the objectivity of the celebrity journalists who have spent past Renaissance weekends palling around with Bill and Hillary Clinton at an exclusive South Carolina retreat?

This also isn't an issue limited to a handful of media fat cats. many journalists have to worry about the potential for similar conflict on a smaller scale.

Only a very few of us have to worry about the morality of huge speaking fees. Most of us are underpaid by the standards of other professions and seldom get more than a chicken dinner at the Kiwanis Club for our oratorical efforts.

Even then, we're supposed to get an editor's approval before agreeing to make such an appearance. Still, we humble journalists who never get invited on Crossfire can be self-indulgent other ways:

A few familiar TV faces such as Roberts and Will get all the attention, but there is a glut of lazy, overcautious Washington journalists who cut a symbiotic deal with the city's public officials in which they agree to pretend to take each other seriously.

I once watched a Washington reporter spend two entire workdays planning a dinner party—and he considered it real work—because the party would give him a chance to ''network'' with administration functionaries.

We can be almost cavalier about ''downsizing'' at dozens of Fortune 500 corporations, but when a newspaper folds, or when the bloated Los Angeles Times lays off some newsroom employees, we treat it like a national disaster. And we may yawn when truckers or textile workers are involved in an extended strike or lockout, but when members of Detroit's newspaper guild find themselves on the picket lines, we can get downright weepy.

We trumpet our Pulitizers and the other prizes of our industry, but we tend to relegate the major awards in other professions to the back pages and tiny print—assuming they're deemed worthy publishing at all.

And more and more ''journalists'' are making a career out of talking and writing about themselves; their kids, their parents, their hobbies and illnesses and psychic complaints. Journalism used to be about reporting on the lives of other people, but that can take a lot of time and trouble. And besides, our own lives are so fascinating.

Despite this creed, most of the journalists I know are honest and work pretty hard, and their egos are no more insufferable than the average lawyer's, insurance agent's. And journalism offers more creative satisfaction and redeeming social value than most other professions when it's done right. * * *

Mr. Chairman, disclosure is only a solution to this problem, and I would never suggest that members of the press be prohibited from earning outside income. On the contrary, I want to suggest that the public deserves the right to know which members of the press special-interest lobbies have paid money to. Lobbies are required to disclose which Members of Congress they have financial ties to, and they should be required to disclose which members of the press they have paid honoraria to.

Please do not misunderstand, I am not suggesting that organizations such as the Kiwanis or the Lion's Club should have to disclose any honoraria that it pays to a member of the media. My amendment makes clear that only registered lobbyists are required to disclose any honoraria that it makes available to a member of the media.

Further, I do not expect that my amendment will place an onerous burden on the lobby community. The disclosure of all honoraria to members of the media will be incorporated into a report that lobbyist will already be required to submit to the Clerk of the House of Representatives and the Secretary of the Senate.

As for the Senate, that Chamber has already made clear its intentions toward this matter. This summer the Senate passed Senate Resolution 162, recommending that each accredited member of the Senate Press Gallery file an annual public report with the Secretary of the Senate disclosing the member's primary employer and any additional sources and amounts of earned outside income. Well, I am not suggesting that our Chamber enact similar provisions tomorrow, but that we once again reinforce to the public that they are correct—they do have the right to know if there is even the slightest hint of impropriety—whether it be in the halls of Congress or in the newspaper article in their hand.

This is lobbying reform, my colleagues. This amendment strengthens the bill, and I ask for bipartisan support.

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

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this evening I have spoken in opposition to a number of amendments on the grounds that I believe that the amendments would interfere with our success in passing meaningful lobbyist disclosure reform. Some of those amendments are amendments that I would support. I have to say that this is an amendment about which I have some serious doubts. I believe that there are serious first amendment issues that are raised by this amendment, and I respect my colleague, the gentleman from Illinois [Mr. WELLER], and I understand his motivation to address this, some abuses that may have occurred, in a responsible way, however I have a question about where would we stop if we require this sort of disclosure with respect to activities of people in the media? What would be the next sort of disclosure that we would require? Are we going to get involved in a process of policing the media to make certain who is influencing the media and who is not influencing the media?

Mr. Chairman, I think that leads us down a path that is fraught with problems and could lead to a threat to the freedom of the press in this country.

Now I tell my colleagues the truth. I do no like a lot of what the press has to say. I think the media is biased in many respects. But we have a Constitution in this country, and we have protected the freedom of the press that is inconvenient at times. It is inconvenient to those of us who are in public office when we feel that we have been unfairly attacked. But that is the system of government that our Founders gave us, and I believe that on balance that is a very good system, and I would much rather have a free press that is free from time to time to be irresponsible, that is free all the time to be biased, than to have a press that is policed by people sitting in a Chamber such as this, and I am opposed to any effort that would start us down that road.

Now I am also puzzled by this amendment. In some ways it is extremely underinclusive in dealing with the issue that it apparently attempts to address.

□ 2310

The fact of the matter is that people who work for newspapers and other media outlets are employed by persons and corporations that themselves lobby the Congress and have significant interests before the Congress. The people that are paying their salaries have interests in matters here, and many media outlets have lobbyists or hire lobbyists that come before the Congress. So to focus simply on this issue of honoraria given to Members of the press by people who lobby, by registered lobbyists, I do not think addresses the issue that even the gentleman would purport to address.

However, if it did address it, I would still have the concerns that I expressed about the implications that this has for first amendment rights. Again, I understand the gentleman's motivation. I believe that he is motivated with pure motives, but I do not believe that this is the sort of step we should take.

Furthermore, I will guarantee you that this is the sort of amendment that would have a great potential for derailing this bill. I believe that it is the sort

of baggage that would virtually guarantee an extended battle over this in a conference committee, and also provoke a Presidential veto of the bill.

This is not an amendment that we need on this bill. I think that if there is any need to look at this issue, it should be looked at in the committee process, and as the chairman of the Subcommittee on the Constitution, with responsibility for issues related to the first amendment, I would be happy to work with the gentleman and look at his concerns, but I believe we need to reject this amendment.

I believe that if we adopted the amendment, we would not only act to impede our progress on this critical issue of lobbying disclosure reform, but we would start moving down a road that could lead to some serious infringements of first amendment rights in this country.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the chairman of the subcommittee has done a very good job of pointing out the substantive problems with this amendment. Let me just add a little bit to his analysis.

Mr. Chairman, we do regulate the relationship lobbyists have to us. In the Senate, they are seeking to regulate the relationship that journalists have to the Senate through getting a credential. This, unfortunately, goes, I think, a step too far in regulation, because it regulates the relationships of two wholly private entities to each other. That is, the gentleman said, should there not be as much accountability on the press as on us? No, not as much because they are private. I would like to be able to make changes there, and I reject those in the press who argue that there should not be any scrutiny of them, et cetera. But there cannot be an equivalent in the way we deal with them officially.

Yes, we have a right to require lobbyists to report on what they do with us. The Senate has a right, I believe, to require some disclosure on their journalists who get credentials, although you may agree or disagree with the substance. However, this amendment is one in which lobbyists and the press are being regulated. Let us be very explicit, that compulsory disclosure is, of course, a form of regulation. We had the Burton amendment today. It did not pass but it got a lot of votes. What the gentleman from Indiana said was the best way to regulate this is to require disclosure.

We do not have as a Government entity the right, in my judgment, to go to two purely private entities and say, ''You must tell us what you are paying that one.'' I would say, particularly to my friends on the other side who are advocates of more limited government, this would be a very significant expansion of Government regulatory power, to say that we will require the public disclosure of what A pays to B, when neither one of them is in that transaction directly affecting the Government.

Would I like to know it? Sure. I think it would be embarrassing to many journalists if we got that information, and embarrassing journalists is one of my favorite things to do. I like to embarrass journalists. But I do think that we have to abide by the Constitution, and having a Federal regulatory scheme imposed on the relationships of lobbyists who are in the private sector and journalists in the private sector and their private interrelationship does, in my judgment, transgress the first amendment. Therefore, I think this would be a mistake, in addition to the other reasons.

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

Mr. WELLER. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, my colleagues make reference to the first amendment rights of members of the media. This amendment respects those rights.

To the contrary, this amendment provides to those Members of the media that do not accept honoraria, and of course, an endorsement of the fact that there be an objective in their not receiving fees.

The fact is this amendment places the burden of disclosure not on the reporter but on the lobbying community, not the press. The public has a right to know if a reporter is receiving a $30,000 fee, speaking fee, from a lobbying organization, a registered lobbyist, and then does a story, reporting on that very issue important to special interest that the lobbyist represents, the public has the right to know.

☐ 2320

This is simply disclosure. No one is stopping that reporter from collecting that speaking fee.

Mr. Chairman, I would like to ask how much time remains?

The CHAIRMAN. The gentleman from Illinois has 8 minutes remaining.

Mr. WELLER. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina, Mr. GRAHAM.

Mr. GRAHAM. Mr. Chairman, the gentleman from Massachusetts has a very keen mind and I think raises a good point. I am a lawyer, and I do not claim to be a constitutional scholar, but I do believe that the purpose of the amendment fits well within what we are trying to do here in Congress.

Mr. Chairman, we are trying to open up the political process so that people can understand how it works, who is involved, and exactly where everyone is coming from. I do believe that it is lawful to regulate lobbying activities in regard to how this body operates. I believe it is an appropriate thing to have lobbyists disclose many facets of their business enterprise, because their efforts are to affect public policy. They have registered. They have set themselves apart as their business, and as their business affects the Nation's business, I think we need to know.

Now, we have come to a time to where the media has taken a very, I think, clear and appropriate role in our society in the political process, but I do not believe that their outside activities, who they associate with in terms of lobbying groups, is beyond disclosing as far as the lobbyists themselves.

If journalists are going to cover the political process and are going to become a quasi-public figures, I know at least many of these people are, they probably do not meet the legal definition of a public figure, I think people in this country would appreciate as much knowledge they could gain about how laws are made and about how the political process is reported.

Unfortunately, every American does not have the ability to hire a lobbyist to come up here and represent their interest in Washington. Many times, the only way to judge the political process and who is telling the truth and who is not and how effective it is is by picking up a newspaper and turning on the television and listening to the media.

Mr. Chairman, I do not believe it is violating anyone's first amendment rights for a lobbyist, whose only role is to affect the political process, to tell us exactly who they are paying and where their money goes in terms of the public policy debate. Certainly, part of the public policy debate is the information we receive through the media, whether it be in print or the airwaves, and that helps the American public better understand the political process and who is involved and what bias may or may not exist.

That is the role of the lobbyist, to come up and affect the legislation and if at the same time they are giving away money to groups that cover the political process, they do not tell the groups what to say or how to say it, but it does give the public information that I think is very vital to judge how effective the process is and exactly who to believe and who not to believe. No one is hurt here. No one is being affected by doing their job effectively. All we want to know is where money goes in the public policy debate.

Mr. WELLER. Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from South Carolina has helped clarify this issue. There are people in this society, obnoxious, irresponsible, biased people, who have a right to tell us, ''None of your business.''

No, we do not have a right legally to compel two purely private actors to tell us how much money is changing hands between them when no statute is being violated and it is not a question of fraud or bribery. I am surprised that the gentleman does not see that distinction.

Would the public like to know? Of course they would. The public would

like to know a lot. Some of what the public would like to know is very important. Some of what the public would like to know bothers me, and I think BILL BENNETT was right to talk about some of the trash TV.

But the fact that people would like to know what other people have a right to keep private does not justify legislating it. The gentleman from South Carolina said, one of the gentlemen said, this is going to protect the first amendment rights, maybe it was the gentleman from Illinois, of those reporters who do not take honoraria because it will show how they are being objective.

Mr. Chairman, it is not the business of the government of the United States to stamp approved or disapproved on people. To say objective or not objective. Verbally, can we say that as Members? Of course we can. But to enact a statute into law that reaches out to the purely private relationships of two people, organization A, that happens to be a lobbyist and, journalist B, and says, ''You know, we would love to know how much money you people are paying each other,'' and compel its disclosures makes a mockery of the notion of limited government and of privacy rights.

The fact is, having a Constitution, having limited government, means exactly that we do not find out things we would like to know. We do not need a Constitution to protect information that nobody cares about. We do not need a Constitution to protect the privacy of people in whom no one is interested. We need a Constitution to limit government, and the notion, the argument, ''Well, the media has gotten too big for its britches and is biased,'' yes, I will stipulate, the media is a pain in the place I should not say here, but that is absolutely irrelevant to whether or not we, by law, say, ''You must tell us these things.''

It is not simply a first amendment right not to be thrown in prison or beaten or have your property confiscated. There is a right to say to the government, ''None of your business. I do not want to tell you. You do not have a right to know. You do not have a right to use the law to find out this information.''

So, on this amendment, I hope we will vote it down, not simply because it is going to weight down this bill, but because it really is yielding to a temptation that we should not yield to. The gentleman talked about Sisyphus. Let me talk about Tantalus. Let us remember Tantalus was tied to the table and he could not reach the goodies.

Constitution ties us down. We are Tantalus. The goodies is all this dirt on the press we would love to have, but the Constitution is what ties us down and I do not think we want to try to loosen those bonds.

Mr. WELLER. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania, Mr. FOX.

Mr. FOX of Pennsylvania. Mr. Chairman, the disclosure bill before us tonight is a great reform. And to the gentleman from Florida [Mr. CANADY] and to the gentleman from Massachusetts [Mr. FRANK] and those who are here tonight working to move this reform forward, the colleagues on both sides of the aisle are joining together to make sure this bill does pass.

The gentleman from Illinois [Mr. WELLER] has brought forward an amendment he believes will be an additional reform, and I have to tell my colleagues that the gentleman has been someone that as a freshman has been a reformer. He has supported the gift ban. He has worked to make sure the congressional staffs have been reduced and the cost of this institution has been reduced by $150 million.

Mr. Chairman, this is part and parcel of that entire effort, that is making sure we reform Congress. Here we are talking about an amendment which is common sense. It talks about the public's right to know when journalists are receiving honoraria from special interest groups and what effect that has on the objectivity of their position and what they print.

The journalist's acceptance of honoraria could influence the type of information he or she may include in their report, or exclude. We only have to look at the Senate where they have made their intentions clear. The Weller amendment is consistent with the sense-of-the-Senate resolution, which in fact would call for the annual reporting and disclosing of the member's primary employer and any additional sources of income.

Mr. Chairman, I believe what has been said before must be underscored. This amendment only places the burden of disclosure on the lobbying community and not on the press. I ask for support of the Weller amendment.

Mr. WELLER. Mr. Chairman, I reserve the balance of my time.

□ 2330

Mr. FRANK of Massachusetts. Mr. Chairman, I yield my remaining time to the gentleman from Florida [Mr. CANADY].

The CHAIRMAN. The gentleman from Florida [Mr. CANADY] has 4 minutes remaining and has the right to close.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, I first would like to start by thanking you for your fine delegation of responsibilities here. You have been an outstanding acting chairman.

To weigh in on this issue, I consider this a very mischievous amendment because candidly I do not think it will accomplish what the gentleman wants, but I think if it were to be adopted, it would put in serious jeopardy passage of this lobby disclosure bill.

Again, I want to point out to the Members here and for the record that the last time we had any lobby disclosure bill was in 1946. In the early 1950's, the Supreme Court basically gutted that. There was report language brought forward by the committee that points out that those who are listed in the Washington representatives listings of the 13,500 individuals and organizations, 10,000 of them did not register as lobbyists.

The individual who is offering this amendment, I know, is doing it in good faith. I am fed up with hearing Sam Donaldson go after honoraria when we know he accepts so much of it. And if he thinks it affects Members of Congress, of course, it does not affect him. I mean, the same logic should apply to him. I think of him and others, I would love to know how much they are paid.

But it says in this amendment only lobbyists have to disclose. Well, that is a simple wrap to beat. You just simply have someone other than a lobbyist paid that honoraria.

If the gentleman from Illinois [Mr. WELLER] was aware of how hard we have worked to get this on the floor and maybe was aware of how hard it has been to even get our own Republican leadership to schedule debate on this bill and if the gentleman were aware of the attempts to find any amendment to this bill so that it would, in fact, be sent back to the Senate, he might be more sympathetic to why we are finding it so difficult to accept this kind of amendment.

It is true, and I have to agree with the gentleman, 435 Members ultimately have to decide whether this bill gets amended and ultimately killed in the Senate. But I just would try to encourage Members and particularly Mr. WELLER, on this amendment, that this deserves a hearing. This deserves to have the kind of report language that the bill we have before us has, that documents the need and shows how it would in fact be effective or not effective, that documents that it would be, in fact, constitutional, that documents that it would achieve the results that the gentleman desires.

On the basis of the motion, I, too, would like to know what media is paid what, but I do not think this amendment does it. I think it places in serious jeopardy passage of this bill in the Senate.

The CHAIRMAN. The gentleman from Illinois [Mr. WELLER] has 3½ half minutes remaining.

Mr. WELLER. Mr. Chairman, I yield 1 minute and 45 seconds to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Chairman, I will be very brief because I know the hour is late. I simply want to rise and commend the gentleman from Illinois, my good friend, Mr. WELLER. I think he has shown great courage and leadership in bringing this amendment to the attention of his colleagues and to the attention of the American people.

With all due respect to Mr. WELLER, I doubt that this amendment can be passed, but that does not mean that it is a bad thing or it is not something that we should discuss. I think it is very limited in scope.

I personally do not think that it violates freedom of press or the first amendment to the slightest degree. It does not regulate in any manner what someone can write or say, but I would approach this from a little different angle. I would say tonight that any respectable, any ethical journalist would voluntarily comply with this amendment. But so many journalists are quick to criticize but very slow to lead by example.

The best example I know of this was a few years ago, some of us may remember, the Capitol Hill Press Club, their officers voted to require their membership to follow the same disclosure requirements that we as Members of Congress were required to follow. Their membership rose up in arms and by an 80 percent margin voted to impeach their leadership.

There is a real double standard around here, and it is really time for it to end. Efforts like those of the gentleman from Illinois [Mr. WELLER] will help bring that to an end.

Mr. WELLER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in response to the comments of my good friend, the gentleman from Connecticut [Mr. SHAYS], there were a number of us that worked very hard to make sure that this bill came to law. I think a lot of us certainly voiced our concern and priority for bringing these bills to a vote quickly so that the Congress could address them.

A lot of good ideas are being discussed and a lot of good Members have worked hard on lobbying reform. This proposal actually improves the bill. Frankly, it is pretty much a common sense question, Mr. Chairman. Does anyone believe that the public does not have the right to know who is on the payroll of special interests, particularly a registered lobbyist? I believe they do, Mr. Chairman.

This amendment respects the first amendment. Reporters can still be on the speaking circuit. Reporters can still collect speaking fees, some small, some as large as $30,000 or $40,000. And under this amendment, they are not required to disclose that publicly.

The burden is registered lobbyists who disclose the honoraria they pay to members of the media. I think that if a reporter receives a speaker fee and then writes a story or does a story and covers an issue impacting the very issue that is so important to that particular lobbyist, the public has a right to know. This amendment improves the bill.

I ask for bipartisan support.

Mr. CANADY of Florida. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I have the greatest respect for my colleague from Illinois. I understand that he is doing something that he believes is important and is the right thing to do. But I think this is a bad amendment. I think this is an amendment that targets the press in a way that is unacceptable.

Again, I do not approve of everything the press does. I think there is obvious bias there. But I think we are going down a road here that is not a road we want to get on. It is a road that is inconsistent with the values that we hold under the first amendment, and I would urge all the Members of the House to reject this amendment, as well as other amendments, which are going to interfere with passing this legislation and reforming lobbyist disclosure after 40 years of gridlock.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. WELLER].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WELLER. Mr. Chairman, I demand a recorded vote and, pending that, I make a point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

The point of order is considered withdrawn.

Mr. CANADY of Florida. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. FOX of Pennsylvania) having assumed the chair, Mr. KOLBE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2564) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, had come to no resolution thereon.

## LEGISLATION PROVIDING FOR CLEAN EXTENSION OF CONTINUING RESOLUTION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and the Committee on Government Reform and Oversight and ordered to be printed.

*To the Congress of the United States:*

In declaring my intention to disapprove House Joint Resolution 122, the further continuing resolution for fiscal year 1996, I stated my desire to approve promptly a clean extension of the continuing resolution that expired on November 13. Accordingly, I am forward the enclosed legislation that would provide for such an extension. This legislation also provides that all Federal employees furloughed during the Government shutdown through no fault of their own will be compensated at their ordinary rate for the period of the furlough.

I urge the Congress to act on this legislation promptly and to return it to me for signing.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 16, 1995.*

## THE REAL DEFAULT

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

Mr. SCARBOROUGH. Well, well, well, there they go again. But if we want to talk about something that has gotten out into the public, it is the fact that the Democrats have shamelessly been demagoguing on Medicare to try to scare senior citizens.

Read the Washington Post this morning. It tell you what the real deficit is. It says, it is a deficit in leadership on the President's part and on the House Democrats' part. The Post says, the Democrats, led by the President, choose instead to present themselves as Medicare's great protectors. They have shamelessly used the issue, demagogued on it, because they think that is where the votes are, and that is what the President is still doing this week.

If the Democrats play the Medicare card and win, they will have set back for years, for the worst of political reasons, the very cause of rational government in behalf of which they profess to be behaving. This has finally come out in the open. They know the President's plan does the same thing as our plan. It is indefensible, and the American people, and even the Washington Post, has caught on.

By the way, read the front page. Robert Rubin is now raiding the Federal retirees' trust fund to get out of this crisis. That is the real shame.

[From the Washington Post, Nov. 16, 1995]

THE REAL DEFAULT

The budget deficit is the central problem of the federal government and one from which many of the country's other, most difficult problems flow. The deficit is largely driven in turn by the cost of the great entitlements that go not to small special classes of rich or poor but across the board to almost all Americans in time. The most important of these are the principal social insurance programs for the elderly, Social Security and Medicare. In fiscal terms, Medicare is currently the greatest threat and chief offender.

Bill Clinton and the congressional Democrats were handed an unusual chance this year to deal constructively with the effect of Medicare on the deficit, and they blew it. The chance came in the form of the congressional Republican plan to balance the budget over seven years. Some other aspects of that plan deserved to be resisted, but the Republican proposal to get at the deficit partly by confronting the cost of Medicare deserved support. The Democrats, led by the president, chose instead to present themselves as Medicare's great protectors. They have shamelessly used the issue, demagogued on it, because they think that's where the votes are and the way to derail the Republican proposals generally. The president was still doing it this week; a Republican proposal to

increase Medicare premiums was one of the reasons he alleged for the veto that has shut down the government—and never mind that he himself, in his own budget, would countenance a similar increase.

We've said some of this before; it gets more serious. If the Democrats play the Medicare card and win, they will have set back for years, for the worst of political reasons, the very cause of rational government in behalf of which they profess to be behaving. Politically, they will have helped to lock in place the enormous financial pressure that they themselves are first to deplore on so many other federal programs, not least the programs for the poor. That's the real default that could occur this year. In the end, the Treasury will meet its financial obligations. You can be pretty sure of that. The question is whether the president and the Democrats will meet or flee their obligations of a different kind. On the strength of the record so far, you'd have to be on flight.

You'll hear the argument from some that this is a phony issue; they contend that the deficit isn't that great a problem. The people who make this argument are whistling past a graveyard that they themselves most likely helped to dig. The national debt in 1980 was less than $1 trillion. That was the sum of all the deficits the government had previously incurred—the whole two centuries' worth. The debt now, a fun-filled 15 years later, is five times that and rising at a rate approaching $1 trillion a presidential term. Interest costs are a seventh of the budget, by themselves now a quarter of a trillion dollars a year and rising; we are paying not just for the government we have but for the government we had and didn't pay for earlier.

The blamesters, or some of them, will tell you Ronald Reagan did it, and his low-tax, credit-card philosophy of government surely played its part. The Democratic Congresses that ratified his budgets and often went him one better on tax cuts and spending increases played their part as well. Various sections of the budget are also favorite punching bags, depending who is doing the punching. You will hear it said that someone's taxes ought to be higher (generally someone else's), or that defense should be cut, or welfare, or farm price supports or the cost of the bureaucracy. But even Draconian cuts in any or all of these areas would be insufficient to the problem and, because dwelling on them is a way of pretending the real deficit-generating costs don't exist, beside the point as well.

What you don't hear said in all this talk of which programs should take the hit, since the subject is so much harder politically to confront, is that the principal business of the federal government has become elder-care. Aid to the elderly, principally through Social Security and Medicare, is now a third of all spending and half of all for other than interest on the debt and defense. That aid is one of the major social accomplishments of the past 30 years; the poverty rate for the elderly is now, famously, well below the rate for the society as a whole. It is also an enormous and perhaps unsustainable cost that can only become more so as the baby-boomers shortly begin to retire. How does the society deal with it?

The Republicans stepped up to this as part of their proposal to balance the budget. About a fourth of their spending cuts would come from Medicare. It took guts to propose that. You may remember the time, not that many months ago, when the village wisdom was that, whatever else they proposed, they'd never take on Medicare this way. There were too many votes at stake. We don't mean to suggest by this that their proposal with regard to Medicare is perfect—it most emphatically is not, as we ourselves have said as much at some length is this space. So they ought to be argued with, and ways should be found to take the good of their ideas while rejecting the bad.

But that's not what the president and congressional Democrats have done. They've trashed the whole proposal as destructive, taken to the air waves with a slick scare program about it, championing themselves as noble defenders of those about to be victimized. They—the Republicans—want to take away your Medicare; that's the insistent PR message that Democrats have been drumming into the elderly and the children of the elderly all year. The Democrats used to complain that the Republicans used wedge issues; this is the super wedge. And it's wrong. In the long run, if it succeeds, the tactic will make it harder to achieve not just the right fiscal result but the right social result. The lesson to future politicians will be that you reach out to restructure Medicare at your peril. The result will be to crowd out of the budget other programs for less popular or powerful constituencies—we have in mind the poor—that the Democrats claim they are committed to protect.

There's a way to get the deficit down without doing enormous social harm. It isn't rocket science. You spread the burden as widely as possible. Among much else, that means including the broad and, in some respects, inflated middle-class entitlements in the cuts. That's the direction in which the president ought to be leading and the congressional Democrats following. To do otherwise is to hide, to lull the public and to perpetuate the budget problem they profess to be trying to solve. Let us say it again: If that's what happens, it will be the real default.

□ 2340

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. FOX of Pennsylvania). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 5 minutes.

[Mr. SCARBOROUGH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

[Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

## A TURNING POINT IN THE NATION'S HISTORY

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, I do not believe I will take the full 5 minutes, but I want to rise tonight to say that I believe that most people across this country realize that we are at a real turning point in the history of this Nation. I believe that most people realize that, if we do not bring Federal spending under control and put our fiscal house in order now, that we are going to face very severe economic problems in the near future. If we do not do this now, we will never do it unless probably it is too later to make any real difference.

Mr. Speaker, in that regard we often hear speakers say that we are doing this for our children and grandchildren and certainly that is true, but I think it is also accurate to say that we are doing it for the people who are in the prime of their lives right now because we are going to have extremely difficult economic problems and financial problems in the next 6, or 8, or 10 years, if not sooner, if we do not act now.

Mr. Speaker, already the President's own Medicare trustees have said that Medicare will be broke in about 6 years if we do not make major changes now., so that is why we passed a bill a few weeks ago allowing or giving huge increases in Medicare spending but which does slow the growth of Medicare to about twice the rate of inflation, instead of three or four times the rate, in which it does more to fight waste, fraud, and abuse. Even President Clinton said in his meeting with Speaker GINGRICH in New Hampshire, one of the first things he said was that we have to slow the rate of growth in Medicare.

One of the most fascinating things though, Mr. Speaker, that I saw, and I wanted to call this to the attention of my colleagues tonight, appeared in the Washington Post today. Now all of us know that the Washington Post at times acts or seems to act as the house organ for the Democratic Party, and so that is what made it so, I think, amazing, even that they wrote the lead editorial that they had today, and in that editorial the Washington Post said this. The budget deficit is the central problem of the Federal Government and one from which many of the country's other most difficult problems flow, and then the Post went on to say this:

> Bill Clinton and the congressional Democrats were handed an unusual chance this year to deal constructively with the effect of Medicare on the deficit, and they blew it. The chance came in the form of the congressional Republican plan to balance the budget over seven years. Some other aspects of that plan deserved to be resisted, but the Republican proposal to get at the deficit partly by confronting the cost of Medicare deserved support. The Democrats, led by the president, chose instead to present themselves as Medicare's great protectors. They have shamelessly used the issue, demagogued on it, because they think that's where the votes are and the way to derail the Republican proposals generally. The president was still doing it this week.

In addition I have a couple of other things I would like to call some attention to that also appeared today. Dan Thomasson, who is the vice president for Scripps-Howard, an editor of the Scripps-Howard news service, wrote

this, and I think this is very accurate, and once again Mr. Thomasson is not known as any conservative or Republican columnist. In fact he is considered, I think, very moderate, and he said that, and in fact he frequently says things that criticize both the Republicans and the Democrats, and he said this. He said:

''The so-called Republican revolution is being undermined by a political ineptness hard to match in modern history. The result could be a derailing of the best opportunity in three decades to win control over runaway entitlements and to put some sense back in the congressional spending process.''

But he goes on to say this, Mr. Speaker, and I think these words are so important for many people to hear. He said:

''For 30 of the 40 years Democrats controlled Congress before last year's GOP takeover, the majority displayed a constitutional inability to deal with the building budgetary crisis. Any effort to stabilize Social Security, Medicare, Medicaid, pensions and welfare was not only rebuffed; it was labeled as mean-spirited and used to defeat its proponents.

So politically volatile were these issues that few members of Congress from either party would dare to whisper publicly what everyone knew: that unless something was done to control the costs of these huge programs, our economic future was in grave jeopardy.''

Mr. Speaker, I think those words are so very important as we consider the debate that we are going through at this time.

Mr. Speaker, I will have more to say about this later on. I see that my time has expired.

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. CLYBURN] is recognized for 5 minutes.

[Mr. CLYBURN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. KIM] is recognized for 5 minutes.

[Mr. KIM addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. THOMPSON] is recognized for 5 minutes.

[Mr. THOMPSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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## EXPLANATION OF PRESIDENT'S DECISION TO FURLOUGH NONESSENTIAL FEDERAL EMPLOYEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine [Mr. LONGLEY] is recognized for 5 minutes.

Mr. LONGLEY. Mr. Speaker, today is day 3 of the President's decision to furlough nonessential Federal employees, and I know that there has got to be a great deal of concern across the country as to exactly what is happening, and I think that we, as Members of Congress, owe it to the public to explain to them in our view what precisely is happening, and I would like to explain the furlough in these terms.

Yesterday was a defining day. It was a defining day in the debate about the role of the Federal Government and the interests of the respective parties in dealing with the problems of Government spending. It was a defining day for the President because he came out and made it clear once and for all that he is opposed to balancing the Federal budget, despite the fact that in his campaign in 1993 he claimed that he could balance, and would balance, the Federal budget in 5 years, despite the fact that in various times he has come out for either a 7-year balanced budget, a 10-year balanced budget, an 8-year balanced budget, or a 9-year balanced budget, or the fact that in January of this year he submitted to this Congress a budget that will never balance, that shows $200 billion a year in deficits as far as the eye can see.

The President, Mr. Speaker, made himself clear last night. He indicated that he is opposed to balancing the budget in 7 years.

□ 2350

It was also a defining day for the Congress. Last night we voted a continuing resolution wherein 277 Members of this body went on record in support of a clean continuing resolution, and when I say clean, I mean a resolution that had as its only condition that the President agree to work with the Congress to balance the Federal budget over the next 7 years, no other condition; no conditions about Medicare, no conditions about tax cuts, no conditions about spending adjustments, nothing, other than one simple agreement and understanding, that we will work together to balance this country's budget over the next 7 years.

Needless to say, that passed by 277 votes, nearly a veto-proof majority. But I also need to chide this House, and bring to its attention the fact that in January of this year we had 300 Members who went in support of a balanced budget amendment that would have required and would require that we balance the Federal budget over 7 years. Of the 300 votes in support of that, we received the votes of 72 Democrats.

I should note that since January, four of those Democrats have crossed the aisle to join the Republican party, precisely because of their commitment and support for the objective of balancing the Federal budget. Nevertheless, of those 68 remaining Democrats who voted for the balanced budget amendment, only 48 last evening voted to actually balance the budget in 7 years, per the terms of the continuing resolution.

Despite all the sweet talk and promises and posturing that the public has witnessed, the fact remains that we must get on a track to balancing the Federal budget, that we need a commitment from the Members of this Congress, a commitment to meet their word and to fulfill the promises that they made in their campaigns. We must get this country on the track to a balanced Federal budget.

This is about whether the Federal Government is going to, once and for all, recognize that there is a limit to what it can spend, a limit to what it can tax, and a limit to what it can regulate. Again, I hope that the President sees the light and is willing to fulfill the commitment that he made in his campaign.

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## REPUBLICANS IN CONGRESS ARE DETERMINED TO BALANCE THE FEDERAL BUDGET

The SPEAKER pro tempore (Mr. Fox of Pennsylvania). Under a previous order of the House, the gentleman from Connecticut [Mr. SHAYS] is recognized for 5 minutes.

Mr. SHAYS. Mr. Speaker, I was elected to the State House in 1974, and began to serve office in 1975. At that time the national debt was about $375 billion. I periodically would pay attention to the spending habits of Congress and note that it would spend more than it raised in revenues.

In the State House, I wondered how Congress could do this, because in the State legislatures, we of course have to balance our budgets. Obviously, a Congress, when times are difficult, during times of war and so on, during times of recession, it is logical that Congress would want to generate economic activity and help bring the economy out of its recession, but Congresses and Presidents collectively, Republicans and Democrats, allowed for deficit spending.

The national debt since that time has grown to $4,900 billion, or $4.9 trillion. When I was elected to Congress in 1987, I joined with a group of Republicans, primarily, and a few Democrats who wanted to end this. At the time our group was about 35 Members. Each year it kept growing, with each election it kept growing more and more and larger and larger, until last year our number was about 160.

Finally, with the election of 1994, we got a bulk of Members, Republicans and Democrats, who voted for the balanced budget amendment, as the gentleman from Maine [Mr. LONGLEY] pointed out, 72 Members on the other side, and every Republican except 1, I think, or 2 in the House. What are we trying to do? The first thing we are trying to do is get our financial House in order and balance our budget.

The second thing we are trying to do is save our trust funds, particularly Medicare, from bankruptcy. The third

thing, and it is equally as important, we are trying to transform the social and corporate welfare state into an opportunity society.

This is not easy; if it was easy, it would have been done a long time ago. It is not popular, or it would have been done a long time ago. We are determined to balance our Federal budget, but we are doing it, in many cases, by slowing the growth of spending. We are still allowing programs to grow.

The earned income tax credit, which some of my colleagues on the other side accuse us of wanting to cut, we are going to have it grow from $19.8 billion to $27.5 billion. The school lunch program we are going to have grow from $6.3 billion to over $8 billion. The student loan program is going to grow from $24.5 billion to $36 billion, a 50-percent increase in the student loan. Students are going to grow in the next 5 years from 6.7 million students to 8.4 million. It is a growing program. Medicaid is going to grow from $89.2 billion to $124.3 billion, and Medicare is going to grow from $178 billion to $273 billion. Only in this Chamber and in Washington, when you spend so much more money, do people call it a cut. We are spending more money.

I really appreciate and I really want to thank the Washington Post. It is nice to have a paper that has been pretty hard on us recognizing that the real default is not in this Chamber, it is by the White House, in failing to want to participate in this effort.

When Leon Panetta was a Member of this Chamber, he said, ''The only way you are going to control the spending in Congress and our Federal budget is to control the growth of entitlements.'' We are taking on entitlements. It is not an easy thing to do. No complaints. I am proud of it. I am happy to go to my constituents and explain what we are doing. For instance, with Medicare, we have no copayment increase, no deduction increase. We are allowing the premium to stay at 31.5 percent. The taxpayers will continue to pay 68.5 percent.

We are allowing individuals to stay in their private fee-for-service system that has gone from the 1960's on up, this Blue Cross-Blue Shield program. We are allowing them to stay there, but we are also going to give them a Medi-Plus program. They can get better service if they get into private care. If they leave and get private care and it turns out they do not like it, they have the opportunity every month for the next 24 months to get back into the traditional Medicare program. My point is, I am so proud of what this Republican majority is doing when it comes to dealing with the budget.

Now, would I like the President to weigh in? Yes. I want him to agree to a 7-year balanced budget. But I am not saying he has to agree to our priorities. If he wants to put more money in urban areas, frankly, I hope he does. I would like to join him in that effort. If he thinks that our tax cut should be slightly different, then I hope he does. I would be happy to assist him in that effort.

The bottom line, Mr. Speaker, is that we are going to get our financial house in order, with or without the President's help, but it would be a lot easier with his help.

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

[Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

[Mr. RIGGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Mrs. THURMAN] is recognized for 5 minutes.

[Mrs. THURMAN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

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## 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. FRANK of Massachusetts) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.
Mr. CLYBURN, for 5 minutes, today.
Mr. THOMPSON, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.
Mrs. THURMAN, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. KIM, for 5 minutes, today.
Mr. LONGLEY, for 5 minutes, today.
Mr. RIGGS, for 5 minutes, today.
Mr. ROYCE, for 5 minutes, on November 17.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SHAYS, for 5 minutes, today.

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## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. FRANK of Massachusetts) and to include extraneous matter:)

Miss COLLINS of Michigan.
Mr. LANTOS.
Mr. HOYER.
Mrs. MALONEY.
Mr. LIPINSKI.
Mr. TRAFICANT.
Mr. KENNEDY of Massachusetts.
Mr. GEJDENSON.
Mrs. COLLINS of Illinois.
Mr. SANDERS.
Mr. PALLONE.

(The following Members (at the request of Mr. DUNCAN) and to include extraneous matter:)

Mr. DAVIS.
Mr. SHAW.
Mr. FUNDERBURK.
Mr. PACKARD.
Mr. CRANE.
Mr. FIELDS of Texas.
Mr. SCHAEFER.
Mr. RAMSTAD.
Mr. HORN.

(The following Members (at the request of Mr. SHARP) and to include extraneous matter:)

Mr. HEINEMAN.
Mr. PAYNE of Virginia.
Mr. CUNNINGHAM.
Mr. CAMP.

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## ADJOURNMENT

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

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, November 17, 1995, at 9:30 a.m.

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## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1690. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to the United Arab Emerites for defense articles and services (Transmittal No. 96–13), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1691. A letter from the Director, Defense Security Assistance Agency, transmitting a report stating that on November 13, 1995, the deaths of five Americans were caused by a major explosion which occurred in the parking lot of the headquarters, Office of the Program Management-Saudi Arabian National Guard Modernization Program [OPM–SANG], pursuant to 22 U.S.C. 2761(c)(2); to the Committee on International Relations.

1692. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–147, ''Safe Streets Anti-Prostitution Temporary Amendment Act of 1995'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

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## 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. DREIER: Committee on Rules. House Resolution 272. Resolution authorizing a specified correction in the form of the conference report to accompany the bill (H.R.

2491) to provide for reconciliation pursuant to section 105 of the concurrent resolution on the budget for fiscal year 1996, and waiving points of order against the corrected conference report (Rept. 104–348). Referred to the House Calendar.

Mr. SOLOMON: Committee on Rules. House Resolution 273. Resolution providing for consideration of the bill (H.R. 2606) to prohibit the use of funds appropriated to the Department of Defense from being used for the deployment on the ground of United States Armed Forces in the Republic of Bosnia and Herzegovina as part of any peacekeeping operation, or as any implementation force, unless funds for such deployment are specifically appropriated by law (Rept. 104–349). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SHAW (for himself and Mr. GILCHREST):

H.R. 2646. A bill to amend the sugar price support program in the Agricultural Act of 1949 to provide for additional assessment with respect to raw can sugar produced in the Everglades agricultural area in the State of Florida to finance land acquisition projects for the restoration of the Florida Everglades; to the Committee on Agriculture.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. MONTGOMERY, Mr. MILLER of Florida, and Mr. ZIMMER):

H.R. 2647. A bill to amend the Internal Revenue Code of 1986 to terminate the tax subsidies for large producers of ethanol used as a fuel; to the Committee on Ways and Means.

By Mr. FUNDERBURK:

H.R. 2648. A bill to amend the Federal Water Pollution Control Act to require that an application to the Federal Energy Regulatory Commission for a license, license amendment, or permit for an activity that will result in a withdrawal by a State or political subdivision of a State of water from a lake that is situated in two States shall not be granted unless the Governor of the State in which more than 50 percent of the lake, reservoir, or other body of water is situated certifies that the withdrawal will not have an adverse effect on the environment in or economy of that State, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGLY (for himself and Mr. WELDON of Pennsylvania):

H.R. 2649. A bill to amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same as the age that applies with respect to Federal law enforcement officers; to the Committee on Government Reform and Oversight.

By Mr. HEINEMAN (for himself, Mr. COBLE, Mr. BRYANT of Tennessee, Mr. CHABOT, and Mr. HOKE):

H.R. 2650. A bill to amend title 18, United States Code, to eliminate certain sentencing inequities for drug offenders; to the Committee on the Judiciary.

By Ms. KAPTUR (for herself, Mr. HUNTER, Mr. DEFAZIO, Mrs. CHENOWETH, Mr. SANDERS, Mr. TRAFICANT, Mr. LIPINSKI, Mr. OBEY, Mr. PALLONE, Ms. VELAZQUEZ, Mr. BROWN of Ohio, Mr. EVANS, Mr. DELLUMS, Mr. FUNDERBURK, Mr. KLINK, Mr. BARCIA of Michigan, Ms. MCKINNEY, Mr. HINCHEY, Mr. STOKES, Mr. BARR, Mr. WAMP, Mrs. MINK of Hawaii, and Mr. CONYERS):

H.R. 2651. A bill to assess the impact of the NAFTA, to require further negotiation of certain provisions of the NAFTA, and to provide for the withdrawal from the NAFTA unless certain conditions are met; to the Committee on Ways and Means.

By Mr. KENNEDY of Massachusetts (for himself, Mr. MEEHAN, Mr. FRANK of Massachusetts, Mr. OBERSTAR, Mr. STARK, Mr. ABERCROMBIE, Mr. BROWN of California, Mr. GONZALEZ, Ms. LOFGREN, Mr. GENE GREEN of Texas, Mr. BROWN of Ohio, Ms. RIVERS, Mr. FROST, Mr. VENTO, Mr. DEFAZIO, Mr. CONYERS, Mr. RANGEL, Mr. BARRETT of Wisconsin, Mr. ACKERMAN, Mr. MORAN, Ms. ESHOO, Mrs. MINK of Hawaii, Mr. FARR, Mr. MCDERMOTT, Mr. MOAKLEY, Mr. MARKEY, Mr. MILLER of California, Mrs. MALONEY, Mr. BOUCHER, Mr. KLUG, Mr. SERRANO, Mr. STUPAK, Mr. GEJDENSON, Mr. JACOBS, Ms. VELAZQUEZ, Mr. TORKILDSEN, Mr. JOHNSTON of Florida, Mr. OLVER, and Ms. MCKINNEY):

H.R. 2652. A bill to close the U.S. Army School of the Americas and establish a U.S. Academy for Democracy and Civil-Military Relations; to the Committee on International Relations, and in addition to the Committee on National Security, 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. ROSE:

H.R. 2653. A bill to amend the Agricultural Adjustment Act of 1938 and the Agricultural Act of 1949 to improve the operation of the Government flue-cured and burley tobacco programs; to the Committee on Agriculture.

By Mr. SANDERS (for himself, Mrs. MORELLA, Mr. WYDEN, and Mr. DEFAZIO):

H.R. 2654. A bill to prevent discrimination against victims of abuse in all lines of insurance; to the Committee on Commerce, and in addition to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON:

H.R. 2655. A bill to amend the Atlantic Striped Bass Conservation Act to authorize the Mid-Atlantic Fishery Management Council to prepare a fishery management plan for Atlantic striped bass under the Magnuson Fishery Conservation and Management Act; to the Committee on Resources.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

Mr. HALL of Texas introduced a bill (H.R. 2656) for the relief of Norman M. Werner; which was referred 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. 125: Mr. HINCHEY and Mr. BROWDER.
H.R. 359: Mr. TAYLOR of Mississippi.
H.R. 497: Mr. CAMP, Mr. BEREUTER, Mr. HANCOCK, Mr. DUNCAN, and Mr. GRAHAM.
H.R. 528: Mr. DICKS, Mr. BARTLETT of Maryland, Mr. DEUTSCH, Mr. WARD, Mr. PETRI, Mr. ROMERO-BARCELO, Mr. LEWIS of Kentucky, and Mr. BARRETT of Wisconsin.
H.R. 733: Mrs. VUCANOVICH.
H.R. 784: Mr. RIGGS.
H.R. 911: Mr. BLILEY, Mr. INGLIS of South Carolina, Mr. SPENCE, Mr. CHRYSLER, and Mr. DICKEY.
H.R. 997: Mr. LEWIS of Kentucky and Mr. MORAN.
H.R. 1000: Mr. KLECZKA.
H.R. 1226: Mr. MCINTOSH and Mr. CHRYSLER.
H.R. 1274: Mr. BROWN of California.
H.R. 1363: Mr. COX.
H.R. 1386: Mr. SHADEGG.
H.R. 1448: Mr. EHLERS and Mr. WOLF.
H.R. 1684: Mr. BALLENGER and Mr. CRAPO.
H.R. 1733: Mr. MINGE.
H.R. 1972: Mr. SAXTON, Mr. MANZULLO, Mr. HOBSON, Mr. CHABOT, Mr. BURTON of Indiana, Mr. BOEHLERT, Mr. COLLINS of Georgia, Mr. SISISKY, and Mr. FAWELL.
H.R. 2240: Mr. MILLER of California.
H.R. 2281: Mrs. MALONEY, Mr. CRAMER, Mr. DINGELL, Ms. KAPTUR, Mr. DAVIS, Mr. PETERSON of Minnesota, Mr. GUTIERREZ, and Mr. PETE GEREN of Texas.
H.R. 2326: Mr. STOCKMAN.
H.R. 2327: Mr. PETRI.
H.R. 2341: Mr. LEWIS of Kentucky.
H.R. 2357: Mr. BEREUTER.
H.R. 2458: Mr. METCALF, Mr. EVANS, Mr. BRYANT of Texas, and Mr. SAXTON.
H.R. 2461: Mr. HINCHEY.
H.R. 2481: Mr. MARTINI.
H.R. 2548: Ms. LOFGREN, Mr. EWING, Mr. RADANOVICH, Mr. JOHNSTON of Florida, and Mr. SISISKY.
H.R. 2562: Mr. MANTON and Mr. SOLOMON.
H.R. 2566: Mrs. SCHROEDER.
H.R. 2606: Mr. BARTLETT of Maryland.
H.R. 2618: Mr. STUDDS.
H.R. 2622: Mr. FROST.
H.J. Res. 117: Ms. DANNER.
H. Con. Res. 5: Mr. BEVILL.
H. Con. Res. 47: Mr. DOYLE.
H. Con. Res. 50: Mr. TORRES.

## 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. Res. 264: Mr. DIXON and Mr. BERMAN.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, THURSDAY, NOVEMBER 16, 1995 No. 182

# Senate

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

PRAYER

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

Lord God, You are the light of truth for those who know You, the security of those who love You, the strength of those who trust You, the patience of those who wait on You, and the courage of those who serve You. Fill this Senate Chamber with Your presence. May all that we say and do here today be said and done with an acute awareness of our accountability to You. Help us to ask, ''What would the Lord do?'' and then, ''Lord, what do You want us to do?'' In our present impasse over the Federal budget, give us long fuses to our tempers and a long view for our vision of the future of America. We invite You not only to dwell in this place but in our minds so that we can think Your thoughts and discover Your solutions. In the name of our Lord. Amen.

The PRESIDENT pro tempore. The able Senator from Oregon is recognized.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

Mr. HATFIELD. Mr. President, the Senate has before it what?

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 1996

The PRESIDING OFFICER. The Senate will now consider House Joint Resolution 122, which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 122) making further continuing appropriations for the fiscal year 1996, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. HATFIELD. Mr. President, the Senate now has under consideration House Joint Resolution 122, making further continuing appropriations for fiscal year 1996. The resolution provides authority to obligate funds for programs and activities normally funded in the nine regular appropriations bills not yet signed into law. The rate of operations is to be the lowest of the current rate, the rate proposed by the Senate or the rate proposed by the House. Programs and activities terminated or significantly reduced under that formulation may be maintained at a rate not to exceed 60 percent of the current rate. And the rate of operations may be adjusted further to avoid reductions in force.

The expiration date of this continuing resolution is December 5, 1995. This resolution does not include the provision relative to Medicare part B premiums that was in the measure vetoed by the President on Monday. Let me emphasize, that has been removed. That was the great focus of debate and discussion on that first continuing resolution. That is gone.

Instead, there is included the following provision which I will read in its entirety.

Section 301 of this continuing resolution:

(a) The President and the Congress shall enact legislation in the 104th Congress to achieve a unified balanced budget not later than the fiscal year 2002 as scored by the nonpartisan Congressional Budget Office.

(b) The unified balanced budget in subsection (a) shall be based on the most current economic and technical assumptions of the Congressional Budget Office.

That is it. Nothing more. Simple, straightforward. Mr. President, I want to say, in adopting this resolution, we are simply recommending and recommitting ourselves to a balanced budget. That is a commitment I believe we all share.

There is nothing in this resolution, Mr. President, that says we will achieve balance with tax increases or with tax cuts. There is nothing here that says whether defense spending will rise or fall. There is no mention of Medicare or COLA's or highways or education or the environment. We will have our arguments about all of those things, but we ought to be able to agree that we will balance the budget. That is all we are committing ourselves to.

And in stipulating that our efforts should be measured by the Congressional Budget Office, we are only restating what we are already required to do and what the President of the United States, Mr. Clinton himself, asked us to do in his address to a joint session of Congress some time ago. We cannot bring any proposal to this floor that has not been scored by the Congressional Budget Office. The President has agreed to that.

As one of those who voted against the constitutional amendment requiring a balanced budget, I argued that we did not need to encumber the Constitution when we could achieve balance within legislation. Members on the other side of the aisle argued the same. I still hold that position, and I ask my

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



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colleagues who stood with me to stand with me in voting for this continuing resolution.

I am very interested to hear responses. I cannot understand how anybody can stand on this floor or before the American public and say they are against balancing the budget. We say 2002, and we only say the Congressional Budget Office shall do as is required to be done to score proposals. How can anyone oppose this continuing resolution, unless they have turned their back on the very principle of balancing the budget?

Now, if that is so, so be it, but let us be honest and frank with one another. This stalemate we are in now is unnecessary, and we can end it. At the same time, we can commit ourselves to the American public that is expecting us to give some kind of a statement as to when we are going to balance the budget.

So let us not get into all these byways and these sidetracks about Medicare and education and all those things. My position is well known on those social programs. I would have liked to have written perhaps a certain major reduction in military spending, but that is a personal view. I will argue that at some other time. But on this continuing resolution, let us put the Government back on track, let us end the stalemate, let us say to the American people we have a separation of powers, but at the same time we can unite ourselves, regardless of our party, regardless of the branch of Government, to a simple goal of balancing the budget by 2002. I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I thank my friend from Oregon for his opening remarks, and I am pleased that we are at least getting to this so-called continuing resolution. I hope that we can move on it in an expeditious fashion, because after we move on it and after it passes the Senate, as it is foreordained that it will given the commitment that the majority in the House and Senate have expressed, everyone knows it is going to the President. Everyone knows when it gets to the President, he is going to veto it.

So we continue the charade that we have been going through now for entirely too long. This is the third day of the Government shutdown. Tomorrow will be the fourth day and the day after that will be the fifth.

Mr. President, it seems to me it is time we begin to get serious about this and stop the charades, but nevertheless, under the process, we must go through it.

The real issue, I suggest, before us today is whether the Congress of the United States wants to stop acting like a bunch of spoiled children and start acting like adults. On the way in this morning, I was treated to a radio program that was unbelievable. It said that the Speaker of the House of Representatives said that he was very upset, piqued by not being treated properly by the President en route to the funeral in Israel. Someone suggested that probably that was not a proper way to act, and I believe the words by the Speaker were something like, ''Well, it may be petty, but it's human.''

That is a sad commentary, indeed, but probably sums up much better than I could in any words how ridiculous this whole process is.

We have this continuing resolution which was just explained by the leader of the Appropriations Committee. I simply say to my friend that regardless of how well-intentioned this continuing resolution is—and as yet I have not even seen the numbers, but as I understand it, it is a continuing resolution to continue the Government of the United States and get people back to work until sometime in December; is that correct?

Mr. HATFIELD. December 5.

Mr. EXON. I have been advised, for the record, on the 5th of December.

Mr. HATFIELD. Will the Senator yield for a moment for me to give a little further explanation?

Mr. EXON. Yes.

Mr. HATFIELD. Mr. President, as you well know, we have 13 appropriations bills. We now have 7 of those 13 bills that are in the process of being sent down to the White House that we expect to be signed. We have had three or four signed by now: transportation, energy and water, the military construction, and the agriculture bills. We have acted upon foreign operations, and we will be acting today probably on Treasury-Post Office. We have already acted on the legislative.

In other words, I think we will have by, hopefully, the end of today seven of these bills on the President's desk signed into law. That means we have the remaining bills. The Defense bill we hope to have acted upon today, the conference, to reach some kind of a conclusion. HUD is meeting today. In other words, December 5 has a very specific reason; we believe that we can get the rest of these appropriations bills completed. And we have stripped things from those bills that have been unacceptable by the President, as the Istook amendment on the Treasury-Post Office, as abortion language that was on the foreign operations bill. So what I am saying is simply that by the December 5 deadline, we expect to have all of those 13 bills completed and, hopefully, signed by the President.

As the Senator knows, as the President signs each one of these bills, that part of the Government drops out of this particular stalemate, because that means that money has been appropriated and approved by the President.

So we are hoping to have all 13 of those bills completed by December 5.

As I say, we hope to have seven signed within the hours of today, or maybe early tomorrow. That is all out of the continuing resolution, all seven of those bills. As we pass each succeeding bill, that will be removed from the continuing resolution, and that part of the Government will be back in full operation, like the energy and water, and agriculture, and so forth, that we have now assigned, and transportation. So that is the reason for the December 5.

Mr. EXON. I appreciate the explanation by my friend. Another way of saying that is that you were hopeful that in the next few hours, or in the next few days at least, that seven of the 13, or roughly half of the appropriations bills, will have been completed and, hopefully, signed by the President.

Mr. HATFIELD. Yes, of which we have four of those seven now signed by the President.

Mr. EXON. Now, another way of saying that is that we only finished approximately half of the 13 key appropriations bills and presented them to the President, is that correct? Or we will in the next day or so?

Mr. HATFIELD. Yes. Let me further explain that the real problem we have had with appropriations in this particular year is—there are a number of reasons, but let me give you two major reasons. As the Committee on the Budget, on which the Senator serves as the ranking member, presented the budget resolution to this Congress, it called for about a $22 billion reduction in nondefense discretionary programs. Therefore, all of the nondefense programs had to make a rather serious and severe reduction, and the judgments on that have certainly varied. And so we have faced a dollar question, a reduction of dollars. I would like to have had far less in the defense spending. But somehow, the Budget Committee and the bodies, the House and the Senate, have agreed that that is not part of our great reduction scheme. But rather, it is going to be the nondefense programs—education programs, health programs, welfare programs, and so forth. So the committee had to make those judgments.

The second problem we have faced—and there are not sufficient dollars to meet the needs on the level of spending that the President has requested or wants—but the other problem we have had increasingly over the years, as the Senator knows, is that nonappropriation matters have been piggybacked on appropriation bills—abortion, school prayer, striker replacement, on and on I could go about legislative matters on the appropriations bills. We could have handled a number of these bills far faster if we had not had to deal with the riders. That has been the second factor. We had an abortion issue on three separate appropriation bills, with a little different wording, a little different application, and so forth and so on. You know how hot an item that is. I happen to be pro-life. The Senator happens to be pro-choice, but nevertheless——

Mr. EXON. Let me correct the Senator, so that we keep the record straight.

Mr. HATFIELD. I will just say that some Senators are pro-life and some are pro-choice.

Mr. EXON. To advise and correct the RECORD, this Senator has, I think, been generally along the same line with the Senator from Oregon. I am a pro-life Senator, not a pro-choice Senator. Let us correct the RECORD.

Mr. HATFIELD. I will correct the RECORD, as well, by saying that the Senator and I have agreement on that. We do not share that same agreement, of course, with other views here in the Senate. Consequently, what I am saying is that that issue has been a very contentious issue over the years. As a consequence, it has slowed the whole process of appropriations down.

Those are the reasons that we are at this point in time relating to the appropriations process. We are hoping to strip the riders, as we have been doing, or modify them, or amend them, to make them acceptable downtown in the White House.

So I just wanted to indicate again why, from the appropriations point of view, we happen to be in this situation today and are fast trying to extricate ourselves from it, as indicated by the fact that we have seven bills on the President's desk, four of them signed, and how we hope to get the others down to the President within the period between now and December 5.

Mr. EXON. Let me further inquire of the chairman of the Appropriations Committee, with whom I have worked very long and very well over the years. I believe that the Senator from Oregon has been on the Appropriations Committee nearly all of the time he has served with great distinction in the U.S. Senate.

Does the Senator from Oregon ever recall a time when we have been this far behind in passing appropriations bills, regardless of what the reason was for the delay?

Mr. HATFIELD. Oh, yes. I would say that back in the 1980's we had a CR that went a whole year. We could not resolve those problems. We had other CR's. We had probably three or four in a period from 1981 to 1985, short-term CR's. We had the Government shut down for a couple of days. This is not new. It is not the way to do business.

Mr. EXON. I thank my friend. Again, I will proceed with my remarks.

I was saying, Mr. President, I was disappointed in the fact that we have delay upon delay upon delay, and we are going through charades, as we are going through today on this continuing resolution that is going to be passed, very likely, and vetoed by the President.

So this is an exercise in futility, unfortunately, at a time when the Nation is wanting. I simply say, Mr. President, that in negotiations during the last few days, myself and others have been pleading, and the administration has been pleading, with the Republican majority to just give us a clean continuing resolution. By ''clean,'' I mean every extraneous measure, or thought, or condition, or concept would be thrown off, and we would just have a continuing resolution for 24 hours, or 48 hours. That was rejected. I was mystified by that because I could not understand how any reasonable group of people, regardless of their political affiliation, would not agree that it was wise to continue the normal functions of Government, at least for a short period of time, while we continued to negotiate.

I now understand why we were turned down flatly on what would appear to any reasonable person as the course of action which could be taken. It was because the Speaker of the House of Representatives, and others, clearly had in their hip pocket this new, ludicrous plan that they knew it would not open up Government once again, but it might give them, on a political scale, some advantage, or an up-bump in the polls that have been quite devastating to the Speaker and others in the last few weeks.

The measure before us today is a farce. It is game playing. It is not the way to do business, and it is not doing business; it is playing politics. Grown-ups know that it is a childish game to shut down the Government in order to blackmail the President into accepting extreme measures, the extreme Republican budget, and trying to make excuses for why they are doing it.

The sad part is that this game has real consequences to real people. Hundreds of thousands of Federal workers do not know whether they are going to be able to pay their bills. Thousands of Americans who are entitled to sign up for Social Security are not able to do so because no one is at work to process the new legitimate claims. Thousands of veterans who should be signing up for new benefits that they have earned are not able to do so because Government is not on the job. Thousands of Federal contractors are not being paid, but the Government has agreed to pay them.

According to press reports, for example, Mr. President, 39 illegal immigrants—I repeat, Mr. President, according to press reports, 39 illegal immigrants—were detained, as they should have been, and sent on their merry way, smiling and laughing on Tuesday because the Government was shut down. It left the Immigration and Naturalization Services shorthanded.

Another matter, the Colorado State Police stopped a van, called INS, and was informed they would be unable to investigate because they lacked the manpower to do so because the staff had been furloughed.

This is no way to run the Government. What we should do is pass a clean continuing resolution to allow the Government to serve the people, pay its bills, and do so in a timely fashion. That is our duty.

The majority wants to set the terms for the coming negotiations on the deficit reduction bill. All this political posturing about how to do the big deficit reduction bill is just a transparent attempt, I suggest, to coerce the President to weakening his negotiating position before—before—negotiations even begin.

The responsible thing to do, of course, would be to pass a clean continuing resolution for either a shorter or a longer number of days and allow the Republicans to get the extreme budget proposals that they are pushing out of their system, because they are not going to prevail.

We should let the President go ahead and veto these bills, which is what he is going to do, and then and only then start some real serious negotiations where people of good will can sit down and say, ''We are not, any of us, going to get exactly what we want.'' Through negotiations and compromise, we can do our job as we were sent here to do.

In these real negotiations, everything should be on the table. Let me repeat that, Mr. President, because that is not the mode that we are operating under now. In these real negotiations to come that I am quite prepared for at this time, and will have some recommendations to make at the proper time that I think might be an important step toward bringing us together—bringing us together—these real negotiations have to start with everything being laid on the table. Otherwise, we will not get anything done.

The length of time it takes to balance should be on the table, along with everything else. The economic assumptions that we use should be on the table. What do we need to make the extreme cuts in Medicare that the Republicans advocate should be on the table, and will be on the table. At least I am pleased that the Republicans at this very late hour have taken the Medicare matter off the table temporarily.

Also on the table should be whether we want to give tax breaks to the wealthiest among us. That has to be on the table. Let me tell my colleagues, I have run the numbers on this budget and I have been trying to figure out a way to get to a balanced budget. I do not agree with the White House with regard to a 7-year budget. I think we can come to agreement to balance a budget by 7 years.

I believe under the proper circumstances we would be able to convince the President to sign such a measure if we can put everything on the table and if we can sit down as adults and reach a compromise.

I must say, Mr. President, that if the Republicans continue to insist—I repeat this, if the Republicans continue to insist—on a $245 billion tax break for the wealthy, and if they continue to insist on using CBO assumptions only and purely, there is no way that we can get to a balance in 7 years without extreme and deep cuts in Medicare, in nursing home care, nursing homes, and in education.

We hold out the hand, the offer of compromise, once again. After we get

through with this ridiculous exercise that is going nowhere today, maybe we can get to that point tomorrow or the next day or the day after that.

I am proud, and the President is right to oppose such a budget. I support him in that. Passing of the continuing resolution that has just been offered to us from the House of Representatives would tie the President's hands to such an extent that it would be almost impossible to start meaningful negotiations on a compromise.

Therefore, I will strenuously oppose this continuing resolution and hope that we can move it along to a fair and honest role that can pass both Houses and receive the President's signature, and stop this charade and game playing. I yield the floor.

Mr. GREGG. Mr. President, I have listened to the Senator from Nebraska, whom I greatly admire as ranking member of the Budget Committee, and from what I have heard him say, I can understand no reason why he would not vote for this resolution.

This resolution does not use specifics as to how we reach a balanced budget. It does not say that we must follow the outline laid down by the Republicans on our side of the aisle—which outline I happen to think is a fairly reasonable one.

The Senator from Nebraska has characterized it as ''extremist,'' but I do not know what is extreme about balancing a budget over 7 years, allowing the Government to grow by 3 percent over that period of time, allowing Medicare to grow by 6.5 percent, or $349 billion, over that time, allowing Medicaid to grow by about 5.4 to 5 percent or $146 billion over that period of time, saying to senior citizens, ''We will spend $4,800 on you today but in the year 2002 we will spend $6,700 on your health care.'' Those are hardly extreme positions. They are fairly reasonable positions, and they allow us to reach a balanced budget by slowing the rate of growth of the Federal Government.

If you allow the terminology of the Senator from Nebraska to apply—''extremism''; this is what is being used often on the other side as a reason for rejecting a balanced budget—even if you accepted what the Senator from Nebraska has said that he would, however, be willing to agree to a budget which reaches balance in 7 years and that that is a doable event—he does not like our budget but it is a doable event.

What this continuing resolution says is, ''Let's reach a balanced budget in 7 years.'' It does not say how. It does not give specifics. It does not bind the President or the members of the other party to a specific glidepath to reaching that balanced budget. It simply says the President and the Congress shall enact legislation in the 104th Congress to achieve a unified balanced budget not later than the fiscal year 2002 as scored by the nonpartisan Congressional Budget Office.

Therefore, all it is saying is that we have to reach a balanced budget by the year 2002. It is not saying how we reach a balanced budget. It is not demanding a certain set of specifics be used for reaching that balanced budget. It simply is saying, during the term of this Congress, during our watch, we must put in place a balanced budget that is scored by the Congressional Budget Office which, of course, is what the President initially said he would use as a scoring agency.

Therefore, when the Senator from Nebraska, the ranking member of the Budget Committee, gets up and states he is for a balanced budget in 7 years, it seems to me he should be comfortable with this resolution which says exactly that: Let us reach a balanced budget in 7 years. It does not say let us reach the Republican game plan for a balanced budget, it says let us reach a balanced budget in 7 years. So, I do not see this resolution as being on the extreme. In fact, this resolution is right in the mainstream of the comments made by the distinguished Senator.

The further comments were made that it is ludicrous, and there is an attitude of futility here, in pursuing a balanced budget under these types of terms. Why is it ludicrous? Why is it futile to bind the Congress and the President to reaching a balanced budget in 7 years? We are not saying, in this resolution, you have to cut this program, you have to cut that program, you have to slow the rate of growth in this program, you have to raise this tax or cut that tax. We are just saying let us do it. Let us agree we are going to do it, we are going to balance the budget in 7 years. What could be ludicrous or futile about that? That seems like a fairly constructive statement. It is a statement which I suspect most Americans would say is maybe too passive on the issue of reaching a balanced budget. I suspect most Americans would like us to say specifically how we are going to do it.

We as Republicans have. We have laid down a plan for that. From the other side we have not seen such a plan, but we have heard statements, like the Senator from Nebraska's, saying they would agree to balance the budget in 7 years. So all we have done in this continuing resolution is say: All right, let us take one little baby step on the road to balancing the budget. Let us, as a Congress, agree, with the President's support, that we shall balance the budget in 7 years. Let us not get into specifics, but let us just take this little step into the water. Let us put our toes in the water, the water of a balanced budget, and say we are going to commit to it. That is neither ludicrous nor futile. That is what we are supposed to be doing as a Government. We do not say do it in 4 years or 5 years, which is what the President originally said he would do when he ran for this office, and what many of us would like to do. We say 7 years, which is a fairly reasonable timeframe.

During this period of 3 weeks, while we will be functioning under the continuing resolution, we have not unfairly impacted the spending accounts of this country. We have simply set up a structure which says we will spend at the levels, the lower levels of either the House or the Senate numbers. Or, if there is no spending on a program, we will have it function at 60 percent of its level, which is a fairly reasonable thing to do when we are talking about a short timeframe.

Why would you want to excessively fund programs over their funding levels which have been laid out in the appropriations bills as they have been coming through? It would be unreasonable to fund them at the higher level. It would be inconsistent with good government to fund them at a higher level when we as a Congress may choose the lower level when we finally pass the appropriating bills. So it is the safer and more thoughtful course to take the lower level.

Thus, this is a resolution which really does not do a whole lot. As I say, it just puts our toe in the water of the balanced budget issue. In fact, I happen to think it is far too weak. I have serious reservations about it. I personally am on the borderline of whether I even want to vote for something that is this weak on the issue of balancing the budget.

But the fact is, it is not extreme, it is not futile, and it is not ludicrous to suggest the Congress, the 104th Congress, should commit with the President on this resolution that we are going to balance the budget by the year 2002. That is not only not extreme, ludicrous, or futile, that is our job. That is what we should be doing. That is what the American people hired us for. And therefore I take a bit of exception to the statements of the Senator from Nebraska and ask him to review those statements in the context of the resolution. I think if he does, he will come to the conclusion he can support this resolution.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I rise to join those who expressed their reservation in opposition to the proposal that passed the House of Representatives last evening, some 16 pages or 17 pages of continuing resolution plus the words that have been mentioned in reference to the balanced budget.

I think it is only appropriate to look at where we are today to understand why the President is deeply concerned about signing this particular proposal. We have to really understand what the significance of all of this means, beyond just the words which are included in the continuing resolution. We have to look back at the fact that, in the spring of last year, the Speaker of the House had indicated what was going to happen in the late fall, that there would be a clash between the executive

branch and the Congress on a budget for this country, and that he planned to shut the government down to get his way. He has said that repeatedly, in the spring and in the early fall. My colleagues have included those statements in the RECORD.

Effectively, to sum up what the Speaker was talking about, Speaker GINGRICH's at-all-cost strategy shows little hint of compromise or common ground. For months he has implemented a strategy to blackmail the American people and the President into accepting his budget priorities. We have to consider all of the statements that were made by the Speaker predicting where we were going to be in the fall, the impasse that we find ourselves in today. That was all predicted. It is part of a plan. It was his intent to do so and this is where we are today as a result of that intransigence. This crisis we are facing today was predicted and planned by the Speaker and other Republican leaders. So no one should suddenly be surprised that we have this situation, because we have had a long period of notice.

Now it was not only the statements of the Speaker, but it has been how the House and the Appropriations Committee have been dealing with their business. Up to just a day or two ago, only 4 of the 13 appropriations bills were actually sent to and signed by the President of the United States.

I listened with interest to my good friend from Oregon, the chairman of the Appropriations Committee, who said we will be up to almost half in the next couple of days. The fact of the matter remains that, of the major appropriations bills that deal with the heavy commitments of the Federal Government, about 80 percent have not been sent down to the President. So we find, on the one hand, the prediction by the Speaker of the House of Representatives of the United States saying we will have this train wreck, we will slow or stop the Government—repeatedly stating that. And with the other actions of the Speaker—because, as all of us know, those appropriations initiate over in the House of Representatives—we know we are going to have, effectively, the crisis, because he is not going to pass the appropriations bills. If you do not pass the appropriations bills you have the continuing resolution.

It was by design and intent, design and intent by Republican leadership, that we were going to have crisis—both by the statements and by the failure of the appropriations process and the leadership in the House of Representatives in sending those appropriations over here.

I would just add, as I heard the chairman of the Appropriations Committee say, ''then there were so many riders that were put on those bills.'' Who is in charge here? Who put the riders on? They could not get on if they had not had the support of our Republican friends and colleagues. And, as we know, the tradition of this institution is we do not provide legislative matters on appropriations. We never used to. We do this year, because of the majority, and that has slowed the whole process down.

But, Mr. President, the Republican leadership understood that would be the direct impact of adding rider after rider on appropriations. The conferences have not done their work. They have not finished the appropriations and set them down and had them completed. So, where we are today should not surprise any Member here. It will become increasingly clear to the American public why we are here, and who intended us to be here with this particular crisis.

Mr. President, I listened last night to the debate over in the House of Representatives. I am mindful what is going to be on the floor of the Senate tomorrow—the Republican budget, the reflection of their priorities. You know something, Mr. President, in 24 hours we will probably have here on the floor of the U.S. Senate those same cuts in Medicare that were included in the continuing resolution. I mean come on, colleagues. We know exactly what is going on here. They are not even going to wait 24 hours. We are going to have the same cuts in Medicare that were included in the continuing resolution, tomorrow, on the floor of the U.S. Senate. What is the idea? They say, let us work this out together, we are coming with clean hands, and we are prepared to work with the President of the United States on a balanced budget—but they still bring their cuts in the Medicare Program.

This is a back-door cut in Medicare, and every senior citizen ought to know about it. And 24 hours from now we will have that budget with those cuts on the floor of the U.S. Senate We will have the budget with those tax breaks for the wealthiest individuals. And we will have the cuts in education programs on the floor of the U.S. Senate. We are going to have to have it within 24 hours.

So spare us the arguments my friends, the Republicans, that you just want to work this out with the President of the United States. Why did you not work out the budget with the President of the United States? Why did you not sit down and say, ''All right. This is acceptable, and can't we work this out in order to move toward a balanced budget?'' He is committed to do that, but we never had that opportunity. We never had that negotiation.

As has been stated repeatedly on the floor by the relevant committee chairman, most of the Democrats were not included in the conferences. They never had a chance to express an opinion. We were reduced the other night to a situation where Members could not address this body, or talk for their constituents in their State about what was really happening around the consideration of the budget.

Last night I took the time to watch that debate over in the House of Representatives. There was not one single Republican, not one, that stood up and said, with the passage of this proposal we are prepared to take Medicare off the table. Not one. Not one of them said, pass this resolution and we will reconsider our tax breaks for the wealthy. Not one. Not one of them said, pass this particular resolution and we will reconsider the severe cuts in the education programs that will put a dollar sign on every college door in this country that says ''Only the Wealthy Need Apply.'' In 3 hours of debate, not one of them said we are going to reconsider our position on tax cuts and Medicare cuts. Not one.

So what are we left with? We are left with the language that we heard from a number of our Republican colleagues last night. They said, let us give the President a message. Let us put him on the spot. Let us drop this on the door of the President of the United States—over and over again.

So we ought to understand where we are, and why the President is absolutely correct in vetoing this measure. Mr. President, passage of this measure is just another indication that there will be cuts in the Medicare Program. Make no mistake about it. Do not listen to this Senator. Just take the time to listen to the debate tomorrow on the floor of the U.S. Senate. That is a better indication of where the Republican priorities are than all of the speeches that are made here this morning, this afternoon, and maybe even this evening. They can say, we are really just trying to do what the President says he wants to do. And they can say, all you have to do is put your toe in the water and move us toward a balanced budget. But that is hogwash. And every senior citizen ought to know about it. Their plan means an increase in premiums. It means an increase in the deductible. It means an increase in the copayments. It means a diminution of quality of health care. And it means taking away from the seniors their ability to choose their doctors.

So when our colleagues say, we want to go back to the basics, and we want to work this out with the President, we are really approaching this with good faith on that—that just does not fly, not when you look at the facts.

In the meantime, Mr. President, we see where we have gone with our Republican friends. They say everything is on the table. Yet, in this continuing resolution—they cut the heart out of many of the education programs which are essential to improving the quality of education for the young people of this country.

They reduce the Goals 2000 legislation. They cut it by some 40-percent. That is a block grant that makes sense. That says that 90 percent of the funds to improve and enhance the education of the young people of this country are going to go to the local school districts, go to the parents, go to the

teachers, go to the school boards, and let the local communities help develop a program to increase academic achievement. It goes for education at the local level. It passed overwhelmingly with Republicans and Democrats alike last year. And nonetheless, because it was a President Clinton initiative on education, it was zeroed out in the House of Representatives—abandoned. Now it hobbles along under this particular resolution reduced from the previous resolution of the Republicans that left it at 90 percent. Now it is going to be funded at 60 percent—a 40-percent cut, Mr. President.

What will the Republican resolution be on December 6? This resolution only goes to December 5. And we have that kind of a cut from 90 percent. We cut it 40 percent in this continuing resolution. That is unacceptable.

You take safe and drug-free schools. How many times do we listen to our Republican colleagues talk about the problems of substance abuse, and here they are cutting out a significant program. That is not the answer. All of us understand from various hearings on these programs, you need not only a program in the schools, but you need after-school programs, and preschool programs. You need employment, you need sports, you need a variety of different activities to involve young people in this country. Safe and drug free schools and communities has been an effective program in many schools—and it is cut by 40 percent.

Take the funding for new technology for schools, which is already available to so many children in many of the private schools in this country. Effectively, that program is gutted—cut by 40 percent. Making new technology available in the public schools of this country is being cut by 40 percent.

Take the Eisenhower Professional Development Program. It is one of the very best teacher training programs in the Nation. It enhances the academic achievement and accomplishments of teachers and offers wide range of new courses to strengthen their academic background and overall experience so that they can be better teachers in the classrooms across the country. That program is cut by 40 percent.

Then the Perkins Loan Program, which is an additional college loan program to help the students of this country pursue their education is cut by 40 percent. These are cuts in efforts to reform the basic education programs, cuts in technology, cuts again in help and assistance for those that are pursuing higher education.

And the summer jobs for youth is cut 40 percent. I guess an awful lot of those teenagers cannot vote. This program is zeroed out in the House of Representatives—summer jobs for youth, a program that makes a big difference to many of the young people in this country, and in urban and rural areas alike. Major cities, such as Boston, receive extensive matches in funds by the private sector. There is an effective recruiting mechanism for young students in the inner cities to find employment as they work in the summer jobs. They then work for many of these companies and corporations in the cities. This important effort is cut by 40 percent.

So there it is, Mr. President. That is what we are being asked to do. On the one hand, we are going to hear the same statements repeatedly today. They will say, let us just ask the President to work with us on a balanced budget. But every single Member in this body knows that we are facing the Republican budget tomorrow that cuts the Medicare Program, provides tax breaks for wealthy individuals, and cuts education.

If they were serious, they would have said, let us work out the priorities in those areas. Let us really move to a bipartisan balanced budget. Let us find out what we can do working together, and then have the opportunity to get beyond what the Speaker of the House called a train wreck. A train wreck that he predicted and an event that he effectively implemented by failing to provide leadership to ensure the timely completion of the appropriations bills. Let us not fool the American people, Mr. President. We know what is happening here.

They are just trying to score the political points, trying to put something to the President of the United States. They will not say today, all right, we will reconsider our tax cut.

I am going to watch today and see whether any Member who supports this proposal will say, look, we are operating in good faith. We will reconsider our tax cut for the wealthiest individuals. We will reconsider that. We will consider the Democrats' position on the Medicare Program and their wish to ensure its financial stability to the outer years. We will reconsider our $270 billion, and we will reconcile that with your $87 billion. We will look at that. We are serious about today. We will meet with you all during the day with our Budget Committee to consider some of the Democratic priorities. And we will also take another look at these extraordinary cuts that have been made in education. We have addressed the education issues. We have had some success in restoring them here. But do you think that is reflected in the continuing resolution? Absolutely not.

So, Mr. President, I think we all understand what is at risk here. The President is wise to reject this. But the President should challenge Republicans and Democrats alike to sit down and work this out. We have no preconditions, no preconditions to moving toward a balanced budget, as has been repeated by the President and leaders, every Member of this side. They are for the balanced budget, but not for the Republican priorities.

That is the problem. The Republicans are saying, oh well, you have to vote for this because it says balanced budget but we are going to stick it to the elderly on the Medicare cuts, and we are going to stick it to the children, and we are going to enhance the wealthiest corporations and richest individuals with unjustified tax breaks. That is wrong. This resolution should be defeated.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first, I thank the Chair for recognizing me. I wish to say for Republicans on our side so they will understand, this is an appropriations matter. Chairman HATFIELD is going to be managing the bill. There are no time limits thus far. So if Senators think that we can allocate time, there is no allocation. It is a question of the Chair observing the precedents of the Senate in recognizing Senators either to speak or offer amendments. So everyone should know I do not think I can get them time if they just call on the phone. There is open debate unless and until we reach some unanimous-consent agreement with reference to the situation.

Mr. President, I wish to make a couple of points rather than go into a lot of detail. The Senator from Massachusetts [Mr. KENNEDY] has failed to mention to the American people one thing. As he goes through a litany of reductions and cuts, he failed to tell the American people what we have before us is a 19-day bill—one-nine, 19 days.

For the next 19 days, if this is signed, the U.S. Government will continue to operate under an interim funding program described in this bill. This is not a year. This is 19 days. So all the comments about what is being reduced in expenditures, how much we are asking programs to take a cut is for the next 19 days, and until we finally reach a conclusion between the President and the Congress on the full year, this 19 days is a very insignificant portion of what is going to be funded and how things are going to come out.

It is generally and historically true around here that when the Congress and the Presidents are battling over expenditures continuing resolutions are funded at less than what you finally agree to do. So as to make the point, in this case we want to spend less overall rather than more. The problem we have is that some Democrats—and of late it seems the President joins with them—just want to spend more money rather than less while they are talking about reducing the deficit. So let us make sure that everybody understands, whoever comes to the floor from whichever side of the aisle during the next 3 or 4 hours and talks about what is being cut on the appropriations side, we are talking about an interim, short-term funding measure for 19 days. We are not talking about the entire year. We are not talking about final appropriations numbers.

For those who wonder about not getting all the appropriations bills done on time, let me suggest that the very

last Democratic Senate with a Republican President had six continuing resolutions. If I recall, we have had one, so far. They had six to make their case to a President and then eventually were able to work something out. So it is not untoward or unexpected or something we have invented. At the end of the year, when you are arguing over important differences, frequently you have short-term extensions of the appropriations bills while you attempt to get something worked out.

Let us talk about getting something worked out and why we are here today. We are here today because we want to open the Government, put the people back to work, have a 19-day extension of funding, and then presumably the day after tomorrow we will pass a Balanced Budget Act of 1995. We will send that to the President. He has said he will veto it, and then we are left with nothing. We are left with no serious deficit reduction. Presumably, according to the President, he would like to work with us then. He submits that he would like a budget, a short-term appropriations bill that says, look, give us the right kind of funding, do not worry about that, and let us just state in there that we are going to get together after all of these vetoes and we are going to work on the budget. Then and there we are going to agree on when it is going to be balanced, and then and there we are going to agree on what economic assumptions we are going to use.

I see that as the end of a balanced budget. There is no chance you can work anything out that way. With the differences that exist, if there is not some kind of a benchmark that guides and leads those negotiations, you will be nowhere and probably nowhere forever.

Having said that, let me suggest that there is going to be a lot of debate on the other side of the aisle on how onerous and difficult this 7-year balanced budget using real economics is. There is going to be a lot of debate that the Republican agenda is mandated by this balanced-budget-in-7-years portion of this bill. Neither is true. This is not a balanced budget amendment that says how we will get to balance, when we start negotiating with the President.

It is not how we get there. It is whether we get there. It is not how we get there. It is whether we get there. The truth of the matter is that all the ideas for spending more money, for reducing the tax cuts, for saving every program that everybody wants to stand up and say we ought to save, they are all on the table. When the President comes to that meeting with his experts talking about this issue, they are all on the table. There is no agenda that is predetermined. Whatever any Member of the House or Senate says, the language is clear. Republicans do not dictate the agenda and the President does not. The benchmark is that we will all start with one premise, 7 years, and we will balance.

It seems to me that the President and others are saying we do not know if we can do a balanced budget in 7 years using real economics. Let me suggest there are 71 Senators that have said we can and have voted for a plan to do it.

Nineteen Democratic Senators voted for a plan, a bill, that says we should have balance in 7 years using real economics. Nineteen of them, added to the 52 Republican Senators, my arithmetic says that is 71. So, 71 have said it can be done. Nineteen say, ''Do it a different way.'' Fifty-two say, ''Do it the Republican way.''

It is my understanding that last night 48 Democrats joined the Republicans in recommending this to the President. Previous balanced budgets this year voted on by the House, 299 House Members, considering two different plans, one by Democrats and one by Republicans, voted for a balanced budget in 7 years using real economics. What is the President afraid of? What are Democrats afraid of in terms of a 7-year balanced budget that says, ''We aren't telling you how, we're just telling you whether we have a balanced budget or not''?

Having said that, Mr. President, I would like now to just read a few comments from The Washington Post editorial of this morning. Mr. President, it is called, ''The Real Default.'' It is about half a page. I might suspect some would say, ''If it's the Washington Post, they are probably saying the Republicans are 'in default.'''' I regret to tell you Democrats, it is not us that they say are in default. It is the President and the Democratic leadership that this says are in default. I would like to just read a little bit of it.

The budget deficit is the central problem of the Federal Government and one from which many of the country's other, most difficult problems flow. The deficit is largely driven in turn by the cost of the great entitlements that go not to small special classes of rich or poor but across the board to almost all Americans in time. The most important of these are the principal social programs for the elderly, Social Security and Medicare. In fiscal terms, Medicare is currently the greatest threat and the chief offender.

Bill Clinton and the congressional Democrats were handed an unusual chance this year to deal constructively with the effect of Medicare on the deficit, and they blew it. The chance came in the form of the congressional Republican plan to balance the budget over 7 years. Some other aspects of that plan deserve to be resisted, but the Republican proposal to get at the deficit partly by confronting the cost of Medicare [and its own default] deserves support. The Democrats, led by the president, chose instead to present themselves as Medicare's great protectors. They have shamelessly used the issue, demagogued on it, because they think that's where the votes are and the way to derail the Republican proposals generally. The President was still doing it this week; a Republican proposal to increase Medicare premiums was one of the reasons he alleged for the veto that has shut down the government—and never mind [says the editorial] that he himself, in his own budget, would countenance a similar increase.

We've said some of this before; it gets more serious. If the Democrats play the Medicare card and win, they will have set back for years, for the worst of political reasons, the very cost of rational government in behalf of which they profess to be behaving. Politically, they will have helped to lock in place the enormous financial pressure that they themselves are first to deplore on so many other Federal programs, not least the programs for the poor. That's the real default that could occur this year. In the end, the Treasury will meet its financial obligations. You can be pretty sure of that. The question is whether the president and the Democrats will meet or flee their obligations of a different kind. On the strength of the record so far, you would have to bet on flight.

Now, there is much more. I ask unanimous consent that this editorial be printed in the RECORD at this point.

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

[From the Washington Post, Nov. 16, 1995]

THE REAL DEFAULT

The budget deficit is the central problem of the federal government and one from which many of the country's other, most difficult problems flow. The deficit is largely driven in turn by the cost of the great entitlements that go not to small special classes of rich or poor but across the board to almost all Americans in time. The most important of these are the principal social insurance programs for the elderly, Social Security and Medicare. In fiscal terms, Medicare is currently the greatest threat and chief offender.

Bill Clinton and the congressional Democrats were handed an unusual chance this year to deal constructively with the effect of Medicare on the deficit, and they blew it. The chance came in the form of the congressional Republican plan to balance the budget over seven years. Some other aspects of that plan deserved to be resisted, but the Republican proposal to get at the deficit partly by confronting the cost of Medicare deserved support. The Democrats, led by the president, chose instead to present themselves as Medicare's great protectors. They have shamelessly used the issue, demagogued on it, because they think that's where the votes are and the way to derail the Republican proposals generally. The president was still doing it this week; a Republican proposal to increase Medicare premiums was one of the reasons he alleged for the veto that has shut down the government—and never mind that he himself, in his own budget, would countenance a similar increase.

We've said some of this before; it gets more serious. If the Democrats play the Medicare card and win they will have set back for years, for the worst of political reasons, the very cause of rational government in behalf of which they profess to be behaving. Politically, they will have helped to lock in place the enormous financial pressure that they themselves are first to deplore on so many other federal programs, not least the programs for poor. That's the real default that could occur this year. In the end, the Treasury will meet its financial obligations. You can be pretty sure of that. The question is whether the president and the Democrats will meet or flee their obligations of a different kind. On the strength of the record so far, you'd have to bet on flight.

You'll hear the argument from some that this is a phony issue; they contend that the deficit isn't that great a problem. The people who make this argument are whistling past a graveyard that they themselves most likely helped to dig. The national debt in 1980

was less than $1 trillion. That was the sum of all the deficits the government had previously incurred—the whole two centuries' worth. The debt now, a fun-filled 15 years later, is five times that and rising at a rate approaching $1 trillion a presidential term. Interest costs are a seventh of the budget, by themselves now a quarter of a trillion dollars a year and rising; we are paying not just for the government we have but for the government we had and didn't pay for earlier.

The blamesters, or some of them, will tell you Ronald Reagan did it, and his low-tax, credit-card philosophy of government surely played its part. The Democratic Congresses that ratified his budgets and often went him one better on tax cuts and spending increases played their part as well. Various sections of the budget are also favorite punching bags, depending who is doing the punching. You will hear it said that someone's taxes ought to be higher (generally someone else's), or that defense should be cut, or welfare, or farm price supports or the cost of the bureaucracy. But even Draconian cuts in any or all of these areas would be insufficient to the problem and, because dwelling on them is a way of pretending the real deficit-generating costs don't exist, beside the point as well.

What you don't hear said in all this talk of which programs should take the hit, since the subject is so much harder politically to confront, is that the principal business of the federal government has become elder-care. Aid to the elderly, principally through Social Security and Medicare, is now a third of all spending and half of all for other than interest on the debt and defense. That aid is one of the major social accomplishments of the past 30 years; the poverty rate for the elderly is now, famously, well below the rate for the society as a whole. It is also an enormous and perhaps unsustainable cost that can only become more so as the baby-boomers shortly begin to retire. How does the society deal with it?

The Republicans stepped up to this as part of their proposal to balance the budget. About a fourth of their spending cuts would come from Medicare. It took guts to propose that. You may remember the time, not that many months ago, when the village wisdom was that, whatever else they proposed, they'd never take on Medicare this way. There were too many votes at stake. We don't mean to suggest by this that their proposal with regard to Medicare is perfect—it most emphatically is not, as we ourselves have said as much at some length in this space. So they ought to be argued with, and ways should be found to take the good of their ideas while rejecting the bad.

But that's not what the president and congressional Democrats have done. They've trashed the whole proposal as destructive, taken to the air waves with a slick scare program about it, championing themselves as noble defenders of those about to be victimized. They—the Republicans—want to take away your Medicare; that's the insistent PR message that Democrats have been drumming into the elderly and the children of the elderly all year. The Democrats used to complain that the Republicans used wedge issues; this is the super wedge. And it's wrong. In the long run, if it succeeds, the tactic will make it harder to achieve not just the right fiscal result but the right social result. The lesson to future politicians will be that you reach out to restructure Medicare at your peril. The result will be to crowd out of the budget other programs for less popular or powerful constituencies—we have in mind the poor—that the Democrats claim they are committed to protect.

There's a way to get the deficit down without doing enormous social harm. It isn't rocket science. You spread the burden as widely as possible. Among much else, that means including the broad and, in some respects, inflated middle-class entitlements in the cuts. That's the direction in which the president ought to be leading and the congressional Democrats following. To do otherwise is to hide, to lull the public and to perpetuate the budget problem they profess to be trying to solve. Let us say it again: If that's what happens, it will be the real default.

Mr. DOMENICI. Now, Mr. President, I want to repeat to every Democratic Senator here, to the President of the United States, this continuing resolution in this very simple language:

> The President and Congress shall enact legislation in the 104th Congress to achieve a unified balanced budget not later than the fiscal year 2002 as scored by the non-partisan Congressional Budget Office.
>
> The unified balanced budget in subsection (a) shall be based on the most current economic and technical assumptions of the Congressional Budget Office.

If ever there was a simple statement of whether or not we intend, whether or not we as a Congress, intend, and the President, as our leader, intends to stop spending our children's, grandchildren's, and unborn children's wealth to pay for programs of today, there could not be a better statement than that. Do you want to continue that or not?

I have been at it for a long time. I have been unsure from time to time when we could reach a balanced budget. But, Mr. President, and fellow Senators, I am absolutely convinced, and 19 Democrats backed this, and 299 House Members have voted it, that 7 years is ample time to get rid of the legacy of debt, and pass on a legacy of opportunity to our children. I am absolutely convinced it can be done.

For those who would argue we are trying to force our agenda, then I submit this is the people's agenda, 7 years using real economics. It is not a Republican agenda. And we are not even saying how you should do it. We are saying that we ought to continue this Government of America, put our people back to work, but we ought to make a commitment to the American people, and our President ought to join us. He has said he wants a balanced budget. And at one point he said 5 years. At one point he said 10 years. At another point he said 9 years, maybe 8.

Mr. President, you have to seriously consider what you are saying when you say, ''We will not do one thing with the Republicans. We will not negotiate,'' if they say let us start with a very basic marker of a balanced budget in 7 years.

Mr. SANTORUM. Will the Senator from New Mexico yield for a question?

Mr. DOMENICI. I would be pleased to yield without losing my right to the floor.

Mr. SANTORUM. Mr. President, it is my understanding that anyone who votes for this resolution will not be voting for a tax cut or promise to vote for a tax cut, will not be voting for a reduction in Medicare spending, will not be voting for a reduction in Medicaid spending and will not be voting for any of the specifics that are laid out in the Republican budget? None of that is referenced in the continuing resolution; is that correct?

Mr. DOMENICI. The Senator from Pennsylvania is absolutely correct.

Mr. SANTORUM. No one can make the claim they are voting against this because they are against the Republican budget as outlined; is that correct?

Mr. DOMENICI. That is correct. I might put it another way. Nineteen Democratic Senators offered their own plan to balance the budget at the same time as the Republicans using the same economics. If that is what the Democrats want when we go meet with the President, and if that is what the President wants, it has the exact same validity and the exact same merit as the Republican budget.

Mr. SANTORUM. One additional question. The only other thing, other than saying we are to balance the budget in 7 years, is that we will use the Congressional Budget Office as the final arbiter; is that not correct?

Mr. DOMENICI. That is correct.

Mr. SANTORUM. Has there ever been objection by the other side using the Congressional Budget Office as the final arbiter that you are aware of?

Mr. DOMENICI. I am not going to say I never heard anyone on the other side of the aisle object to using the Congressional Budget Office, because they might have, but let me tell you, never in the Budget Committee as we debated this did I hear any of my good friends on the Democratic side, including their leader in the budget matters, say that we ought to depart this year or last year from the Congressional Budget Office's economics. I have not heard that.

Mr. SANTORUM. My understanding is that the Democratic leader said on June 25, ''We will come to whatever accommodations that are to ensure that CBO is the final arbiter of the numbers.'' So that is the Democratic leader speaking.

I just want to know if anybody else has spoken differently, to your knowledge?

Mr. DOMENICI. I know of none.

Mr. DORGAN. Will the Senator yield for a question?

Mr. DOMENICI. I will be pleased to.

Mr. DORGAN. I thought I heard the discussion suggested that the only other change with CBO is also the case that this 15-page continuing resolution cuts by 40 percent some programs, including, for example, low-income energy assistance. It is now wintertime, of course. I come from a State that gets pretty cold. Some low-income folks get energy assistance. Does this not cut that by 40 percent? Is that not a change? I am using that as one example. Would that not be an example of other changes you put in this 15-page document?

Mr. DOMENICI. Might I answer the Senator this way. You were not on the

floor, I believe, so I will answer again. This document does not run Government for the entire year of 1996. It runs Government for 19 days. And during those 19 days, those who are managing the programs cannot spend on the program you described at more than a rate of 60 percent of current program funding, but it does not set the year-long funding for those programs.

Continuing resolutions are for a short period of time only. I add, it will be for 19 days. I cannot conceive that that would be the level in the long run that we would be at. That is what we still have to work out, and that is what continuing resolutions are for.

I thank you for the question, and anybody who has questions on all the other 10 programs, the answer is the same. It does not eliminate anything. It does not set the pattern for the full year. It says 19 days from now. That is until December 5.

Mr. DORGAN. Will the Senator yield for one additional question?

Mr. DOMENICI. Yes.

Mr. DORGAN. That is a change from previous CR's where it was 90 percent. It will now be 60 percent, so the cut would be 40 percent of things like star schools, low-income energy, et cetera.

Mr. DOMENICI. It is; yes. Frankly, when you are involved in this kind of situation in trying to get something done, it is not unusual that continuing resolutions change each time, seeing if some headway can be made about the loggerhead situation by adjusting it. That has been done before.

Now, Mr. President, I want to continue on. I want to talk a little bit about what I think is the real problem. First of all, I think the problem is that the President of the United States has committed to a balanced budget, and what I am saying I do not say about Democratic Senators. They had some very serious proposals, and I believe they tried very hard—19 of them—to get a balanced budget. I believe Senator EXON would clearly try to get a balanced budget in 7 years and achieve it.

But what I think the problem is, is that the President of the United States does not want to tell anybody how much money he wants to spend. The issue is how much do you want to spend in the next 7 years, not how much you want to cut taxes.

The Senator from Pennsylvania is correct, if you vote for this, the President can go to the table saying, ''I don't want any taxes.'' And I repeat that. He can go to the table saying, ''I don't want to cut one bit of education. I want it to increase education instead of it being frozen or reduced.'' This does not obligate any specifics.

What I believe is the case is that the President is not prepared to tell the American people how much he wants to spend. It is spending that is ruining America's future. It is spending too much that brings the Washington Post to saying, ''The budget deficit is the central problem of the Federal Government and one from which many of the country's other most difficult problems flow.''

Deficits do not come from the air. They come from spending more than you take in, and I believe if the President and his experts will sit down in a room between now and the time we finally send this bill to them and ask themselves seriously—forget the Republican agenda—''How much do we want to spend?'' They do not have to tell anybody, but I believe they will come to one of two conclusions: One, they want to spend too much and, therefore, cannot agree to this, or, to their amazement, they will find under their priorities they can easily get a balanced budget by the year 2002.

I believe that without a question. In fact, I will volunteer to sit down with them and use their priorities. How much more do you really want in education? It is annually appropriated, but let us just put it on the table, I say to my colleague, Senator COCHRAN, put it on there. How much more do you want in the Environmental Protection Agency? Put it on the table. Not very big budget items. Put some more on that they have been talking about. Put them on the table.

Look at this resolution: ''The unified balanced budget shall be based on the most current economic and technical assumptions of the Congressional Budget Office.''

We did not use those because we kept our budget resolution to the April ones. But, Mr. President, I say to my fellow Democrats, I ask that you look at those. See how much more that gives us to spend. I will guess $30 billion. Your priorities can be plugged into those, but why in the world, with the effort that has gone forth and with over 85 percent of Americans wanting a balanced budget, why would the President not commit and why would Democratic Senators not vote for a very basic, simple cornerstone for the beginning of serious negotiations by the Executive and the Congress, and there are no other conditions? Right?

It does not say how we get there. It does not say what committee does it. It does not say which programs are in, which are out. Very, very simple: Do you want to agree to the cornerstone of fiscal sanity, which is 7 years using real economics, and sit down and do it? As a matter of fact, I would assume that if it turns out to be impossible, that it would turn out to be impossible because there is great justification on the part of the President not to do it and even that the American people might buy in after serious negotiations.

Nobody goes to jail. Nobody is run out of office. It just says the Congress and the President shall do this. We cannot tie our President's hands. We can just say let us get on with this.

Let me put into my last thoughts—this idea is sort of budgetese and hard to talk about—but whose economic assumptions should you use? Let me try to draw a distinction that maybe everybody can understand. We created an institution called the Congressional Budget Office, led by Democrats and Republicans, I am very pleased to say to this day to this Senator's satisfaction, and in my opinion, they are very objective and they are very good. Nobody owns them. They do not work for the majority or the minority or the President. They have a cadre of economists that are as good as any. They have number crunchers that are the best.

Why did we do that and why did we tell them to do their work and to give it to the U.S. Congress? Because we wanted a neutral, objective evaluator of the realities of the American economy, especially if you had to do some predicting.

Nobody is going to take the floor and say that they are inferior to the President's people who do the same kind of work. Most will say they are superior to the President's people. Most will get the record out and say they are right more times than any of the others, which is true.

What is this battle about? The President of the United States got up at a joint session of Congress. He had his first budget before us as President. In that budget, he used what? Congressional Budget Office assumptions. He bragged about it, and he said that we are not cooking the books anymore. I am paraphrasing. We are not cooking the books anymore. No more smoke and mirrors. We are using the real authenticator of economics.

Who was it he was talking about? The Congressional Budget Office. He directed that sort of at Republicans that night. At least we took it that way. The Democrats cheered. Republicans sort of said, I guess he is picking on us.

The very next year, the President of the United States, for some reason, said, ''I am not using them anymore. I am going to use my own people.'' Everybody should understand that those who do this work for the President work for him. The Office of Management and Budget Director is appointed by the President. We confirmed him. His Chief of Economics, head of that council, he picks them. The Secretary of the Treasury, he picks them.

Why did we create CBO? Because we were not too sure that when it came to these kinds of things, that you would not just lean a little bit toward your boss, right? We think some of those did that for Ronald Reagan, and we were the ones that took it in the neck for it. We had to end up saying we do not like these magic asterisks anymore and rosy economics.

So, for some reason—I think I now know why—the President, after 1 year, changed his mind, and he produced a budget that used different economic assumptions—growth, interest rates, and how much programs would cost, such as Medicare and Medicaid. He did that with his people and said, ''If you want

to use the Congressional Budget Office up there on the Hill, that is your business.'' But it turns out, right now, that it happens to be everybody's business because, essentially, if you use what the President's own people did for him, you have a no-pain budget. You do not have to change things very much because you pick up great savings because of assumptions. You even save a huge amount of money on Medicare and Medicaid without changing anything. You do not change a sentence in the law, put a new period in; you just assume more savings and then the program costs less.

I must say, I really wish that, before I went to the trouble of producing the budget that we are going to bring up the day after tomorrow and that we voted on here, somebody would have given me a present. What kind of present? A $475 billion present saying you do not have to worry about $475 billion of these reforms and restraints and reductions, because we just found them. Where did you find them? We found them because the President's men, the President's workers, the President's OMB Director found them by changing the books.

Now, I understand—and there is no inference that there is anything illegal about this at all—they have their views, and they are competent, smart, informed people. But the truth of the matter is that they work for the President and the Congressional Budget Office does not, nor does it work for Republicans. They have been more right than wrong, and we have been burned many times using economic assumptions that turn out not to be right.

Mr. CONRAD. Will the Senator yield for a question?

Mr. SANTORUM. Will the Senator yield?

Mr. DOMENICI. I yield to the Senator from Pennsylvania.

Mr. SANTORUM. What I think I am hearing from Members on the other side is they are trying to find a reason to vote against this continuing resolution. They may not be comfortable with voting against it because it balances the budget in 7 years or because we are using Congressional Budget Office scoring. But some are trying to find a reduction in the expenditure levels in the continuing resolution as a reason to vote against this continuing resolution.

I want to ask the Senator, who I know is on the Appropriations Committee—and I conferred with the Senator from Mississippi, who is also on the committee—is it not a custom that when a continuing resolution is passed, in that continuing resolution you use the lower of the House- or Senate-passed levels of spending for the various programs, and that becomes the continuing resolution? Is that not the custom of continuing resolutions, I ask the Senator from New Mexico?

Mr. DOMENICI. While I was not intimately involved in the process that developed that theory, it actually has a name. It is called the Michel rule, which is from the former minority leader in the House, Representative Michel, because at a point in time when he was in his leadership role, we were confronted with a Republican President and a Democratic Congress, and they were trying to work together to get some time, like we are, in a continuing resolution. Bob Michel suggested the lower of either House for this short interval, and it has thus been known as the Michel rule. So that is the case. That has been the practice.

Mr. SANTORUM. This bill conforms with the Michel rule?

Mr. DOMENICI. Right.

Mr. SANTORUM. Have Members on both sides voted for CR's that do that?

Mr. DOMENICI. Yes. We have to lay that on the table. There is a slight addition because there are programs that are zeroed out in the Michel rule application. The House feels strongly about those. The President feels strongly about those. And so rather than using the Michel rule, which would have said the lower of either means zero, we have compromised at 60 percent for the next 19 days.

Mr. SANTORUM. So actually we are even spending more money than the Michel rule would require because we are taking programs that would have been zeroed out because the House zeroed out those programs. They are spending 60 percent just to continue those programs during this period of time. So, in fact, we are being more generous than previous CR's would have been; is that correct?

Mr. DOMENICI. Yes, in the sense that if you had a zero and applied the Michel rule, that would be the lowest possible one. So it would be zeroed out. I do not know if there has ever been any such zeroing out in a continuing resolution applying the Michel rule. Maybe the Senator from Mississippi knows that.

Mr. SARBANES. Will the Senator yield for a question on that point?

Mr. DOMENICI. Yes.

Mr. SARBANES. The Michel rule never applied to a set of facts in which you were zeroing out programs.

Mr. DOMENICI. I just said that.

Mr. SARBANES. That is absolutely right. So the response to the question put from the Senator from Pennsylvania is contrary to his assertion. The Michel rule never reached the matter we are confronting with all the zeroing out of these very important programs, including the Low-Income Home Energy Assistance Program, which the Senator from North Dakota made reference to earlier.

Mr. CONRAD. Will the Senator yield for a question?

Mr. DOMENICI. I say, first, to Senator SARBANES, one might put it another way and be just as accurate as your statement. One might say that the Michel rule has to be modified because, as it was applied, there were no zeroing out of program funding. So it is being modified. And we are modifying it and saying 60 percent funding for a temporary period of 19 days. That is one way to say it. I think that is what we are acknowledging.

Mr. CONRAD. If the Senator will yield for a quick question, I ask if the Senator from New Mexico is aware that, this morning, the Wall Street Journal has endorsed the economic assumptions of the President, rather than the economic assumptions of the Congressional Budget Office. The Wall Street Journal this morning said: ''While the Congressional Budget Office predicted 2.3 percent annual economic growth, OMB boosted it to 2.5 percent.'' And, interestingly enough, the Wall Street Journal, this morning, said: ''In our view, both growth assumptions are overly pessimistic. Corporate profits look fairly cheerful. There is no reason the economy should not grow at 3 percent,'' according to the Wall Street Journal. ''Government policies, whether monetary or fiscal, should not be designed to foreclose this result.''

I wanted to know if the Senator from New Mexico was aware that the Wall Street Journal—this is perhaps the most conservative journal in the country with respect to these issues—has this morning endorsed the economic assumptions of the Office of Management and Budget—if you look at the last 2 years.

I further ask, is it not true that the actual results of economic growth have exceeded both CBO and OMB assumptions, and that the actual results on deficit reduction have been better—the actual results—than CBO or OMB assumptions?

In fact, both have been overly conservative, and that perhaps the Wall Street Journal has got it right in that both OMB and CBO are overly conservative.

Mr. DOMENICI. Is that the question?

Mr. CONRAD. That is the question.

Was the Senator aware the Wall Street Journal has endorsed the President's economic assumptions, saying that both OMB and CBO are overly pessimistic?

Mr. DOMENICI. I was not aware, but it does not surprise me. I have the greatest respect for the Wall Street Journal but their charter is not to balance the budget. Our charter is to balance the budget. Theirs is to write editorials and make assessments and predictions. They are good at it.

The fact of the matter is if you put to the American people in language they could understand, if you are going to work at a balanced budget would you want to take a chance on using a rosy economic scenario and pulling us in again, or do you want to be more conservative?

If the conservative economics are right, lo and behold, we will have a nice surplus. Is that all so bad? Especially when you look at what we have do to get there, and if the Democrats will look at what we have done to get there, and apply their priorities on it, you get to a balanced budget using the

Congressional Budget Office's more conservative, historically more accurate, economic assumptions than those prepared either by OMB or confirmed by the Wall Street Journal in their opinion as being more appropriate.

Now, Mr. President——

Mr. WELLSTONE. Will the Senator yield?

Mr. DOMENICI. Sure.

Mr. WELLSTONE. I have tremendous respect for the Senator and I want to ask one thing. There are a number of us here who are anxious to be part of the debate. Will the Senator hold the floor longer, or is there an opportunity to have this debate, I think many of us would like to have?

Mr. DOMENICI. I am fully aware you want to debate, and I am sure we will debate and I will be through very soon.

Mr. WELLSTONE. I thank my colleague.

Mr. DOMENICI. Mr. President, let me just give you, the people listening and those who at least understand where I am coming from, my last observations.

Mr. President, I want to give my last observation of the situation: It is going to be very difficult to get a balanced budget. Once the President has vetoed the Balanced Budget Act we will present, it will be very difficult. Then there is no game plan and we will have to sit down as best we can and see if we can put one together.

I predict with almost certainty that if we do not have at least a cornerstone from which to start that work of a balanced budget in 7 years with agreed-upon economics, I submit it will never happen. I sense that in my discussions with people from the White House.

The differences are so severe that we will be all over the lot, and without 7 years staring us in the face and agreed upon priorities—and I say ''agreed upon'' because they are not ours at that point, they are negotiable—we will not get there.

Senators on your side want to debate things, and I wonder, is Senator EXON the manager?

Mr. EXON. There are no time restraints. It is open season, so to speak.

I believe the Senator from North Dakota was very, very early, but it is up to the Chair.

The PRESIDING OFFICER. Does the Senator yield?

Mr. DOMENICI. I did not yield because of the nature of this amendment that is pending and the fact that it can be amended. I have to either ask that there be no amendments to it for the next 30 minutes or 40 minutes or an hour or I will have to bring the Republican leader to the floor.

Mr. EXON. Would the chairman of the committee please restate the request.

Mr. DOMENICI. If I give up the floor without getting the majority leader to the floor so I can talk to him, could we have an agreement for the next hour we will debate and there will be no amendments?

Mr. EXON. There are some amendments that we want to offer. I simply inquire—we could not agree to that without further consideration.

The floor is open to amendments at any time.

Mr. DOMENICI. I was unaware of a conversation between the majority leader and your leader that has already occurred that straightens out my problem, so I yield the floor.

Mr. DORGAN. Mr. President, I have listened for some while this morning, and I will respond to some of the discussion that I have heard.

This is either, in theatrical terms, a comedy or tragedy. I suppose some view it both ways.

A comedy—I came to the Capitol this morning to see a newspaper that says ''Cry Baby,'' and a newspaper saying that the Speaker had a tantrum and closed down the Government because Clinton made him sit at the back of the plane.

I do not know the veracity of the news piece but the quote that is in this piece says, claiming that Clinton refused to open budget talks and snubbed him aboard Air Force One, GINGRICH said, ''That's part of why you ended up with us sending down a tougher stop-gap spending bill.''

Well, I hope that is not the case. I hope that is just hyperbole, but if it is the case, it truly is comedy—low-grade comedy. It does not make any sense for this country to be in this situation. The tragedy is this affects a lot of people in a lot of significant ways.

I know that truth is often the first casualty in debates like this. I know that on the floor of the Senate there are people today who will work very hard to make the case that this debate is about whether we should balance the budget.

We will see contortions and acrobatic approaches today that suggest this is only about whether we should balance the budget. It is not about that at all.

Of course we should balance the budget. Of course we should balance the budget. I do not think anyone in here disagrees with that. That ought to be the goal.

The question is, how do you balance the budget? What approach do you use to balance the budget? I know that we will have people for the next hour who will say the debate here is about CBO versus OMB. I bet a lot of people do not understand the interests of that—CBO versus OMB. I do not care whether it is CBO, OMB, AT&T, or the NFL.

That is not the issue with me. What I do care about is the notion that people are bringing legislative initiatives to this floor to—they say—balance the budget, in a manner that cuts health care for the elderly and the vulnerable in our country, takes kids off the Head Start Program. It does dozens of things to the more vulnerable parts of our society and then rewards others with tax breaks.

As long as people are coming to this floor saying what we need to do is borrow money to give a tax break, some $245 billion, 80 percent of which will go to the top 20 percent of the income earners, as long as people are saying we must do that, and in order to pay for all of that, we ought to take a big hunk out of Medicare, Medicaid, education, low-income energy assistance for poor people, when they are trying to heat their homes during the winter as an example, I am not going to be interested in talking about CBO versus OMB.

I am for 7 years. That is fine. If we can do it quicker, that is fine as well. The fact is, we ought to do it the right way, and the right way is not to borrow money to give a tax cut which will reward the privileged in this country.

There was an article the other day that described in summary what we are facing here. The ''how to balance the budget,'' represented by the priorities of the road map already given us by the majority party, is to do it this way. It says, you take a roomful of people and have that roomful of people represent the population of the United States. Then you divide them. You take the 20 percent of your room that have the lowest incomes and you put them on this side of the room in chairs. You say: You sit over there because you have the lowest income in the room, you 20 percent. Now we are going to cut spending in a way that says you 20 percent with the lowest incomes get 80 percent of the spending cuts. You bear the burden of 80 percent of all we are going to do on the spending cut side.

In the same room you say: By the way, we would like to take the 20 percent that have the highest incomes in this room and put them over here in chairs on this side of the room. Then you go over to them and say: By the way, we have good news for you. You 20 percent with the highest incomes in this little room of ours, we are going to give you 80 percent of the tax cut.

Now we have our room divided, a microcosm of our country. We have the 20 percent of the lowest income earners on this side of the room and we have 60 percent in the middle and then we have the 20 percent of the highest income earners on the other side of the room. And we have said: You folks that do not have much, we are going to make things a lot worse for you because you are going to take 80 percent of the spending cuts, that is what we are saddling you with. And you folks that have the most, we are going to reward you with 80 percent of the tax cuts. That is what we are facing. That is the road map.

Mr. COCHRAN. Will the Senator yield for a question?

Mr. DORGAN. I will be happy to yield when I have finished, if I have any time left, but I have just begun my statement——

Mr. COCHRAN. Let me just ask, about the tax cut——

Mr. DORGAN. We were generous with the Senator from New Mexico, who had the floor for some while——

Mr. COCHRAN. He yielded to you for a question.

Mr. DORGAN. All right. I will yield for a question of——

Mr. COCHRAN. I was just going to ask the Senator if there is any tax cut in this bill? This is a continuing resolution that provides, is it not true, for 3 weeks for a cooling-off period to fund Government and get everybody back in the agencies and departments? There is not anything in this resolution that would require any tax to be cut, is that not true?

Mr. DORGAN. I get your question. Let me ask you a question. Would you agree to balance this budget without a tax cut so you are not borrowing money to give a tax cut to the wealthy?

Mr. COCHRAN. We are not debating how we get to the balanced budget, is my response. That is what you are trying to convert this into, is a debate over tax cuts. This is a debate on getting the Government functioning, is it not true? That is what the continuing resolution is about.

Mr. DORGAN. Let me reclaim my time. We already know what your plan is. It has been on the floor twice, just as recently as a couple of weeks ago. It includes a tax cut. We know that.

My question to you, Senator COCHRAN, was would you agree to balance this budget without giving a tax cut? Because the fact is, every single dollar of tax cut you are going to borrow.

I simply ask that question of you.

Mr. COCHRAN. I will be happy to respond to my good friend. This is not a debate over how we balance the budget. It is a debate over whether or not we ought to commit ourselves to working together to achieve a balanced budget. That is the provision in this resolution.

Mr. DORGAN. I appreciate the Senator's response. The fact is, he did not answer my question. The reason he did not answer my question, he and I both know, is that you have no intention, the majority party has no intention and never has had an intention, of bringing a balanced budget resolution to the floor of the Senate that does not include a big tax cut that will, in most cases, reward the most privileged of people in our country and every single dollar of the tax cut you are going to borrow. The fact is, every dollar that is given as a tax cut to someone during the next 7 years will be a dollar that is borrowed and increases this country's debt. If you call that conservative economics, I do not know what school teaches it.

The fact is, we know what the plan is. So to come here and say this is about 7 years and CBO and put blinders on—here is the journey. Do not remember, by the way, where we have taken you in the past. We know exactly what that journey is about and we know all of the stops along the way.

Among those stops are a very significant tax cut, because that is the centerpole in the tent on the contract for America. The fact is, the American people are a lot smarter than a lot of the folks running around town. They understand that, when the job in front of you is to balance the Federal budget, you roll up your sleeves and you talk about how you do it. They also understand that those who roll up their sleeves and talk about a tax cut while you are up to your neck in debt do no service to the future of this country.

I know it is popular. I know why my colleagues, some of my colleagues on the House and Senate side, want to talk about tax cuts. Because it is enormously popular. I have a couple of kids who want to eat desert first every single meal. I know why they want to do that. And I know why you all want to talk about tax cuts. But you all know, if you are honest, that every single dollar of the tax cut will be borrowed.

Let me just suggest a couple of other points about the tax cut. We do not know what this tax cut is going to be, but let me give some examples of what it can be.

In the House of Representatives, they give a $2 million tax cut apiece for 2,000 corporations by eliminating something called the alternative minimum tax. That does not mean much to anybody. Eliminate the AMT. That is pretty foreign stuff. Nobody knows what that means.

What it means is this. In the old days we used to read stories about a corporation that would make $2 billion in income and guess what they paid in taxes? Zero. Nothing. Then we put together something called an alternative minimum tax, to say that is not fair. If you make $2 billion, and somebody goes out and works 8 or 10 hours a day and makes $8 or $10 an hour, guess what? They have to take a shower at night and fill out a tax return and they are going to pay a tax. It is not fair, if you make $2 billion and pay zero, so we are going to have an alternative minimum tax.

Our friends in the House said we do not want an alternative minimum tax. Why should we want those big interests to start paying taxes again? Let us eliminate that. Let us give 2,000 corporations $2 million each in tax breaks and then let us tell 55,000 kids we cannot afford Head Start for them. Tell them we cannot afford a Head Start Program for you.

In this bill—you know, it is interesting. We are told this is an innocent little piece of legislation. The only thing that matters on this piece of legislation is the last page, page 15, which talks about 7 years and CBO.

What about page 9? I wonder if somebody wants to talk about page 9. Page 9 says the Star Schools Program—which deals with math and education and science, in which we are going to try to boost America's schools—that program we ought to get rid of. What we do is we cut funding 40 percent on the Star Schools Program. And the Senator from New Mexico says, that is only for 19 days; what are you concerned about? Cut Star Schools by only 40 percent for 19 days.

Do you know something? The same people who bring us these priorities, cutting Star Schools, and call themselves conservatives and say they want to balance the budget, are off trying to build star wars for $48 billion, building an astrodome over America. The Soviet Union is gone, but now we want to build an astrodome over America for $48 billion because, when it comes to star wars, the sky is the limit. We have plenty of money. Let us spend it like it is Saturday night and we have unlimited credit cards. But when it comes to Star Schools, we are sorry, it is just not in the rank of priorities for us.

I somehow do not understand the priorities. We are here, not by accident. This is an engineered circumstance. All of us know that. I have read before, but I want to read again, statements by the Speaker last April. He vowed ''to create a titanic legislative standoff with President Clinton by adding vetoed bills to must-pass legislation increasing the national debt ceiling.''

This is not an accident. We are not here by some trick of fate. This is a deliberate, engineered shutdown. Why? I guess—I do not know. Maybe it is because somebody was not invited to get off the front of the airplane and he got piqued. It is human. Maybe it is petty. Maybe it is human. Or maybe because there is a genuine difference in priorities.

I guess they want the debate today to be a debate about 7 years CBO. Seven years does not matter to me. Six years will be fine, as far as I am concerned. If we get good economic growth, maybe get some moderation of health care prices, we can do it faster than 7 years. But the fact is, the differences between us are differences in priorities, very substantial differences in priorities.

Just a couple of other quick points. We have heard a lot already this morning, and we will hear all day, that they have a plan to balance the budget. Of course they do not have a plan to balance the budget. The Congressional Budget Office says their plan results in a $110 billion deficit in the year 2002. I hope the Senator from South Carolina, who is on the floor, will address this as well. What a fraud. It does not balance the budget and never has. The only way they address it is to take money from the Social Security trust funds, move it over, and then claim after they have taken the money they have balanced budget.

Everybody in this room knows it is a sham. I said it in 1983 and offered an amendment in the Ways and Means Committee in the House in 1983, and said: This is what they are going to do with the Social Security surplus if it is not protected. And 12 years later, sure enough, every single year they have done it. So they say we have a balanced budget. Sure they do.

They got to a balanced budget by, in my judgment, dishonestly using Social Security trust funds in the operating budget. No. 1; No. 2, borrowing money to give a tax cut, 80 percent of which will go to the top 20 percent of the income earners in the country.

The fact is this is all about special interest, all about big money. I come from a rural area. I know about the sound of hogs in a corn crib and feeding. I tell you. This is all about feeding. It is about who gets helped and who gets hurt, who gets saddled with the cost and who gets the benefit.

And predictably when you look at winners and losers—not whether we balance the budget but who wins and who loses under this plan—it is pretty clear.

There is an old song by Bob Wills.

Mr. COCHRAN. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. COATS). Does the Senator yield?

Mr. DORGAN. I will not yield.

There is an old song by Bob Wills and the Texas Playboys that I have used on the floor before with lyrics that I think are appropriate to these priorities. ''The little bee sucks the blossom, and the big bee gets the honey. The little guy picks the cotton, and the big guy gets the money.'' That is what this is about. This is about queen bees and big guys. Guess who ends up with all the money, and guess who winds up with all the hurt?

What we ought to do—all of us—is get in a room and talk about what works and what does not. Who needs help and who does not? How do we move our country ahead? What kind of incentives provide opportunity and growth? All of those things are important to everyone of us in this room. Our differences at this point are over priorities, and choices. And honestly I think there are some who do not want them solved. I understand that. There are some who are piqued. There are some who are upset about what end of a plane they got off of at some point. But there are others, myself included, who believe it is worthy to balance this budget. It is important to the country to do it, but to do it with the right choices and the right priorities so that all of the American people benefit from this exercise.

I am happy to yield.

Mr. COCHRAN. I thank the distinguished Senator for yielding.

My question was simply to refer to the statement he made, and to ask him whether or not on the Star Schools issue he realized that in the Senate committee that has jurisdiction over education we recommend in the bill that we tried to call up the other day that Star Schools be funded at the same level that it was funded last year; that the House provided no funding in their bill. And the suggestion of the Senator from North Dakota though is this continuing resolution, if it passed, would zero out Star Schools. The program is forward funded anyway. But in the Senate bill, which the Democrats refused to let us bring up when they refused to permit us to agree to the motion to proceed to the bill, would fund that program at the same level that was funded at last year.

Mr. DORGAN. The Senator is correct. He is also correct that the House version of the appropriations bill zeroed it out. I guess I have little faith that rather than getting the best of each we will probably get the worst of both.

So I think that when you come to this floor saying that the Star Schools Program shall have a reduction in funding of 40 percent, which is what I said, the Star Schools Program be reduced by 40 percent in this continuing resolution at the same time that we have a bunch of folks who are genuflecting trying to build a star wars program that will cost $48 billion. I am scratching my head. Who sees the bigger picture for our country—those who want the best in schools and kids, or those who want to build a star wars project with money we do not need and do not have?

That is the only point I was trying to make. That is why I think this is truly about choices. This it about priorities. This is a very worthy debate. We ought not have it while the Government is shut down. There ought to be, in my judgment, more thoughtful programs keeping the Government open trying the prioritize as we balance the budget, and, yes, in 7 years. That is fine with me. Score keeping is not the issue here. It seems to me that it is choices and priorities.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. DORGAN. Yes.

Mr. SARBANES. Is the article to which the Senator was referring the one from the New York Daily News that starts out ''House Speaker Newt Gingrich admitted yesterday that he provoked the government shutdown in a fit of pique over how President Clinton treated him on last week's trip to Israel''?

Later on it says, ''And so, Gingrich's wounded pride fueled the shutdown that forced the furlough of 800,000 Federal workers and closed nonessential services—costing taxpayers hundreds of millions of dollars.''

Is that the article?

Mr. DORGAN. That is the article to which I was referring to.

Mr. SARBANES. Mr. President, I ask unanimous consent that article be printed in the RECORD.

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

[From the Daily News, Nov. 16, 1995]

CRY BABY—NEWT'S TANTRUM: HE CLOSED DOWN THE GOVERNMENT BECAUSE CLINTON MADE HIM SIT AT BACK OF PLANE

(By Timothy Clifford and Dave Eisenstadt)

WASHINGTON.—House Speaker Newt Gingrich admitted yesterday that he provoked the government shutdown in a fit of pique over how President Clinton treated him on last week's trip to Israel.

Claiming that Clinton refused to open budget talks and snubbed him and Senate GOP Leader Bob Dole (Kan.) aboard Air Force One, Gingrich (R-Ga.) said, ''That's part of why you ended up with us sending down a tougher [stopgap spending bill].''

On Monday night, Clinton vetoed the GOP bill that would have kept the government running through Dec. 1.

Clinton rejected the measure because Gingrich and Dole put in provisions that would have raised Medicare premiums and cut deeply into education and environmental programs.

And so, Gingrich's wounded pride fueled the shutdown that forced the furlough of 800,000 federal workers and closed nonessential services—costing taxpayers hundreds of millions of dollars.

Even though Gingrich and Dole spent 25 hours flying to and from Israeli Prime Minister Yitzhak Rabin's funeral, the speaker groused that they never talked about the budget.

And Gingrich told reporters that White House staffers ushered him and Dole off the back of the aircraft on their return—far from the media cameras focused on Clinton and former Presidents George Bush and Jimmy Carter walking out the front.

''You just wonder, where is their sense of manners, where is their sense of courtesy?'' Gingrich told reporters. ''I don't know. Was it just a sign of utter incompetence or lack of consideration, or was it a deliberate strategy of insult?''

Despite conceding that his complaints sounded ''petty,'' Gingrich argued, ''We think they were sending us a deliberate signal that they're not going to negotiate; they don't care what we are doing, that they have, in fact, decided on their path and that is the path of confrontation.''

Democrats immediately ridiculed Gingrich—saying that the President let the speaker bring his wife on the trip.

''I'm amazed that he would be the biggest whiner,'' Senate Democratic Leader Tom Daschle (S.D.) said. ''We'll give him another flight over there, and the President can play cards with him. . . . It's crazy.''

And Clinton spokesman Mike McCurry said, ''You all know that they were going to mourn a death by assassination of the Israeli Prime Minister Yitzhak Rabin. And the speaker was treated with utmost courtesy.''

Dole distanced himself from Gingrich's outrage, joking about the incident.

''We got in on the front exit, went out the rear exit,'' Dole told reporters. ''Maybe that's just the normal rotation.''

Slightly backing down last night, Gingrich and Dole proposed a new stopgap funding bill without the controversial Medicare provision.

But the measure also would force Clinton to accept balancing the budget in seven years and retains the cuts to environmental and educational programs.

The White House immediately announced that Clinton would veto that bill.

With polls showing public support for his stand, Clinton told CBS television that he would not cave to the Republicans. ''I'm not going to do it, even if it's 90 days, 120 days or 180 days. If we take it right into the next election, let the American people decide,'' the President said.

Meanwhile, Treasury Secretary Robert Rubin took more than $60 billion from two Civil Service retirement funds to stave off the first default in U.S. history.

Clinton vetoed the GOP's debt limit extension Monday, forcing Rubin to take the extraordinary action that guarantees that the U.S. can pay its bills through the new year.

The financial markets showed approval of Rubin's actions, but the Federal Reserve failed to cut interest rates as many expected it would.

Mr. SARBANES. Mr. President, is the Senator familiar with the articles which appeared in today's Post and today's Baltimore Sun, one headed ''Underlying Gingrich's Stance Is His Pique About President,'' and the other one,

''Gingrich links stalemate to perceived Clinton snub.''

This is an absolute tragedy. You have 800,000 employees out of work, services cut down at great expense, and it is all because the Speaker has had a fit of pique about this matter.

Mr. President, I ask unanimous consent that those articles be printed in the RECORD as well, along with a column by Lars-Erik Nelson, of the New York Daily News, headed ''Crisis reveals Newt depths of pettiness.''

This is incredible. The Speaker himself at a breakfast in effect conceded that this provoked him into taking this action.

The PRESIDING OFFICER. The Chair informs the Senator from Maryland that the Senator from North Dakota has the floor.

Mr. SARBANES. That is right. I am finished.

I ask unanimous consent that the articles to which I referred be printed in the RECORD.

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

[From the Washington Post, Nov. 16, 1995]

UNDERLYING GINGRICH'S STANCE IS HIS PIQUE ABOUT PRESIDENT

(By John E. Yang)

The budget battle between President Clinton and Congress turns on many things, but House Speaker Newt Gingrich keeps coming back to that long plane flight back from Israel when he says the president ignored and insulted him.

Gingrich (R-Ga.) yesterday said the tough terms of the interim spending bill Clinton vetoed Monday night, triggering a partial government shutdown, were partly the result of pique he and Senate Majority Leader Robert J. Dole (R-Kan.) felt on Air Force One during the long round-trip flight to Jerusalem for the funeral of Israeli Prime Minister Yitzhak Rabin.

''This is petty,'' he told reporters. ''[But] you land at Andrews [Air Force Base] and you've been on the plane for 25 hours and nobody has talked to you and they ask you to get off the plane by the back ramp. . . .You just wonder, where is their sense of manners? Where is their sense of courtesy?''

At a breakfast with reporters, Gingrich delivered an almost stream-of-consciousness analysis of the current political crisis, a candid performance he said he knew his press secretary would not like. Gingrich alternately and astutely described how his party was positioned in the current debate over the budget, and angrily relived—at length—the disrespect he felt he suffered at the president's hands aboard Air Force One. He said that the fact that Clinton did not speak to him or Dole during the trip to and from Jerusalem is ''part of why you ended up with us sending down a tougher'' interim spending bill.

''It's petty . . . but I think it's human.''

Gingrich's comments brought immediate disdain from Democrats. Senate Minority Leader Thomas A. Daschle (D-S.D.) who was also on the trip to attend Rabin's funeral, called on Gingrich to ''quit the whinning—let's get on with the real business here.''

And White House press secretary Michael McCurry reacted with mock disbelief when asked about Gingrich's allegations of disrespect on the part of the president.

''You all know that they were going to mourn the death by assassination of the Israeli prime minister, Yitzhak Rabin,'' McCurry told reporters at his daily briefing. ''And the speaker was treated with utmost courtesy. In fact, so much courtesy that his wife was invited when other wives of this delegation were not invited. And until someone shows me these words in black and white. I will refuse to believe that the speaker said anything that as you described it as so petty. . . . I just fail to believe the speaker would somehow connect this to the current budget crisis.''.

As the budget battle intensifies, the bickering between Clinton and congressional Republican leaders is becoming increasingly bitter and personal.

During Monday night's Oval Office meeting between Clinton and congressional leaders, for instance, House Majority Leader Richard K. Armey (R-Tex.) complained about having ''to listen to these lies'' from the White House, according to a participant.

Clinton responded by saying the congressional Republicans had been worse in their attacks, telling Armey who had criticized Hillary Rodham Clinton during last year's health care debate: ''I never, ever have and never expect to criticize your wife or members of your family.''

A phone call last Saturday produced complaints of rudeness on the president's part. Dole complained publicly that Clinton had all but hung up on him when he called to discuss a possible budget deal, and Gingrich was angry that Clinton promised to call them back and never did. The White House explained that Clinton was leaving for a Veterans Day event when the Republicans called and that Clinton said then he could talk for only five minutes.

The tension is not surprising. Gingrich is in the midst of the most crucial week yet of his speakership. Not only is he engaged in a high-stakes confrontation with Clinton, but he and his leadership team are struggling to complete work on the massive Republican balanced-budget bill—which leaders vowed would be done last Friday. Gingrich called the measure ''central'' to Republicans. ''It will decide for a generation who we are,'' he said.

''This is not a game of political chicken . . . this is not a bunch of juveniles,'' the speaker said. ''This is a serious, historic debate and a serious, historic power struggle. . . . That's why there will not be an immediate resolution to this crisis.''

Gingrich told reporters that is why the lack of negotiations aboard Air Force One was so serious.

The speaker said the airborne silence was a signal ''that they had made a decision because of their political calculation that they wanted a fight. . . . Our calculation was that they hadn't seen us deliberately. . . . Our feelings aren't hurt.''

The speaker said the terms of the interim spending bill were toughened because it was clear it would have to pass without Democratic support.

Whether Gingrich took it as an affront or not, the incident became a rallying cry among House Republicans, who rarely failed to mention it when asked about the possibility of working with the administration.

Among the other things on which the budget battle is turning, Gingrich said, is instinct. That, he said, was the basis for the Republicans' demand that the federal budget deficit be eliminated in seven years. Clinton is refusing to accept that time frame and, earlier this year, proposed balancing the budget in 10 years.

''Seven [years] is the longest period in which you can maintain the discipline to insist on it happening,'' Gingrich said. ''Ten [years] allows you to avoid all the decisions that get you to a balanced budget.''

Asked on what that was based, the speaker gave a one-word answer: ''Intuition.''

Gingrich also dismissed polls indicating that more Americans blame congressional Republicans than Clinton for the budget impasse, saying that his party would win in the long run.

Gingrich said the average American ''frankly hasn't thought about it, doesn't particularly care. . . . If the choice [of whom to blame] is a vacillating, extremely misleading president who refuses to make any serious decisions, who refuses to tell the truth and shows up on television trying to make you like him by telling you things that aren't true, and a Congress that says in a very firm, adult way: 'Yeah, we're going to balance the budget.' Now of those two, which one is more likely to get blamed?''

But, Gingrich said, the Republicans will prevail. ''The public relations fight is easy,'' he said. ''That's why we've ignored it. . . . We're on the right side of history, we're on the right side of this culture.''

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[From the Baltimore Sun, Nov. 16, 1995]

GINGRICH LINKS STALEMATE TO PERCEIVED CLINTON SNUB

(By Susan Baer)

WASHINGTON.—In remarks that reveal the personal tenor of the budget battle, House Speaker Newt Gingrich suggested yesterday that he and Senate Majority Leader Bob Dole toughened the spending bill that has led to the partial government shutdown because they felt President Clinton snubbed them on a recent plane ride.

At a breakfast session with reporters, Mr. Gingrich said he was insulted and appalled that, on the long trip aboard Air Force One this month to and from the funeral of Israel Prime Minister Yitzhak Rabin, the president failed to invite the Republican leaders to the front of the plane to discuss the budget, and then made them exit at the rear of the plane.

''I think that's part of why you ended up with us sending down a tougher continuing resolution,'' Mr. Gingrich said.

''This is petty, and I'm going to say up front it's petty, and Tony will probably say that I shouldn't say it, but I think it's human,'' the speaker added, referring to Tony Blankley, his spokesman.

Mr. Gingrich's remarks suggest that the shabby treatment he perceived helped shape the ''continuing resolution,'' the temporary spending bill that Mr. Clinton vetoed Monday. The bill is at the heart of the budget impasse that has closed parts of the government and furloughed 800,000 federal workers this week.

Mr. Gingrich said he thought ''a couple of hours of dialogue'' among the three leaders on the plane might have averted the stalemate that has led to the partial government shutdown.

As he has done repeatedly since returning from the Nov. 6 Rabin funeral, Mr. Gingrich railed against Mr. Clinton's treatment of him and Mr. Dole during their 25 hours in flight—specifically the president's decision not to discuss the federal budget with them.

Upon arriving back in Washington, he and Mr. Dole had to exit the plane by the rear door instead of by the front door with Mr. Clinton and former Presidents George Bush and Jimmy Carter.

''When you land at Andrews [Air Base] and you've been on the plane for 25 hours and nobody has talked to you and they ask you to get off by the back ramp so the media won't picture the Senate majority leader and the speaker of the House returning from Israel, you just wonder, where's their sense of manners, where's their sense of courtesy?'' the speaker said.

''Had they just been asleep all night and it hadn't occurred to them that maybe Bob

Dole deserved the dignity of walking down the front ramp? Forget me—I'm only speaker of the House. But you just have to say to yourself, was it deliberate calculated aloofness or just total incompetence?''

Mike McCurry, Mr. Clinton's spokesman, called Mr. Gingrich's remarks ''incomprehensible'' and said he could not believe the speaker would connect the trip to the Rabin funeral with the current budget crisis.

When pressed by reporters, Mr. Gingrich tried to dismiss the notion that his tougher negotiating stance on the spending measure was a result of a bruised ego.

Rather, he said, the Republican position was influenced by his sense—stemming from the neglect he and Mr. Dole perceived on the plane ride—that the White House was itching for a fight and was simply not interested in negotiating.

''It was clear to us getting off that airplane they had made a decision because of their political calculations that they wanted a fight,'' the House speaker said.

During the plane trip, he said, he and Mr. Dole tried to grasp the message of the administration's apparent snub.

''It's like Kremlinology,'' Mr. Gingrich said. ''You have Clintonology. What are they doing? What are the signals? One of the signals was that in 25 hours it was not worthwhile to sit down and talk. One of the signals was, once we arrived back in America, we no longer mattered.''

Asked at a news conference whether he, too, was offended by his treatment aboard Air Force One, Mr. Dole said, ''I wondered why I went out the rear exit. We went in the front exit. Maybe that's just the normal rotation.''

Mr. McCurry said that, during the flight, Mr. Clinton walked back to the Republican leaders to thank them for joining the delegation to Israel. Budget negotiating, Mr. McCurry said, was not the purpose of the trip.

''The president of the United States lost a friend,'' Mr. McCurry said. ''And I don't think he much felt like talking about budget politics with speaker Gingrich, with all due respect.''

Mr. McCurry said the speaker was treated with ''so much courtesy'' on the trip that he was permitted to bring his wife, Marianne, on Air Force One. The privilege was not extended to anyone else in the delegation, including Mr. Bush and Mr. Carter.

Other Democrats, in the heat of the budget stalemate yesterday, seized on the speaker's remarks. South Dakota Sen. Tom Daschle, the Senate minority leader who was also on the trip, said Mr. Gingrich ''must have been sleepwalking that night'' because the president had spoken with the congressional leaders several times.

Noting Mrs. Gingrich's presence on the plane, Mr. Daschle said: ''For a person who was given extra privileges, extra opportunities to experience this extraordinary piece of history, I'm amazed that he would be the biggest whiner.''

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[From the Daily News, Nov. 16, 1995]

CRISIS REVEALS NEWT DEPTHS OF PETTINESS

(By Lars-Erik Nelson)

WASHINGTON.—Across the breakfast table, House Speaker Newt Gingrich was doing a good imitation of Capt. Queeg at the end of ''The Caine Mutiny'' court-martial, slowly unraveling into resentment and self-pity.

He was fighting liars, he said. And disrespect. ''Forget me, I'm only the speaker of the House,'' he said. Here was Newt Gingrich, leader of the Republican Revolution and defender of civilization on this planet, forced to sit for 25 hours in the back of Air Force One, waiting for President Clinton to stop by and negotiate a budget deal.

But Clinton never came back. So Gingrich, in his rage, drafted two resolutions that forced Clinton to bring the federal government to a grinding halt.

The extraordinary behind-the-scenes tale Gingrich told yesterday morning at a Christian Science Monitor breakfast is either comedy or tragedy, or junior high school cafeteria intrigue, take your pick. It surely was not what you expect to hear from the stewards of your government.

Gingrich had been invited aboard Air Force One last week to fly to the funeral of Israeli Prime Minister Yitzhak Rabin. With a budget crisis pending, he expected Clinton would take time out during the flight to talk about a possible solution.

But Clinton, who seemed to be genuinely grieving over Rabin's death, stayed up front in a cabin with former Presidents Jimmy Carter and George Bush on both the outward-bound and return trips.

Then, when the plane landed at Andrews Air Force base outside Washington, Gingrich and Senate Majority Leader Bob Dole were asked to deplane by—gasp!—the rear door.

''This is petty,'' Gingrich confessed. ''I'm going to say up front it's petty, but I think it's human. When you land at Andrews and you've been on the plane for 25 hours and nobody has talked to you and they ask you to get off by the back ramp . . . you just wonder, where is their sense of manners, where is their sense of courtesy?''

To Gingrich, the professor of history, this was one of the snubs of the century, ranking, he said, with the time Charles Evans Hughes stiffed Hiram Johnson of the California Progressive Party back in 1916, a slight that cost Hughes the California vote and the presidency. And it was this disrespect, Gingrich continued, that caused him to send the President two temporary financing and spending bills he knew that Clinton would have to veto—thus shutting down the federal government.

As Gingrich spoke, feeling sorrier and sorrier for himself and Dole over their treatment aboard Air Force One, he realized that what he was saying did indeed sound petty. So he changed his tack. ''This was not petty,'' he insisted. ''This was an effort on our part to read the White House strategy. . . . It was clear to us coming off that airplane that they had made a decision because of their political calculation that they wanted a fight.''

But then again, he wasn't sure. ''Was it just a sign of utter incompetence or lack of consideration, or was it a deliberate strategy of insult?'' he asked himself. ''I don't know which it was.''

Either way, the federal government is shut down, 800,000 employes are laid off, the Treasury is scrambling to honor payments on its bonds, the once-in-a-lifetime Johannes Vermeer exhibit at the National Gallery of Art is padlocked, the Statue of Liberty is closed down for the duration and Gingrich, second in line for the presidency, walks around town seeing plots against his dignity.

Well, what about it, George Stephanopoulos? Did you intentionally snub the speaker of the House aboard Air Force One?

''I think the speaker needs a weekend off,'' Stephanopoulos said. ''The President was in mourning for a friend. He had several briefings with the speaker, and the rules for Air Force One are that only the President goes out the front door.''

Mr. DORGAN. Mr. President, before I yield the floor, I fervently hope that thoughtful people will sit down, and that we will reason together and compromise on these choices—not on the question of whether we should balance the budget. Of course, we should. Not on the question of 7 years or score keeping—compromise on the question of priorities and choices that allow us to get our fiscal house in order, and allow us to build a better future for this country.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Democratic leader is recognized.

AMENDMENT NO. 3055

Mr. DASCHLE. Mr. President, I know that there are a number of amendments to be offered. I think it is important that we get on with them.

So, in interest of doing so, I send an amendment to the desk

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Dakota (Mr. DASCHLE) proposes an amendment numbered 3055.

Strike all after the first word and insert the following:

Section 106(C) of Public Law 104–31 is amended by striking ''November 13, 1995'' and inserting ''December 22, 1995''.

Mr. DASCHLE. Mr. President, let me first explain the amendment. It very simply says let us get down to business here. Let us put aside all of the debate, all of politics, all of the charges, and let us do first things first. Let us pass a continuing resolution to the 22d of December, about a month, giving us time to work through what we know is going to be an extraordinarily difficult 4 weeks. We know we are going to have more of this debate. We know we are going to have many differences. We know that we are not going to resolve many of them. But we also know that we cannot let all of what is happening out there for the last 48 hours continue day after day after day.

I do not have today's report, Mr. President. But let me give you yesterday's. So far, in just 2 days, 56,000 people have been unable to apply for Social Security benefits—56,000; 3,226 veterans have been unable to file new claims for compensation and pension benefits; 1½ million visitors have been turned away in 2 days from our national parks; 46,000 people have been unable to apply for passports.

Mr. President, I could go on and on. But that is result of what is happening here. Until we resolve the issue of a continuing resolution, we are not going to see changes except for the fact that these are going to get worse and worse and worse. Those are the changes we can expect.

So my amendment simply says this. Let us agree to disagree on all of the other issues for now, and let us at least agree that this cannot go on; that the American people expecting services from the Federal Government ought to get them; that this looks worse and worse, and that we ought to resolve at least this part of it. I do not think that is too much to ask, Mr. President.

So I would hope every Senator could support at least this. That is all we are

doing today—offering an amendment that says the Government must continue to function.

What is all the more troubling is what we have just heard in the dialog and in the colloquy on the floor between the distinguished Senators from North Dakota, from Maryland, and others who have laid out what may be the motivation behind this impasse.

It sounds to me more like this impasse is directly a function of the result of a hunch and a grudge on part of the Speaker—a hunch and a grudge, a grudge that somehow he was not given adequate consideration on the plane to Israel. Well, I must tell you—and I will tell my colleagues what I have said repeatedly now in the last week or 10 days on the floor and in public forums throughout the last week and a half. I was in that same room, and I do not know whether this is selected memory or sleepwalking on an airplane or what. The President came back on a number of occasions, talked to us a number of times about the extraordinary nature of the trip itself. We were going to one of the most difficult, one of the most emotional, certainly one of the most memorable occasions that I have had in public life, the burial of a head of State. He came back. We talked at some length about that with the Israeli Ambassador, who, by the way, was also in the room. We had those conversations. The Speaker was there. Why he chooses now not to remember that is something I do not understand.

He came back on other occasions talking about the need to find agreement, the need to breach our differences, the need to find a way with which to resolve the impasse. And when he was finished coming back, the Chief of Staff came back on several occasions and asked about whether or not we could resolve our differences.

I must remind my colleagues, I recall very well when I got the call from the White House that this was a development that had just occurred and could I come back to Washington. I was in South Dakota. Reference was made to spouses, and I was informed that spouses in this situation just were not welcome. And I said I understood. I knew the plane would be crowded. I knew how difficult the trip. I knew all the logistical problems. So I did not challenge whether spouses ought to be there or not. But I am told the Speaker did. The Speaker said: I have got to have my wife there, and she was there. I do not deny her the right. I am glad she was. She is a delightful woman, and I appreciated having the chance to have her on the airplane and for her to experience what we experienced. However, it makes all the more petty, all the more demeaning this whole affair. I do not understand it. And so, Mr. President, I must say that for him to be using this, given the facts, is absolutely incredible.

And then to go beyond just the grudge—the hunch. The hunch. Yesterday morning, the Speaker was asked, on what do you base your calculation that this has to be done in 7 years? What is it about 7 years that you think really drives the need to have a balanced budget in that timeframe? The question was, what do you base it on? His answer? Intuition. Intuition. That is my answer. That is how it is that we have concluded a 7-year balanced budget is the right number of years.

As my colleagues have said and as the Wall Street Journal says again this morning, maybe it is time to privatize these economic projections. I hear arguments on the other side that we ought to privatize everything. Well, there have been seven economic analyses. The CBO is the most conservative of the seven. In 1993, they were so conservative they were $100 billion off in 2 years—$100 billion. And now we are saying we have to use these conservative estimates as we project for the next 7 years in spite of the fact—and I hope everyone just thinks about this for a minute. It is one of the most inexplicable inconsistencies. Maybe our Republican colleagues can enlighten me here—our economic growth for the last 25 years has been 2.5 percent, 2.5 percent.

CBO is projecting economic growth for the next 7 years at 2.3 percent. But we are told—and I think there is a mutual agreement—that if we balance the budget, if we do all the things that we should be doing to spur economic growth, it should be more, not less, than what it has been historically. It ought to be more than 2.3 percent. So what the Republican majority is apparently telling us is that we are going to go through all the pain, all the difficult choices, all these circumstances so that we can enjoy a growth rate less than what we have enjoyed for the last 25 years.

Mr. President, somebody smarter than I has to explain why the American people should buy that. Everyone is entitled to buy their own projections but somebody ought to explain that to the American people. And again I go back to whether or not——

Mr. STEVENS. Mr. President, will the leader yield?

Mr. DASCHLE. I will yield when I finish. I will be happy to yield to the Senator from Alaska as soon as I finish my train of thought.

I will stand by whatever we may ultimately agree to here, but let us be real. Let us be honest. The Government does not have a monopoly on good numbers. If the private sector is telling us not once, not twice, but on five different analyses done about economic growth in the future, if they are all telling us, look, you are missing something here, we think it is a lot better because of what you have been doing, it is going to be a lot better than 2.3 percent, why not consider it? Why not think about it? Why not privatize economic growth? If we are privatizing everything else, let us privatize this, too. Because if we privatize it, we are going to be in a lot better position to better understand the implications of all this than we are right now.

So, Mr. President, that is what this is about. I am very, very disappointed that we have not been able to resolve our differences on the continuing resolution at least. We will have more to say about the balanced budget, but let me just emphasize we have all voted for a balanced budget. Many of us have voted for a balanced budget in 7 years. But to say under any condition you just have to accept the fact that it is going to be 7 years and we will fill in all the blanks later makes me very, very skeptical, frankly.

The Republicans have been very uneasy about the fine print in that 7 years, and now we want to get on to the large print. I think we have to go back to the fine print and look at exactly what we are talking about in 7 years. I hope we can agree to 7 years at some point. But if we do or if we do not, before we are called upon to vote on a 7-year budget, I hope everyone understands it is like buying a house from the curb. We look at it from a distance and it looks like a nice house. It looks like a great house. But what happens when you walk inside? Is it a money pit? Is it a house of horrors? What will that house include? Does it have a roof? Does it have a basement? What will be the definition of this house? What will be the design?

That is something we are going to start working on tomorrow. As early as tomorrow the reconciliation package will be before us. If we have some concern about what this house looks like, maybe it is for good reason, because we have already seen the Senate-passed and the House-passed reconciliation bills. We know what they look like. We know that they cut $270 billion out of Medicare for tax cuts totaling over $200 billion. We know that. We know they cut over $185 billion out of Medicaid. We know that. We know they have made deep cuts in education.

There is a room we ought to look at. Let us walk into the education room for a minute. There on one side of the room I see a lot of cuts directly affecting school programs. I see a loss of student loans to college students. I see a whole array of losses in the education room that I am not prepared to accept.

Then I walk into the working person's room, and I find dramatic cuts in the earned-income tax credit, almost a complete demolition of the EITC.

So the more I walk through this house, Mr. President, I have to tell you it is a house of horrors, and that is why we are very skeptical about whether or not signing on to this house from the curb makes a lot of sense to us regardless—regardless—of whether or not we agree on an amendment by a date certain.

I know a lot of people have asked to speak, and the distinguished Senator from Alaska sought recognition for purposes of yielding for a question. I will be happy to do that. Let me just again state my motive here.

Our motive is simply to say let us have that debate tomorrow. Let us have it on Friday when reconciliation comes. Let us get into next week if we have to, but let us at least agree that the thousands of people—the thousands of people—who are not getting the services that they expect from their Government, services they have paid for in their hard earned taxes, that at least that much we can agree on, that we are going to give those services back to the people who expect them. This amendment provides that. And I hope it will enjoy broad bipartisan support.

Mr. STEVENS. Will the Democratic leader yield?

Mr. CONRAD. Will the Democratic leader yield?

Mr. DASCHLE. I will be happy to yield to the Senator from Alaska since he sought recognition first.

Mr. STEVENS. I listened with interest to the leader on the other side of the aisle. There are two questions I have. There are two parts to the resolution that is before us: One deals with recognizing the economics through the CBO, and the other deals with the date, 7 years.

Could the leader tell me what has happened since the President of the United States stood before us in joint session, and said, ''I'm going to rely on the CBO, and ask you to rely on the CBO. Let's get out of this business of having different numbers.''

My memory is the Democratic side of the aisle cheered very wildly at that time. What has happened since that time, since the President asked us to rely on the CBO?

Second, my memory is that the President's group that was put together on Medicare said that Medicare would be bankrupt by 2002, that the 7 years came from the Medicare report. And it was the President himself in the first instance that said we should do it within 7 years.

What has happened to change the position of the people on the other side of the aisle from what the President asked us to do, rely on CBO, and what the President's people predicted, that unless we act that Medicare fund will itself be bankrupt by 2002? That is the reason for the 7 years. What has been the change, Mr. Leader?

Mr. DASCHLE. I will be happy to answer both questions of the distinguished Senator from Alaska. And they are good questions.

The first question: I think it is fair to say our confidence has been shaken a little bit when any Government agency happens to make, in a 2-year timeframe, a $100 billion mistake—$100 billion. We said, ''We're going to listen to you, but I hope you're going to be right. And if you are not right, would it not make sense to go back and find whether or not there is a better way to calculate whether, as we make one of the most important decisions regarding our spending for the next 7 years, that we not use numbers that are more accurate?'' If we are off $100 billion in 2 years, what is that calculated for 7? How much more off are we going to be in 7 years?

So that is the first question. He assumed they could calculate, that they could give us an accurate assumption of what we were going to be experiencing for 2 years. But to be off $100 billion, that sounds like another governmental agency that needs some work.

The answer to the second question is, yes, absolutely we have got to solve the Medicare bankruptcy problem, the problem involving the trust fund. But nothing we are talking about here does that. If we are going to solve the problem with regard to the trust fund, we have only got to deal with part A, and for that we need $89 billion. And, of course, the distinguished Senator from Alaska has read the same trustees' report that we have. The trustees say, ''You're going to need $89 billion.''

That begs the question, why in the Republican budget do we need $181 billion more than the $89 billion? Why the $270 billion? We know why the $270 billion, because $181 billion of that $270 billion is going for the tax cut, to pay for $200 billion-plus in handouts to those that do not need them. Those are the best answers I can give to the distinguished Senator from Alaska.

Mr. EXON. Will the Senator yield?

Mr. DASCHLE. The Senator from North Dakota was seeking to ask a question. I yield to him.

Mr. CONRAD. I would ask the Senator from South Dakota if he was aware that the Wall Street Journal this morning has endorsed the President's economic assumptions? Was the Senator from South Dakota aware that this morning the Wall Street Journal has said the estimates of both CBO and OMB are overly pessimistic, that both of them are wrong? Based on what? Based on what has actually happened the last 2 years.

I would just ask the ranking member of the Budget Committee, who has brought charts that show the actual results the last 2 years, that demonstrate CBO and OMB have both been wrong with respect to what has actually occurred with economic growth, have both been wrong with respect to deficit reduction.

Mr. DASCHLE. I yield to the Senator from Nebraska, the ranking member of the Budget Committee, because it is directly relevant to the Senator from Alaska's question. Perhaps he can explain the chart.

Mr. EXON. The Senator from Alaska——

Mr. SPECTER. Parliamentary inquiry.

Mr. EXON. The Senator from—

Mr. DASCHLE. Mr. President, who retains the floor?

The PRESIDING OFFICER. The Democratic leader retains the floor.

Mr. DASCHLE. I would yield for a question.

Mr. SPECTER. Parliamentary inquiry.

The PRESIDING OFFICER. The minority leader has the floor.

Mr. EXON. The Senator from Alaska's question was a very good one, and this chart answers it directly. I am confident that the Senator from Alaska did not know about this. He seems to think that the projections of both CBO and OMB are infallible. This chart indicates the opposite and indicates and answers the question of what has happened to projections.

You will note on this particular chart that President Clinton delivers on deficit reduction. When we passed——

Mr. SPECTER. Mr. President, I call for the regular order.

Mr. EXON. Would you kindly direct the Senator from Pennsylvania to follow the rules?

The PRESIDING OFFICER. The Democratic leader has the floor and may only yield for the purpose of a question.

Mr. DASCHLE. Which is what I did. I yielded to the Senator from Nebraska for a question. Part of the question involves an explanation of a chart for which I hope to give an answer as soon as the explanation is complete.

Mr. EXON. May I ask this question of the Democratic leader? Was the Democratic leader aware, as a response to the question asked by the Senator from Alaska, that the reason that we are questioning these projections are that this chart showed very clearly that after the President's deficit-reduction bill, which was projected by both CBO and OMB to be in the range of $275 billion, very close, actually the deficit reduced dramatically less than that, clear down to the $175 billion level? Was the Democratic leader aware of that?

Mr. DASCHLE. I was not aware of it. And I appreciate the Senator from Nebraska's explanation.

Mr. EXON. One more thought that maybe the Senator from Alaska or the Democratic leader indicated——

Mr. DASCHLE. I yield to the Senator from Nebraska for another question.

Mr. EXON. Was the Democratic leader aware, on the projection idea, as to what economic growth has come about? Economic growth is what the article that has been referred to by many Senators this morning with regard to the Wall Street Journal—the economic growths that were predicted both by OMB and CBO, as a result of the President's actions, came at this level. Notice they are almost parallel.

The PRESIDING OFFICER. The Chair would remind the Senator from Nebraska that the Democratic leader has yielded for the purpose of a question.

Mr. EXON. I am asking a question. I am asking a question.

The PRESIDING OFFICER. It did not appear to be.

Mr. EXON. I am asking if the majority leader knew that, in addition to the other chart, on this particular chart the numbers were far, far more than either CBO or OMB had estimated?

Mr. DASCHLE. The Senator from Nebraska makes the point in his question, and I think it goes to the very issue raised by the Senator from North Dakota. They have both been too conservative, not accurate; and as a result, they miss the mark by more than $100 billion.

Mr. SARBANES. Would the Senator yield?

Mr. DASCHLE. I know the Senator from Mississippi has been seeking recognition for purposes of a question. I yield to him at this time.

Mr. COCHRAN. Mr. President, I thank the distinguished Democratic leader.

My question is this: The Democratic leader's amendment seeks to extend the time for the continuing resolution. My question is whether you support the continuing resolution with this change and would recommend that the President sign it.

Mr. DASCHLE. I would recommend—I am not sure I understand the question completely. But if the Senator is asking, would I recommend to the President to sign a clean resolution taking us through December 22, my answer is, of course, yes. I would hope he would sign it.

Mr. COCHRAN. My understanding is that the amendment the distinguished leader has offered has simply extended the date of the resolution, as offered, to well over into December rather than——

Mr. DASCHLE. The Senator is correct.

Mr. COCHRAN. My question is, if this amendment is adopted, that we vote for it, would you recommend it to the President?

Mr. DASCHLE. Yes, he would. He would sign it.

Mr. COCHRAN. Without any change in the content of the resolution?

Mr. LEVIN. No.

Mr. DASCHLE. My amendment modifies their resolution to take out any other references, to take out balanced budgets, to any of the other intentions——

Mr. COCHRAN. I thought it was just changing the date.

Mr. DASCHLE. No. No. I apologize.

Mr. COCHRAN. The Senator is taking out all of the language in the resolution completely?

Mr. DASCHLE. As I said, I describe this as a clean resolution, a resolution that allows us to debate the question of a balanced budget on a time certain, beginning tomorrow during the reconciliation, when we should. This simply says, let us pass a resolution through December 22 at the level of funding we established in the previous continuing resolution.

Mr. COCHRAN. But not making any commitment to achieve a balanced budget?

Mr. DASCHLE. We can make a—absolutely. We would certainly make a commitment. The question is, does it have to be written in as a language specific to CBO as part of the CR, the continuing resolution?

Mr. COCHRAN. And if I could ask.

Mr. DASCHLE. I yield again to the Senator.

Mr. COCHRAN. Does your amendment say there will be a balanced budget in 7 years, that that is the commitment that is being made by the Democrats to achieve a balanced budget in 7 years?

Mr. DASCHLE. I am sorry the distinguished Senator from Mississippi was not listening to my remarks, because I thought I made it very clear. I will be happy to clarify one more time.

We support a balanced budget by a date certain. Many of us could even support a 7-year balanced budget under the right set of circumstances, but we have to know what the house looks like from the inside, not just the outside. And while we are looking at the house, I think it is important that the services of Government continue to be provided.

That is what this does. It allows us to have a good debate about a balanced budget, with all of its ramifications, including Medicare and tax cuts, something you heard us talk about a lot, all of that beginning tomorrow, but it allows the Government to continue to run, as we expect it to run, through December 22.

Mr. SARBANES. Will the Senator yield?

Mr. DASCHLE. I will be happy to yield to the Senator from Maryland.

Mr. SARBANES. As I understand the leader's position, the examination of the rooms within this house—the education room, the Medicare room, Medicaid room, so forth—should take place in the course of considering the reconciliation.

Mr. DASCHLE. Exactly.

Mr. SARBANES. That is the package under which that examination takes place; is that correct?

Mr. DASCHLE. The Senator from Maryland is absolutely correct.

Mr. SARBANES. And that examination should take place in a circumstance in which a gun is not being held at the head of the people conducting the examination by virtue of closing down the Government and terminating all these services. This is a coercive measure which has no place——

Mr. SPECTER. I call the Senator on rule XIX.

Mr. SARBANES. In our consideration; is that not the leader's view?

Mr. DASCHLE. The Senator is correct.

Mr. SARBANES. Let me ask the leader one other question on these estimate figures. Is the leader aware that the blue chip consensus, which is derived from a monthly survey of 50 private sector forecasters, disagrees with CBO and, in fact, agrees with OMB on the forecast? So the private sector forecasters, in effect, do not validate the CBO projections; they agree with the OMB projections. Is the leader aware of that?

Mr. DASCHLE. I was aware of that, and the Senator is right to point it out.

Mr. SARBANES. And furthermore, the CBO projections have been notably short in recent times——

Mr. SPECTER. I call the Senator under rule XIX.

Mr. SARBANES. In terms of hitting the mark with respect to the growth figures; is that not correct?

Mr. DASCHLE. The Senator is correct.

Mr. LEVIN. Will the leader yield?

Mr. DASCHLE. I will be happy to yield for a question from the Senator from Michigan.

Mr. LEVIN. It had been represented a little earlier this morning that there are only two parts of the resolution before us that came over from the House. On one part, we are told that there is a commitment to a 7-year balanced budget, and the other part is that CBO figures would be used. Is it not true that those two parts are only part of title III, which represents less than one page of the CR that came over from the House, and that the other 14 pages contain other significant changes, including 40-percent reductions in low-income home energy assistance; 40-percent reductions during this CR period of 18 days of drug elimination grants; 40-percent reductions of housing for severely distressed folks; VA construction cuts of 40 percent; 40-percent cuts during this period of impact——

The PRESIDING OFFICER. The Chair reminds the Senator from Michigan that the leader has yielded only for the purpose of a question.

Mr. LEVIN. I am in the middle of a question.

The PRESIDING OFFICER. The Chair was not certain about that.

Mr. LEVIN. Is it not also true that this same document that came over from the House, in addition to the two parts of title III that have been referred to, contain 40-percent cuts in dozens of programs during this period of the continuing resolution?

Mr. DASCHLE. The Senator is accurate. That is the case. As the resolution has been presented, not only does it address the issue of whether or not we ought to be confined by numbers which have been demonstrated to be extraordinarily erroneous over the last 2 years, but we are also compelled to vote for dramatic, draconian, extreme cuts in current funding levels.

Mr. President, I do not want to abuse my floor privileges. I know others have sought recognition.

Mr. WELLSTONE. Can I ask the Senator a brief question?

Mr. DASCHLE. I yield for a brief question from the Senator from Minnesota.

Mr. WELLSTONE. Which will require only a very brief answer. My question to the minority leader is as follows: Is the Senator aware that right now some of these programs, like the Low-Income Energy Assistance Program, which my colleague from Pennsylvania has been a very strong advocate for, the funding is not getting out to the cold weather States, and for those States this is an issue right now?

Is the Senator aware that on this continuing resolution, as my colleague from Michigan just stated, we are talking about only 60-percent funding of a very minimum amount nationwide?

And, finally, is the Senator aware—can I please put this in human terms—that as a matter of fact, if we keep this up here, there are people who could go cold and freeze to death? That could happen. Is the Senator aware of that? That is not melodramatic. Is the Senator aware that that could happen?

Mr. DASCHLE. My answer to the Senator from Minnesota is yes, I am aware of that, and that is the reason we are offering this amendment.

Mr. President, I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Can we agree to vote on this amendment or on a motion to table this amendment, say, at 12:45?

Mr. DASCHLE. Mr. President, I would be willing to enter into that agreement, as long as we have the understanding it is either a tabling motion or up or down; that it is not subject to second degree.

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

Mr. DOLE. And equally divide the time. I will say, we will not offer a second-degree amendment. That will give each side additional time to debate. I understand there is one additional amendment.

Mr. DASCHLE. As I understand it, the Senator from South Carolina has asked for the opportunity to offer an amendment, and he would be willing to commit to a relatively short timeframe. So I think it would be three amendments.

Mr. HOLLINGS. Let me indicate, I have been here since 9:30—we all have—and I am not complaining about it, but I do not want any agreement, I say to the distinguished leader, to forego the chance to offer an amendment sometime today and a fair chance to debate it as relative to the unified budget versus using Social Security funds.

We just voted on Monday not to use Social Security funds. Now today it appears by the resolution—and I want to be able to correct it with an amendment—we are going to use Social Security trust funds to balance the budget, and that is just a one-line amendment. I have it drawn, as the Parliamentarian has indicated, where I can present it again and again and again, second degreed or perfecting or otherwise. That is why I am stating this so the majority leader understands the intent of the Senator from South Carolina.

Mr. DOLE. It was impressed on me, which is why I did not file cloture last night, that there would be two amendments offered today. More can be offered. If that is the case, I may get my cloture motion out. If we are going to shut the Government down by filibuster or offering amendments throughout the day, then do not blame this side of the aisle.

Mr. DASCHLE. Mr. President, let me respond to that.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. I understand the majority leader's concern. There is absolutely no interest in filibustering this bill. We would agree to time agreements on each of these amendments, as I have indicated. I will enter into those time agreements whenever it is appropriate. We already have a time agreement on the first amendment, and we will do so on the second and third as well.

Mr. CONRAD. Will the leader yield?

Mr. HOLLINGS. I will be glad to enter into a time agreement.

The PRESIDING OFFICER. Who yields time on the amendment?

Mr. CONRAD. Will the Senator yield just for a comment?

Mr. DASCHLE. You can take the floor.

The PRESIDING OFFICER. Does the minority leader yield time? The minority leader is recognized.

Mr. DASCHLE. If I am recognized, I will be happy to yield to the Senator from North Dakota.

The PRESIDING OFFICER. The minority leader can yield for a question.

Mr. DASCHLE. Because of the time agreement, I understand, I will yield such time as he may require to the Senator from North Dakota. As I indicated, it is not our desire to monopolize the floor. There have been people waiting on both sides. I yield to the Senator from North Dakota for a question.

Mr. DOLE. As I understand it, we do have an agreement there will be a vote on or in relation to the pending amendment at 12:45?

The PRESIDING OFFICER. That is the agreement.

Mr. DOLE. And that time is equally divided.

The PRESIDING OFFICER. That is the agreement.

Mr. SPECTER. Was that unanimous-consent agreement entered into?

The PRESIDING OFFICER. Yes, it was.

Mr. DOLE. I yield 10 minutes of that time to the Senator from Pennsylvania, Senator SPECTER, after the exchange between the minority leader and the Senator from North Dakota.

Mr. CONRAD. I thank the Republican leader. I was going to alert the leaders that I, too, have an amendment on which I would be happy to take a short-time agreement. But I think it is important that an additional amendment be offered. I would like the time to do that. I would be happy to take a short-time agreement to do so.

Mr. DASCHLE. Well, we will work that out.

Mr. SARBANES. Will the majority leader yield me 30 seconds to make a point?

Mr. EXON. I yield 30 seconds to the Senator.

Mr. SARBANES. Mr. President, I want to put this in the RECORD. The Government private forecast, fourth quarter to fourth quarter, on GDP growth for 1995 was 2.5 percent. The CBO forecast was 1.3 percent, which fell way short of what the actual growth has been over that period of time.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 10 minutes.

Mr. SPECTER. Mr. President, I have been on the floor for a considerable period of time and on my feet, and I had called Senators to order under rule XIX, where there had been a succession of questions, which I think, fairly stated, really went beyond a question. The rules of the Senate do not permit any Senator, even a leader, to yield to another Senator on the floor for anything other than a question. The proceedings went far beyond a question. I just wanted to make that explanatory statement as to why I was on my feet seeking recognition and seeking that the rules of the Senate be complied with, so that others might have an opportunity to seek recognition.

As I have listened to this debate, Mr. President, I am reminded of the statement by a very distinguished Senator from Maine, Senator Margaret Chase Smith, who made the distinction between the principle of compromise and the compromise of principle.

As I listen to this debate, we are not talking about first amendment issues. We are talking about dollars and cents and some sort of an accommodation. I heard the question raised by the Senator from Minnesota, Senator WELLSTONE, about low-income energy assistance and how it was not being provided to the poor people of America. And he made a reference to what this Senator had been trying to do. I think that characterizes the situation on the Senate floor, where we have a bill on Labor, Health and Human Services, and Education, the subcommittee which I chair, which has not been brought to the floor because there is a filibuster effort by the Democrats on a provision relating to striker replacement. I do not say that in the context of fixing blame on the Democrats, necessarily, because that provision is a substantive provision added on to an appropriation bill by Republicans and we really ought not to use the appropriations process for substantive provisions which are contested.

I think that is what has happened now when we have had the Government shut down for 2 days, and we have had many, many Americans inconvenienced. There has been a recitation of the people who have been inconvenienced—the Social Security beneficiaries cannot apply, and the veterans, and the situation with passports, and immigration issues, and visitors.

I received a call yesterday from my hometown of Philadelphia, where people cannot go to Independence Hall, and they are saying, ''What is going on down there?''

Mr. President, I believe we are witnessing a real spectacle in the Congress

for the last 2 days. What we have been seeing over the past several years has really been a demise of democracy. When I first ran for public office, not too long ago, 70 to 75 percent of the people of Philadelphia came out to vote in a mayoral election. Last week, we had an election in Philadelphia, and less than half of the people came out because of the disillusionment, disenchantment with what is happening in Washington, DC, inside this beltway, and really around America in the political process. What is happening here—and it is no surprise and it is understandable, in a sense—is this maneuvering for political advantage.

I suggest to my colleagues, both in the Congress and in the executive branch, that nobody is getting any political advantage now. This is not a win-win situation, this is a lose-lose situation for everybody. When Senators come to the floor and decry the issue of political advantage and go on and on about what the Speaker's wife did as a passenger on an airplane, that is hardly going to the issue of what we are trying to do to solve this crisis in Government and this crisis in confidence.

Mr. President, what is really involved here is a question of priorities. I think it is far beyond the issue of pique. I think people do not understand really how tired everybody is in Washington and how tired everybody is around the country about what is going on in Washington. But we have late-night sessions, and many of the people just went to Israel for the sad funeral of Prime Minister Rabin—16 hours over and 16 hours back. There is a certain sense of exhaustion which is working here. We certainly do not want the American people to think that the Government is being run out of a sense of pique or out of a sense of grudge. What we are boiling down to here, Mr. President, I think, is a crystallization of the issues which have to be decided at the next election.

The issue of a balanced budget is one where a lot of lip service is being given on both sides of the aisle. But I suggest that the record is reasonably clear—and it is hard to have a reasonably clear record on anything in Washington, DC—that it is pretty much a party issue, with every Republican, except one, voting for a balanced budget amendment. And on the Democrat side of the aisle, there was substantial disagreement with six Senators last year in favoring a balanced budget amendment, and now not favoring it.

The President of the United States—and not in a harsh rhetoric sense—opposes a constitutional amendment for a balanced budget. We may be clarifying an issue here about having the 7-year timeframe for a balanced budget amendment, as postulated on this continuing resolution. It is my hope that President Clinton will sign a continuing resolution that has two qualifications. One is a 7-year time limit, which, on occasion, he has endorsed, and a second on figures from the Congressional Budget Office, which, again, on occasion, he has endorsed.

Of course, you can raise arguments as to anything on any issue at any time, anyplace, especially around here. But those are not unreasonable conditions to move ahead with a continuing resolution, to get the Government back in operation. If the President decides not to sign that continuing resolution, then I think we have to come to terms, leave the issue for the 1996 election in fairly crystal form, and get this Government running again.

If we come back to basic principles, we all agree that the Congress passes legislation which has to be signed by the President, unless there are two-thirds of each body of the House and Senate that will override a Presidential veto. And if we have a gridlock, if the President is adamant, for whatever reason, and if the Congress is adamant, for whatever reason—and I think the American people see it as a lot of political posturing on both sides and are saying ''a plague on both of your houses''—why cannot the Congress of the United States come to terms? This is not freedom of religion; this is not due process of law; these are dollars and cents which, customarily, have been split. If we cannot split them, let us crystallize the issue for the 1996 election. But let us not tie up the Government of the United States in the context where we all look so foolish.

Yesterday, I had my regular weekly radio news conference, and the only question asked was about the stalemate in Washington and the gridlock. I said, candidly, that it was an embarrassment. It was embarrassing to be a Senator when what is happening in Washington, DC, goes on without any resolution. So I hope, Mr. President, in the first instance, that President Clinton will accept this continuing resolution. It is not too onerous.

There is no commitment as to what is going to appear in all of the rooms discussed by my colleagues within the 7 years. I have been on the floor of this body objecting to the tax cuts at a time when we are seeking to balance the budget and to tighten our belts and we are asking people to take cuts in programs. I have the chairmanship of the appropriations subcommittee covering three big departments:

Education—where we have added $1.6 billion on a Republican bill which is being filibustered by the Democrats. Again, I do not question it, really, because a substantive measure was added on striker replacement.

Health and Human Services—both the House and the Senate have agreed to add substantial funds to the National Institutes of Health on their important research projects. That is being held up because of the bickering. Certainly the President would agree to sign that.

And we cover the Department of Labor. Our subcommittee came back in on a $70 billion discretionary budget and cut $8 billion with a scalpel instead of a meat ax in a way which satisfied the distinguished Senator from Iowa, Senator HARKIN, who has worked with me on that subcommittee.

So we really ought to come to terms here. If there is a limitation of 7 years, it does not say that is going to be done to any one of the departments. There is plenty of time to object at a later stage.

I hope the President will sign a continuing resolution with these two relatively modest limitations. If that does not happen, Mr. President, I hope we heed the words of Margaret Chase Smith and distinguish between what is the principle of compromise as opposed to the compromise of principle and recognize that our Constitution gives the President the veto power and a dominant role, or at least an equal partnership role, unless we have two-thirds to override—which we do not—so that we can end the charade, get the Government going, and crystallize that issue for the 1996 election.

I yield the floor.

Mr. HOLLINGS. Mr. President, I had talked to the distinguished ranking member on the other side of the aisle and asked for 10 minutes but he is not here so I yield myself 10 minutes.

Mr. President, my colleague from Pennsylvania talks about the resolution without smoke and without mirrors.

Let me point to the smoke and let me point to the mirrors. It says here on the last page about commitment to a 7-year balanced budget: ''The President and the Congress shall enact legislation to achieve a unified balanced budget.''

Now you have the smoke. Now you have the mirrors. This is exactly what the U.S. Senate on Monday—today is only Thursday—exactly what the U.S. Senate on Monday voted 97–2 against, this smoke, this mirror.

Let me quote, since the distinguished Senator from Pennsylvania is here, our late colleague, the distinguished Senator from Pennsylvania, Senator John Heinz.

> Since 1983, when we may have saved the Social Security goose, we have systematically proceeded to melt down and pawn the golden egg. It doesn't take a financial wizard to tell us that spending these reserves on today's bills does not bode well for tomorrow's retirees.

I quote another statement from Senator John Heinz:

> The truth is that Congress, by counting the old-age, survivors and disability income trust funds as part of general revenues, radically distorts the actual financial health of this Nation by pretending that the money paid in by workers to Social Security will never be paid out.

Stating further:

> Mr. President, in all the great jambalaya of frauds surrounding the budget, surely the most reprehensible is the systematic and total ransacking of the Social Security trust fund in order to mask the true size of the deficit.

Now, that is exactly, Mr. President, why I have an amendment at the desk

which I will call later in its due time. We have the amendment on the date of December 22, which I favor, but I thank the distinguished leadership for yielding me this time because here on Monday, here on Monday, the distinguished leader stated, when we read in here that ''on the Budget Reconciliation Act of 1995, the U.S. Congress agrees to honor section 13301 of the Budget Enforcement Act of 1990 so as not to include in the conference any language that violates that section.''

Now, what does that section that Senator Heinz had enacted back and signed into law on November 5, 1990, say? I ask unanimous consent that section 13301 be printed in the RECORD.

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

Subtitle C—Social Security

**SEC. 13301. OFF-BUDGET STATUS OF OASDI TRUST FUNDS.**

(a) EXCLUSION OF SOCIAL SECURITY FROM ALL BUDGETS.—Notwithstanding any other provision of law, the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) EXCLUSION OF SOCIAL SECURITY FROM CONGRESSIONAL BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following: ''The concurrent resolution shall not include the outlays and revenue totals of the old age, survivors, and disability insurance program established under title II of the Social Security Act or the related provisions of the Internal Revenue Code of 1986 in the surplus or deficit totals required by this subsection or in any other surplus or deficit totals required by this title.''.

Mr. HOLLINGS. In order to vote for the resolution you have to vote to violate the law. They know it. That is the smoke and that is the mirror.

On Monday, they agreed—in fact, the Senator from New Mexico, the chairman of the Budget Committee talking now about ''unified'' stated at the time we passed the Heinz-Hollings-Moynihan amendment, ''I support taking Social Security out of the budget deficit calculation . . .'' Again, on Monday, he voted that way.

It reminds me, Mr. President, of a contest that we had for an insurance company and they wanted a slogan for the new insurance company. The winning slogan we finally got was, ''The Capital Life will surely pay if the small print on the back don't take it away.''

Now, Mr. President, that is the gamesmanship you see here. That is $636 billion. This is a problem not of technicalities. It is real. For we, at the present moment, owe Social Security $481 billion. Pass this GOP budget and you will use again another $636 billion.

So, come the year 2002 we will say, ''Oops, what a smart boy am I. I have made solvent Medicare but, oh, heavens above, I have forced Social Security into bankruptcy. I owe $1 trillion and there is nobody around ready to raise $1 trillion worth of taxes to make the IOU sound.''

Let me look at the morning paper here and see exactly what it says. It says:

Treasury Secretary Robert E. Rubin announced plans yesterday to pull $61.3 billion from two Federal retirement accounts, an unprecedented fiscal move he said was necessary to save the U.S. Government from the first default in its history.

He authorized withdrawal of the entire $21.5 billion held in a Federal savings plan known as the G-fund, and as much as $39.8 billion of the $350 billion in the Civil Service retirement fund. In effect, both funds would be given a temporary IOU that would obligate Treasury to make complete repayment with interest after a permanent increase in the debt limit is finally approved.

Now, Mr. President, that is my point. We should reduce deficits. We should eliminate deficits. We should not move deficits. You move them from the general fund over to the Social Security trust fund. Or as the Secretary of the Treasury did yesterday, you move it from the general fund over into the Civil Service retirement fund. That moving around is absolute trickery and is putting us in such a position that we are no longer allowed the luxury of children and grandchildren arguments. We will get it through the neck here in about 2 years.

We owe, this minute, trust funds $1.255 trillion—right this minute. If we continue to spend now under this so-called continuing resolution, a unified budget, then we really are going to be up a creek.

Let me tell you who loves this—Wall Street. The financial market. I talked to one of them just earlier this week. They love a unified budget.

Why? Theirs is to make money. And so if you can borrow around from the other Government funds there is less of a burden of borrowing on the New York stock exchange. When we come in for borrowing funds, with the sharp elbows of Government, we shove away other capital investment. They love that. But we have the responsibility of running the Government, not of making money.

This thing was, perhaps, a good idea at one time. But now we have come with the contract and the revolution that says we are not going to have business as usual. We are going to have change.

Do not tell me what Presidents have done, what this President will do. Tell us what we will do to not have business as usual. Namely, adhere to the law—adhere to the principle and policy of not using the trust funds.

That is why there is a lack of trust in Government, if the youngsters coming along see that you are frittering away their retirement funds. I lose trust myself. So there is no mystery to this thing. Let us have an honest budget, without smoke and without mirrors. Let us get right down to the idea, here, that we are not using the Social Security trust fund. It is against the law to do it.

On October 18, if you refer to the CONGRESSIONAL RECORD, the distinguished chairman of the Budget Committee stood on the Senate floor and he said here: I have the certificate, certified of this GOP budget, and we have a $10 billion surplus.

When we reminded her of the law—would you think you would have to remind a Congressional Budget Office Director of the law? Once reminded of the law, June O'Neill, the Director of the Congressional Budget Office, came and said, ''Oops, I am sorry. You have a $105 billion deficit.'' So they went from a $10 billion surplus, in 48 hours, to a $105 billion deficit.

And they talk about CBO figures. That is what destroys the trust in CBO. Because they have gamesmanship there. But let us not have gamesmanship here.

We all voted on Monday to stop the gamesmanship with the Social Security trust funds. Let us again vote for this amendment when it comes up that says: Notwithstanding any other provision of this joint resolution, the 7-year balanced budget passed by the Congress to the President shall not include Social Security trust funds to reduce or apply to the deficit—to effect or obtain a balance.

Mr. President, I retain the remainder of my time and yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. DOLE. I yield 5 minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EXON. Will the Senator from North Carolina yield for just 30 seconds while the majority leader is on the floor so we can maybe move to some kind of tentative agreement?

Mr. FAIRCLOTH. Yes, I will.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska.

Mr. EXON. Charge it to my time.

I advise the Senate that as far as I am able to ascertain at this time on this side of the aisle, we have the amendment pending, offered by the minority leader. There will be a second amendment by the minority leader, and there will be an amendment offered by the Senator from South Carolina.

I would simply say at this time, in order to give us some idea of where we are going, we want to move in an expeditious fashion. How much time, when we get to the amendment that will be offered by the Senator from South Carolina, how much time does he think he would need to further explain his amendment, in addition to the time he has just used?

Mr. HOLLINGS. The Senator indicates an hour, a half-hour to a side, just on this amendment.

Mr. EXON. I ask the majority leader, are there any amendments or second-degree amendments that he is aware of on his side of the aisle?

Mr. DOLE. I am not aware of any at this point.

Mr. EXON. I am simply saying, it seems to me—the majority leader requested a while ago, and the minority leader indicated, too, we want to move expeditiously. It would appear to me that right now we are in a position when we dispose of this at 12:45, we probably—maybe at that time we may be in a position to frame some time agreements, short time agreements, and finish and have final passage on this sometime early in the afternoon.

Mr. DOLE. I hope that is the case, because we would like to move to the Defense Appropriations conference report. Then, tomorrow, of course, we will have the Balanced Budget Act of 1995.

I do not know what happens after the CR goes to the White House, if it is vetoed, where we are as far as the Government is concerned. But I will be happy to work with the Senator from Nebraska.

Mr. EXON. I am working with the minority leader. I think we are making some real progress.

I thank my friend from North Carolina for yielding.

Mr. DOLE. Mr. President, I ask that time not come out of the time of the Senator.

The PRESIDING OFFICER. The time is charged to the minority.

Mr. FAIRCLOTH. Mr. President, I rise in strong support of the continuing resolution for the very simple reason that all this resolution says is that the Federal Government can reopen if the President agrees to balance the budget in 7 years. It is that simple.

I want to read the precise language. It might have been read before this morning, but it bears repeating.

> The President and the Congress shall enact legislation in the 104th Congress to achieve a unified balanced budget not later than the fiscal year 2002 as scored by the non partisan Congressional Budget Office.

This is all the Congress is asking for. We need a commitment from the President to this timetable.

I have to wonder when the President will begin worrying about the taxpayers of this country and the children yet unborn. We are $5 trillion in debt—$5 trillion. Twenty years ago our total debt was $595 billion, and in 20 years we spent $4.5 trillion that we do not have.

It took us 200 years from the founding of this country until 1982 to build a $1 trillion debt. We have spent almost five times that much in the last 12 years.

In the President's 1996 budget, 16 cents of every dollar will be spent to pay interest on the debt. What that equates to is 41 percent of all individual income taxes sent to the Government will be used to pay interest—41 percent. Can we really keep taxing America's hard-earned money to pay interest and run a viable economy? No, we cannot. This has to stop. If we do not do it now, it will never be done. Now is the opportune time.

When he ran for President, President Clinton said he wanted to balance the budget in 5 years. This does it in 7 years. But he made the promise 3 years ago. This is 10 years from the original promise, and he still refuses to sign—says he is going to refuse to sign a 7-year commitment to balance it.

When he ran for President, he said he wanted to cut taxes for the middle class. This budget does that.

When he ran for President, he said he wanted welfare reform and Republicans in Congress are going to give him that. It should be clear the Republicans in Congress are keeping their commitment to the American people. Bill Clinton is not. But this should come as a surprise to no one.

When he ran for Governor of Arkansas in 1990, he said he would not run for President. If only he had kept that promise. If the President was so concerned about having the Government closed, why has he chosen not to negotiate? For 26 hours last week he was on the same plane with Speaker GINGRICH and majority leader DOLE: No negotiation.

Finally, in a typical Washington political move, he offered to meet at 10 p.m., 2 hours before the Government shutdown. Not only a typical Washington, but a more typical Clinton maneuver.

I said 2 days ago this President is playing politics at its worst. Instead of doing something good for his country and the future of this country, he is concerned with the poll numbers. His political adviser, Dick Morris, calls it triangulation. This means Clinton is supposed to appear moderate. Really, it is not triangulation; it is strangulation of the Federal Government by no leadership, no principles, and no negotiation. The President is not serious. He is not accepting responsibility. This Congress is.

We have to stop spending money we do not have. We have been doing it for far too long now.

Mr. President, I strongly urge the President of the United States to come to the table and work with the leadership of this Congress. He needs to negotiate in good faith. He needs to negotiate for the good of this country and its future.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. EXON. Mr. President, I yield 7 minutes to the Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the Chair. I thank the ranking member.

Republicans say they want to balance the budget in 7 years using CBO numbers. The fact is the Republican plan does not balance the budget, according to the Congressional Budget Office.

Mr. President, this is a letter that I received on October 20, 1995, from the head of the Congressional Budget Office pointing out that, if we obey the law—that is, we do not count Social Security trust funds in the calculation—the Republican plan has a $105 billion deficit in 2002. Why is that? It is because the only way the Republican plan achieves balance is to take every penny of Social Security trust fund money over the next 7 years.

The law—this is a copy of the law—specifically precludes that. Ninety-eight Senators voted for this law.

This chart shows the looting of the Social Security trust funds that is going to occur, if we adopt what the Republicans call a balanced budget by 2002. We are going to be taking $636 billion of the Social Security trust fund surplus in order to call it a balanced budget.

Mr. President, that is not a balanced budget by law. It is not a balanced budget by any serious economic standard.

Some say, ''Where is your alternative? Why don't the Democrats have an alternative?'' Very simply, Mr. President, we do. During the budget resolution, I offered what I called the fair share balanced budget plan. Thirty-nine Senate Democrats voted for it. It achieved more deficit reduction by 2002 than the GOP plan. In fact, it achieved $100 billion more of deficit reduction in that period than the GOP plan, and it achieved true balance in 9 years without counting the Social Security surpluses.

At the same time, it had different priorities. It did not slash Medicare, Medicaid, or education. In fact, we restored more than $100 billion of the $270 billion Republican cut to Medicare. We restored full funding for student loans, and provided additional discretionary funding for education at all levels. We had nutrition and agriculture restored by $24 billion, and veterans restored $5 billion so that we could have a better set of priorities.

But we did have savings out of the spending entitlements. We had $156 billion of savings out of Medicare instead of the Republican plan of $270 billion. We also had savings out of Medicaid.

So we had savings out of the spending entitlements. But we also recognized that the biggest entitlement of all is the tax entitlements. The tax entitlements, as this chart shows, amount to $4 trillion over the next 7 years. It is interesting to compare the tax entitlements—$4 trillion over the next 7 years. The Republicans never want to talk about the tax entitlements. They want to talk about the spending entitlements of Social Security. That is about $3 trillion over the next 7 years. Medicare, that is about $2 trillion over the next 7 years; Medicaid, $1 trillion. But the granddaddy of them all are the tax entitlements, $4 trillion.

In the Democratic plan we said, yes. Slow the growth of the spending entitlements, absolutely—Medicaid and

Medicare. But also slow the growth of the tax entitlements to inflation plus 1 percent. That is fair. That asks everybody in our society to contribute to deficit reduction. We don't just put middle class and working families into the front lines in the battle to balance the budget—we also ask the wealthiest among us to contribute to deficit reduction. That means no tax cut until we balance the budget.

Mr. President, we are going to be adding under the Republican plan $1.8 trillion to the national debt over the next 7 years. Why would we be increasing that debt by borrowing money to give a tax reduction that disproportionately goes to wealthiest among us?

Mr. President, we not only have the fair share plan that a group of Democrats offered. We also have the common sense budget plan. On the question again of no tax cut, there is no tax cut because it makes no sense to be adding to the debt, to be digging the hole deeper before we start filling it in.

On the question of the Congressional Budget Office versus OMB, I think it is critically important to understand that the Wall Street Journal this morning made reference to that in their editorial. They said, ''The Congressional Budget Office predicts over the next 7 years 2.3 percent economic growth. OMB projects 2.5 percent.'' Listen to what the Wall Street Journal says. ''In our view, both growth assumptions are overly pessimistic. Corporate profits look cheerful. There is no reason this economy should not grow at three percent in good years as it has through much of the past. Government policies, whether monetary or fiscal, should not be designed to foreclose this result.''

Why did the Wall Street Journal come to this conclusion? Because they have looked at what actually happened over the last 2 years. And look at what has happened. This shows economic growth. The President's plan projects on the blue line what economic growth would look like. The Congressional Budget Office is the red line. The orange line shows what has actually happened. And what has really happened in the real world is both the Congressional Budget Office and OMB have been too conservative. They have been wrong.

What are the results? Look at the deficit reduction. The President's plan shows the blue line. That is what he was predicting. The red line shows what the Congressional Budget Office was predicting. The yellow line shows what has actually happened. Again, both the Congressional Budget Office and OMB have been wrong.

Let us break the gridlock. Let us agree to a plan to balance the budget, but let us base it on the best estimates of private forecasters. Let us use the blue chip forecasters, and break the gridlock.

I thank the Chair.

Mr. AKAKA. Mr. President, I join my colleagues from both sides of the aisle in condemning the situation that has brought us to the point where the Federal Government has shut down.

The American public should understand one thing about the shutdown: this budget crisis is completely avoidable. It was manufactured by the House Speaker as a tactic to impose his extreme budget priorities on America.

The Speaker's own words illustrate this point. Last April 3, he told reporters that he intended to ''create a titanic legislative standoff with President Clinton by adding vetoed bills to must-pass legislation.'' With the Speaker at the helm, Republicans have put the Federal budget on a collision course with the iceberg.

Congressional Republicans are in the majority in the House and Senate, which gives them the power and votes to keep the Government operating.

Instead, they have shut down the Government and are gambling with our economy and credit rating, in a political game to force a heartless budget on the American people.

Today we have an opportunity to end the budget impasse. Our Democratic leader, Senator DASCHLE, proposed a temporary funding resolution in an effort to get the Federal Government back to work. This would have extended spending authority through December 22.

Unfortunately for the American public, the funding resolution that the Democrats proposed was rejected, and the Government shutdown orchestrated by the Speaker continues.

Senator DASCHLE's amendment provided the best opportunity to end the Government shutdown. This is an amendment that the President can sign. We should pass the Daschle amendment, put an end to this crisis, and begin the important work of negotiating a budget agreement.

How many thousands of veterans will be unable to submit new benefit claims because VA offices remain closed?

How many Americans will be turned away from Social Security offices around the country because no Government workers are available to process their applications? How many millions of visitors must be turned away from our national parks, museums, and monuments before Republicans in Congress will vote to end this stalemate and approve a clean funding resolution?

How many corporations will be unable to conduct business overseas because their executives cannot get their passports renewed?

The Republicans, led by the Speaker, have forced a political showdown at the expense of our needy, elderly, and veterans of our country. What's good about telling senior citizens who want to apply for Social Security or veterans trying to get their benefits processed that they'll have to wait until the Government reopens?

I think it is important that we review the record of the Republican Congress on spending bills.

None of the 13 appropriation bills were passed by the September deadline. All 13 of these bills should have been passed by September 30. Because of this failure, a temporary spending bill is necessary to keep the Government running.

Republicans are trying to use this manufactured funding crisis, which they could easily have avoided, to force an increase in seniors' Medicare premiums and to provide tax breaks for wealthy Americans.

We should say no to political blackmail and yes to a clean CR.

And most importantly, let us get our people back to work.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

Mr. COCHRAN. Mr. President, it is my understanding that the majority leader has asked me to control the time on this side of the aisle.

I yield 5 minutes to the distinguished Senator from New Hampshire, Senator GREGG.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire.

Mr. GREGG. Mr. President, I thank the Senator from Mississippi for this time, and I want to respond just briefly to the comments that were just made and make a couple of additional points.

This debate is about whether or not the President wishes to participate in balancing the budget—nothing else. Everything has been taken off of this continuing resolution that the President originally objected to. The only thing that is on this continuing resolution that does not involve day-to-day operation of the Government—remember, this resolution only runs for 19 days—the only thing that is on this resolution is a statement that the President will join with the 104th Congress in a commitment to balancing the budget by the year 2002 using the Congressional Budget Office numbers. It does not say he has to agree to our approach to balancing the budget. If he wants to use the two proposals outlined by the Senator from North Dakota, he can do that.

He can use either of those proposals if he wants to use them. And some of the ideas put forward by the Senator from North Dakota may be ideas upon which we could reach an agreement.

The point is that he has to agree initially. He has to make this initial minor step, small, incremental progress of saying, hey, I wish to balance the budget, too.

That is all we are saying to the President. Just come forward and say I wish to balance the budget, too, in 7 years. Is that an outrageous request? I should not think so since he has already on a number of occasions said he wanted to balance it in 5 years, 6 years, 7 years, 8 years, 9 years. He has been at

this position once or twice before during his term of office. We are just asking him that he sort of settle out, settle out, on the idea of 7 years. I think it is a reasonable request.

I do not think most Americans feel 7 years is an unreasonable period of time to get this financial house in order. I think most Americans look at 7 years as maybe an excessive amount of time for us to get our financial house in order. They wonder why we cannot do it a little sooner, but we do not appear to be able to. So we said 7 years.

On the issue of whether or not we use CBO numbers, of course, the opposition to that really is a red herring because the President came to this Congress and he, in rather definitive terms, said he was willing to use CBO numbers in his first statement to this body. And so the opposition to that language is, I think, a bit of a sidetracking exercise because he has already agreed to that.

If the President wants—and the Senator from North Dakota mentioned the tax issues in our budget—he can come up here with a balanced budget which raises taxes. He can do it all with tax increases, and he will be consistent with the language we have asked him to sign on to. We have not said he had to do it by reducing the rate of growth of Government as we have proposed. We suggested that the rate of growth of Government not be cut. We have not done anything that draconian. We have just suggested it grow at 3.3 percent annually, which is more than the rate of growth of the economy.

We have suggested that Medicare be allowed to grow at 6.5 percent; that Medicaid be allowed to grow at 4 percent; that senior citizens be given more choices for their health care options; that the States be given control over welfare, that people who are on welfare be allowed to only stay on it for 5 years during their lifetime, not be on there for an entire experience of their working lifetime; that they be asked to go to work after a couple of years.

These were our suggestions for how you get to a balanced budget. But we are not saying we have all the answers. If the President wants to come up here with a new tax package as he did a year, 2 years ago, when he proposed the largest tax package in history, as a way to get this budget under control, if he wants to duplicate that event, so be it. That is his option. Under this language, it would be consistent with the proposal that we are asking for. All we are saying to the President is, sign on to a balanced budget. Agree that the budget must be balanced.

Mr. CONRAD. Will the Senator yield for a question on that point?

Mr. GREGG. Yes, I yield to the Senator from North Dakota.

The PRESIDING OFFICER (Mr. COVERDELL). The Senator yields.

Mr. CONRAD. I would just ask my colleague from New Hampshire, who I have respect for on this issue, I think the Senator has made serious attempts to make serious proposals to reduce the deficit, and I would ask him, if the President agreed to a 7-year timeframe for balancing the budget but said to us, ''I would want to use the blue-chip private forecasters rather than CBO, because it turns out that they have been more accurate over the last 2 years than has CBO or OMB,'' would the Senator from New Hampshire say that is an unacceptable position?

Mr. GREGG. Well, what the Senator from New Hampshire——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GREGG. The Senator may not be able to say what his position is.

Mr. COCHRAN. Mr. President, I yield the distinguished Senator an additional minute to respond to the question of the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I would say that the President was off on a tangent, and a tangent which is really not necessary to be on because the President already came up here once and said CBO is OK. In fact, he not only said it was OK, he demanded that we follow CBO.

I believe that his initial decision in that area was correct. I just want to hold him to what his initial commitment was, that CBO should be the scorer. I see no reason why we should not use CBO. They are going to be right sometimes, wrong sometimes. Blue chips are going to be right sometimes, wrong sometimes. But at least we are using one acceptable group. The CBO being the group both the President and ourselves have used over the years, it seems reasonable we accept them. Then that standard is one we should all be comfortable with. But the core issue, of course, is he has to agree to balancing the budget in 7 years.

The PRESIDING OFFICER. The time has expired. Who yields time?

Mr. EXON. I yield 7 minutes to the Senator from Nevada.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada.

Mr. REID. I thank the Chair.

Mr. President, my office, like most of the offices in this complex, has been besieged with calls from constituents wanting to know why we cannot pass the necessary legislation to keep the Government operating. These calls are not simply coming from people who work for the Federal Government. Most are from people who do not work for the Federal Government. They are not just from people who rely on Government services and programs.

It is interesting that most of the people who call do not identify themselves as Democrats or Republicans. They are just average Americans whose greatest expectation of Government is that it operate to serve the interests of the people, to operate in the interest of serving the taxpayer. They are the kinds of people who pay their taxes. They play by the rules and vote for the person, not for the party. They want to know why this standoff is occurring.

The answer is very simple. The Congress, which is controlled in the House and in the Senate by the Republican Party, has not allowed appropriations bills to go through this body. There are 13 appropriations bills, and they simply have not passed. Everyone knows that the morning news said the transportation appropriations bill was signed and 29,000 Federal workers reported for work today.

The reason Federal workers are not working today is because the appropriations bills have not been completed. I have been here going on 14 years. There has never been anything like this.

When was the House supposed to pass their bills? By June 10. They simply did not do it. They did not pass their bills on time, and, of course, if they do not pass their bills on time, there is no way the Senate can pass its bills on time. The House missed the deadline on every appropriations bill.

We hear all this talk about personal responsibility. Well, what about responsibility of the majority party that rules the House and Senate? Do they not have a responsibility to get us these bills so the Government does not shut down?

The deadlines missed by the House have caused the Senate Appropriations Committee to push back the dates on which they could and should have considered these measures.

While the Senate is not bound by a similar deadline, it is required to complete action on these bills by the end of September. The Senate has had more success than the House in meeting the deadlines, but it still was doing the things at the 11th hour, and after we pass them, of course, there has to be a conference.

It has been a total lack of responsibility by the majority, that is, the Republican Party controlling both bodies.

As of today, only four of these bills, maybe five, have been signed. I do not know what the latest report is. And why were these annual appropriations bills not passed on time? Let me tell you why they were not passed on time. It is because they were stuffed with some of the most controversial, radical proposals in the history of this body, in the history of the other body.

Why do I say that? Rather than going through the ordinary legislative process, they wanted things like any charitable organization, a charity would not be able to lobby Congress even if they paid for it with private funds. That held up two appropriations bills.

How is that for democracy? You cannot even come back here and talk to your Representative even if you pay for it yourself. EPA, the Environmental Protection Agency, 17 different regulations they wanted passed. They put them in appropriations bills. They could not pass these laws changing environmental laws, food safety laws, safe drinking water laws, and clean air laws through the normal course of

business. Instead, they engaged in a high stakes gamble.

In one of these bills, they completely rewrote the Housing Act in an appropriations bill. The crime bill, the Commerce-State-Justice bill—they rewrote the crime bill. And abortions held up three bills. Now, Mr. President, I am not an advocate of abortion, but this is not the way to do appropriations bills. Grazing, timber, drilling for oil, all issues that they could not get done in an ordinary legislative process, they stuck on appropriations bills. They would force the President to sign legislation that the majority of Americans oppose for the sake of keeping the Government operating.

This was apparent as far back as April. If you do not believe me, here is what the Speaker of the House of Representatives said in April. He vowed to ''create a titanic legislative standoff with President Clinton by adding vetoed bills to must pass legislation increasing the national debt ceiling.'' This is reported in the Washington Times newspaper, April 3.

He also said, the President ''will veto a number of things, and we'll then put them all on debt ceiling. And then he'll decide how big a crisis he wants.''

This has been a planned crisis. It is a war, Mr. President, but it is a war that is not being won by the Republicans. Kevin Phillips, a Republican political analyst, said yesterday on public radio:

> If the United States budget deficit problem does represent the fiscal equivalent of war—and maybe it does—then what we are really looking at is one of the most flagrant examples of war profiteering this century has ever seen.

That is what Kevin Phillips said. He said that the only people benefiting are the people with money with this debt crisis. And that is too bad.

We continued to learn today why the Speaker is allowing this standoff to continue. It is not even any longer for scoring political points. It is about ruffled feathers and perceived slights. Remember, he did not get to sit in the front of the airplane when they went to Israel to the funeral of Prime Minister Rabin. He indicated, it is part of why they ended up sending down a tougher interim spending bill. And he is quoted as saying, ''it's petty * * * but I think it's human.'' He has made the CR tougher because he did not get to ride where he wanted to in the airplane going to Israel. Mr. President, I respectfully submit this is just plain petty.

I return to my point that all this could have been avoided if we had done our job and the majority allowed us to vote on appropriations bills. We failed to do that. Now we are at a crisis point. If all this was part of some master plan, it is truly sad, it is truly sad. And even if it was due to simply a lack of diligence or negligence, it is also not excusable. Thousands and thousands of Federal workers are now sitting idle at home because the Speaker feels he was slighted.

The PRESIDING OFFICER. The Chair advises the Senator from Nevada that his time has expired.

Mr. REID. I ask that I be yielded 1 additional minute.

Mr. EXON. I yield 1 additional minute.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada.

Mr. REID. This not only affects Federal workers, Mr. President, it affects other people, because they, the Federal workers, buy groceries and clothes and cars, and they use the services of small businesspeople. It also, in the short term and especially the long term, is going to hurt the American business community.

This Senator suggests that the Speaker begin to consider the feelings of thousands of public servants and the people that depend on those public servants' paychecks. I think it is important that he consider their feelings, Federal workers who simplly want to be able to come to work and get a paycheck on a regular basis and take care of their families. That is what this is all about. It is too bad they are not being recognized because they are really important to the American people.

Mr. EXON. Mr. President, how much time is remaining on each side?

The PRESIDING OFFICER. The Chair advises the Senator from Nebraska has 2 minutes remaining on his side. The Senator from Mississippi has 9½ minutes.

Who yields time?

Mr. EXON. I reserve the remainder of our time.

Mr. COCHRAN. Mr. President, I understood that I yielded 6 minutes to the distinguished Senator from New Hampshire and that that would leave us 10 minutes of time.

The PRESIDING OFFICER. You have about 9½ minutes.

Mr. COCHRAN. I yield 4½ minutes to the distinguished Senator from Utah, [Mr. BENNETT].

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. BENNETT. Mr. President, I listened to the debate here this morning with some interest. I do not have a prepared statement, but I have a few observations I want to make.

First, with respect to this forecasting issue and what should be and should not be in it, I would like to point out one fact that many have ignored with respect to forecasting. This is not a forecast; this is a historical report. Martin Feldstein, writing in the Wall Street Journal, has pointed out the difference between the forecast made 2 years ago for the President's tax increase and the amount of tax actually received is this: The Federal Government has received one-third as much tax revenue as was forecast. Nobody is talking about that. They say the President raised the taxes because he had so much courage and that solved the deficit problem. In fact, the forecasters were off by two-thirds. We got one-third as much money as was forecast.

Now we are being told, ''Yeah, the blue chip forecasters are now saying that we will get more money than CBO or OMB say we will get. So why don't we take that forecast?'' I will be happy to take that forecast, Mr. President. I will do it in a heartbeat on this condition—that we use the same blue chip forecasters to score the legislation that we pass.

But we are stuck with the CBO whether we like it or not. The CBO scores the Senator from New Mexico on every budget action that he takes. Why do we have one set of numbers for our legislative action and then say we will have another set of numbers for the balanced budget circumstance?

Let us put it out very clearly, Mr. President. If the CBO is wrong and too low, that means that the bill that we pass will bring us to a balanced budget faster than 7 years. That means if the CBO is wrong, we will make the terrible mistake of balancing the budget in 5. But, if the CBO is right and OMB is wrong and we pass the President's program, that means we will balance the budget never.

I have learned since I have come to Washington the true definition of the phrase ''the outyears.'' I never knew what the outyears meant. In Washington, the outyears mean those years that are far out there. Well, in fact, in this debate, Mr. President, the outyears mean never. We have to recognize that if we are going to balance the budget, we have to start now and not depend on a rosy scenario for the outyears, no matter who makes it, whether it is CBO or OMB or the blue chip forecasters or whoever. If we wait for the outyears to make the decision, we will never ever get there. So we must take the first step. We must take it this year. And we must not flinch.

One other thing, Mr. President. The President pounded the pulpit the other day and said some 16 times he believes in a balanced budget. Well, Mr. President, we are going to find out, because some of the political handlers at the White House did not bother to inform the President that the election is next year, not this year. And between now and then he is required by law to send us a budget. And we will see when he sends us his budget in 1997 just how serious he is. And we will see how effective it is because the budget he sent us in 1996——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BENNETT. Ten more seconds.

The budget he sent us in 1996 received the resounding vote of 99–0 against it. We will see what he does next year.

The PRESIDING OFFICER. Who yields time?

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska.

Mr. EXON. I have 2 minutes left.

The PRESIDING OFFICER. The Senator has 1 minute 44 seconds.

Mr. EXON. Let me first respond to the remarks just made. Why it is necessary that we use realistic assumptions? That is because we are overpenalizing Medicare, we are overpenalizing students, we are overpenalizing people who receive Medicaid. If we are realistic in our assumptions, we do not have to hurt people as much. Also being overlooked by those who talk the argument we have to stay with CBO is the obvious fact that they talk about paying for this in later years. If you look at the Republican budget, you see that they delay all of the hard choices to the fifth, sixth and seventh years.

Mr. President, the amendment before us is simple and direct. It will put the Government back to work. It would allow time for negotiations on the larger budget bill which is going to definitely be tough going, but we need to reduce the deficit. That is the responsible thing for us to do: Adopt the Daschle amendment.

The underlying bill will be vetoed. The underlying bill tries to stack the deck against the President in negotiations to come. The underlying bill is an attempt to force the President to accept the extreme cuts in Medicare and Medicaid and education in the Republican budget bill. It is blackmail, very pure and very simple. The President will use his veto, and properly so, to prevent that from happening.

The President would sign this bill as amended by the pending amendment. So the choice is clear. If Senators want to pass a bill that the President can sign to keep the Government running, then Senators should vote for this amendment. A vote against this amendment is simply a vote to continue the shutdown.

If we are to act responsibly, we must adopt the pending amendment.

The PRESIDING OFFICER. The Chair advises the Senator his time has expired.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. DOLE. Mr. President, I will move to table the pending amendment at the conclusion of my remarks. Somebody sent me—in fact someone from Georgia sent me a fax. I have already written a note to thank him. He included in the comments a quote from Mark Twain. I thought—at least I have not heard it before—maybe some of my colleagues have. Let me quote it:

> In the beginning of a change, the patriot is a scarce man, brave and hated and scorned. When his cause succeeds, however, the timid join him, for then it costs nothing to be a patriot.

I must say, as I get into this debate again about a balanced budget, I think that quotation applies today. This is about change, it is about fundamental change. I am not an advocate of shutting down the Government. I have never been an advocate for shutting down the Government.

But this is an unusual circumstance. We have a President in the White House who said he would balance the budget in 5 years, in 7 years, in 8 years, in 9 years, in 10 years. So we picked 7. Nothing in our balanced budget statement, if you read the language carefully, which is on the last page—in fact, I watched the debate last night on the House side, and I heard Congressman HOYER—I have great respect for him—from Maryland say:

> There is nothing wrong with the first 14 pages of this amendment; it is the last page.

Everything else was OK, all except title III, which is very brief, and let me read it, because we have talked about it, but I am not certain it has been read. All it says is:

> The President and the Congress shall enact legislation in the 104th Congress to achieve a unified balanced budget not later than the fiscal year 2002 as scored by the non-partisan Congressional Budget Office.
>
> (b) The unified balance budget in subsection (a) shall be based on the most current economic and technical assumptions of the Congressional Budget Office.

I believe later today the Senator from New Mexico will quote colleagues on the other side who say we ought to use CBO to balance the budget, including the distinguished manager on the other side and the distinguished minority leader. That is all we have said.

Mr. President, there is nothing in here about Medicare, nothing about Social Security, nothing about Medicaid. It is about balancing the budget in 7 years, which 83 percent of the American people support. There is nothing in this that should prevent the President from signing this bill. It says:

> The President and Congress shall enact legislation. * * *

That means we are going to have a lot of discussion, a lot of negotiation or we cannot enact it, he can veto it.

So I hope when final passage comes, we will have some bipartisan support. I watched last night on C-SPAN the House action. I watched as 48 Democrats voted with Republicans, a tremendous victory, a bipartisan victory. And I listened to one Democrat from Virginia, Congressman MORAN, who said it is time we stop this foolishness, the American people want to balance the budget, the Federal employees want to go back to work.

That is all we are asking. It is nothing unreasonable. There is no Medicare. Oh, they beat us up on Medicare, but I must say, I never thought I would be around to read an editorial like this in the Washington Post called ''The Real Default.'' In the Washington Post, believe me of all papers—well, the New York Times might startle me more—but the Washington Post, known by some of us as sort of The Daily Democrat Journal, talking about the real default, demagoguery, lack of leadership on the Democratic side, in effect setting back the cause of balancing the budget for years by trying to make Medicare a scare word with senior citizens.

Somewhere we have lost sight of what we are here to do. Somewhere we have lost sight of what the American people expect of us, and somewhere we have lost sight of what is going to happen next week, next month, next year, and the next century.

We have stepped up to make some tough decisions, and it is not easy. We are doing the heavy lifting, as my colleague from New Mexico said a few days ago. When you are not lifting anything, it is easy.

I just suggest to my colleagues, I am one who would like to resolve this issue. I met with the President the other night. I thought he was one who wanted to resolve the issue. He told us in his first State of the Union Message that CBO numbers are the ones they are using in their budget. I remember Republicans laughed. He looked at us and said, ''All those Republicans laughing, remember, they have been more conservative most of the time,'' the CBO numbers, the Congressional Budget Office numbers.

So I do not think we have done anything here that is so bad. We were told last night on the House floor in debate, ''If you just tear off the last page, the President will sign it in a minute.'' What is wrong with this last page? It does not say he has to sign a balanced budget today, or next week or next month. It says ''in the 104th Congress.''

And if you watched TV last night and you saw the President saying, ''I'm for a 5-year balanced budget,'' and then, ''I'm for a 7-year,'' ''I'm for a 10-year,'' ''I'm for a 9-year,'' ''I'm for an 8-year''—the American people are confused.

So let us send this to the President. Let us not take all day in doing it. Let us get it down to the President of the United States. I believe after reflection, he will sign it. It is a commitment to a 7-year balanced budget. That is all it is. That is what it says in the title, ''commitment.'' It is not a law, it is a commitment.

So I urge my colleagues to table this amendment and to table the other two amendments to be offered and, hopefully, have some bipartisan support on final passage.

I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. CAMPBELL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 577 Leg.]

YEAS—53

| | | |
|---|---|---|
| Abraham | Bennett | Brown |
| Ashcroft | Bond | Burns |

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

NAYS—46

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

So the motion to lay on the table the amendment (No. 3055) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to table the motion.

The motion to lay on the table was agreed to.

Mr. DOMENICI. I understand that Senator HOLLINGS wishes to proceed.

AMENDMENT NO. 3056

(Purpose: To reaffirm the commitment of the Congress not to use the surpluses in the Social Security trust fund to mask the true size of the deficit in any plan for a balanced budget)

Mr. HOLLINGS. Mr. President, I send an amendment to the desk, and I ask the clerk to report my amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] proposes an amendment numbered 3056.

Add at the end of the Joint Resolution, the following last section:

SEC. . Notwithstanding any other provision of this Joint Resolution, the seven year balanced budget passed by the Congress to the President shall not include the use of Social Security Trust Funds to reflect a balanced budget.

Mr. HOLLINGS. Mr. President, it was Mark Twain who said the truth is such a precious thing that it should be used very sparingly. As a result, Mr. President, what we have been doing is calling budgets ''balanced'' when in reality there have been raids, or, as the former Senator from Pennsylvania, John Heinz, called it, ''embezzlement'' of the Social Security trust fund.

At the present moment we owe Social Security, due to this lack of truth in budgeting. We owe Social Security $481 billion, and if you duck the proposed reconciliation tomorrow or the GOP budget, you will expend another $636 billion of Social Security trust fund.

Now, what may have been in the original instance an instrument of good, turned into a usurpation and a bankruptcy of Social Security if you have to borrow a few billion dollars. In the morning paper, you see the Secretary of the Treasury, in order to keep from defaulting, the Secretary of the Treasury has borrowed $61.3 billion from the civil service retirement. And they say later on, of course, he has to pay it back with interest—and that is the point. You have to pay Social Security back with interest and at the end of the 7-year budget you will owe.

The PRESIDING OFFICER. Will the Senator withhold a moment? The Senate is not in order.

Mr. BUMPERS. Mr. President, there are nine conversations going on on the floor right now.

The PRESIDING OFFICER. The Chair is aware of it and is trying to get order.

The Senator from South Carolina may proceed.

Mr. HOLLINGS. I thank the distinguished Chair.

At the end of the 7-year period, we will all have to pay back, supposedly, over $1 trillion into the Social Security trust fund, and no one has any idea—not any Senator or House Member—who is going to introduce the increase in taxes to refund the Social Security trust fund.

The remedy for this particular evil is to obey the law. We saw this in the Budget Committee. We tortured over it. We realized this back in 1983 when we passed the Greenspan Commission report making the Social Security trust funds solvent into the middle of the next century, we said, so the children and the grandchildren could count on it.

We raised the taxes and assured everyone—in fact, we could not have done it for defense or for foreign aid or for welfare or for any of the other endeavors of Government. We said we were raising these Social Security taxes to make certain that there was trust in the trust fund through the year 2050.

Having done that, 5 years ago we met in the Budget Committee and realized, look, on an emergency basis, yes, we borrowed from Social Security, maybe $100 billion here, $200 billion there. As Senator Dirksen says, it could easily run into money.

So we voted, on a vote of 20 to 1 in the Budget Committee, that we would stop this nonsense by writing into the law section 13301 of the statutory laws of the United States of America that ''thou shalt not use Social Security trust funds to in any way be computed in outlays or revenues of the United States Government or in any way to obscure the size of the deficit.'' That particular measure passed this body by a vote of 98 to 2. It was signed into law by President George Herbert Walker Bush on November 5, 1990, and no less than reaffirmed in a solemn vote here on the floor of the U.S. Senate on Monday, 3 days ago. We said in the reconciliation——

The PRESIDING OFFICER. The Senator will withhold a moment. We have several other conversations going on on the floor. The Senate will be in order.

Mr. HOLLINGS. We said in the reconciliation instructions that they adhere to the law 13301.

At that particular time, the distinguished chairman of the Budget Committee looked at it. It was Senator GRAHAM of Florida and the Senator from South Carolina who introduced the particular language. We said about the Balanced Budget Reconciliation Act of 1995, and I read, ''. . . that the conferees be instructed to honor section 13301 of the Budget Enforcement Act of 1990, and, 2, not to include in the conference report any language that violates this section.'' And, to that, the distinguished chairman of the Budget Committee, the Senator from New Mexico, said, and I quote: ''Mr. President, the first portion of this instruction, we have never violated, so we can be instructed on it. The second section, we have never violated it, so we can be instructed not to.''

Absolutely false. That is categorical. We have regularly violated it. And that is the plea, later on, of the distinguished chairman of the Budget Committee, that all the Presidents have done it. All the Congresses have done it. So, the heck with the law. He gets up and says solemnly: We have never violated it. We continue to do so.

The fact that President Reagan reported a budget that way, and President Bush reported a budget that way, President Clinton reported a budget that way, makes no impression on this particular Senator. It is our responsibility to have truth in budgeting. It is our responsibility to adhere to the statutory laws of the United States of America. It is not a technicality of law; it is a fundamental here involved.

Mr. President, I ask unanimous consent to have printed in the RECORD a budget table showing the U.S. budget outlays beginning in 1945, the use of trust funds under President Truman at that particular time, the real deficit, and then, of course, the gross Federal deficit.

When you put together the borrowing from the trust funds that must be replenished, you get the real deficit, the gross Federal debt, and the gross interest costs.

These are all on one page so all the Members cannot dance around and talk about CBO and OMB. These are the figures of the U.S. Government.

I ask unanimous consent they be printed in the RECORD.

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

BUDGET TABLES

| President | Year | U.S. budget (outlays in billions) | Trust funds | Real deficit | Gross Federal debt (billions) | Gross interest |
|---|---|---|---|---|---|---|
| Truman | 1945 | 92.7 | 5.4 | | 260.1 | |
| | 1946 | 55.2 | 3.9 | −10.9 | 271.0 | |
| | 1947 | 34.5 | 3.4 | +13.9 | 257.1 | |
| | 1948 | 29.8 | 3.0 | +5.1 | 252.0 | |
| | 1949 | 38.8 | 2.4 | −0.6 | 252.6 | |
| | 1950 | 42.6 | −0.1 | −4.3 | 256.9 | |
| | 1951 | 45.5 | 3.7 | +1.6 | 255.3 | |
| | 1952 | 67.7 | 3.5 | −3.8 | 259.1 | |
| | 1953 | 76.1 | 3.4 | −6.9 | 266.0 | |
| Eisenhower | 1954 | 70.9 | 2.0 | −4.8 | 270.8 | |
| | 1955 | 68.4 | 1.2 | −3.6 | 274.4 | |
| | 1956 | 70.6 | 2.6 | +1.7 | 272.7 | |
| | 1957 | 76.6 | 1.8 | +0.4 | 272.3 | |
| | 1958 | 82.4 | 0.2 | −7.4 | 279.7 | |
| | 1959 | 92.1 | −1.6 | −7.8 | 287.5 | |
| | 1960 | 92.2 | −0.5 | −3.0 | 290.5 | |
| | 1961 | 97.7 | 0.9 | −2.1 | 292.6 | |
| Kennedy | 1962 | 106.8 | −0.3 | −10.3 | 302.9 | 9.1 |
| | 1963 | 111.3 | 1.9 | −7.4 | 310.3 | 9.9 |
| Johnson | 1964 | 118.5 | 2.7 | −5.8 | 316.1 | 10.7 |
| | 1965 | 118.2 | 2.5 | −6.2 | 322.3 | 11.3 |
| | 1966 | 134.5 | 1.5 | −6.2 | 328.5 | 12.0 |
| | 1967 | 157.5 | 7.1 | −11.9 | 340.4 | 13.4 |
| | 1968 | 178.1 | 3.1 | −28.3 | 368.7 | 14.6 |
| | 1969 | 183.6 | −0.3 | +2.9 | 365.8 | 16.6 |
| Nixon | 1970 | 195.6 | 12.3 | −15.1 | 380.9 | 19.3 |
| | 1971 | 210.2 | 4.3 | −27.3 | 408.2 | 21.0 |
| | 1972 | 230.7 | 4.3 | −27.7 | 435.9 | 21.8 |
| | 1973 | 245.7 | 15.5 | −30.4 | 466.3 | 24.2 |
| | 1974 | 269.4 | 11.5 | −17.6 | 483.9 | 29.3 |
| Ford | 1975 | 332.3 | 4.8 | −58.0 | 541.9 | 32.7 |
| | 1976 | 371.8 | 13.4 | −87.1 | 629.0 | 37.1 |
| Carter | 1977 | 409.2 | 23.7 | −77.4 | 706.4 | 41.9 |
| | 1978 | 458.7 | 11.0 | −70.2 | 776.6 | 48.7 |
| | 1979 | 503.5 | 12.2 | −52.9 | 829.5 | 59.9 |
| | 1980 | 590.9 | 5.8 | −79.6 | 909.1 | 74.8 |
| Reagan | 1981 | 678.2 | 6.7 | −85.7 | 994.8 | 95.5 |
| | 1982 | 745.8 | 14.5 | −142.5 | 1,137.3 | 117.2 |
| | 1983 | 808.4 | 26.6 | −234.4 | 1,371.7 | 128.7 |
| | 1984 | 851.8 | 7.6 | −193.0 | 1,564.7 | 153.9 |
| | 1985 | 946.4 | 40.6 | −252.9 | 1,817.6 | 178.9 |
| | 1986 | 990.3 | 81.8 | −303.0 | 2,120.6 | 190.3 |
| | 1987 | 1,003.9 | 75.7 | −225.5 | 2,346.1 | 195.3 |
| | 1988 | 1,064.1 | 100.0 | −255.2 | 2,601.3 | 214.1 |
| Bush | 1989 | 1,143.2 | 114.2 | −266.7 | 2,868.0 | 240.9 |
| | 1990 | 1,252.7 | 117.2 | −338.6 | 3,206.6 | 264.7 |
| | 1991 | 1,323.8 | 122.7 | −391.9 | 3,598.5 | 285.5 |
| | 1992 | 1,380.9 | 113.2 | −403.6 | 4,002.1 | 292.3 |
| Clinton | 1993 | 1,408.2 | 94.2 | −349.3 | 4,351.4 | 292.5 |
| | 1994 | 1,460.6 | 89.1 | −292.3 | 4,463.7 | 296.3 |
| | 1995 | 1,518.0 | 121.9 | −283.3 | 4,927.0 | 336.0 |
| Estimate | 1996 | 1,602.0 | 121.8 | −311.1 | 5,238.0 | 348.0 |

*Historical tables, Budget of the U.S. Government Fiscal Year 1996; beginning in 1962 CBO's 1995 Economic and Budget Outlook.

Mr. HOLLINGS. Mr. President, as you go down, you will see we have been borrowing sumptuously from trust funds. At the present time—not just owing Social Security the $481 billion—at this very minute, we owe the trust funds of the United States, we owe to the veterans, we owe to the civil service retirees, we owe to the military retirees, we owe, yes, to Medicare. We have been using everybody else's moneys: $1,255,000,000,000.

So, the thrust of using the word ''unified'' is to obscure just that; that we are already in hock, before we begin the year, $1,255,000,000,000. We are already in hock on a national debt of just about $5 trillion. And, since this is all Presidential campaign politics, whoever the next President is, when he comes to town January a year from now, he will find at least $500 billion spent for absolutely nothing, just for the past profligacy and waste, Congresses for 15 years now are spending over $200 billion more than we have taken in.

Congress has continued to campaign on balanced budgets, and they all tell you on the political stump how they are going to balance the budget. When they come to town, they get into the smoke and the mirrors. There is no question that the smoke and the mirror are just in that one word ''unified.'' Just say ''the balanced budget.''

I have heard Senators say it is not complicated. You take the revenues that the Government receives, you take the expenditures, or outlays the Government spends, and there is the balance. That is not the way.

Then they want to move deficits. They say, ''Wait a minute, when you take the revenues in, the outlays out, and you look at that figure, that is too high for me to run on in the next election. So we will take an amount of money out of the right pocket and put it into the left pocket. We will take $636 billion from Social Security in this budget that we have under consideration and put it in the general fund to make it appear we are balancing the budget.''

That is what my particular amendment is. As soon as I caught this word ''unified,'' the attempt has been made to abolish this section 13301. They do not like it. But the Senator from South Carolina watches.

So the balanced budget amendment to the Constitution which I was prepared for, ready for, and have voted for numerous times—and am ready, willing, and able to vote for at this minute—included in section 7 the repeal of section 13301. I caught that earlier in this session this year. I told the distinguished majority leader and our distinguished colleague from Illinois, Senator SIMON, who was sponsoring this, I said, ''You got my vote. I understand you got five other Democratic votes in a minute. Just take out the repeal of what John Heinz called embezzlement provisions that protects the Social Security Trust Fund from embezzlement.'' They will not do it. They were adamant.

Then they figured, ''Wait a minute. It is good politics if we try to blame it on one vote—if we fail to pass a constitutional amendment for a balanced budget by one vote—and then take it down and offer it next year during the election year.

I have the same amendment right in my pocket. Everybody has been walking around with the contract in their pocket. My distinguished former majority leader from West Virginia carries the Constitution in his pocket. I carry around in my pocket the Social Security provision—namely, a balanced budget amendment to the Constitution that does not repeal section 13301 of the United States Code.

Mr. President, there are those who love this unified budget that has brought a modicum of dignity and financial expertise to the politician Senator. Because you go up on the financial market, and I am astounded. But still the best of economists, the best of financial officers, the biggest and the best of the banks, are reporting what? A unified budget. They are the ones

who want it because they are in the business of making money. And the less pressures of the Federal Government's borrowing in the financial market, the more the interest rates, momentarily, will drop and the ease with which to finance momentarily will grow. And, if they can have the Government itself back in Washington borrowing from each other even though, of course, the debt is up, up, and away to $5 trillion, who cares? This crowd operates on quarterly reports, computers, tenths of a second, moving money around, all around the world. They have no responsibility. The Government, Mr. President, you and I, do.

So, it is fine, momentarily, for the financial markets in reducing the pressure. But we, who have the responsibility of serving here in public office as a public trust, have to cut out the nonsense and playing around with the smoke and mirrors. We have to cut out trying to fool the American people that under, for example, this resolution, you would have a balanced budget when it is unified. Not at all. When it is unified alone from Social Security and $636 billion and over the 7-year period from civil service retirement and military retirees and others, we will borrow another $200 billion. So it will be over $836 billion needed to get to a so-called ''paper balance.''

Let me tell you about the paper balance because I have to listen to the talk on the other side of the aisle about this historic effort and that we finally are doing the heavy lifting. They have not lifted anything. When we lifted year before last, when we cut $500 billion in spending, when we taxed cigarettes, when we taxed liquor, when we taxed gasoline and Social Security, when we cut Medicare $57 billion, they wanted lifting? They were out at recess. There was not a single vote on the other side of the aisle in this body, or in the other body.

And they have the unmitigated gall to come and say, ''President Clinton does not want a balanced budget.'' Well, he is the only one that cannot be blamed for it. The distinguished Presiding Officer, this distinguished Senator from South Carolina, may have voted for expenditures that unbalanced the budget, but not President William Jefferson Clinton. He was down in Little Rock doing what? Balancing the budgets. He balanced them for 10 years. That was part of the good record that helped in his election in 1992.

But we instead were engaged in this shabby exercise of growth, growth—that we will just cut out all the revenue and buy the vote with Reaganomics and with President Bush.

It was President Clinton who came to town, yes, to give us a change in direction. I was here under President Lyndon Johnson. He was conscientious about this political charge of guns and butter and runaway government. So with George Mahon and others working in a committee, we called at the very end, in December 1968, the fiscal year running from the 1st of July back to the next year, June 30, and we told the President, ''We can cut another $5 billion.'' He said, ''Don't do it.'' And the budget for the war in Vietnam, for Social Security, for Medicare and all these particular programs was $178 billion.

To show how far we have gotten out of hand, the interest costs for absolutely nothing—no government is obtained there—the interest cost on the national debt this fiscal year is $348 billion, $1 billion a day. But President Johnson not only balanced, but he gave us a $3.2 billion surplus.

President Nixon came to town. We were working with him again on the idea of block grants, incidentally. But in 1973, the OPEC cartel hit. We began to run some $21 billion deficits. President FORD took over, and our friend, President FORD, knew well what the problem was. And he called us all together in a summit. He said, ''Let's get our hands on this thing. It is runaway.'' We held it down to $66 billion. Thereafter, President Carter came to town. He said, ''I have to at least reduce this.''

Now, you are looking at the author of the first reconciliation bill. I was chairman of the Budget Committee, and I went over on the Friday after President Jimmy Carter was defeated on a Tuesday in November 1980, and I said, ''Mr. President, a Democrat is never going to get elected again with this deficit going up, up, and away.''

He said, ''How much?''

I said, ''Mr. President, the Congressional Budget Office has just estimated the deficit is going up to $75 billion.''

He said, ''Heavens. What are we going to do?''

I said, ''There is a fancy word called reconciliation. It means cut—just cut across the board already-approved spending.''

He said, ''We can do that?''

I said, ''If you can just take Harris and McIntyre''—who were working at OMB and the assistant at OMB trying to give away the money to reelect their President—''if you tell them to stay out of the Capitol, I will go to my good liberal friends''—I say that with reverence—''and I will get the votes, and we will cut it back.''

And President Carter said, ''Go to it.''

I came to Warren Magnuson of Washington and Frank Church of Idaho and John Culver of Iowa and George McGovern of South Dakota and Birch Bayh of Indiana and Gaylord Nelson of Wisconsin. I said, ''Before you all leave, you have to give me one vote because we have got to prove that we are fiscally responsible.'' They did, and we reduced the deficit down to $57 billion, just about $58 billion.

Then came to town the leader of them all against waste, fraud and abuse, President Ronald Wilson Reagan, and he was beginning to put up budgets that we were going to work with. But he got behind the poll, behind the curve. Do not ever fool with polls. That is why I have this particular article on the desk. But getting behind it, he adopted what he had earlier rejected, namely Kemp-Roth. Reaganomics. They termed the name, and we were going to cut out all the revenues.

I stood at this desk—and I saw the distinguished Republican Senator last night—and the Senator from Maryland, Senator Mathias agreed with me, and some 10 other Democrats. We tried to hold the line. We said: Wait a minute; this thing is going to get way out of hand. What is going to grow is these deficits and debts with the very intent that you have in mind and by talking this political nonsense that we will have more sales, we will have more purchases, we will have more sales taxes, more income, more income tax revenues.

''Give the money to the people. They know how to spend it best.'' That was the political cry. ''Get out of the wagon and help us pull'' and that kind of nonsense. We are the ones up in the wagon. Who is in the wagon? The Congress has been in this wagon for 15 years. The people outside have been pulling. I am trying to get the Congress out of the wagon—$200 billion a year more than we have taken in for 15 years.

President Reagan said he was going to balance the budget in 1 year. If necessary, I will go get the speech for you. He came to Washington after his inauguration and he said: Whoops, this is way worse than I ever thought. So I will put in a budget that we will balance in 3 years. And just like this paper document that we are going to consider tomorrow—the so-called reconciliation that nothing but a paper document—it reported formally that it would be balanced by the year 1984.

I will include that page that we have for the fiscal year 1984. It says, ''Fiscal year, zero,'' Calendar No. 63, the 97th Congress, first session. I ask unanimous consent that the report be printed in the RECORD.

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

FIRST CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1982

* * * * *

(4) the amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is as follows:

Fiscal year 1982: $48,800,000,000;
Fiscal year 1983: $21,400,000,000;
Fiscal year 1984: $0;

* * * * *

Mr. HOLLINGS. Then, Mr. President, we came to one of the wonderful chapters in history, Gramm-Rudman-Hollings. I had worked earlier—and we got to wish him a happy birthday—Senator Howard Baker. Senator Howard Baker was the majority leader, and he tried to help me on the freeze. We could not get the freeze. And so I then got with Senator PHIL GRAMM of Texas and said, ''Look, I understand you have an idea of cutting spending across the board.''

I remember well as Governor I got a triple A credit rating doing just that. We had truth in budgeting back in South Carolina in 1959. We said that whatever your budget said was going to happen and would have to occur within the expenditures and revenues. If the expenditures ever exceeded the revenues, automatically by law—no discretion—the spending amounts across the board would be cut. And from Standard & Poor's and Moody's, I got a triple A rating ahead of Texas and up to Maryland and before any of the Southern States. I used it as my calling card as a young Governor to carpetbag the North, trying to get industry down. So I feel it keenly.

It is lost now. Why is it lost now? We have Republican administrations that are giving that same nonsense. That is why I would not join them. It is all rhetoric. It is all applesauce. We have lost the triple A credit rating in South Carolina on account of growth.

But be that as it may, Senator GRAMM, Senator RUDMAN and I put in Gramm-Rudman-Hollings. I have the tape from President Reagan giving me The Good Government Award and litany and congratulations and everything else, and, yes, the budgets were going to be balanced because we had truth in budgeting.

And then what happened? We found out that it was too severe, these $37 billion cuts annually, and they went out in the year 1990 to Andrews Air Force Base and repealed Gramm-Rudman-Hollings. I raised a point of order on October the 19th, 1990, at 12:41 a.m., and they voted me down. I said when you get away from the automatic cuts across the board, the sequesters, what you have is so-called spending caps that are pure rhetoric, and you can see what has happened. The spending has gone up, up and away.

So they repealed it at that time. And let us go to the 1990 budget at the time of the repeal. Mr. President, that is the most interesting document for our colleagues on the other side of the aisle to ever look upon for the simple reason that it has an astounding figure to it. It says here for the 101st Congress, Second Session, report 101–820—I ask unanimous consent that this be printed in the RECORD.

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

CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1991

* * * * *

(4)(A) The amounts of the deficits are as follows:

Fiscal year 1991: $143,700,000,000.
Fiscal year 1992: $100,900,000,000.
Fiscal year 1993: $62,000,000,000.
Fiscal year 1994: $14,700,000,000.

(B) The amount of the surplus is as follows:

Fiscal year 1995: $20,500,000,000.

* * * * *

Mr. HOLLINGS. ''The appropriate levels of total budget outlays are as follows * * *'' And going right down the list, the amount of surplus is as follows: ''Fiscal year 1995, $20.5 billion.''

So to their crowd saying: ''We are carrying the load; we are lifting things,'' I say you all are doing nothing. They have not voted for anything since Clinton has been in town. They have not passed the appropriations bills. They have not passed the reconciliation. I want to see that lifting.

Be that as it may, this 1990 document is another paper document—a surplus we are supposed to have, this minute, of $20 billion. What is the actual deficit? I put the tables in. The actual real deficit at this particular minute is $283.3 billion instead of a $20 billion surplus.

So every 5 years, in 1981 reflecting one, in 1984 and 1985 reflecting one, in 1990 reflecting a surplus, and here we go again, in with another paper document for another 7 years.

Another day older and deeper in debt. But who will be around 7 years from now? We will have two Presidential elections under this scheme. We will have unrealistic cuts. We have had already cuts in Social Security. You are not going to get $270 billion in Medicare. I do not care what you say or how you vote, we have been cutting.

I have been on this Budget Committee 20-some years, and every year President Reagan, President Bush, and other Presidents, they would come and they would want to cut $5 billion to show they were headed in the right direction. We would have to restore $2 billion or $3 billion. So momentarily, or annually, I should say, we have been cutting billions out of Medicare. So it is under President Clinton who came to town, he cut $57 billion in the year 1993 out of Medicare.

Last year—last year—Mr. President, he proposed a $120 billion cut. Now, let me just as an aside and say a word about Social Security. ''For by their fruits shall ye know them.'' In 1994, last year, I read the so-called report of the board of trustees of the Federal Hospital Insurance Fund. And from page 2:

> The trust fund ratio defined as the ratio of assets at the beginning of the year to disbursements during the year was 131 percent in 1993, and then under the immediate assumptions is projected to decline steadily until the fund is completely exhausted in the year 2001.

Now, mind you me, Mr. President, that this is the same report they are talking about 2002. Last year when they said it was going broke in 2001, they did not even care about it. They went around whining, ''What's the matter with health care? We have got the best in the world.'' There was no proposal to confront that so-called dreadful disaster 7 years from now.

But with President Clinton, not with their votes, President Clinton and the Democratic votes—and the Vice President had to vote—we at least picked up a year with the $57 billion cut. And it was completely rejected, repudiated. The First Lady was ridiculed all last year about health care.

An interesting thing because the distinguished Senator from Texas was saying that with Social Security taxes, they were going to be hunting us down like dogs in the street and shooting us. Like dogs in the street. Oh, they said the whole country was going into inflation. Unemployment was going to soar. Plants were going to close. The economy was going to be in a depression. And they were going to grab us politicians who voted for this and hunt us down like dogs in the street and shoot us.

Well, it was not easy to vote to tax Social Security. But, mind you me, Mr. President, when we taxed it, we said, wait a minute, the revenues from this tax, $25 billion, shall go to—what? Shall go to help making Medicare solvent. We allocated $25 billion to Medicare. Here we had already cut $57 billion.

Here then we had allocated some $25 billion. And you know what the contract crowd did in November? They came in there and said, ''Do away with this $25 billion, Medicare,'' that they now are worried about 7 years from now. Pure theater. An absolute sham.

They, in their contract, increase the deficit of Medicare some $25 billion. They did not help strengthen the Medicare fund. Why is it that we pick out these straw men out here 7 years from now in Medicare, 30 years from now in Social Security, and are not worried about going broke this minute?

We have fiscal cancer. The interest costs—the automatic spending to pay the interest costs on a $5 trillion debt—is going $1 billion a day up, up and away. There is no plan, Democratic or Republican, that says let us cut spending $1 billion a day.

So let us get down to the real facts. The real facts are, in the GOP budget, that for every year they increase spending, the fact is, the present budget—the reconciliation we will vote on tomorrow—will increase spending $53 billion. $53 billion over the present year. A $53 billion increase in spending. You look over at the increase in revenues, and you say, well, maybe we had to spend more. But we took in more. We did have some of that growth. Not so. Not so.

You add up the 7 years, Mr. President. The expenditures, the outlays by CBO. Incidentally, I do not mind CBO figures. I do not mind the 7-year budget. I am prepared to vote for a 7-year budget and CBO figures—so long as it is a true balanced budget and not an embezzlement of Social Security. None of this unified. Do not give old HOLLINGS that. I heard it before. I hear it again. I hear the whine that other Presidents have done it.

We came to town in November, my dear Republican colleagues, for change, not for business as usual, not how Presidents have done it, not how Congress has done it before, but the truth in budgeting. But, Mr. President, the outlays exceed the revenues some $1,052,000,000,000 during that first 7 years. How do you start with a $283.3 billion deficit, increase spending over

revenues each year for 7 years, and get a balanced budget?

You cannot. There is no mystery to it. You use smoke and mirrors. In fact, the very authorities they use, they misquote. You look at page 3 of the conference report of Chairman Kasich over in the House side.

I ask unanimous consent that a portion of that report be printed in the RECORD at this particular point.

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

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1996

* * * * *

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1996: $245,600,000,000.
Fiscal year 1997: $234,100,000,000.
Fiscal year 1998: $204,000,000,000.
Fiscal year 1999: $192,900,000,000.
Fiscal year 2000: $181,100,000,000.
Fiscal year 2001: $140,200,000,000.
Fiscal year 2002: $108,400,000,000.

* * * * *

Mr. HOLLINGS. Mr. KASICH there for the 104th Congress, the first session, concurrent resolution for the fiscal budget for the fiscal year 1996. It says fiscal year 2002.

Mr. President, everybody ought to listen. They do not want to hear it: It shows a $108,400,000,000 deficit. Aha. They keep on these weekend shows, morning interviews, the TV, 20-second scripts. Truth in budgeting. But they themselves say in the year 2002, it is a $108,400,000,000 deficit.

And then, of course, June O'Neill, on October 20, 1995. This, incidentally, Mr. President, was subsequent to the October 18 good Government award that the chairman of the Budget Committee came to the floor and gave his budget.

He said, now we have got it certified. Now we have got it certified. And I do not want to just repeat the record of those particular amounts, but he had them all detailed out there on October 18. And he said, the Congressional Budget Office has reviewed our budget that I have just quoted from, and they have found that we have a $10 billion surplus in the year 2002.

I said, wait a minute, I can read. KASICH himself said a $108.4 billion deficit. Where in the world did this $10 billion surplus come from? Two days later, when we admonished the Madam Director to obey the law—to cut out the embezzlement of the Social Security trust—she wrote back meekly.

I ask unanimous consent that that letter be printed in the RECORD, the letter of October 20.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, October 20, 1995.*

Hon. KENT CONRAD,
*U.S. Senate, Washington, DC.*

DEAR SENATOR: Pursuant to Section 205(a) of the budget resolution for fiscal year 1996 (H. Con. Res. 67), the Congressional Budget Office provided the Chairman of the Senate Budget Committee on October 18 with a projection of the budget deficits or surpluses that would result from enactment of the reconciliation legislation submitted to the Budget Committee. As specified in section 205(a), CBO provided projections (using the economic and technical assumptions underlying the budget resolution and assuming the level of discretionary spending specified in that resolution) of the deficit or surplus of the total budget—that is, the deficit or surplus resulting from all budgetary transactions of the federal government, including Social Security and Postal Service spending and receipts that are designated as off-budget transactions. As stated in the letter to Chairman Domenici, CBO projected that there will be a total-budget surplus of $10 billion in 2002. Excluding an estimated off-budget surplus of $115 billion in 2002 from the calculation, CBO would project an on-budget deficit of $105 billion in 2002. (The letter you received yesterday incorrectly stated these two figures.)

If you wish further details on this projection, we will be pleased to provide them. The staff contact is Jim Horney, who can be reached at 226–2880.

Sincerely,

JUNE E. O'NEILL,
*Director.*

Mr. HOLLINGS. Mr. President, it shows there, and I read, ''CBO would project an on-budget deficit of $105 billion in 2002.''

''Peace, peace, everywhere a man cried peace,'' said Patrick Henry, ''But there was no peace.'' Balance, balance, balance, balance, everywhere men cry balance. There is no balance. There is a deficit.

Let us level with the American people. To quote Mark Twain, ''The truth is such a precious thing, it should be used very sparingly.''

And that is the credo of this Congress that is up in the wagon trying to get by again and is using the pressures of the Government closedown on itself to get what they cannot get by a majority vote. They could not get a majority vote because—I joined with one on legal services. They do not want, like the gang of 73 over on the House side, to abolish legal services. So we joined in reinstating legal services in the appropriations bill.

Mr. President, they do not want to abolish the Department of Commerce. That is why we had a voice vote to strike the provision that would have abolished the Department of Commerce.

What is happening is they are trying to force feed the White House on measures that they cannot even get a majority vote for.

And they're nagging and crying like children about where they sat on the plane going to a funeral. I do not believe anybody felt much like talking. But our distinguished minority leader, Senator DASCHLE, was there and I believe him, and he recounted the several times that the President came back. That is one thing you cannot accuse President Clinton of is not talking, for God's sake. Heavens above. Where have we come to in this town of ours putting on this show?

I ask unanimous consent to have printed in the RECORD the document ''Here we go again,'' which has the budget tables.

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

*''Here We Go Again'': Senator Ernest F. Hollings*

[By fiscal year 1995; in billions of dollars]

Starting in 1995 with:

(a) A deficit of $283.3 Billion for 1995—

| | |
|---|---|
| Outlays | 1,530 |
| Trust Funds | 121.9 |
| Unified Deficit | 161.4 |
| Real Deficit | −283.3 |
| Gross Interest | 336.0 |

(b) And a debt of $4,927 Billion

How do you balance the budget by:

(a) Increasing spending over revenues $1,801 Billion over seven years?

GOP ''SOLID'', ''NO SMOKE AND MIRRORS'' BUDGET PLAN

[In billions of dollars]

| Year | CBO outlays | CBO revenues | Cumulative deficits |
|---|---|---|---|
| 1996 | $1,583 | $1,355 | −$228 |
| 1997 | 1,624 | 1,419 | −205 |
| 1998 | 1,663 | 1,478 | −185 |
| 1999 | 1,718 | 1,549 | −169 |
| 2000 | 1,779 | 1,622 | −157 |
| 2001 | 1,819 | 1,701 | −118 |
| 2002 | 1,874 | 1,884 | +10 |
| Total | 12,060 | 11,008 | −1,052 |

(b) And increasing the national debt from $4,927.0 Billion to $6,728.0 Billion?

DEBT (OFF CBO's APRIL BASELINE *)

[In billions of dollars]

| Year | National debt | Interest costs |
|---|---|---|
| 1995 | $4,927.0 | $336.0 |
| 1996 | 5,261.7 | 369.9 |
| 1997 | 5,551.4 | 381.6 |
| 1998 | 5,821.6 | 390.9 |
| 1999 | 6,081.1 | 404.0 |
| 2000 | 6,331.3 | 416.1 |
| 2001 | 6,575.9 | 426.8 |
| 2002 | 6,728.0 | 436.0 |
| Increase 1995–2002 | 1,801.0 | 100.0 |

* Off CBO's August Baseline.

[In billions of dollars]

| | 1996 | 2002 |
|---|---|---|
| Debt Includes: | | |
| (1) Owed to the Trust Funds | $1,361.8 | $2,355.7 |
| (2) Owed to Government Accts. | 81.9 | [1] |
| (3) Owed to Additional Borrowing | 3,794.3 | 4,372.7 |
| [Note: No ''unified'' debt; just total debt] | 5,238.0 | 6,728.4 |

[1] Included above.

(c) And increasing mandatory spending for interest costs by $100 billion?

How? You don't!

(a) 1996 Budget: Kasich Conference Report, p.3 −$108 Billion Deficit.

(b) October 20, 1995, CBO Letter from June O'Neill −$105 Billion Deficit.

—You must fabricate a ''paper balance'' by ''smoke and mirrors'' and borrowing more: Smoke and Mirrors

(a) Picking up $19 billion by cutting the Consumer Price index (CPI) by .2%—thereby reducing Social Security Benefits and increasing taxes by increasing ''bracket creep''.

(b) With impossible spending cuts:

| | *Billion* |
|---|---|
| Medicare | −$270 |
| Medicaid | −$182 |
| Welfare | −$83 |

(c) ''Backloading'' the plan:

—Promising a cut of $347 Billion in FY 2002 when a cut of $45 Billion this year will never materialize.

[In billions of dollars]

| | | |
|---|---|---|
| 2002 CBO Baseline Budget | $1,874 | $1,884 |
| This assumes: | | |
| (1) Discretionary Freeze Plus Discretionary Cuts (in 2002) | | −$121 |
| (2) Entitlement Cuts and Interest Savings (in 2002) | | −226 |
| [1996 Cuts, $45 B] Spending Reductions (in 2002) | | −347 |
| Using SS Trust Fund | | −115 |
| Total Reductions (in 2002) | | −462 |
| +Increased Borrowing from Tax Cut | | −93 |
| Grand total | | −555 |
| (d) By increasing revenues by decreasing revenues (tax cut) | | 245 |
| (e) By borrowing and increasing the debt (1995–2002) | | 1,801 |

—Includes $636 billion ''embezzlement'' of the Social Security Trust Fund.

The Real Problem—

Not Medicare—In Surplus $147 Billion—Paid For

Not Social Security—In Surplus $481 Billion—Paid For

But interest costs on the National debt—are now at almost $1 billion a day and are growing faster than any possible spending cuts

—And Both the Republican Congress and Democratic White House as well as the media are afraid to tell the American people the truth: ''A tax increase is necessary.''

—Solution: Spending Cuts, Spending Freezes, Tax loophole closings, withholding new programs (AmeriCorps) and a 5% Value Added Tax allocated to the deficit and the debt.

*''Here We Go Again''—Promised Balanced Budgets*

| | *Billion* |
|---|---|
| President Reagan (by FY 1984) 1981 Budget | 0 |
| President Reagan (by FY 1991) 1985 GRH Budget | 0 |
| President Bush (by FY 1995) 1990 Budget | +$20.5 |

(Mr. STEVENS assumed the chair.)

Mr. HOLLINGS. Mr. President—reading from that document, which use CBO figures—during the 7-year period, the debt actually goes up $1.8 trillion. I have listed down in that document what is owed to the trust fund, what is owed to the Government accounts, and what is owed to additional borrowing. And, of course, interest costs go up from $348 billion to at least $448 billion, but over the 7 years, every expert on Wall Street says interest cost is going up and will exceed $500 billion.

So how do you do it? You do not. Mr. KASICH, the chairman, says you cannot. He records a deficit; the CBO records a deficit. How do you do it? You fabricate a paper balance with smoke and mirrors.

One of the big smokes that has recently surfaced and in 20 years I have not heard this tricky one, is that the CPI, the Consumer Price Index, has been overstated. So we will have less of a CPI and spend the money. You cannot. When you give less to Social Security, you do two things: You cut the benefits, of course, because you are giving less, but more than anything else—and I welcome that—you increase the Social Security surplus. You do not have ready moneys to spend in violation of 13301. You do not have ready moneys for Medicare when you use a different CPI to spend for the deficit. It goes to Medicare, and we are trying to save Medicare. So let us talk sense.

That CPI is a gimmick. Use it if you will, but the result is not to lower the deficit. It is to increase the surplus. On that basis, we need to do that and the Senator from South Carolina would support it. But come down to the reality of Medicare, Medicaid, and welfare. I could go through each one of them. Let us just take welfare.

We say some $83 billion saved in the welfare reform. The House side says $100 billion or so. I can tell you it will cause spending more money.

I have been a Governor. You give me welfare and say, ''Governor, now you have to set up a job-of-last-resort system in the government,'' because they have to work, and I can tell you it is going to be difficult now to get people to work because they have closed down 17 textile plants in South Carolina since NAFTA. There have been at least—and this is last week's figure—92,000 jobs lost. So we are moving our manufacturing overseas like gangbusters and here come welfare recipients.

If you cannot get them a regular job, you have to give them a government job. But to give them a government job, of course, they have to be skilled. So you not only set up a jobs program. You have to set up a skill program. That costs money.

And, oh my gracious, two-thirds of children—the other third are minority mothers, single mothers—are part of the program and you look around and say, ''They can't leave the children,'' so you set up a child care program.

All of this costs money. The intent is splendid. Let us put everybody to work, but let us not kid the taxpayers that we are saving money. What we are doing, and I welcome it, is saving lives. Yes, let us train them, skill them, try to find jobs for them, and that is a worthwhile, necessary Government program. The market is not going to do it. That is the kind of thing we need Government for that they are trying to abolish.

But they abolish their own responsibility, the Gang of 73, by giving it back to the Governors under the chant that ''government closest to the people is the best government.''

So we will get rid of that responsibility and start cutting the moneys. That is not going to happen.

The worst thing of course, Mr. President, you see in this document is backloading. When I talk about backloading, if we were to adopt ipso facto the reconciliation bill that they bring out tomorrow, we will have cut or saved, however you look at it, $45 billion, and that is assuming the truth of everything that happened under that particular budget.

We will have cut $45 billion. That has not been easy. We are already at Thanksgiving, and we have not gotten the bill. It is so difficult. Do you know what they say to do in the year 2002? Cut $347 billion. This thing is just to get their attention and get out of town to get the President's election over with next November. They say, ''Do not pay attention to it; oh, we'll come back, we'll change it later; it doesn't have any impact on the Presidential election.''

They do not have anything there much cut as compared to the enormous task of saving billions of dollars. They put it all in the last 2 years after two Presidential elections. Gamesmanship, smoke and mirrors and, yes, Social Security embezzlement.

Now they embezzled $636 billion. That word embezzlement is from none other than the former Senator of Pennsylvania, Senator John Heinz, when we debated and passed the law.

Now they have another little thing that has come along. They give themselves credit and say we are going to cut taxes. That, if anything, ought to expose the charade, the fraud that we are being asked to adopt. When you come around and you are looking for money and you cut well-conceived programs—education, Head Start, technology, health care, research—they then have the audacity to say we have to buy the vote for next year with this middle-class tax cut. Under the tax cut, we are going to get—like Reaganomics—increased revenues, they say. That is what they say.

Mr. President, we were faced with this 8 years ago in the Budget Committee. We had tried with the freeze during the early eighties. We tried with Gramm–Rudman-Hollings the cuts across the board. We had tried with the tax reform, with Senator Bentsen. In the Tax Reform Act of 1986, we closed the loopholes and then, yes, 8 years ago in 1987, eight of us Senators cold-sober voted what? To increase taxes. We voted for that in the Budget Committee.

I abhor taxes just like everybody else in this land. But we looked and saw what was occurring, and I conferred at that particular time with Dick Darman, the head of OMB for President Bush. I said, ''Look, what we need to do is get''—actually, President Reagan was still in, but we were talking to Darman who was coming in—''we need not only freezes, we need not only spending cuts, we need not only loophole closings, but we need all of those and a tax increase.'' We voted that, allocating it to the deficit and the debt.

I want you to know we did not give up with President Clinton. In February 1993, shortly after his inauguration, I asked for a personal interview with the President of the United States.

And I said, Mr. President, I have been in this thing almost 20 years, and there is no way out. What we really need to do is get what cuts you can get, what savings you can get. But to get on top of this hemorrhage of interest cost spending on the national debt, you are going to need a revenue measure. And on careful consideration, we would suggest a value-added tax.

In fact, I said, ''Mr. President, if you take it, I will take the lead.'' I had just been beat up upon, being reelected in 1992 as ''high-tax HOLLINGS.'' But I said I would take the lead, and we could get the votes, as long as the President is leading. Nobody, for example, on the House side running for reelection is going to throw himself on the tax sword if it is going to be vetoed. One-third of those in the U.S. Senate, running for reelection, are not going to throw themselves on a tax sword if it is going to be vetoed.

So, Mr. President, you are going to have to get it. And he said, ''You know, that is interesting, Senator.'' He said, ''Last night I got a call from Lane Kirkland of the AFL-CIO. He was down in Bar Harbor at the annual conference. He said he would favor a 5-percent VAT to get rid of the deficit and the debt.''

I said, ''Mr. President, happy day. When I testified before the Finance Committee, that was the opposition, and organized labor was talking about the regressivity.'' They do not talk about the regressivity of spending for nothing. Nothing is more regressive than the present course Government is on and insisting upon raiding trust funds, just to look politically smart. ''Come on,'' I said, ''If we have the AFL-CIO, we can really get it done.''

The next morning, Mr. President, the President of the United States was out doing his jog, and one of the reporters asked him about some of his thoughts. He said, ''I am thinking about a VAT.'' Well, before he got back to the White House, they were stepping all over us and all the rest of that crowd said, ''You're lying, the President overspoke; he did not say it,'' and everything else. I will show it to you in the newspaper. That ended any effort.

At least the President came back with $500 billion in cuts, increased taxes on gasoline, Social Security, and the least cuts in Medicare and acted very responsibly, which has gotten us into a pretty good economic situation—for the moment. But we have fiscal cancer.

The automatic spending and interest costs on the national debt are eating us alive—are growing each day and cannot be stopped, unless we get rid of this debt and this deficit. Ironically, the only way to get rid of the increased taxes—because that is what the interests costs are. They cannot be avoided, like death and taxes; you have to pay the interest costs. The only way to get rid of the automatic increase in taxes is to increase taxes.

Now, if you understand that, you will understand the predicament the land is in. All of this other thing of force-feeding, whether it is education, whether it is the environment, whether it is Medicare and all, is beyond repair. Why argue here in November 1995 about something that is solvent and paid for like Medicare? Why argue about something that is solvent and paid for like Social Security?

Let us look at the real problem that we are trying to finesse. Let us understand that we are in the same act, same scene. And, as President Reagan said, ''Here we go again.'' We proposed and supported a balanced budget in 1987 we proposed and supported a balanced budget in 1991, and we were supposed to, under Bush in 1990, report a surplus in 1995.

Mr. DORGAN. I wonder if the Senator will yield for a question.

Mr. HOLLINGS. Yes.

Mr. DORGAN. I know Senator HOLLINGS was serving in the Senate in 1983. I was serving in the House of Representatives and was on the Ways and Means Committee when the Social Security reform package was enacted.

I offered an amendment in 1983 in the Ways and Means Committee that failed, but the amendment that I offered—I ask a question about this—said if we are going to incur surpluses in Social Security year by year in order to save for the future, as a deliberate strategy, then we are going to have to put those surpluses aside so they are not used for other purposes, because if they are part of the unified budget, they will get used. So I offered the amendment and the amendment failed. That was 12 years ago. Now, 12 years later, we are back debating this.

Is it not the case that 12 years later we are debating that because what I feared would happen in 1983, and offered an amendment to try to prevent from happening, is happening. The Senator from Pennsylvania said it has happened under Democrats and Republicans. He is absolutely correct. But it is business as usual, and it is wrong. It has been wrong, and it is wrong now. Is that not correct?

Mr. HOLLINGS. That is exactly correct. If anybody heard anything during this week's debate, listen to the Senator from North Dakota. He was there and made the motion. I remember it well.

At that particular time, we were raising taxes on the absolute promise that it would only go for Social Security. If we said at the time we are going to raise taxes for defense and raise taxes for foreign aid and raise taxes for education—in fact at that particular time they were trying to abolish the Department of Education—and raise taxes for any of these other endeavors of Government, you could not have gotten a tax increase. You got it on a solid promise that we were keeping faith under the Social Security fund.

Mr. DORGAN. If the Senator will yield for an additional question, the Senator then, subsequently, in future years, offered an amendment on the floor of the Senate that actually succeeded. It was an amendment similar to what I offered in 1983 and failed in the Ways and Means Committee. Senator HOLLINGS then offered an amendment that subsequently had become law that says you cannot use the Social Security trust fund as part of the unified budget, which meant that when the balanced budget agreement was brought to the floor by the majority party, on page 3 of the agreement, they had the years of the deficits and, in 2002, this document they said was their balanced budget document set deficits in 2002 of, I believe, it was $108 billion.

Now, why would something they called a balanced budget propose a $108 billion deficit in 2002? Is it not because, in fact, the law prevents them from bringing something to the floor that says ''zero,'' especially inasmuch as the law says you cannot use the Social Security trust funds. But by calling it a balanced budget, they know what they are doing; they are using the Social Security trust funds as an offset against other revenue, thereby saying, yes, we balance the budget, but, in fact, they have taken the trust funds to do it, and, in fact, the budget is not in balance at all; is that not the case?

Mr. HOLLINGS. That is the case. Our only chance at getting out of this particular fix is the free press, the media.

I have dutifully called all around the clock. I think at that time President Jefferson said, ''As between a free Government and a free press, I would choose the latter.'' Yes, you can have a free Government, but it will not remain free long unless you have a free media. Right to the point, I have gotten the Washington Post economic writer, I have gotten all the particular people—for example, on ''Meet the Press.'' I have talked to editors and written articles. I keep talking about it, and they keep reporting just like Greenspan, like he is some authority. He represents Wall Street.

Wall Street loves a unified budget. When you say a unified budget, the Government in Washington borrows from itself and not from Wall Street. There is less of a burden on the financial market. So they have a selfish interest involved here, and they do not want to see us, as public servants, start putting this Government on a pay-as-you-go basis. Greenspan has been a lawyer here for 15 years.

I can tell you, in football, I would have had another coach long ago. I got some remarks of his somewhere here. He was talking, just the other day, to some group and he said, ''We don't want to be lulled asleep.'' If there is one person who has lulled us asleep, it has been Alan Greenspan. He talks of unified budgets. He never says, categorically, what the truth is, and that is that you have to get tax revenues in here to do this job. When you are at $1 billion a day, and $348 billion a year, and use $271 billion in defense, you can

eliminate defense and you would still have a deficit.

Domestic discretionary spending is the President, Congress, courts, Department of the Interior, Justice, go right around, Commerce, general government. That is $273 billion. You could eliminate it, not just cut it, and you still have a deficit.

We are in a position like the character in ''Alice in Wonderland.'' In order to stay where you are, you have to run as fast as you can; in order to get ahead, you have to run even faster.

No one wants to talk about it. We have fiscal cancer. Once again, we are prepared to lie to the American people. Therein, the Hollings amendment. It is very clear-cut. Do not give us any of this Social Security embezzlement budget. It is not the balanced budget. Read the language. Section 301 of the continuing resolution says the President, the Congress, must enact legislation to achieve a unified balanced budget. That is the trick.

We voted on Monday just exactly not to do that by a vote of 97 to 2. At that particular time, the distinguished chairman of the Budget Committee said the first portion of this instruction ''we have never violated, so we can be instructed on it.'' False. We continually—as he argues, every President, every Congress has given budgets that way and it has been in violation. He knows it.

The second section ''we have never violated, so we can be instructed not to.'' False. We continue to violate it. You come around and you raise a point when he is on the floor, he will say, ''Senator, that is what President Clinton does.'' Do not give me that. I am serious. I expect to be here after President Clinton. Come on. I have been here after all of these Presidents that are running up these deficits.

We are conscientious about it. We do not want to see this charade continue. The only way to make sure that everybody knows when they vote—I will vote for your resolution, Senator, on 7 years; I will vote for CBO figures. Nothing wrong with that. But do not give me the trick, the smoke, the mirror, of unified. That is raiding the trust funds—$636 billion, specifically, of Social Security, $200 billion from the airport and airways trust fund, the highway trust fund, the Medicare trust fund, the Civil Service retirement, your military retirees.

The distinguished Senator from Alaska has that responsibility. You can see the trickery as they do.

Treasury Secretary Robert E. Rubin announced plans yesterday to pull $61.3 billion from two retirement accounts.

He authorized withdrawal of the entire $21.5 billion—in the G-fund, and as much as $39.8 billion of the $350 billion held in the Civil Services retirement fund. In effect, both funds would be given—IOU that would obligate Treasury to make complete repayment with interest after a permanent increase in the debt limit is finally approved.

(Mr. BURNS assumed the chair.)

Mr. STEVENS. Will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. STEVENS. I must say that I am saddened here when the Senator from South Carolina made that statement, because as he knows I am the author of that bill that created those funds just mentioned. It is a defect in the legislation.

We intended that to be available to the administration in the event of a national emergency. We meant a true national emergency.

Mr. HOLLINGS. Not a political war.

Mr. STEVENS. I think this is a political war and an aberration. No administration has done that before.

It is very sad because we saved the taxpayers billions of dollars by creating a separate fund in which employees contribute and the employer matches a portion of that. And, a portion of that is invested in Government securities.

What they have now done is they have reached into funds that employees have put into Government securities, pulled it out, and said, ''We can run the Government on it.''

This is the worst thing I have seen in the history of the Government's relationship to its employees—to invade the trust funds, and at a loss now, the employees will lose interest.

They will give the employees a chit to pay interest. What will be the interest? The interest paid on the national debt?

That is why we took it out of there, because the national debt is so fluctuating—it, too, is political in a sense.

I think it is unfortunate we have reached a point where that action was taken by the President.

I am enjoying the Senator's comments and my question is this: I heard the Senator from South Carolina say he could support this amendment—this continuing resolution—but did he say with an amendment?

Mr. HOLLINGS. The amendment that is now under the consideration of the body. Namely, it says that the 7-year balanced budget passed by the Congress to the President shall not include Social Security trust fund to reflect a balance.

Very simple. I have copies of it. I will be glad to try to change it around and make it clearer, but I do not know—I wanted to make you an offer you could not refuse. You just voted for it on Monday. Here it is Thursday. That was my intent.

If I do it now, then we will correct this situation and we will all be pulling forward together and finally getting out of Senator GRAMM's wagon of spending $200 billion a year and raiding trust funds, and talking about how intent we are in doing heavy lifting and how Mark Twain, and whether we are patriots and whether we are popular—that is children's talk.

We should do the job. In order to do the job, quit moving deficits. Do not move the deficit from the general fund over to the Social Security. Our idea is to lessen or eliminate deficits, not move them around.

Mr. STEVENS. Mr. President, I think the Senator has a germ of an idea. I am not sure I concur entirely in what he is saying. I do not believe we should have a situation where the balancing of the budget comes about because of a failure to use the Social Security trust fund the way it was intended. Is that the position of the Senator?

Mr. HOLLINGS. My position is it not be used. The budget—so far we had in the Budget Committee, the document by Chairman KASICH of the conference itself on the budget reflects a usage of Social Security trust fund—$636 billion over the 7 years.

Mr. STEVENS. Is that not a restriction? It leaves the money in the trust fund. It does not put it in the Treasury. But we are not transferring to the Treasury.

Mr. HOLLINGS. You are. The law itself says that it cannot be used in that fashion, if I could put my finger on it. That is exactly the law you voted for and I voted for in 1990, that it not be employed in that fashion, to obscure the size of the twist.

We are spending more than we are taking in. That is what we are doing. It is not a technicality about being in the Treasury. Certainly it is in the Treasury, and it should, under our intent of increasing the taxes back in 1983, be embellishing a surplus. Nothing wrong with that.

The fact is with the surplus there, your children and my children can count on their retirement. As it is now, Senator THURMOND and I are holding free on that score but the kids are not. They are caught up because we are using all the money.

We owe $481 billion. If we spend another $636 billion under this budget, thereupon, at 2002 we will all be owing Social Security over $1 trillion, and then they will be coming around on the floor of the Congress saying, ''Social Security is busted and we have to save it.''

How will you find $1 trillion to save it?

Mr. STEVENS. I have another question. Would the Senator yield for a moment to make a unanimous-consent request on behalf of the leader?

Mr. HOLLINGS. I yield.

## UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT ON H.R. 2126

Mr. STEVENS. I ask unanimous consent when the Senate considers the Department of Defense appropriations conference report, it be considered under the following time agreement: One hour under the control of the Senator from Hawaii, Mr. INOUYE, with 10 minutes of that time under the control of Senator BINGAMAN, and 20 minutes of that time under control of Senator DORGAN, 1 hour under my control, and 30 minutes under the control of Senator MCCAIN; following a conclusion or

yielding back of the time, the Senate proceed to vote on adoption of the conference report.

This has been cleared on both sides, Mr. President.

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

## FUTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 1996

The Senate continued with the consideration of the joint resolution.

Mr. STEVENS. Mr. President, I have the question, if I might ask my friend?

Mr. HOLLINGS. Yes, sir.

Mr. STEVENS. Because he is a good friend, as a matter of fact.

If we were to vote for your amendment, do you have any indication the President would support it as amended?

Mr. HOLLINGS. It makes no difference to me. I would hate to see a President want to veto that and say I want to raid the Social Security trust fund. He does know politics. I do not think he would hesitate signing that part of it, I can tell you that.

Mr. STEVENS. My question, respectfully, to my friend, is, has he discussed this amendment with the White House.

Mr. HOLLINGS. No. This gentleman is working on his own. This is no White House amendment. I can tell you here and now, if I wait on that crowd over there, we would not get it done.

Mr. President, there is one more thing to be recognized and that is the exception that makes the rule. That is, as I am critical of the media for just going fast asleep on this one, and battling the Greenspan unified nonsense, the one exception is USA Today just about a week ago—10 days ago, November 6, Monday.

I ask unanimous consent this editorial and an October 20 column by Lars-Erik Nelson be printed in the RECORD.

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

[From USA Today, Nov. 6, 1995]

THE BALANCED-BUDGET MYTH

OUR VIEW: BOTH PARTIES USE SOCIAL SECURITY TO HIDE THE TRUTH ABOUT THE BUDGET; AND IN TIME, THE PUBLIC WILL PAY.

Each day, the debate over balancing the budget produces another dire warning. The cuts are too deep! say the Democrats. Taxes must fall! say the Republicans.

But after they compromise and begin arguing over who won a few weeks from now, one truth will remain: Both sides will be lying, because neither is talking about a truly balanced budget at all.

The non-partisan Congressional Budget Office underscored that point recently. It pointed out that come 2002, when the budget will be ''balanced'' under Republican plans, the government will still be borrowing more than $100 billion a year. This is done by writing IOUs from the Treasury to Social Security and other trust funds that Congress declares ''off-budget.''

The bill for this little game won't come due in the political life of President Clinton or much of today's Congress. But the public will pay it soon enough.

To understand, look ahead to 2005. That's just 10 years away, about the time it takes for an 11-year-old child to go from grade school through college.

That year a critical balance tips. Increased costs for Social Security will begin to deplete Congress' cushion. Because the Social Security trust fund is a fiction filled with nothing but government promises to pay, Congress will gradually lose its fudge factor.

By 2013, when the trust fund peaks, taxpayers will feel a hard bit. They'll have to start doing what the trust fund was supposed to do—pay for the retirement of 75 million baby boomers. The budget will plummet into a sea of red ink, with $760 billion a year deficits by 2030. By then the government will have had to double the current 12.4% employer-employee payroll tax to cover Social Security obligations.

That's unaffordable. Yet, neither President Clinton nor leaders of either party in Congress acknowledge reform is needed to avert economic catastrophe. To do so would require Republicans to get off their tax-cut bandwagon and Democrats to accept deeper spending cuts. Both prefer the myths that a budget borrowing from Social Security is balanced and a trust fund filled with IOUs to be paid by today's 11-year-olds has value.

Those are frauds only fundamental reform can fix.

The leaders of Clinton's commission on entitlements—Sen. Robert Kerrey, D-Neb., and former Sen. John Danforth, R-Mo.—last year recommended raising the retirement age to 70 and converting a portion of the current payroll tax into a mandated personal retirement account. The Concord Coalition, a deficit watchdog, has called for cutting benefits to upper-income retirees. Other proposals include taxing all income for Social Security and subjecting all benefits to normal income taxation.

Which measures are best? Only a thorough debate of the various measures can decide. But first political leaders must give up their convenient budget myths and face the fact—a Social Security train wreck is coming, and sooner than they think.

[From the New York Daily News, Oct. 20, 1995]

BORROWING FROM SOC SEC TO AID THE RICH

(By Lars-Erik Nelson)

Washington—See that Social Security deduction on your paycheck? It's the key to the Republican plan to ''balance'' the federal budget while giving tax cuts to the wealthy.

In 2002, the year Republicans have been promising a balanced budget, they will in fact come up $108 billion short, according to the House Budget Committee's report. The Republican plan makes up the difference by ''borrowing''—the late Sen. John Heinz (R-Pa.) called it ''embezzling''—from the Social Security trust fund.

By law, Social Security deductions are supposed to be earmarked to pay benefits for future retirees. But for the past dozen years the Social Security surplus has been used to mask the real size of the federal deficit.

The Republican plan continues the embezzlement. In pure accounting terms, the Republicans are right: If the amount of money the government collects in a given year equals the amount that it pays out, the budget is in balance. But borrowing from the trust fund to cover current operating costs means raising taxes on the next generation—our children—to pay back the debt to the trust fund.

In addition, using Social Security deductions to balance the budget means that working people, who cannot escape that FICA deduction on their paychecks, make up the shortfall caused by tax breaks for the wealthy and for business.

''It's the largest transfer of wealth from labor to capital in our history,'' Sen. Daniel Moynihan (D-N.Y.) said yesterday. ''We are using a 15% payroll tax [the combined burden on employer and employe] to pay the interest on Treasury bonds, which are generally not owned by blue-collar workers.''

''These guys [the Republicans] don't have any intention of balancing the budget,'' agreed Sen. Ernest Hollings (D-S.C.). ''All they want to do is to get credit for it, make room for a big tax cut and destroy the government.''

Republican budget plans are still something of a moving target, with many details being worked out behind closed doors, often in consultation with business lobbyists. ''You're really not supposed to understand this until it's too late,'' one of the lobbyists confessed with a grin yesterday.

But the general outline is clear. The budget plans call for increasing taxes on the lowest-income Americans—those earning under $30,000 a year—primarily by curtailing the Earned Income Tax Credit for working people.

The way the tax cuts are skewed, the wealthiest 12% of Americans share $53 billion in tax breaks; the remaining 88% of taxpayers share $49 billion. Federal spending cuts also hit the low-earners harder than they do upper-income families.

More bad news: En route to their supposedly ''balanced budget,'' the Republicans run annual deficits that will add another $1 trillion to the national debt. That means that in 2002, interest costs—now running at nearly $1 billion a day—will eat up even more of the federal budget, leaving less money for spending on everything else.

Moynihan tried yesterday to strike $245 billion in GOP tax cuts and use the money to reduce the deficit, preserve the EITC and spare some of the proposed cuts in Medicare. he was defeated.

''This is simply the wrong time to cut taxes,'' Moynihan argued. Republicans did not listen.

As Ronald Reagan's conscience-stricken budget director, David Stockman, observed in identical circumstances just over a dozen years ago, ''Now the hogs are really feeding.''

Mr. HOLLINGS. Talking about the budget, the editorial says:

The nonpartisan Congressional Budget Office underscored that point recently. It pointed out that come 2002, when the budget will be ''balanced'' under the Republican plans, the Government will still be borrowing more than $100 billion a year.

The truth is, it is over $348. But then:

But after they compromise and begin arguing over who won a few weeks from now, one truth will remain: Both sides will be lying, because neither is talking about a truly balanced budget at all.

That is what I want to do, is repair the lying with this particular amendment. So both sides can be telling the truth and we are not any longer embezzling Social Security.

The title of this one is ''A Balanced Budget Myth.'' There is one particular entity, now, that has the truth and they are after us. I hope all the media will wake up and get after us. Let us start talking sense, rather than who is on top and who is lost and who is popular and what the polls show.

I absolutely, since I have the time here, have learned one thing in 40 years of public service. That is, this political polling is a cancer. Yes, you have to

get it. The opposition gets it when you run for office. But if you try to administer, if you try to govern with a poll—I think of the Marshall plan. Mr. President, 14 percent favored the Marshall plan at the time it was adopted. It was overwhelmingly opposed.

I go back as a young House member in my own State legislature, when I offered the sales tax bill and education finance reform to start building up public education in my own home State. Sales tax, at that time, was totally unpopular. As of this minute, if you took a poll in South Carolina on the sales tax, I am convinced the majority, by far, would say they oppose the sales tax.

But, in the 45 years, from 1950 to 1995, not a single bill has been introduced in the legislature to repeal it. The polls would show overwhelmingly it is a popular thing, but the people know if they did repeal it the government would go broke. We would not have any BMW's coming from South Carolina. We would not be correcting the illiteracy. We would not be giving the youngsters an opportunity in public education.

So, let us get away from this cancer, in addition to the interest costs on the national debt, of how well the President or the Congress is up or down in the polls.

We have a job to do. Under this job, let us have truth in budgeting.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I will just repeat what I said a couple of times here on the floor. We talk about who is at fault in these various things, in the impasse we have that has furloughed so many hard-working people. I could not help but think the other day, when I heard the Speaker of the House talking about the kind of discipline they now have in the House and how they are able to move, ''We told the American people we would do certain things and by golly we are doing them right on time''—et cetera.

One of the things they did was take over control of both bodies. And one of the things you are supposed to do, and get paid to do, is to pass appropriations bills on time—for example, all 13 by the end of the fiscal year in September. What they have not told the American people is that you have hired us to run the Congress, pay us over $130,000 a year to do that, but we failed to get our work done on time in September. We passed and had signed into law only two of the 13 appropriations bills. Today there are only about 4 of the 13 that have been signed into law. That is why we are debating what kind of continuing resolution we might have.

I cannot remember a time in my 21 years here—and I have been in the Senate, first under Democratic leadership and then under Republican leadership then under Democratic leadership and then under Republican leadership—I cannot remember a time that the Congress has been so derelict in passing and getting signed into law our appropriations bills. That is what has happened. That is why we are in the problem we are in.

Every appropriations bill begins in the other body. It is the other body that has a Speaker who talks of the tremendous control he has over the House and tells us how, now that we have this Contract With America, there is a new majority ruling and they will run things. They ought to at least run the trains on time.

The fact of the matter is, they were a dismal failure in just passing the legislation that Members of Congress are supposed to pass every year. There are certain things we have to do. You raise the flag up on the roof when you go into session. You turn the lights on. You show up for work. And you pass the appropriations bills.

Nobody has been over here filibustering the appropriations bills. Yet, probably it is the most dismal record of passing bills in anybody's memory in Congress. I think they virtually guaranteed we would have this shutdown. I can remember some years we might have gotten 10 of the 13 passed and we had to have a continuing resolution for a week or two, into October, to get the other 2 or 3 passed. But to have nine of them not passed by now? To have nine when you are 6 weeks past the date? If anybody was running a business and had employees who were that tardy, they would fire them all. They would fire them all.

Then we hear on some of the things when he finally does take an interest, when the Speaker has taken an interest—he has taken an interest in one thing, in the farm programs. He has announced to the Senate, which passed a dairy compact 2-to-1, he is just going to take that out. It does not affect his little district in Georgia so, even though it affects all the Northeast, he is just going to take it out. All New England—he is just going to take it out, regardless of the fact the Senate passed it 2 to 1 with Republican and Democratic majorities on it. He will just take it out. He says next time around he will take out anything else that affects us.

Frankly, I would be happy to have the Speaker of the House come up to Vermont and see how hard dairy farmers work. In fact, I guarantee, so he will be in a good mood, he can ride in the front of the airplane and he can come out the front door of the airplane. We will have somebody greet him there. While he will not have the chauffeurs and bodyguards he might have here, I will personally drive him. He can ride right up front. We will give him an ice cream cone and give him anything else he wants. We will make sure we give great attention and deference to him, talk to him whenever he wants. I will shine his shoes, do whatever he feels is his due. He should come up and see just how hard farmers work in Vermont.

He should come up and see how hard farmers work in Vermont. He should come up and see how hard a lot of other people work in Vermont. He should see how hard the Immigration and Naturalization Service works in Vermont for all of us, Republicans and Democrats, and independents alike. He should see how hard the people who run our Forest Service work in Vermont, the people who have been furloughed because of temper tantrums over where he may sit on the airplane. He should see how hard the people work who have to pay the mortgage, have to pay the tuition, and have to pay the children's dental bills. He should see how hard they work, those people now without a job because under his control and his leadership, the majority control, we have one of the most dismal records of passing appropriations bills that I can remember in my 21 years here.

During that whole time I have never, during Democratic Presidents, Republican Presidents, seen the Congress so lax in doing what we are paid $133,000 a year to pass the bills that keep this Government running.

You could vote to change this way or that way. They have the majority. They can pass them in any form they want. But at least pass them. Do it. Get it passed. There has never been a situation like this.

So, in case you start wondering who is at fault, are we at fault? Is the Government closing down because the Speaker did not get the seat he wanted on Air Force One? Most of this country would feel pretty privileged to ride on Air Force One, if they just wanted to go to a funeral or something. Are we closing the Government down for that? Apparently, that is one reason. But the biggest reason even predates that. The biggest reason is people are supposed to keep these things running, and they did not get things done on time. They did not get their work done in time. They have not completed their work, and there we stand.

So I have heard those who are speaking here. The distinguished Senator from South Carolina, former Governor of his State, a good friend, Senator HOLLINGS, made a very good point here.

I simply close with this, Mr. President. Let us not talk about gamesmanship. Let us stop trying to say who is up in the polls this day, who is up in the polls tomorrow, who is going to be running in this Presidential primary, who is going to be running in that, and who is going to have their face on Time, or Newsweek, or U.S. News this week, or who is going to be on there next week. Let us at least do the Government's business. We will vote different ways on different issues. Republicans will vote differently than Democrats on some, and different Democrats will vote differently than each other. Some Republicans will vote differently than each other. But at least get the bills up and get them passed.

Let us do the things we are hired to do. Let us at least pass the basic bills

that run the Government as we are hired to do. The new majority may well change what they think the priorities are with the Government. They have the right to do that. But at least get it done.

This is sort of like having somebody who is going to repair the roof on your house before the thunderstorm comes, and they keep coming to you every day and saying, ''We will be there. We will be there. Keep paying us. You paid us to fix the roof. We will get there someday. We will get there someday.'' In the meantime, thunderstorms come.

I ask my friend from North Dakota, is that not so?

Mr. DORGAN. If the Senator will yield for one brief question, I will make it a brief question.

He raises the point about the continuing resolution and where we are at the moment. I made a point on the floor earlier today about two little issues, actually two issues—one little, and one big—that sort of described the dilemma of this continuing resolution. One is a program called star schools, and the other is a program called star wars. I have some additional information.

I was wondering if the Senator from Vermont knows the information. I was unaware of it until I looked into it. Star schools is a tiny little program designed to improve math, science scores, to help schools advance, to help kids, and it is an investment in education to create star schools. It was funded at only $25 million for the whole country. Under this continuing resolution, this program is going to go from $25 million down to $15 million. So it is going to lose 40 percent of its funding because the House wants to kill the whole program.

So this continuing resolution says on star schools you kick 40 percent of the funding out. But another program, star wars—the star wars program for which the administration requested $371 million for R&D. That is all they requested. They requested no money for deployment. The Congress said in their bill let us stick in an extra $300 million for deployment. We invest. You spend that.

So what happened in this continuing resolution? The continuing resolution means that the star wars gets $300 million extra money, and Star Schools gets 40 percent less. If there ever is a vivid description of warped priorities, it is the juxtaposition of star wars and Star Schools. That is what this is about.

I ask the Senator. When people come to the floor and say, ''This is a tiny little decision, it is 7 years, and the Congressional Budget Office,'' is it not true that it is much more than that? Because this continuing resolution, which is 15 pages long, also says to Star Schools, guess what? You are unworthy. We cut you 40 percent, and then allows generously $300 million more for star wars. This is about big guys and little guys, about big interests and little interests. That is what this is all about. Guess what? Is it not true that the big interests get rewarded and the little get penalized?

Mr. LEAHY. It is. I say to my friend that, if we wanted to simply pass a continuing resolution to have the Government continue, we could do that in a one sentence—in one sentence say we will continue the expenditures at whatever percentage until such a time as the appropriations bills are passed. But instead we have not done what the public is led to believe with a simple continuing resolution. But every single piece of special interest legislation that can be packed on in the back room somewhere with no debate. That is what this continuing resolution is. It is a continuing resolution that rewrites the farm bill. It rewrites our education bill. It rewrites health, and does all these things with no hearings, no votes—done in a back room.

Why not do what the American people pay us to do? Bring up each of the appropriations bills, and in those if they want to cut out the money for education and star schools or anything else, then have a vote so that people can look and say, ''This Senator voted for the education bill. This Senator voted against the education bill. Here is their reason.'' Be accountable. But no. We do not do it.

If we are going to have star wars to defend against the Soviet Union, for those who have not been reading the newspapers and do not understand where the Soviet Union is today, then at least have a vote on it. Vote to spend hundreds of millions of dollars of our tax dollars, or vote against it. But stand up and be accountable.

What we are doing is saying we will take care of all these special interests. We will get rid of all these things people might want. But there will not be any fingerprints on them.

It makes me think of the days when I was a prosecuting attorney, and we would come in and realize the burglar had worn gloves. That is what happened here. The burglar is wearing gloves.

I have cast a lot of votes that I knew would be unpopular in this body in the last 20 years. But I am willing to stand up and do them. This is something being done by people who do not even have to vote. Let us vote on it. If we are going to fund a B–2 bomber, vote on it.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. LEAHY. In just a moment, because of my great respect for the Senator from Alaska. He and I serve on the Appropriations Committee. We usually get at least most of the bills passed by the end of September. That is my point.

I, of course, yield to the Senator from Alaska for a question.

Mr. STEVENS. Mr. President, the continuing resolution is even more fair than in the past. In the past we took the lower of the House or the Senate figure. This time there is a 60 percent, in the event that defunded items are in the budget this year. That is much more fair than in the past during the time the Senator's party was controlling the Congress, and we had Republican Presidents. What is more unfair than in the past?

Mr. LEAHY. If I might respond to my friend, the point I make is this. I do not remember a time in this body—and he has been here longer than I—a time under either the Republican leadership in the Senate or the Democratic leadership, under Republican Presidents or Democratic Presidents, that we were so derelict in the number of appropriations bills that have passed—certainly by the middle of November—passed and signed into law. I can remember sometimes we had continuing resolutions for a few. But I can think of sometimes, certainly in the last 3 or 4 years, when we had all thirteen passed.

Mr. STEVENS. Mr. President, if the Senator will yield again, I can remember distinctly the times back in the days when we had the Republican majority in the 1980's when we had the problems with regard to the House, and we had continuing resolutions that had all 13 bills in it.

As a matter of fact——

Mr. LEAHY. For how long? A week?

Mr. STEVENS. It was the Armed Services bill——

Mr. LEAHY. For a week or maybe 2 weeks in October but never mid-November. Never mid-November.

Mr. STEVENS. That is my question to the Senator again. We gave the President a continuing resolution from October 1 until November 13. We are under the second continuing resolution now. As a matter of fact, the resolution before us is again short term. The Senator is making it look like—does the Senator wish the public to understand we have cut those programs in this bill? This does not cut them. It preserves their funding for 2 weeks.

Mr. LEAHY. Mr. President, I yielded for the question. I would say this: Before the Senator from Alaska came in, it was pointed out that we cut Star Schools very substantially in this continuing resolution and increased very substantially star wars beyond what the President——

Mr. STEVENS. Mr. President, will the Senator yield? It is just not true.

Mr. LEAHY. If I could, just for a moment. It is, if you read the continuing resolution. My point is this—and I think the Senator from Alaska would have to agree—never have we been down to mid-November—to mid-November—with so few—in fact, before Monday I think we had only 2 of the 13 appropriations bills signed into law, and on Monday we had signed 3 of the 13. I guess now we sent down another one. But does the Senator from Alaska remember any time under either Republican or Democratic leadership that we were down to mid-November with only two of the appropriations bills signed into law?

Mr. STEVENS. I would be happy to answer that if I may. In 1988, we had a continuing resolution that had all 13 appropriations bills. Three of them had not even been considered by the Senate.

Mr. LEAHY. Was that November 15?

Mr. STEVENS. This was November, yes. Yes. As a matter of fact, it was a time of the Nicaragua contra aid problem, if the Senator will remember. But we had all of them in the bill at one time. And at that time the Senator's party was in the majority.

Mr. LEAHY. But not down this late. Not down this late, I would say to the Senator from Alaska. Not this late into the session.

Mr. STEVENS. As a matter of fact, if the Senator will yield again, the Senator will recall there was a sequestration ordered that year. It was late. We finally had to pass a continuing resolution to suspend the sequestration under the Budget Act.

Mr. President, my question to the Senator is, he implies that we have raised star wars by this bill. We are going to bring to the floor—we just got the agreement now—the Defense Department appropriations bill for this coming year. It deals with the star wars issue. Because of the fact that bill is almost ready to go, it appears that it is higher than the other funding, but the other funding is in another bill. We are continuing the funding for the Star Schools for a 2-week period rather than leave them out altogether.

Does the Senator object to that?

Mr. LEAHY. We have also seen, I would say, Mr. President, in these continuing resolutions, we have even arranged a way to do the LIHEAP program. I will give you some idea of what happens when you do not pass your appropriations bills on time.

The LIHEAP program is to provide heating assistance for those of us in States with severe weather, none more severe than the Senator from Alaska, obviously. But in my own State we have 25- and 35-below-zero days. This is to give heating assistance to the people, aid in heating to the poorest people in our States, to help them weatherize their homes, or whatever else. Not only is the program cut substantially, but it is set up so you can pay out only 1/365 per day. So, in other words, if you are in Montana or Alaska or Vermont and it is 25 or 30 below zero in January, you are told: Sorry, we do not have enough, but come back in June and we will probably be able to take care of you.

Mr. STEVENS. Will the Senator yield again?

Mr. LEAHY. Of course.

Mr. STEVENS. I remember the time when because of the controversy over the SST we carried through the continuing resolution to the following March. Does the Senator remember that?

Mr. LEAHY. On one bill.

Mr. STEVENS. As a matter of fact, in 1988——

Mr. LEAHY. On one bill.

Mr. STEVENS. When we had that, it was December when we had this.

Mr. LEAHY. I do not remember. I must admit that was before —

Mr. STEVENS. Does the Senator know Star Schools are forward funded? It is not affected by this bill at all.

Mr. LEAHY. The SST, I would say, was before I was old enough to be in the Senate so I will have to take the remembrance of the Senator from Alaska on that.

Mr. STEVENS. Senator THURMOND and I remember that very well. We stepped off the *Mayflower* and voted at that time.

Mr. LEAHY. The SST was before I had reached the constitutional age of 30 to be here.

Mr. STEVENS. Again, will the Senator answer my question? Does he know that Star Schools are forward funded; they are not affected by this bill at all?

Mr. LEAHY. I will tell the Senator to go back to the comments made earlier by the Senator from North Dakota who read the specific chapter and verse.

Mr. STEVENS. I wish I would get a chance to talk to the Senator from North Dakota about that.

Mr. LEAHY. I am sure the Senator will.

Mr. STEVENS. I hope the Senator will not mislead the public here as to the Appropriations Committee, on which we both serve so well. I think we try to do our best. And this bill is a better bill than previous continuing resolutions. It leaves out less programs as a result of its total breadth than have been covered by prior continuing resolutions. Under that circumstance, it should be readily approved by the President.

Mr. LEAHY. Mr. President, I say to my friend from Alaska, I have always enjoyed, and I think enjoyed more, serving on appropriations than any other committee. One of the reasons for that is my relationship with the Senator from Alaska. I know of nobody who works harder. I have no higher respect for anybody than he. And he and I have served on several subcommittees together. I probably now ruined his electoral chances in Alaska by saying nice things about him here.

The fact of the matter is there was no Nicaragua Contra debate, there was no sequestration debate, there were none of these things that stopped us from getting the appropriations bills through, bills that begin in the other body, at the time we are required to, expected to and paid to. That is the end of September.

But when I hear the Speaker of the House tell about how they are able to do all the things they are supposed to do, and they are running things on time and all, the fact of the matter is these bills begin over there and have not gone through at the speed they should, and were all the appropriations bills done, we would not have a Government shutdown. In those areas where we have passed appropriations bills, there are no shutdowns.

All I am saying is let us stop worrying about who sat where on the way to a funeral or who got off which door. Let us get on with the business.

I think the Senator from Alaska may recall this. I started saying in August, in July, that Democrats and Republicans have got to sit down and start figuring out how to get these budgets through; that there will not be a Clinton budget exactly, there will not be a Gingrich budget exactly, there will not be a Stevens or a Leahy budget exactly. But all of us working together could get a budget that might make sense for the country.

I see my friend from New York is here, and he has been waiting at a time when others were waiting, such as my friend from Washington, so I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, I rise this afternoon to strongly support and endorse the underlying resolution, House Joint Resolution 122, called the continuing resolution.

I doubt if the American people really know what a continuing resolution is, but let me say one thing. I have no doubt that the American people are absolutely fed up with what they see going on. I have no doubt that the American people do not want us to continue doing business as usual. Some want us to just continue our merry way—spend and spend, tax and tax for programs that they have decided are good for the American people whether they like them or not. We have colleagues here who have said we are going to give the American people health care whether they like it or not. That is the kind of attitude. That is why the people are angry.

People voted for change. They voted for change in 1992. They did. And in 1994, when they saw that it did not happen, they said, by gosh, we want you to change things. We want you to really keep your commitment.

Now, President Clinton, for all his noble politicking—and he is good at it—has a happy facility of forgetting what he says. He will say just about anything to get your vote or to go up in the popularity polls, and then when it becomes a little tough, he goes the other way or conveniently forgets when the pressures from his party come up. When he ran in 1992, he was the new Democrat. He was going to change things. He was going to cut taxes for working middle-class families. That was his promise. Not only was he going to cut taxes, he was going to balance the budget in 5 years—not 7 years, not 10 years—5 years.

Promises made; promises broken. And that is why in 1994 you saw a revolution. People said, we are sick and tired of it. And we want people who are going to go down and do the job. All over the country they sent a message.

Wherever there was an open seat, they elected Republicans who said, yes, we are going to cut taxes, cut spending, we are going to let middle-class working families keep their money, and we are going to have less Government—that was the message—and balance the budget over 7 years.

Here you have a President that said, ''I'm willing to balance the budget in 5 years.'' And yet he is having trouble saying, ''Yes, I'll do it in 7.'' Here is a President who said we are going to use the real legitimate figures to ascertain what economic growth is, how much money we owe, how much money we do not. That is called the Congressional Budget Office, CBO. Most Americans do not understand, but here is the President, and he says, ''I'm going to balance the budget in 5 years. And I'm going to give tax cuts to working middle-class families. We're going to use the Congressional Budget Office to be the official accounter for whether or not a budget is in balance,'' and now, 1995, he has forgotten that.

I am proud that those men and women who were elected for change are down here fighting for change. I do not think we are doing a good job in getting the message out. I think we are doing a terrible job. I think the President is beating our pants off. And the media loves him and they play his score. What do we hear? We hear the President sanctimoniously saying, ''I have to tell you I'm not going to allow them to cut programs for the senior citizens, Medicare, Medicaid, and give tax breaks to the wealthy.'' That is hokum, Mr. President. That is just simply an overstatement and an exaggeration that comes down to being untruthful. It is disingenuous.

As a matter of fact, the cuts he has proposed in Medicare, or reducing the rate of growth, in many cases, parallel those that we have put forth, in many cases. Now, let us take a look at the so-called tax cuts for the wealthy.

We have proposed, and the President will not even come to the table to discuss it, a package of $245 billion worth of tax cuts. Here is a famous Governor from my State, a Democrat, who said something many years ago that we should refer to. He said, ''Let's look at the record.'' So we look at the record to see exactly where the so-called tax cuts go. We will find they do not go to the wealthy people. Indeed, 70 percent, $171.46 billion, 70 percent, goes to family relief. I hear all of this jargon and all this talking and all the crocodile tears about ''we care about families.'' Well, we do. We really do. And that is what this tax package puts forth, $171.46 billion in tax relief for the working middle-class families of America.

And indeed, the child tax credit, if you are talking about one person, it is phased out at $70,000; a couple it is phased out at $110,000. So we are talking about giving relief for families under $100,000. Most of them, the bulk of them, fall in this $50,000 to $70,000, $45,000 to $70,000 area. They are not wealthy people. So 70 percent—and let me give you a breakdown.

When we talk about the child tax credit, that means if you have a child you will get back $500 in taxes that you would otherwise pay. A family of three, $1,500. That is pretty good. Families earning $45,000 a year, that means they can keep $1,500 that they can invest, that they can spend, that they can save. They will make a determination, not some bureaucrat down in Washington. I like that. That is $147 billion of the total of $245 billion that just goes to families who have children.

Mr. President, I heard a lot of talk about the marriage penalty. I daresay, many people will say, what are you talking about, a marriage penalty? Under the Tax Code, if a couple gets married, they can have the same incomes, they join, and they wind up paying more than if they lived separate and apart or lived together and were not married. It is called a marriage penalty.

We are talking about trying to bring American families together, helping families. Government cannot do it by way of stepping in itself. But it can relieve some of the inequities, some of the burdens. They can say, if you have children, you are to get $500; if you are going to get married, we are not going to penalize you for getting married. We begin to phase it out. That is a small step. That is $8 billion worth of relief.

Let me ask you, Mr. President, is a child tax credit for the wealthy or is it really going to most working middle-class families? Is phasing out the marriage penalty for the wealthy or is it going to working middle-class families who are being penalized for doing, I guess, that which we want to encourage—people getting married—as opposed to people living together who do not get married paying less taxes? We penalize people for getting married? There was this—ever since I was a kid I heard politicians talking about doing away with this, phasing it out. Here we start to do it. That is $8 billion.

We talk about the homeless and we talk about abandoned children and we talk about those who need help. And almost $2 billion, $1.9 billion, in this family package—you know, you hear ''family friendly''—this is a tax-friendly package. It is a tax-friendly package for families. And $2 billion is to be provided for those families who want to adopt children. It seems to me we have had so much in the way of discourse and disagreement as it relates to children, those who are unwanted. And here we provide an opportunity for those families who are willing to take in children, to make it possible for them to pay the cost that otherwise, in many cases, would keep poor families and working middle-class families from adopting a youngster who would have no home, who would be in foster care, who would be a charge of the State. That is $2 billion.

I do not hear anybody—Mr. President, why do you not tell the American people? Do you support giving credits for families who are going to adopt children or are you opposed to it? Are you opposed to a $500 tax credit for children for working families? Are you for it or against it? Do you want to keep the marriage penalty in place? Are you for it or against it? Is that for the wealthy families or is that for middle-class Americans?

Student loans: We provide $1 billion to help. I would like to see it more. And maybe if we got to compromise and sat down with the President, began the work, we would find some more money for students. Mr. President, $1 billion.

Tax deductions for elderly parents living with their children: Do we want to see elderly parents placed as charges of the State who are poor or do we want to provide some incentive for youngsters to keep their elderly parents in their homes? That is almost $1 billion.

We add that up, it is almost $160 billion, Mr. President. Now, let me tell you, I said $171 billion. And 70 percent of all the taxes go to families. I am a little bit short, $11.8 billion short.

IRA's, individual retirement account: One of the things we do is we say, for those spouses who are taking care of children, who are taking care of the home, should they not be entitled to an IRA and not be able to put $2,000 aside for their retirement for the days when they become elderly? Is that something that is used by the wealthy or is it something that will be used by working middle-class families? The vast bulk of that will be working-class families. So $11.8 billion in individual retirement accounts is made available.

So, Mr. President, we come up to $171.46 billion, and 70 percent of the so-called tax cut for the wealthy goes to families. If you make more than $110,000, you do not qualify for most of that or any of that. Where does the balance go? Let me talk to you about some of the balance.

Long-term care insurance: a deduction. All right. Should people be permitted to go out and buy insurance for their long-term care if they have a catastrophe or do you want them to be Government charges? We provide $5.7 billion. A 50 percent deduction for small business insurance, $1 billion. That is $6.7 billion. Small business being able to deduct expenses for purchases of equipment, $3 billion.

Mr. President, I submit to you that when President Clinton says that we are cutting programs to advantage the wealthy, that is just not true. It is disingenuous. And I would debate with the President any time on the business of whether or not we should have a tax cut that is going to help create jobs, because let me tell you something, I—think we do need that.

I think we need a capital gains tax cut. And we do provide for that, and it does and will help creativity, job expansion, capital formation. It will

bring about more in the way of jobs and more in the way of revenue. And, indeed, as Al Smith said, ''Let's look at the record.'' It was John F. Kennedy who brought in a capital gains tax cut that produced revenue. Somehow our colleagues like to forget that. If you give business the opportunity to expand, reward people for investment, they will do exactly that, you will get more economic activity, you will get more jobs, you will get more growth.

So, Mr. President, with any reasonable calculations, more than 80 percent of tax cuts that we have provided will go to individuals earning less than $100,000, and those tax breaks that go for capital gains tax cuts, I submit to you, in the fullness of time, will advantage more working people, more middle-class people, more poor people than bigger spending, than larger deficits

I think that President Clinton has an obligation to sign the balanced budget act into law and stop playing political games with the economic well-being of our country, and that is exactly what he is doing. He will be taking a poll in about 2 hours, and his pollster will come in and tell him whether or not he is gaining on extending this politically. If they say he continues to gain, he is going to draw this out. At some point in time the people are going to really make it known they are holding him responsible, too, and maybe then he will begin to bargain in good faith.

I think that is a heck of a way to run Government or make policy. I submit to you that is exactly what is taking place. The American people want us to balance the budget, and what this continuing resolution says is we will give you until December 5 to do exactly that.

Listen to the great commitment it has. It is a commitment that anybody should be willing to sign off on. It continues Government basically at the same spending levels. Oh, you can make an argument that there is a little percent here or there that is out of whack, but it continues the essential programs that people want and need. Then it says in section 301(a):

> The President and the Congress shall enact legislation in the 104th Congress to achieve a unified balanced budget no later than the fiscal year 2002 as scored by the non-partisan Congressional Budget Office.

Putting aside the legalese, that means the President would be committed, he will be making a commitment that he is going to work for a balanced budget over the next 7 years. That is the basis on which we go forward. We do not say it is our numbers, our programs, he has to agree with all our tax cuts and tax programs. But we do say we have to have an honest method of accounting, not pie in the sky.

By the way, I have been here when I have seen pie in the sky. I have been here when Dave Stockman cooked the books and projected economic growth that was unrealistic and interest rates that could absolutely not be achieved. If you want to balance the budget, predict a 4-percent economic growth when, indeed, it is 2.3. That will bring you in tens and tens of billions of dollars of extra revenue. Therefore you say, ''I balanced the budget.''

You predict the interest rates are going to be lower and you predict billions of dollars. That is why we insist we use an honest scorekeeper, not your scorekeeper or mine—an honest one. If, when the President took office, he said he was going to use the Congressional Budget Office to be that official scorekeeper, what is wrong today? What has changed? Promises made, promises broken. The President says, ''When I'm elected, I'm going to cut middle-class taxes.'' He raised them. Then he had to say, ''I made a mistake.''

Did he make a mistake when he said we will use the Congressional Budget Office as the official scorekeeper to determine whether or not we are really going to have a balanced budget? What did he mean and when did he mean it? Was he just kidding us when he made that promise to the American people, when he came before and addressed the Congress and said, ''We are going to use the CBO''? Was he kidding then and is he serious now, or is he kidding now and was he serious then? Is he jockeying for partisan political advantage, and I fear he is? I think the American people know that.

The American people are not exactly throwing bouquets at us, because I think we have done a poor job in explaining what we are trying to do here. I really do. Whether or not I got off the back of the plane, the beginning of the plane, the side of the plane, they would not even let me on the plane. So what? And let me tell you, I went on a different plane and they did not even want me to go on that plane. They did everything they could to keep me from going. And that is a fact. That is a fact.

You want to talk about partisanship, well, let us put the partisanship away. Let us do the business of the people. I want to tell you something, if this goes on much longer—the American people are fed up. They want a balanced budget, they want us to cut taxes, they want us to give future generations the economic opportunity that they are entitled to. They expect us to make the tough decisions, and if we continue this nonsense, they are going to say ''a plague on both your houses,'' and they will be right. That means we have to stand tall and call them the way we see them, and we also have to be open and ready to deal with the President, but to deal with him honestly, and he has to deal with us honestly and not the political sloganeering.

So, Mr. President, I support the commitment to go forward, to extend, yes, and to continue spending for a limited period of time basically at the same rate for the next 2 weeks provided that the President says he agrees he is committed to balancing the budget using real numbers, using the Congressional Budget Office as the real referees, not my favorite guy or his favorite guy, not someone who is going to cook the books to disadvantage one side as opposed to the other, but an honest scorekeeper. The American people are entitled to that.

I ask the President of the United States, ''You tell us why you have changed your mind now, why you want a new referee, your referee to call the game your way? Are you really serious about doing the business of the people and bringing in that impartial referee and getting down to doing the business of the people?'' That is what they expect.

Several Senators addressed the Chair.

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

Mr. SANTORUM. Mr. President, I want to commend the Senator from New York for his comments. They are right on. I think he hits the nail right on the head. This is about the future of our children. This is about balancing the budget.

I am glad as a member of the Finance Committee he took on all these assertions to talk about tax cuts for the rich. The Senator from New York is right. These are tax cuts for middle-income families.

The only thing that would not be targeted for tax cuts for middle-income families would be capital gains. The Senator from New York correctly said capital gains reductions are job-creating engines that employ middle-income families. So whether you are giving them a tax break or you are giving them an opportunity to get a job, it is targeted toward families of middle income.

We, obviously, do not do a very good job getting our message out. I keep hearing over and over again—I talk to folks from Pennsylvania who are in the Capitol, I talk to them as they call into my office, whatever the case may be. I explain to them what we do, what we are trying to accomplish here, and they say, ''Why doesn't anybody report that?'' Well, talk to the national media why they do not report what is in this bill.

The reason we are so passionate about sticking up for a balanced budget over the next 7 years and the reason we care so much about what we are doing here and why we invested all this time in putting this bill together is because we honestly believe that when we pass this into law, the American public will approve in overwhelming numbers what we do. If we thought this was bad policy, I can guarantee no one would be standing here taking on every sacred cow in Washington, DC.

It is amazing to me some suggest this is being done on our side for partisan political advantage. Let me assure you—and if you do not believe me, look at the poll—let me assure you, there is little partisan political advantage in trying to reform Medicare, in trying to reform Medicaid, in trying to make decisions on education. There is no partisan advantage here.

The advantage is it is the right thing for America, for our children, and for our future. This has nothing to do with politics. It has everything to do about the future of this country. It has everything to do about deeply held, passionate policy beliefs about what direction this country should take.

That is what we are debating here. I know this is all sort of seen from the outside as sort of a squabble between the President and Congress and Republicans and Democrats. I assure you that this is not partisan politics. This is a fundamental difference of opinion about what is right for America. We believe what is right for America, which is in the continuing resolution, is a balanced budget—not talking about it, not saying we like it, not saying that, gee, we would like to get there some day, but doing it. Doing it for our children.

I look up in the galleries and walk around here, and there are students around all the time. Sometimes I have to look down. I do not know how Members around here who keep voting for more and more spending, more deficits, more and more passing the buck to future generations, can stare at a kid today and say, ''You pay the bill. I get the votes, you pay the bill.'' That is what is going on. It has been going on here on both sides of the aisle for 25 years. We are trying to say today: Enough. Enough. Let us do the right thing.

This is not hard, Mr. President. Balance the budget using real economic assumptions. How hard is this? You said you wanted to do it. Everything in this resolution, you have made public statements saying you want to do. You want to balance the budget in 7 years. You said that.

Now, I know promises do not mean as much down at the White House as they do up here. See, we believe our promises should be kept. Those of us who ran—and Senator ABRAHAM was here and the Presiding Officer, Senator THOMPSON, ran in 1994—made a promise. We said we were going to come to Washington and change this town, and we were going to, first, balance the budget. We happen to believe promises are made to be kept, not just to get elected. There is a difference here. My dad always told me you do not make promises to get what you want and then go do what you want. You make promises and you give your word. Remember when a handshake used to mean a contract in this country? You gave your word and that meant everything. We did not need all these lawyers filling out all these forms. You gave your word.

There was a day when people listened to a politician who gave them their word, and they actually believed them. Think about that. You watched him give a speech, and you actually believed what they were saying was actually what they were going to do. Nobody believes that anymore. No wonder we have politicians here and politicians down at the White House who just say whatever the polls tell them to say today. No wonder people are sick and tired of this place. No wonder they have no faith in our institutions. Promises do not mean anything.

I think promises do mean something. You ask me why we are stuck in cement over here or standing firm. Because promises mean something. We are going to stand firm. We are going to get a balanced budget. We will get a balanced budget over the next 7 years. We will. I do not know how long it will take, but we will because it is the right thing to do. It is the right thing to do.

The plan we put together, while I agree with it and I think it is an excellent plan, is not everything I want to do. We have a few things on the agriculture side we are not particularly crazy about. Would I do it differently? Absolutely, I would. But we did the best we could. Now, is all that stuff negotiable with the President? Of course, it is.

Mr. GREGG. If the Senator will yield for a question on that point, I was just listening to the President speak.

Mr. SANTORUM. I am sorry I missed it.

Mr. GREGG. He said—and maybe he does not understand this. He said that in order to sign this continuing resolution, ''I would have to sign on to the Republican budget.''

Now, as I understand this continuing, all it says is that he must agree, or should agree, to join with the Congress in promoting a proposal that reaches balance by 2002, the practical effect of that being he can put forward his proposal and we can put ours forward, and we can reach an agreement.

Is he right, or is my understanding of this right?

Mr. SANTORUM. Some might find this hard to believe, but the President is not being forthcoming in this issue. I know you find it incredible that he is not owning up to the facts.

I asked the chairman of the Budget Committee, Senator DOMENICI, that question earlier. By voting for or signing on to the Republican balanced budget plan, the specifics—the tax cuts, the reductions in the growth of Medicare, the changes in Medicare—does all that then come with signing this? He said, ''No, it does not.'' It says two things. I will read you this. And remember, those of you listening, the President of the United States just said—would you repeat exactly what he said, or paraphrase it?

Mr. GREGG. Without your yielding to the floor——

Mr. SANTORUM. I yield for a question.

Mr. GREGG. He said that to sign this continuing resolution would mean that he would have to commit to the Republican budget proposal.

Mr. SANTORUM. Let me read what this continuing resolution says. Do you want to know who is telling the truth, what promises mean?

Section 301: The President and the Congress shall enact legislation in the 104th Congress to achieve a unified balanced budget not later than the fiscal year 2002 as scored by the nonpartisan Congressional Budget Office.

The unified budget in subsection (a), shall be based on the most current economic and technical assumptions made by the Congressional Budget Office.

That is all it says.

Mr. GREGG. If the Senator will yield for another question.

Mr. SANTORUM. Yes.

Mr. GREGG. Therefore, when the President cited that to sign this continuing resolution, he would have to sign on to the Republican budget, he was wrong. What he should have said was, to sign this continuing resolution means I have to commit to a balanced budget by the year 2002, under any terms I want. That would have been his reason for rejecting this.

Mr. SANTORUM. That would be the only reason you would reject this.

Mr. GREGG. I will ask another question. Earlier today, I heard the Chief of Staff, who used to be the head of the OMB and the Budget Committee in the House, state that the reason they oppose this continuing resolution was because it meant massive cuts in the Medicare Program.

Now, it is my understanding—and I wish the Senator would clarify this for me—first, that this budget resolution deals with discretionary spending, am I not correct? And it deals with Medicare entitlement spending, and this continuing resolution has no impact of any nature on any Medicare spending that is presently occurring, because Medicare spending is an entitlement program, is that correct?

Mr. SANTORUM. The Senator from New Hampshire is exactly correct. To explain, a continuing resolution needs to be passed because we have not gotten it enacted here in the Congress or signed by the President. Discretionary spending—that means spending that is not mandatory, which we have to spend. These are programs that we have to appropriate money for every year. If we do not appropriate that money by October 1, we then have to pass a resolution to continue spending, because if we do not, no spending is permitted. That is on discretionary programs.

Medicare is not a discretionary program. Medicare is a mandatory program. That means the money is spent, whether we have a budget or not. And so when someone says that they will be signing off on reductions in Medicare by signing a continuing resolution, a spending bill, they either fundamentally misunderstand how Government works in this town—and I know the former chairman of the Budget Committee understands how the budget works—or there was a deliberate attempt to mislead and, I would go further, to scare seniors.

There is nothing here—I will read the operative part one more time:

The President and the Congress shall enact legislation in the 104th Congress to achieve a unified balanced budget not later than the

year 2002, as scored by the nonpartisan Congressional Budget Office.

Enact legislation. It does not say enact Senate bill such and such, or enact the Republican reconciliation or budget bill. It has enact legislation. Very broad. It does not nail anybody down to anything.

Mr. GREGG. May I ask the Senator another question?

Mr. SANTORUM. I am happy to yield for a question.

Mr. GREGG. If I am to understand this correctly, when the Chief of Staff of the President comes out on the portico of the White House and says to the national press, ''The reason we oppose this continuing is because it means cuts in Medicare,'' he either, one, does not understand how the continuing resolution works—which would be difficult to believe in light of his history as head of OMB and head of the Budget Committee—or alternatively, he is continuing this rather jingoistic theme of trying to scare seniors without substance, which appears to be the policy of this White House relative to this budget process, is that correct?

Mr. SANTORUM. I think the Senator from New Hampshire is correct. I finished last night reading Harry Truman's biography written by David McCullough. Every time I look at the current occupants of the White House and see them get up there and say these kinds of things and deliberately mislead to scare people—this is not enlightening. This is fear. This is just misleading people for fear.

This is from the White House. There are people all over the world who look on the White House as a center of freedom, as sort of this ground that democracy first took hold.

Here we are—have we reached that, have we really reached that low in this country that we cannot sit and have an honest discussion? Do you know what this continuing resolution asks for? An honest discussion. An honest discussion. That is all this is.

A balanced budget in 7 years, sit down and negotiate, using real numbers—not trumped-up numbers, not numbers that wish away problems, but real numbers. An honest discussion.

We have a President who will not even agree to an honest discussion on things he says he wants. We have a President who says he wants to balance the budget. We balance the budget. We want it balanced. We have a President that says he wants to end welfare as we know it. In the budget bill that we have, we end welfare as we know it—frankly, pretty close to what the President had suggested.

We have a lot of things in there that the President actually proposed himself. We really did reach out. I think we—as we did in the Senate bill—got 87 votes on the Senate floor for the welfare reform bill. I think we can get that many for this. We save the Medicare system, which, according to his trustees, his office, is going to go bankrupt in 6 years, 7 years.

He even suggested change. Sure, we can negotiate how much, what to do, but we both agree it has to be brought up. He wanted a middle-income tax cut for families. We provide it. You heard the Senator from New York, a middle-income tax cut for families.

If we were talking massive buildup in defense, huge tax cuts on the wealthy, slashing a bunch of programs, if we were miles apart on this thing, then I think we could have sort of the logjam we are in now. We would be miles apart. Folks, we are not miles apart.

For those who see this as sort of the reason we tried to get elected here, to try to bring this fiscal sanity to Washington and to see that the sides on this issue are so close, yet if you listen to the national media you would think that he is in California and we are in Maine and we are not even talking the same language.

But we are not that far apart. That is the frustrating thing. Not only are we not that far apart, but we are willing to negotiate to come closer.

I know the polls are bad. As I said before, we took on sacred cows. When you take on sacred cows, you have someone standing up at the House—at the White House—out there using that position to scare people, using the Presidency of the United States to scare 81-year-old people. Boy, the power of the White House, the bully pulpit. The moral compass for the world. We are now out to scare people who rely on Social Security and Medicare to make ends meet.

Mr. President, I want to turn now briefly to the Hollings amendment.

I know he has offered this amendment, and I know he sincerely feels very strongly about this.

I find it absolutely incredible for the Senator from South Carolina and the Senator from North Dakota, who was just on the floor every day talking about how the Social Security are being used to ''balance the budget.''

No. 1, I do not know how you can stand here and talk about, through an accounting measure, the Social Security trust funds are being used when in fact nobody is taking the money out and using it. In fact, that money that is in the Social Security surplus, the trust fund, is being invested in Government bonds and earning interest, right now. And at the same time, right now, the President of the United States is raiding—raiding—the pension funds of Federal employees—raiding them. Not using them for accounting purposes to balance the budget, but literally reaching in there, taking the money out to pay for debt service—raiding the money. Not paying interest, taking the money, physically taking the money.

Now, I have heard a lot of demagoguery around here, but when you say we are in the right because we are not going to use the Social Security trust fund for accounting purposes to determine whether we have a balanced budget or not, that is one thing; but when you have your President at the same time you are making that argument literally raiding trust funds, raiding pension funds—it is like a CEO who is running a corporation and the bank will not lend him any more money. What does he do? He raids the pension fund. Do you know what happens to CEO's where banks will not lend them any more money and that CEO goes into the pension fund and raids the pension fund? They go to jail. They go to jail. We do not raid pension funds in this country. We have a Pension Benefit Guarantee Corporation set up so they do not raid pension funds. Now we have all this whining and gnashing of teeth about using accounting measures to determine whether we balanced the budget on Social Security. And the President is raiding pension funds.

Where are the protestations? Where are the people grieving for the Federal employees who are having their pension funds raided? Where is the other side saying, ''Oh, the President should not be doing this.''

Mr. HOLLINGS. Will the Senator yield?

Mr. SANTORUM. Wait until I am done.

Mr. HOLLINGS. I protested.

Mr. SANTORUM. You had a chance to vote on that. Senator MOYNIHAN offered an amendment to the debt limit, and in the debt limit we had a provision in there saying we could not do that. We had a provision in there saying you could not raid pension funds to keep the debt going.

Guess what? No protestations over there. They voted to strip it out. And the President vetoed it.

Oh, yes, you can protest. Put the votes down. Put the votes down. Where are the protestations? Raiding pension funds, that is what we are doing.

Let me just summarize it. We have a President, a Chief of Staff of the White House, at the White House today, at the United States of America's White House, out there scaring seniors; at the same time, raiding seniors' pension funds, who are Federal employees. Do you know what they are telling them? Do you know what they are trying to do? ''Please trust us, we know what we are doing. Please trust us, we know how to balance this budget. We are protecting you.''

Give me a break. Come to the table. Let us work this out. This is an embarrassment. The more this goes on the more embarrassing it is going to get. You are not solving problems, Mr. President. It is time to be President, not to run for President. It is time to be President. It is time to solve problems.

Mr. DOMENICI. Will the Senator yield?

Mr. SANTORUM. I am happy to yield for a question.

Mr. DOMENICI. I wonder if we could get a unanimous consent and have a vote on this particular amendment. I do not know how much longer you would like to speak, but Senator MURRAY would like to speak for 6 minutes.

Then we will vote on the Hollings amendment on a motion to table.

I ask unanimous consent that Senator MURRAY be granted 6 minutes and Senator SANTORUM 6 minutes, after which we proceed to a rollcall vote on a table. I ask it be in order at this point to ask for the yeas and nays.

Mr. BUMPERS. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. DOMENICI. Senator, I thought I had gone over and talked to the leader and I thought when I came to the floor, it had been agreed.

Senator MURRAY was the only one on your side that would speak before we voted on this, or I would not have imposed that. We have been on this for a long time. Your side has a lot of time.

How much time would you want? We have another amendment from your side, too, shortly, right now, on this issue. How much time would you need?

Mr. BUMPERS. Senator, I know you want to get this amendment disposed of. I do not want to be an impediment to it. I will take 8 minutes and remove my objection.

Mr. DOMENICI. Can we add 8 minutes for Senator BUMPERS and then proceed with the rest of my request?

Mr. SANTORUM. Give me 3 more minutes to respond.

Mr. DOMENICI. To be equal, we will add 3 minutes to Senator SANTORUM.

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

Mr. DOMENICI. Mr. President, I ask it be in order that I seek the yeas and nays on a motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. And do we have a motion to table, that the yeas and nays have been ordered on?

The PRESIDING OFFICER. The yeas and nays will be ordered.

Mr. DOMENICI. Could I have it in order now, even though there is time, that I ask for the—I move to table.

I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered.

The Senator from Washington.

Mrs. MURRAY. Mr. President, the Federal Government is now in its third day of shutdown, and just like 3 days ago, there certainly is no end in sight and it seems like we in Congress are destined to flounder for a couple of more days because the majority is insisting on debating a continuing resolution that the President has vowed he will veto.

Listening to the rhetoric of the last hour it seems to me this is more about putting somebody into somebody's face than it is about solving problems. It seems like it is more about drawing lines in the sand and calling names than it is in making sure that this country gets moving again.

I have to ask the question, why are we doing this? Why are we not putting together a proposal that we can all agree on, that will get the Government running again, restore public services, and put people back to work?

I heard my colleague from Vermont a short time ago say it does not take 15 pages of paper with a lot of additions. It only takes one sentence to get us back to work again.

I have to remind my colleagues the American people are tired and impatient. They want solutions, not politics and rhetoric. They want to know that Government works for them. They want to feel secure and have faith in their elected officials.

Unfortunately today they are probably watching us in disbelief. They cannot believe we are unable to solve the country's problems.

That concerns me. I want to move forward. I want Congress to get its act together and balance this budget. And the longer we take to do so, the more disaffected our constituents become. We just reinforce in their minds the belief that Congress is unaware of their real needs and concerns. They look at us and they say, ''How can those people really understand how difficult it is for me to pay the rent, put food on the table for my kids, or take care of my elderly parents? All they can do in DC is whine and squabble about where they sat on an airplane.''

As we muse about Presidential politics and other hi-jinks, we better not forget what this Government shutdown really means. We have all heard the numbers. We know that 30,000 people a day are unable to apply for Medicare. And we know this Government shutdown is costing us $200 million a day in lost productivity.

But the shutdown comes a little closer to home when we put human faces on those numbers. One woman, an attorney from Seattle, called my office yesterday. She is trying to adopt a child in China. For months she has been filling out paperwork and dealing with bureaucratic redtape.

She finally got her plane ticket but because the United States Consulate in China is closed, she cannot get her baby's visa. So she was forced to postpone her trip.

She has no idea when she will finally be united with her new baby daughter. She is a real person. And she is hurting because of what we are doing on this floor.

Last weekend I was in central Washington for the opening of the Yakima Valley Veterans Center. Many of the people I talked to wanted to celebrate the opening of the new center, but because of the pending Government shutdown they were too worried about whether or not they were going to receive their veterans benefits. Today's Spokesman-Review paper ran an article about a young man in Spokane, WA, who quit a stable computer-based job to take his dream job. He was going to become a physical fitness director aboard a cruise ship. The young man was offered the job unexpectedly on November 4. He scrambled to get his paperwork taken care of and a passport in time to sail by November 25.

Unfortunately, this Government is shut down. He cannot get his passport and time is growing short.

I want to read that young man's words into the RECORD. They could not be more to the point. He said:

> This is a dream in my heart that finally manifested. The Government is getting in the way of people's dreams. I've got airplane tickets. Everything is settled. Everything but this last hurdle.

These few people provide just a few examples of what a Government shutdown really means. They are angry and concerned. They have bills to pay, families to care for, business to conduct, and dreams to fulfill. Instead, we are telling them, ''not now.''

So, Mr. President, I urge my colleagues to act wisely. Let us move on. Let us put together an honest and reasonable continuing resolution that will get this country back on track.

My view is pretty straightforward. As a Member of the Budget Committee and the Appropriations Committee I know I have a job to do. The job is to pass a budget plan and 13 appropriations bills. So far, this Congress has done neither. In fact, just yesterday the House failed to pass the Interior bill for the third time. There are five other bills that have not even made it to this floor yet.

Instead of getting our work done, we are debating a bill we know will be vetoed. It will be vetoed because it stacks the deck against working families and senior citizens in favor of unneeded tax breaks. We are not moving the process forward one bit; we are ensuring that it will go nowhere.

I say it is time to get our work done. We can balance the budget. We can stay true to our priorities. And we can do it without interrupting the lives of regular, everyday people in our States.

All we need to do is pass a clean interim spending bill and then get on with our business of finishing the overall budget.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I saw an article this morning where the Speaker of the House was asked, ''What is sacred about 7 years?''

I thought that was a good question. I have been curious about that myself.

And the Speaker said, ''Well, it was just intuition. All major decisions are based on intuition.''

I do not like the idea of one man's intuition determining the fate of the country. His intuition may not match mine. It may not match anybody's. Frankly, I think intuition is always a fine thing, if a man is getting ready to make an investment. I think his intuition is important in a lot of ways. But when it comes to putting in concrete the time in which the Congress will have to balance the budget, I do not want anybody's intuition. I would like to see some hard figures.

In this particular case, this amendment deals with Social Security. Everybody says we are going to balance the budget by the year 2002. If everything went swimmingly, according to every projection, we would still, in the year 2002, have used $650 billion in Social Security trust funds.

I am not quarreling with that. The Republicans can come back and say, ''You did it. This President has done it.''

That is all well and true. But it still means there is $650 billion that was used that has to be paid back, just as certainly as the national debt has to be paid back.

I think I have to say the tax cut in this bill is the most repugnant part of it. What in the name of all that is good and holy are we doing cutting taxes $245 billion in the name of deficit reduction? We tried that in 1981.

The Washington Post editorial this morning, which has been cited a number of times here today as though it came right out of the Holy Bible, talks about how the Democrats have been demagoging the Medicare issue, and that Medicare really is in trouble, and that the cost of Medicare continues to go up. That is true. I do not quarrel with the idea that the Medicare system is in considerable trouble and needs to be fixed. I think $270 billion in cuts out of Medicare over the next 7 years is unacceptable.

The thing I find most unacceptable about it is that it is being used to provide a $245 billion tax cut. And for whom? The wealthiest people in America who have not asked for it. But the people who really need it do not get it.

A Post editorial this morning obliquely suggested that the addition of $3 trillion worth of debt during Ronald Reagan and George Bush Presidencies was somehow or other Congress' fault, with no mention of the fact that neither one of them could ever find their veto pen when they were in the President's office. President Reagan never vetoed one single spending bill, Mr. President—not one. All he did was send out millions of letters saying, you know, ''I cannot spend a dime that Congress does not appropriate.'' Congress cannot appropriate anything unless they have 67 votes to overcome his veto. But he looked through his desk drawer time and again and could never find his veto pen.

The U.S. Government now owes four times as much money as it did when he took office. It took 200 years to get to $1 trillion. It took 12 years to get to $4 trillion. The Nobel award-winning economist at MIT said it was the most irresponsible economic policy in the history of the world.

On that tax cut, Mr. President, I made this point yesterday, but I am going to make it every day that I can get the floor. You hear this unctuous, solemn business about the tax credit for our children. There are 5 million households in this country that have 11 million children in them. With those 11 million children and those 5 million households, the parents—not the children—will get a partial or full $500 tax credit. There are 8 million households in this country with 11 million children that will not get one single thin dime.

Mr. SANTORUM. Will the Senator yield for a question?

Mr. BUMPERS. You bet.

Mr. SANTORUM. Why would 8 million households not get it?

Mr. BUMPERS. Because they have not paid income tax.

Mr. SANTORUM. Thank you.

Mr. BUMPERS. A family with a man and a wife and three children making $25,000 a year do not pay any income tax. A man and wife with three children making $100,000 will pay $10,000 to $20,000. They get the full $1,500 refund. The people who need it, the man and wife with three children making $25,000 a year, do not get one red cent.

Mr. SANTORUM. Will the Senator yield for a question?

Mr. BUMPERS. Yes.

Mr. SANTORUM. Does a family of three making $100,000 a year qualify for the EITC?

Mr. BUMPERS. Do they qualify for what?

Mr. SANTORUM. Does a family of three earning $100,000 qualify for the earned income tax credit?

Mr. BUMPERS. Certainly. I hope so.

Mr. SANTORUM. Does a family making $320,000 a year qualify?

Mr. BUMPERS. They used to qualify for it. I do not know whether they are going to or not. That is another $32 billion.

We are not just depriving people of an education. We are not just depriving people of school lunches. We are not just putting another million children in poverty under the welfare bill. We are not just savaging the Medicaid Program for the poorest children in America to have health care. We are also savaging a program that even Ronald Reagan said was the best thing that was ever invented to keep people off welfare. We said ''no.'' No. If you are working for $4.25 an hour and trying to keep body and soul together and stay off welfare, in the past we have said, if you will stay off welfare, we will give you a couple of grand at the end of the year. We are savaging that program.

Mr. President, I agree with the Senator from Pennsylvania on one thing. I do not like taking pension funds. Do you know why we are taking pension funds? Because the Senator from Pennsylvania will not send a debt ceiling to the President that simply said we spent the money, let us pay for it. No. You want to put habeas corpus and regulatory reform on the debt ceiling, of all things. Of course the President vetoed it. I would never have voted for him again if he had not.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, just by way of quickly responding to the earned income tax credit under the conference report that will be coming out, no one, with the exception of families who have no children, no family that has children will get less money under it than they would have gotten under current law. No family will get less money under the earned income tax credit next year than they would have under current law. Some will get more because some qualify also for the tax credit for children. That is in the bill.

So do not talk about slashing the EITC, [the earned income tax credit], for working families. We do not. In fact, the increase that is projected that is in law under the President's 1993 Budget Act—those people at least get that much, and some will get more. Particularly families who are in the $15,000 to $20,000 to $25,000 range will actually get more because some of them actually do pay taxes.

I will be happy to yield the remainder of my time to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, what is the situation on time?

The PRESIDING OFFICER. The Senator has 3 minutes 20 seconds.

Mr. THOMAS. The other side?

The PRESIDING OFFICER. No time.

Mr. THOMAS. Thank you, Mr. President.

Mr. President, it would be interesting, would not it, to look in on this recent conversation, this recent debate if you came from somewhere and you knew nothing about the background of what was going on here? I suppose you would say, ''Gosh. What is this all about? What is the issue here?'' We are talking about all kinds of things. We are talking about Medicare, slashing Medicare, when in fact it does not slash Medicare. We are talking about raising premiums on Medicare when in fact it does not raise premiums at all. They stay where they are.

You would say, ''Gosh. What is happening? What is this?'' You would hear this morning the Senator from Nebraska saying this resolution is ridiculous. It deals with balancing the budget. I think you would go on to say there are some principles. What is ridiculous about a principle of balancing a budget that this body has not balanced for 30 years?

It would be interesting to sort of sum up the years that the opposition on that side of the aisle has been in this place and never has balanced a budget. They talked about it. They say now we are for a balanced budget. For 30 years they have not balanced the budget.

You would say, ''Gosh. What is going on here?'' Everyone who has risen has said, ''I am for balancing the budget.'' And it has not happened. I guess they would say, ''What is wrong?'' People who ran in the last election particularly said we have a priority to balance the budget. That is what we are talking about doing here.

I guess you might also be surprised at how difficult it would be if you were a newcomer looking at it, and saying, ''Gosh. What should be so difficult about balancing the budget?'' You do it in your family, and I do it in my family. You do it in my business because you have to. Do you do it in government? Is that not financially and fiscally responsible as we move into a new century? Is it not responsible to balance the budget rather than continuing to charge it to your children and your grandchildren? Is that what it is about? If that is the issue, why are we talking about all of these other things?

A balanced budget is not extraneous. Someone rose this morning and said, ''Oh, gosh. This continuing resolution has extraneous materials on it.'' Balancing the budget is, after all, the key issue. All we are asking is that the President certify that in 7 years he will join us in balancing the budget, and use the Congressional Budget Office numbers that the President said in his State of the Union Message we all needed to use so we all work in the same place. It is not a new idea.

The minority leader, who a short while ago objected to the idea of CBO, stood up not 2 weeks ago and said we all will do whatever accommodation to use CBO numbers.

So I think you would say, gosh, what is it? You would probably soon recognize that part of it is philosophical. There is a difference in view. There is a legitimate view among liberals that we ought to have more Government and more spending. That is a legitimate view. I do not share it. I do not think the majority of people here share it. Nevertheless, there is a populace view that is there.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the motion to table. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Ms. SNOWE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 578 Leg.]

YEAS—53

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

NAYS—46

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

So the motion to table the amendment (No. 3056) was agreed to.

Mr. GRAMM. Madam President, I move to reconsider the vote by which the motion was agreed to.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Order in the Senate, Madam President.

The PRESIDING OFFICER. The Chamber will be in order. May we have order in the Chamber, please?

The Senator from South Carolina is recognized.

Mr. THURMOND. Madam President, life does not often provide second chances, but the Congress is giving President Clinton just that. With this continuing resolution, we are providing the opportunity for him to right the terrible wrong committed by vetoing the previous continuing resolution and shutting down the Government. This resolution will allow the U.S. Government to reopen and remain open while Congress and the President resolve outstanding issues on the remaining appropriations bills and the Balanced Budget Act.

As a Presidential candidate, and early in his Presidency, President Clinton told the American people that he wanted to balance the budget. Here is his chance to fulfill that pledge, since he has failed to send a balanced budget plan to Congress. President Clinton said he wanted to use Congressional Budget Office numbers. Here is his chance to commit to that. President Clinton recently stated that he raised taxes too much. The Congress will give him a chance to correct that mistake and fulfill his pledge for a middle-class tax break.

Madam President, President Clinton's veto of the previous continuing resolution brought the Federal Government to a standstill. Here is his chance to right that wrong. President Clinton must put aside his reelection concerns and focus on his responsibility to govern. By agreeing to this continuing resolution, he can do the right thing, restore full Government services and put the hundreds of thousands of Federal workers who are facing the holidays without a paycheck back to work immediately.

Congress and the President previously approved a continuing resolution which funded the Government through November 13. The Congress sought to extend it earlier this week, for the purpose of avoiding a shutdown of the Federal Government. We are giving President Clinton another chance to keep the Government operating and to fulfill his promise to balance the budget.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senate minority leader.

AMENDMENT NO. 3057

Mr. DASCHLE. Madam President, subject to the majority leader's intention, as I understand it, we may set this bill aside. But given the informal agreement we had this morning, I now send the second Democratic amendment to the desk—I guess it is the third Democratic amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 3057.

Mr. DASCHLE. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike all after the first word and insert the following:

Section 106(C) of Public Law 104–31 is amended by striking ''November 13, 1995'' and inserting ''December 22, 1995.

SEC. 2. (a) The President and the Congress shall enact legislation in the 104th Congress to achieve a unified balanced budget not later than the fiscal year 2002.

(b) The unified balanced budget in subsection (a) must assure that:

(1) Medicare and Medicaid are not cut to pay for tax breaks; and

(2) Any possible tax cuts shall go only to American families making less than $100,000.

Mr. DASCHLE. I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

## APPROPRIATIONS BILLS

Mr. HATFIELD. Madam President, I would just like to give the body a brief report on the process of the Appropriations Committee of the Senate and where our bills are at the moment.

I would like to, first of all, indicate that the Senate Appropriations Committee reported all 13 bills to the floor by September 27. The Senate has acted upon 12 of those 13 bills. I, first of all, say they were reported by September 15, and we acted upon 12 of the 13 in the body by September 27. Right at the moment, four of those bills have been signed into law by the President. We have concluded the conference on three more, and we expect to conclude our conference on VA–HUD and the District of Columbia within either hours or within the next day or two.

So we can say that that is the movement.

There is one bill that has eluded us, and that is the Labor-HHS appropriations bill upon which the Senate has not acted. I want to say further that as we consider the continuing resolution, if this one is passed and vetoed or if the next one is passed and agreed to, we have to have a benchmark in relation to how we are going to fund Labor-HHS.

Up until now, the other side of the aisle has not permitted us to move to bring up the Labor-HHS to be considered here on the floor.

So I think in order that we as the members of the Appropriations Committee—I speak at least for myself—I would like to be able to conclude our job on the Senate side. It has to go to conference, of course, with the House-passed bill.

I would like to propound a unanimous-consent agreement at this time. I ask unanimous-consent that the majority leader, upon consultation with the minority leader, be authorized to call up H.R. 2127, the Labor-HHS appropriations bill for 1996.

Mrs. BOXER. Reserving the right to object.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. There are a number of provisions that are troubling to a number of Senators who believe in a woman's right to choose, and that is one of the reasons why we have had trouble agreeing to bringing up the bill. So I would have to object, unless I knew that those provisions were being handled. So I would object.

The PRESIDING OFFICER. Objection is heard.

## DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

Mr. DOLE. Madam President, I submit a report of the committee of conference on H.R. 2126 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2126) making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of November 15, 1995.)

Mr. DOLE. Madam President, it is my understanding that this will not take any great length of time. I am also advised that about 400,000 civilians, who might be affected by the Government shutdown, are affected by this bill. Maybe we can pass this bill and get it down to the President.

Unless I misunderstand it, it would be about half the total. It seems to me that it is something we should do as quickly as we can. I do not know the President's intentions with reference to this bill. At least it will be another major appropriations bill that we can send to the President.

I also understand that we have the legislative appropriations bill and the Treasury, Post Office bill, which have been completed, which I think would be sent to the President if there was some indication that he would sign those bills. Again, that would help in some areas, and some of the people who are not essential could come back to work.

In the meantime, I will be discussing the pending legislation with the Democratic leader.

Mr. DASCHLE. Madam President, this is acceptable to our side. I think, also, the foreign operations bill is prepared to be sent. So we are making progress on some of these bills. I think it is important that we get as many done as we can. Some of them are going to be vetoed. This may be one of them. I think it is important to keep the process moving along, and this will accommodate that need.

I yield the floor.

Mr. STEVENS. Madam President, I might state, for the Senate's knowledge, that we have 2½ hours. I do not think we will use the whole 2½ hours. I expect the vote to take place some time right after 6, depending on who else might want to speak.

Just to set the record straight, I had reminded the majority leader of the number of people in the Department of Defense that were affected by the furlough process, and it was our estimate that it was approximately 400,000 that could be affected. I am told that it is somewhere around 260,000 that actually have been furloughed so far. He was correct that approximately 400,000 would be affected by the bill in the long run.

We believe it is in the best interest of all concerned to get the bill passed. I am hopeful that we will get word from the President that he will sign it so we can expedite delivery of the bill to the President.

This is now the conference report on H.R. 2126, the Department of Defense Appropriations Act for 1996. I first want to start off by applauding the House for the expeditious move on this bill today, and I appreciate the support of both leaders for allowing us to bring the bill to the Senate now.

Senator INOUYE and I have sought to move this conference report prior to the commencement of the fiscal year on October 1. The original conference report, however, was rejected by the House. That resulted in a substantial delay in bringing the bill before the Senate, and I take part of the responsibility for that. We have been negotiating for a period of time on one particular issue.

Before proceeding further, however, I do want to express my high regard and thanks to the chairman of the House Defense Subcommittee, Congressman BILL YOUNG, for the work he has done on this bill. This has been the first year that he has been the chairman of that subcommittee, and he was the chairman of our conference, and he has shepherded this large and complex bill through the House and then the conference with great skill. His determination to meet the needs of the men and women of the Armed Forces shows throughout the legislation.

I think Members should become aware of this bill because it is a very different defense appropriations bill.

I also recognize the hard work and cooperation of the ranking member on the House side, Congressman JACK MURTHA. Senator INOUYE and I have worked with Mr. YOUNG and Mr. MURTHA for many years now, and we appreciate their willingness to work with us on the tough issues in this bill this year.

Madam President, the conference report before the Senate now closely matches the bill previously filed under the report No. 104261. That report has been available to all Senators since September 25. On that basis, I do not intend to take the Senate's time to detail the contents of the report. Instead, I want to speak to the Senate today on why we need this bill now and why I feel the President should sign this bill.

This pending bill provides about $1.7 billion more for defense than was appropriated in the fiscal year 1995. Taking inflation into account, this amount represents a decline in real spending for the Pentagon. That is the reality of this bill. It really continues, in terms of real dollars, a downward trend in real defense spending for another year.

This further decline in real defense spending comes in the face of increased commitments of the United States overseas, increased deployments overseas, and the determination by the Joint Chiefs that we need more money for modernization for the Department of Defense.

Let me speak first about those overseas deployments. Today, there are 241,000 U.S. military personnel permanently stationed overseas. That does not reflect their dependents. This is military personnel. It also does not reflect the contingency deployment to Bosnia, Iraq, or Haiti. These are the day-to-day demands on the men and women of the Armed Forces. They face these demands constantly.

Last September, we took a trip and met with some of our military people in the British Empire, in London. We found, in many instances, that our pilots, for instance, have been deployed in several different places within 1 year. We are stretching these people to the nth degree almost daily now, in

terms of the demands that face the Armed Forces in the United States and throughout the world.

Added to these actual permanent commitments are the additional unplanned and unauthorized contingency missions that the Commander in Chief has sent our military people on.

I ask unanimous consent to have printed in the RECORD a table that shows the current overseas military deployment.

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

ACTIVE DUTY, U.S. MILITARY PERSONNEL OVERSEAS

241,000 soldiers, sailors, Air Force personnel and Marines including:
212,000—ashore
29,000—afloat

U.S. MILITARY PERSONNEL IN EUROPE AND EUROPEAN WATERS

121,000 soldiers, sailors, Air Force personnel, and Marines including:
76,000—in Germany
12,800—in the United Kingdom
11,500—in Italy
7,400—afloat
3,100—in Turkey
2,800—in Spain
2,000—in Iceland
1,700—in Belgium
1,000—in Portugal
734—in The Netherlands
620—in Macedonia
490—in Greece

These totals include the following ongoing operations:
Deny Flight—Bosnia No Fly Zone
Provide Promise—humanitarian airlifts into Bosnia
Sharp Guard—sanctions enforcement in the Adriatic Sea
Able Sentry—Macedonia border observers
Provide Comfort—humanitarian aid to Kurds in Iraq

U.S. MILITARY PERSONNEL IN EAST ASIA, THE PACIFIC REGION AND PACIFIC WATERS

92,000 soldiers, sailors, Air Force personnel, and marines including:
39,600—in Japan
35,800—in Korea
15,600—afloat
320—in Australia

These totals include the following ongoing operations:
Joint Task Force Full Accounting—to determine the fate of American POW's and MIA's
Cope North and Annualex—U.S. and Japanese forces naval and air defense exercises
Foal Eagle—U.S. and Korean forces training exercise

U.S. MILITARY PERSONNEL IN THE NEAR EAST, NORTH AFRICA AND SOUTH ASIA AND RELATED WATERS

6,100 soldiers, sailors, Air Force Personnel, and marines including:
1,400—afloat
1,200—in Egypt
1,050—in Saudi Arabia
900—on Diego Garcia
460—in Bhrain
435—in Kuwait

These totals include the following ongoing operations:
Southern Watch—Southern Iraq No Fly Zone
Vigilant Sentinel—deterring another Iraq invasion of Kuwait
Arabian Gulf Maritime Interdiction Operations—enforcing U.N. sanctions against Iraq
Bright Star—U.S. and Egyptian forces training in Egypt

U.S. MILITARY PERSONNEL IN THE WESTERN HEMISPHERE AND RELATED WATERS

17,000 soldiers, sailors, Air Force personnel, and Marines including:
8,000—in Panama
4,600—at Guantanamo Bay Naval Station, Cuba
2,500—in Haiti
1,400—afloat

U.S. MILITARY PERSONNEL IN SUB-SAHARAN AFRICA AND RELATED WATERS

3,500 soldiers sailors, Air Force personnel and Marines.

Mr. STEVENS. This is a very interesting chart. I invite Members of the Senate to look at that. I know we cannot print the map. I will not ask to put it in the RECORD.

We have soldiers, sailors, airmen, and marines in Germany, in the United Kingdom, Italy, afloat on the seven seas, in Turkey, Spain, Iceland, Belgium, Portugal, Netherlands, Macedonia, and Greece.

We are continuing such as: Deny Flight to the Bosnia no-fly zone; Provide Promise to the humanitarian airlifts in Bosnia; Sharp Guard—this is the sanctions enforcement of the Adriatic Sea; Able Sentry to the Macedonia border; Provide Comfort and humanitarian aid to the Kurds. We have soldiers in Japan, Korea, and afloat in the Pacific.

We have 320 in Australia. We have a whole series of movements going on with regard to North Korea.

In the Near East, Asia, South Asia, 1,400 are afloat; 1,200 are in Egypt; soldiers and sailors and marines are in Saudi Arabia and Diego Garcia, Bahrain, and Kuwait. Southern Watch, the no-fly zone in Iraq, and another deployment to deter a further Iraqi invasion in Kuwait has our men and women serving where they are needed. The Arabian Gulf Maritime Interdiction Operations that enforce the U.N. sanctions on Iraq, and Bright Star, the United States and Egyptian forces that are training in Egypt are just another example.

We have additional forces in Panama and Guantanamo Bay Naval Station in Cuba, Haiti, and another 1,400 afloat down in the Western Hemisphere and related waters. Another 3,500 soldiers and sailors and Air Force personnel are in the sub-Sahara in Africa and other areas in that part of the world.

Now, Madam President, that ought to tell anyone that we are dealing with a situation now that has never been faced before in peacetime. We are the last superpower in the world, and we are acting like one. We have our Armed Forces deployed around the former Yugoslavia, in the Caribbean, in Southwest Asia, and Korea. I am told by the Pentagon, we have 14 ongoing contingency operations.

Just last week five Americans died in Saudi Arabia, the victims of another terrorist attack. Our forces, as I said, are in Saudi Arabia and will remain there because of our commitments for some time.

In my judgment, we cannot have it both ways. We cannot be the world's only remaining superpower and continuously reduce the amount of money available to the men and women who carry out these chores for us around the world. We cannot respond to every world crisis, to every humanitarian crisis with this military force. These forces have to be carefully allocated, and it has to be thought over where we send them, Madam President.

The President has committed United States military personnel to operations in Somalia, Rwanda, the Middle East, Northeast Asia, the Caribbean, and now to the Balkans. But nevertheless, this President has consistently pressed to reduce our military forces, reduce the money for modernization, and reduce the spending for defense.

Madam President, this is a bill that will determine whether or not that stops. Despite its downward trend, we have to turn the corner on modernization in this bill.

We have critics of this bill who say we have too much money. One is the President of the United States. We significantly increased the amount of money that is available to procurement and research and development for the Department of Defense in this bill. We did so to meet the specific priorities identified by the service chiefs themselves. Every significant procurement item in this bill is included in the military's modernization plans except the B–2. I am including the F–22, the F–18, the LHD–7 amphibious assault ship, the third DGG–51 destroyer, the Army's M1–A2 tank upgrade, the Comanche Scout helicopter and multiyear procurement of the Longbow Apache.

We did not come up with these programs. They were not added and thought up by me. The Pentagon has requested them.

Now, what we have done with our modernization initiative is to save taxpayers hundreds of millions of dollars over the next 10 years.

Think of this: In the LHD–7 alone, we are going to save $700 million by continuing that procurement in 1996 rather than postponing it for 4 years. Now, by continuing the ongoing line, we will have another LHD–7 and save $700 million.

More importantly, we are providing equipment to meet military needs now for the people who are being deployed overseas. We are doing this now rather than waiting 10 years to try and modernize the equipment that they are currently using.

Some in the House claim this bill exceeded the amounts requested by the military and the Joint Chiefs. What we have learned since we passed this bill in September is we actually did not go far enough.

Recent press reports indicate that General Shalikashvili's chairman's program assessment for the Department's 1997 budget has determined we should be spending about $60 billion for procurement. The budget presented to

the Congress by the President was $39 billion; this bill is $44 billion for procurement. We have increased the President's request, but we are still considerably below the amount that is listed as being the minimum by the Chairman of the Joint Chiefs.

The Chairman's assessment—and this is General Shalikashvili's chairman's program assessment—reflects the decisions by our national military leaders on what we need to meet our defense obligations and to provide the men and women of the Armed Forces the equipment they need to minimize casualties.

Let me add, in my judgment, this is not a political document. I am talking about the Chairman's program assessment. Every member of the Joint Chiefs and every vice chief was appointed by this administration. I, for one, am willing to accept and advocate their judgment.

On this matter, I ask unanimous consent that recent articles from the Washington Post and the Los Angeles Times be printed in the record following my remarks.

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

(See Exhibit 1.)

Mr. STEVENS. Madam President, for these reasons alone, in my judgment, the President has no alternative but to sign this bill. In our work on this bill the conferees have sought, to the maximum extent possible, to accommodate the concerns of the administration on this bill.

Now, we referred repeatedly to the statements of the administration policy at the request of the Joint Chiefs as we accommodated the President's and his appointees' priorities. In the case of funding for the Nunn-Lugar program, we preserve $300 million for 1996. We have sustained $195 million for the technology reinvestment program, which was a program terminated by the House.

One exception was that the conference provided $493 million to provide one last consideration of additional production of the B–2 bomber. The Senate bill did not, when we passed the bill here before, include funding for the B–2.

We have not voted on the B–2 since the control of the Senate changed to our side of the aisle. The House sustained funding for the B–2 on three separate votes. They were adamant that this bill come back approving their position on the B–2.

While I have some concerns about the affordability of the B–2 in the next few years, this funding permits the President to make a final decision in the 1997 budget. He, of course, has the right to ask for a rescission if he does not want the money in this bill.

An important initiative included in this bill and supported intensely by Secretary Perry is funding for contingency operations. This year, we had to pass a mid-year rescissions bill that realigned over $3 billion to pay for overseas contingency operations. That was because they were not funded in the bill that covered 1995.

In this bill, for the first time, we are providing money at the beginning of a fiscal year for these operations. Madam President, $647 million is funded in this bill for operations in Iraq and Southwest Asia. The Department readily concedes that no moneys were requested in the President's budget for 1996 to pay for these ongoing missions. Everyone agrees we must pay the bills, and we decided to include the money now rather than wait for some supplemental process next year.

Madam President, in my judgment, as I said, this bill must be enacted into law. Looming ahead of us is the potential deployment of United States military forces to Bosnia. This bill makes no provision for that deployment but expresses the strong concern of the conferees about the merit of this mission and the belief that the President should consult and seek the authorization of Congress for any such deployment.

Simply put, however, without the money in this bill, there is no way that the Department of Defense or the President could send 25,000 ground troops to Bosnia.

We cannot have it both ways, Madam President. We cannot be against this bill and also want to send troops to Bosnia without money.

In the view of this Senator, I cannot conceive of the circumstances where the Senate would vote to endorse a deployment of United States forces to Bosnia if there were no funds available to support that mission. This is especially true if those funds were not available for the Department through the 1996 bill that we have before the Senate now.

According to the Pentagon, a full-year mission to Bosnia will cost in excess of $2 billion, and only with the money that is in this bill could that be possible.

Again, we are not crossing that bridge. I, for one, do not support that deployment. However, I do believe we must be up front about it. Let me point out that those who do want to support a deployment of forces to Bosnia ought to realize it would not be possible but for the funding and the way the money is divided in this bill for the functions of the Pentagon.

Let me close with this, Madam President. I hope we can sustain the longstanding tradition of bipartisan action on these defense issues. This bill poses no severe policy issues. It provides funding consistent with the congressional budget resolution and the Appropriations Committee's 602(b) allocation to this subcommittee for the Department of Defense.

Senator INOUYE and I have fought to present this bill on a nonpartisan basis and this conference report reflects that determination. The cooperation and partnership of my friend from Hawaii is still a very essential ingredient to this bill. I have worked with him in the past, and he with me. We have rotated as being chairman of this subcommittee. I continue to thank him for his work and his commitment to the people in the armed services.

I would like to recognize the work of the subcommittee staff. It is a very interesting staff, which enjoys substantial stability as far as professional competence is concerned. They are professional staff. The Senate has benefited from this approach, in my opinion. Jay Kimmit, Peter Lennon, Mary Marshall, John Young, and Mazie Mattson have been stalwarts on the committee staff for several years.

Some of them I brought on the staff when I was chairman before. The Senator from Hawaii maintained them as professional staff, and we have continued with them. They are real professionals.

With the transition this year, Jim Morhard and Sid Ashworth have come from the minority. Susan Hogan and Justin Wheddle have joined the subcommittee staff. All have made contributions to the bill and to the subcommittee. This has been especially true during the conference.

In addition, we have had the assistance of two detailees, Mr. Joe Fenglar and Ms. Sujata Millick.

I might point out, in 1982 Charlie Houy joined the staff of the subcommittee when I was the chairman. His counsel to Senator INOUYE and the members of the subcommittee is invaluable. He now works with Senator INOUYE. It shows the professionalism that we all still value in our relationships. His contribution is invaluable and it is a pleasure to work with him in this new assignment as the minority chief clerk.

Madam President, this is a good bill. I do think it will meet the needs of the men and women of the Armed Forces and our national security. One of the reasons it is a good bill is because of the continued assistance that I have from my good friend, the chief of the majority staff for the subcommittee, Steve Cortese, who is here with me today.

Our bill passed with a strong bipartisan support in the House. In my judgment, the Senate should adopt this bill now and permit the work of the Department of Defense to move forward. The majority leader has made the decision to bring it up now because of its impact on those who have been furloughed under the existing hiatus. I, too, hope the President will sign this bill if we get it to him as soon as possible.

EXHIBIT 1

[From the Washington Post, Nov. 11, 1995]

PENTAGON LEADERS URGE ACCELERATED 50 PERCENT BOOST IN PROCUREMENT

(By Bradley Graham)

The uniformed leaders of the armed forces, worried about aging weapons and equipment after a decade of declining procurement, have recommended a roughly 50 percent jump in spending on purchases over the next two years.

Clinton administration plans call for spreading the same rise over four years. But top military officers are skeptical about ever seeing all the money, noting that past projections have rarely been realized.

So to highlight what they see as an urgent problem, the military chiefs have asked that the Defense Department set a goal of boosting annual defense procurement from about $40 billion at present to $60 billion by fiscal 1998, not 2000 as the administration has proposed. ''We now don't expect it to go up like the projection shows it will. It never has before, I don't expect it to now,'' said Adm. William A. Owens, vice chairman of the Joint Chiefs of Staff. ''And secondly, 2000 is too late.

''So our view is, you have to get to $60 billion as soon as you can, and 1998 would be a good year.''

The recommendation was included in a budget assessment submitted last month by Gen. John Shalikashvili, chairman of the Joint Chiefs of Staff, to Defense Secretary William J. Perry. It reflected heightened concern about a potential erosion of military capabilities unless purchases are accelerated. It also marked a shift in focus from last year, when the Pentagon, intent on shoring up the current readiness of military units, reduced procurement to cover higher-than-expected operational and maintenance costs. Procurement spending has fallen to its lowest level since 1950, forcing the military services to defer buys of jet fighters, helicopters, ships, trucks and other assets to replace earlier models entering, in some cases, their fourth or even fifth decade of use.

''We are significantly underfunded in the procurement line,'' Owens said. ''Our thrust is to say we must do something, we've got to fix it.''

He said the military chiefs are concerned not just about low procurement but a rising ''bow wave''—the piling up of postponed programs.

At the same time, Owens indicated the message from the chiefs was not intended to be confrontational or divisive with the Pentagon's civilian leadership, and may have been aimed less at Perry than at the military services themselves. By committing all the chiefs to an ambitious new procurement goal, the memorandum is especially useful to Shalikashvili and Owens in their nascent effort to exercise more central discipline over individual service plans.

The memo, which represents the consensus view of the chiefs and vice chiefs of the Army, Navy, Air Force and Marine Corps as well as regional commanders in chief, is said by Pentagon officials to be short on details about just how to bolster procurement and on what to spend the extra funds. ''It's a broad statement, expressing a broad sense of concern,'' said a senior defense official. ''But the details get a little thin.''

Shalikashvili makes clear the chiefs do not expect the added funds for modernization to come from higher overall defense spending but rather through cuts in some programs under development and other savings. Even with a Republican-controlled Congress committed to boosting the defense budget, the military leaders are assuming little if any growth in military spending.

Nor are the chiefs suggesting reversing the priority given last year to readiness over procurement—that is, draining funds from the operational and maintenance accounts that support current readiness to pay for more modernization. Rather, the biggest adjustments proposed in the Shalikashvili memo would involve cutting back on competing service programs in such development areas as theater missile defense and unmanned aerial vehicles and reducing modeling and simulation activities.

Even so, these recommended savings would not come close to providing the roughly $20 billion increase in annual procurement the chiefs would like to see between now and 1998. ''We acknowledge the answers are not all there,'' Owens said.

But he expressed confidence that substantially more funds for procurement can be found by eliminating redundant systems, embracing economical high-tech innovations and realizing Pentagon plans to farm out more defense activities to the private sector. Significantly, the chiefs have decided not to look for more savings by shrinking troop levels below the 1.45 million active duty service members called for in the administration's plan.

In its 1996 budget proposal to Congress, the administration provided for $39 billion in military procurement, a drop of 71 percent in inflation-adjusted dollars from the 1985 peak. House and Senate defense appropriation committees have tentatively agreed to raise procurement to $43 billion, but their conference report has yet to win floor approval.

The administration's five-year budget plan envisions a 47 percent increase in modernization spending between 1996 and 2001. But much of that is not projected to materialize until the turn of the century—and assumes still uncertain savings from military base closings and reforms in Pentagon buying procedures. Responding to Shalikashvili in an Oct. 24 memo, Perry agreed that $60 billion in annual procurement ''is an appropriate goal'' and offered ''to work closely with you to accelerate'' reaching it.

But Shalikashvili's initiative, known formally as the chairman's program assessment, has come late in the 1997 budget cycle. A final defense budget proposal is due at the White House next month. Perry suggested major adjustments in Pentagon plans would have to wait until next year and depend largely on what more the services have to offer. ''I will be particularly interested in seeing your specific program recommendations for achieving efficiencies and funding reductions in programs of lower priority from a warfighting perspective,'' the secretary wrote. For the chairman of the Joint Chiefs to be weighing into the Pentagon budget debate with his assessment is indicative of an increasingly assertive Joint Chiefs' role in coordinating individual service plans and articulating a consensus view of military requirements. The Shalikashvili memo emerged from the deliberations of the Joint Requirements Oversight Council, a panel headed by Owens and including the services' vice chiefs. Over the past year and a half, Owens has strengthened the panel's role in formulating common investment objectives and reducing overlap among service programs.

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[From the Los Angeles Times, Nov. 12, 1995]

JOINT CHIEFS SEEK MORE FUNDS TO UPDATE ARMS

(By Art Pine)

WASHINGTON—Reflecting growing concern over recent reductions in defense spending, the nation's top military leaders have warned that the Pentagon must boost its budget for weapon modernization sooner than planned or risk eroding military preparedness.

In a memo to Defense Secretary William J. Perry, the military service chiefs recommend increasing the modernization budget to $60 billion a year by fiscal 1998, rather than fiscal 2000, as currently anticipated. The budget now stands at $39 billion.

The unusual move by Gen. John M. Shalikashvili, chairman of the Joint Chiefs of Staff, and the heads of the four individual services, is intended to serve as a warning flag, both to the Clinton Administration and to the top generals and admirals involved in putting together the military budget.

Although President Clinton has promised to restore some of the recent defense spending cuts by fiscal 2000, the services say they are being squeezed and have had to use funds from their modernization and procurement budgets to help maintain military readiness.

There has been no immediate indication that the Administration would adopt the Joint Chiefs' recommendation in the fiscal 1997 budget, which is due out early next year. Clinton is already under pressure to hold down spending levels, and an increase of that size would be difficult to grant.

Although Perry pledged in a return memo to Shalikashvili and the other chiefs to ''work closely with you to accelerate'' the budget increase, officials said the memo has come so late in the budget preparation process that any serious consideration is likely to have to wait until next year.

Military leaders have been warning for months that many of the weapon systems and types of equipment in need of upgrading or replacement were not being modernized on schedule, but there has been little extra money available.

As a result, all four services have put off purchases of a wide array of new and replacement weapons and equipment, from fighter aircraft and helicopters to ships, tanks and trucks. They also have begun falling behind on maintenance.

Clinton asserted last winter that the squeeze on modernization would be temporary and pledged to restore much of the earlier cutbacks by the turn of the century. With pressures on overall federal spending mounting daily, however, military leaders have been skeptical that the White House can come through.

In the fiscal 1996 budget that it sent Congress last January, the Administration requested $39 billion for procurement—a drop of 71% from the 1985 peak, after adjustment for inflation. The Republican-controlled Congress raised that to $43 billion, but the House and Senate bills are stalled in a conference committee.

The Administration and the Joint Chiefs want the individual services to provide at least some of the difference by saving money in other areas, such as eliminating unnecessary programs and transferring some jobs to civilian contractors, but the effort is not yielding much.

Senior military officials insisted that the memo, while strongly worded, is not intended to provoke a confrontation with the Administration.

Critics have been contending for months that the Administration has not been budgeting enough to finance the size of military force that it has said it wants to maintain. The White House insists that it can find the money through savings coming from procurement reforms, but so far those gains have been elusive.

Mr. INOUYE. Madam President, the conference report is before the Senate for its consideration because of the extraordinary leadership and wisdom demonstrated by our chairman, the Senator from Alaska. If it were not for his leadership I think we would still be back in H–140, the conference room.

Madam President, this is a good bill. But before I proceed with my statement, pursuant to the consent agreement reached by this body, I am pleased to provide 20 minutes to the Senator from North Dakota [Mr. DORGAN].

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I appreciate very much the courtesy. I want to say at the outset I understand it is far easier to be critical and to oppose. I regret very much, for that reason, that I cannot vote for this conference report. I have voted for a number of conference reports, defense appropriations, and defense authorization bills. But I want to explain, during this period of time, why I cannot vote for this one.

Before I do that, I would like to respond to something the Senator from Alaska said earlier when I was not on the floor, because it will relate to something I am going to talk about in this conference report. I had spoken about the juxtaposition of Star Schools and star wars. I just used it as a metaphor of the choices that we often make.

I pointed out in the continuing resolution that we were about to consider, there is a 40-percent cut in funding in the small Star Schools Program, which is I believe a $25 million program whose funding will be cut to $15 million, a 40-percent cut.

The Senator from Alaska said, since this is forward funded, these schools are not going to be cut. My point was, when you cut something from $25 million to $15 million, the Senator may be right, if they are forward funded they are not cut this year but if you cut the funding, sometime they are going be cut.

The reason the 40 percent was included in the CR, 40-percent cut, 40 percent of funding, was because the House has determined they want to kill the Star Schools Program.

The only reason I raise the point on the floor was, in the priorities that we are involved with here in Congress, it is choosing one versus another. Can we fund this or that or the other thing? What can we afford? What can we not afford?

The point I was making is the star wars program, which I am going to talk about at some length here, is juxtaposed against star schools. One we can afford; we have plenty of money for. The other we decide we either want to kill or we want to cut it back. The CR does take it from $25 million to $15 million. At some point in the funding cycle, that is going to affect someone. That was the point I was making.

Let me come to the point of my appearance on the floor on this piece of legislation. We are talking a lot about balanced budgets and spending and a lot of it is theory and debate. But the steps that you take, albeit baby steps, to deal with budget deficits, is when you start spending real money on the floor of the Senate. That is what we are talking about with respect to this bill. This is a spending bill. This is not theory. This is not idle debate. This is a decision about whether we spend money and how we spend money.

Now the question is, Who are the big spenders? Who on this floor wants to cut back on spending? Resist waste? Cut spending where it is inappropriate and unneeded? Let us see. Let us review.

This is the Defense Department. The men and women in our Armed Forces are critically important to preserving liberty in defense of this country. I understand that and salute them. I think they deserve our praise every single day. But all of us know there is waste in the Pentagon. Why else would we hear about $700 hammers and $500 ash trays and $1,800 toilet seats? I know those are some older stories, but there are legendary stories about procurement problems, even in recent times.

But let us talk about the procurement in this bill. This bill is for defense. The Pentagon said, with respect to T–39 trainers, they did not want to buy any. The Congress said, ''I am sorry, you are wrong about that. You might not want to buy any but we insist, we want to spend $45 million and we insist you buy 17 T–39 trainers.''

The Pentagon said, ''We do not need any EA–6 strike aircraft modifications.'' We said, ''We are sorry, you are wrong about that. We insist you spend $165 million.''

The Pentagon said, ''We do not need two amphibious assault ships.'' The Congress said, ''Well, we must need one.'' And then the Congress said, ''Let us buy two, while we are at it. Let us buy two, one for $900 million and one for $1.3 billion. The sky is the limit. Let us buy two.'' So you add $2.2 billion.

F–15 fighters. Let us buy six of those. The Pentagon said they did not want to buy any. We said, ''Pentagon, you are wrong about that. We insist you buy them.''

''F–16 fighter aircraft,'' we said, ''You ought to buy six.'' We are going to spend money for six of them. The Pentagon did not ask for them. Cargo aircraft, three, $133 million.

Let me get some of the big ones. Black Hawk helicopters, Longbow helicopters. I could go on. M–1 tank upgrades, heavy tactical vehicles. I come from a small hometown. We do not use those terms. It is called trucks; heavy tactical vehicles, trucks, trucks the Pentagon said they did not want, trucks the Pentagon did not order, and the trucks the Pentagon did not need. But guess what? The Congress said let us buy some trucks. Spend the money because we have a credit card. By the way, we want to talk about cutting spending, but we want to buy trucks that nobody asked for.

That is not really the reason I came to the floor. I came to the floor to talk about two big items, the B–2 bombers and star wars. B–2 bombers—the administration says let us keep the production line open. Let us keep the production line open. Congress says let us start buying more B–2's. We have 20 of them. Let us buy 20 more. Let us obligate ourselves to spend over $30 billion on B–2 bombers the Pentagon did not ask for.

That is trouble enough. That is not really the reason I came to the floor of the Senate. The reason I came to the floor of the Senate is to talk about star wars. The cold war is over. There is no Soviet Union. This afternoon as I speak we are crushing missiles over in the old Soviet Union, drawing down launch vehicles, and destroying warheads as a part of our arms control agreement. But the cold war is not over everywhere. It is not over in this Chamber. The appetite to build things we do not need with money we do not have rests right here on this little line, ''national missile defense,'' albeit star wars, ABM. The only one built in the free world was built in North Dakota, my home State. A couple of billion dollars was spent, and 30 days after it was opened and was declared operational it was mothballed. That is the way it works sometimes.

Now that there is no Soviet Union, we are involved in arms control. We are destroying missiles and weapons on both sides. We have a Congress that says to the Pentagon, by the way, we insist that you start deploying a star wars program. We insist that you deploy missiles in the ground by 1999 on an accelerated basis with a space-based component and multiple sites, which will abrogate the ABM Treaty, among other things.

What is this? I do not understand. I guess I missed something. We have people here who say we are out of money and in debt up to our neck. We want to pass an amendment to the Constitution to require us to balance the budget. The very same people bring to the floor of this Senate an unending appetite to spend the public's money—as long as it is not on milk or shelter for kids—to spend the public's money on something called star wars. I think people can be excused for wondering what kind of air is being breathed in these Chambers. This makes no sense at all.

I mentioned earlier the juxtaposition of priorities. I do it again because—let me remind people what we are talking about this year. If you say it is not related, you do not understand the process. We only have a certain amount of money to spend. Of 55,000 kids, every single one has a name who is going to be told, ''We are sorry. You will get kicked out of the Head Start Program.'' If you come from a low-income family, from a circumstance of disadvantage, tough luck. ''We do not have any money for you. No Head Start Program for you, Timmy, Tommy, or James.'' There are 600,000 kids, low-income, disadvantaged city kids, will be told, ''We are sorry. No summer jobs. We cannot afford it. Tough luck.'' And 2.2 million Americans will be told, ''We are sorry. I know we have a low-income home heating program to help you pay the heating bills in the winter in States where you have harsh bitter cold.'' We say, ''We are sorry. Home heating is a luxury. You can do without it.''

I wonder if those who say that have been in these sheds or shacks where people sit on the floor with diapers and

kids ill-clothed and the wind is howling through the cracks in the walls, and have seen the desperate condition, especially on Indian reservations and elsewhere. Then would you say to these people, ''We are sorry. When it is 25 or 30 below, low-income home heating help does not matter. You can do without.''

There are dozens and dozens of those kinds of choices. Then we say, ''By the way, even though we cannot afford those things—which I happen to think are necessary—the sky is the limit when it comes to ships, planes, and submarines and helicopters that the Pentagon did not order.''

But especially galling to me is the resurrection of the star wars program, to decide that we want to start building a monument that will cost $48 billion—$48 billion for a star wars program. We had people bring on the floor of the Senate charts that show us that North Vietnam is a big threat, and Libya is a threat, and Iraq is a threat. Lord wonders how they can sleep at night. Maybe that might be the problem. Maybe those who are so frightened by Qadhafi and others simply are not sleeping, and the result is a proposal to build a star wars program.

Everybody in here who thinks that ought to understand that a far greater threat to this country, if in fact there is a nuclear threat by a rogue nation, is not from a sophisticated intercontinental ballistic missile. It is the threat from a nuclear bomb packed into a suitcase, or put in the trunk of a Yugo car and parked at a New York City dock. Everybody understands that is a much higher potential threat than some rogue nation getting an ICBM. Or what about a glass vial about that big full of the most deadly biological agents known to mankind? Or what about somebody that rents a truck and builds a fertilizer bomb? Do you all think that some rogue terrorist nation is going to get an ICBM and a nuclear tipped warhead so we can spend $48 billion we do not have? Look, this is an appetite that simply cannot be satisfied.

I would vote for this conference report if there were several changes. But I am not going to vote for a conference report at a time when this country is out of money. This country is choking on debt. This country is saying to everybody, tighten your belts. And then we say to those folks who are building a star wars program that we have been planning for 15 years, we know the world has changed, we know the cold war is over, we know there is no Soviet Union, but guess what? The appetite to build a star wars program goes unabated. Frankly, probably one of the locations for the star wars program will be in my home State. I have some folks pretty upset with me. ''Why don't you support this? This is jobs.'' It is not jobs. It is waste. I support things that defend this country, that represent strength and represent the ability to preserve liberty.

But I think when we start making choices, real choices on spending and come to the floor of the Senate with these kind of add-ons—I know the Senator from Arizona was going to talk about some others—but especially add-ons like the B–2 bomber program and a star wars program, I just wonder what people are thinking about.

Again, let me say we will probably be in session tomorrow, Saturday, Sunday, and the rest of the week, over whether you balance the budget in 5 years, 7 years or 10 years. You know, those who want to do that deal with the theory of it. They might just as well get a pipe, eat a croissant with their feet up and ruminate forever about it.

The way you balance the budget is bring spending bills to the floor that cuts spending. This bill adds $7 billion to the President's request for defense, and explained where it is added. But the most significant thing this bill does is it commits this country to two areas of spending—the B–2 bomber and the star wars program that will bleed tens and tens of billions of dollars in the next 5 and 10 years from the taxpayers' pockets in this country for something we do not need.

I am anxious for those who support this bill, for those who say we have plenty of money for star wars but not enough for Head Start, plenty of money for star wars, a star wars program the Secretary of Defense did not ask for, the star wars program the President says we do not need—I am just anxious to see those folks who say we have plenty of money for star wars but not enough for star schools come to the floor again and talk about their appetite to cut spending. If there is an appetite to cut spending, this is a good place to start. We do not have to wait until January. We do not have to wait until December 1. A good time to start would be today at 5:30, if we can get a chance to vote—maybe adding close to $400 million for star wars. It does not seem like a lot of money to some. But if you grow up in a town of 400 people and graduate from a high school class of nine and do not understand much about $400 million, then understand they say we just cannot afford these other little programs that would help folks that are in need, help folks send their kids to college, and help folks do the right thing. Then we start thinking maybe this is not just about the old theoretical debates. Maybe it is once again the same old debate we have every time we discuss money on this floor. Big interest and little interest, and little interest be damned. The big interest, guess what? Start smiling, because in our envelope behind door No. 1 is the big prize for you.

I regret that I cannot vote for this conference agreement. But it seems to me, if all of the angst and all of the energy and all of the anxiety we have heard on the floor of the Senate now for the last several weeks about spending is indeed real, then those who express it should come to this floor and auger in on questions like the B–2 bomber and like the star wars program, and, yes, like the other programs where we have added planes, ships, submarines and helicopters that were not ordered, were not needed, were not asked for. Come to the floor, stand up, and proudly pull up their suspenders and say, ''Count me in. I want to cut spending.'' Or will they come to the floor and just button their suit and say, ''Well, here we go. I sure like this kind of spending. Let's add to it. Let's take 7 billion bucks and stuff the Pentagon's pockets and let's decide that is our priority. Not star schools, star wars. That is our priority.''

It is, with all due respect to those who believe it is the right thing, a warped priority for this country's future. And I hope that when the dust settles on all of this debate, the American people will understand when some waive their arms and raise their voices and boast to the heavens that they are the ones who are against all the big spending, they are the ones who are between the taxpayers and calamity because they are the ones who want to cut the deficit, they are the ones who want to balance the budget, I hope they will take a look at how they voted on this, an obligation for my kids and yours to ante up $48 billion for a star wars program that does nothing to add security to this country.

Madam President, how much time is remaining?

The PRESIDING OFFICER. The Senator has 3 minutes and 31 seconds.

Mr. DORGAN. I would like to reserve the 3 minutes.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Pursuant to the consent agreement, I am pleased to yield 15 minutes to the Senator from New Mexico.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank you and I thank the Senator from Hawaii for his constant courtesy and helpfulness to all of us here in the Senate.

I also regret that I must rise in opposition to this conference report on the Defense appropriations bill. It is clear to me that the bill should be vetoed, and that the President is going to veto it.

Let me quote from a letter that the President sent to Congressman LIVINGSTON dated October 18. It said:

> However, by appropriating $6.9 billion more than I requested, the conference report did not address my fundamental concerns about spending priorities. As the bill now goes back to conference following its defeat on the House floor, it is important that the conferees understand where I stand. Absent a broader agreement with Congress that adequately funds crucial domestic programs in other appropriations bills, I will veto any defense appropriation bill that adds extra billions for defense programs not in my request.

Mr. President, the conferees did not address the President's fundamental concern about misplaced priorities in their second conference. And this conference report, like its predecessor, is full of unrequested, unneeded, and unsustainable add-ons. As for funding of crucial domestic programs in other appropriations bills, particularly the Labor, HHS, the VA–HUD and the Commerce, State, Justice bills, it is absolutely clear that we have made virtually no progress since the President wrote.

The fiasco of closing down the Government has only widened the gulf between the majority party and the President on what our domestic priorities should be. Indeed, the majority party's interest in cutting programs for education, the environment, civilian research, heating assistance for low-income citizens, national service, Indian programs, and many others seems to grow as we proceed through this budget debate.

I voted against the bill when the Senate passed it early in September. I thought it was worthy of a veto then. In my view, the conference has not improved it. In fact, it has made it worse.

This bill has truly become a weapons-for-everybody bill. When it left the Senate, the bill was $6.45 billion above the President's request. It is now $6.9 billion above the President's request. But that figure alone understates the net addition because, according to press reports, the conference report that we are here considering takes back $1 billion that the National Reconnaissance Office, [NRO] had accumulated in unspent funds. That money was spent on unneeded, unrequested, unsustainable weapons that were not in the Senate version of the bill, just as the other $6.9 billion were. If you adjust for the NRO money, this bill is in fact about $8 billion above the President's request, not $7 billion.

The conferees had enough money to buy ships, planes, trucks, helicopters of every description, some of which—like a $20 million Cyclone class patrol craft—were in neither bill prior to going to conference.

The total add-on package is in the range of $10 billion. There are offsets in the range of $2 billion as well.

The obvious question is what is it that justifies this extraordinary increase in defense spending, and I for one cannot point to a threat.

We spend twice as much as all of our potential adversaries combined. If we put together the budgets—our budget with those of our NATO allies and Japan—we and our allies are outspending our potential foes by more than 3 to 1. Of course, it will be argued that much of the additional spending in this bill is somewhere in the Pentagon's budget for the next 6 years. That was the argument that was made for the $1.3 billion HLD–7 amphibious assault ship that the Senate debated when we passed the bill in August. The Navy planned to buy that ship in the year 2001. That will undoubtedly be the argument that is used to justify the $900 million LPD–17 amphibious transport dock which the House insisted on in conference. The Navy planned to buy that in 1998.

Mr. President, this is really an extraordinary argument. Essentially those who make it are saying that they can pick and choose anything in the 6-year plan that the Department of Defense has that helps their State or district and that plan when you add it up totals about $1.6 trillion. Where else in our budgeting this year are we finding the ability to do that? The answer clearly is nowhere. Everywhere but in this case of the Pentagon we cannot find enough for this first year's budget, let alone find money to add $1 billion projects in the States or districts of powerful members of the Republican leadership.

But worse are the programs that do not even fit in the 6-year plan. Some of these have huge budgetary implications. The B–2, which was not in the Senate bill, has an outyear requirement for tens of billions of dollars. National missile defense, which my colleague from North Dakota spoke about, will require tens of billions of additional dollars not in the 6-year plan. There is certainly no money in future year budgets for the Hellfire-2 and the CBU–87 antiarmor munitions. The Pentagon's own inspector general told Congress that we already had enough of these munitions to cover every target in a 2 major regional contingency scenario, and yet the Senate voted to continue to buy these unneeded weapons, and the conferees agreed to spend tens of billions of dollars on them as well.

There certainly is no money in the 6-year plan for most, if not all, of the member interest add-ons in the research and development budget, which always seems to have an outyear requirement that goes on and on. I have in mind items that the Senator from Arizona has on his earmark list, like the curved plate technology program, the Center for Astronomical Adaptive Optics—which presumably should be funded by the National Science Foundation's astronomy program, if at all—the Pacific Software Research Center. There are many others.

It is frankly disconcerting to me that the Technology Reinvestment Project, which is a competitive and a cost shared program, was cut by $305 million while noncompetitive, noncost share programs like those I referred to flourish in these supposedly austere budget times. Obviously, austerity stops at the door of the Pentagon as far as this bill is concerned.

Mr. President, we cannot afford these add-ons even under the Republican budget. There is no money in the outyears to sustain the programs. As Congressman OBEY has repeatedly pointed out, the Republican defense budget over the 5-year period from fiscal year 1998 to 2002 is less than the President's. Let me repeat that. The Republican defense budget for fiscal years 1998 to 2002 is less than what the President has asked for. According to an article from the November 6 issue of Aviation Week, the Republican majority is considering reducing the net 7-year addition to the defense budget from $20 to $8 billion in the final negotiations over the budget with the President, whenever that negotiation occurs.

I ask unanimous consent that that article from Aviation Week be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. BINGAMAN. Mr. President, whatever figure emerges, this bill is inconsistent with it. This bill assumes future Congresses are going to spend tens of billions of dollars more for defense than the Republican budget resolution allows.

The Senate Armed Services Committee earlier this year made clear in its report that it had not designed the authorization bill to be consistent with the realities of the out-year Republican defense budget totals. The committee said on page 3 of its report:

> The Committee remains concerned about the adequacy of funding levels for national defense programs in coming years. * * * Budget levels proposed for future years do not adequately fund even the level of forces required for the Bottom-Up Review Force. * * * The limited progress reflected in this bill cannot be maintained unless future funding is increased.

Mr. President, increasing defense spending above the June budget resolution is not even on the table. Nor should it be. I hear no one in the Republican leadership saying they want to increase defense spending even more. Despite the rhetoric in last year's campaign about the President not spending enough on defense, the fact is all the 7-year Republican defense budget does in its current form is provide a 2-year infusion of pork this year and next followed by 5 years in which Republicans are saying that the President is being a tad too generous to defense. Mr. President, I say we should forgo the pork this year and next. Let us put this money to better use in the domestic appropriations bill, particularly Labor-HHS, VA–HUD, and Commerce-State-Justice, all of which require additional funds to sustain critical programs. I suspect that by the end of this year's budget process, at least some of the unneeded, unrequested, and unsustainable projects will be stripped from this bill.

Mr. President, there are several other provisions which concern me in this bill. When the Senate debated this bill in August, the senior Senator from Arkansas, Senator BUMPERS, offered an amendment to trim the defense export loan guarantee authority in this bill from $15 to $10 billion. The vote to table that amendment was 53 to 47. Yet the conferees came back with $15 billion in loan guarantees for defense exports, to the extent they are authorized. Unfortunately, a loan guarantee

provision is included in both the House and Senate versions of the authorization bill. So if there is an authorization bill, this appropriations bill will put the taxpayers at risk to the tune of $15 billion for defaults on payments for defense exports.

Mr. President, when Senator KEMPTHORNE started working on this issue a couple of years ago, he sought authority for a trial program to guarantee about $1 billion in defense exports to a limited number of countries. At that time, it was a subsidized guarantee. Now it is supposed to be paid for by the defense industry itself. But we have moved in 2 short years from a $1 billion trial program to a full-blown $15 billion program of defense export guarantees.

Mr. President, we should not be attempting to prop up our defense industry by turning it into the arms merchant for the world. It is our own troops who will too often be facing off against these weapons. Instead, we should be taking the lead in trying to negotiate arms transfer restraints. There is a historic opportunity with the end of the cold war and with nations across the globe attempting to free up funds for economic development and useful infrastructure to scale back regional arms races. This loan guarantee provision is just bad public policy and I regret it was not at least scaled back by the conferees after the close vote on the Bumpers amendment.

Mr. President, I also regret the cuts made in this bill to the technology reinvestment project and SEMATECH. The $305 million cut in the technology reinvestment project and the $50.5 million cut to SEMATECH in the last year that it was seeking Federal funds, send precisely the wrong signal to the Pentagon's research bureaucracy. The signal is that rather than leveraging the commercial sector in innovative ways to save the taxpayers' money in developing and procuring dual-use technologies, it is OK to hunker down and pursue duplicative, ultimately dead-end research with a military label on it. In fact, not only is it OK, but it is the preferred approach of the congressional majority.

This is again bad public policy which the Pentagon cannot afford to pursue at a time of limited resources and which will come back to haunt us in the next century if it is not soon reversed.

Mr. President, I could go on and on and cite additional problems with this bill. I think the point is well made. And I will not delay the Senate further in discussing the details of the conference report. I urge my colleagues to vote against the bill. I urge the President to carry out his threat to veto the bill. It reflects a set of priorities with which I for one do not want to associate myself at a time when we are doing so much damage to many vital domestic programs.

Mr. President, as stated by the Senator from North Dakota, this bill does make a mockery of all the speeches that I have been hearing here on the Senate floor about deficit reduction, about the need to balance the budget, about the need the tighten our belts. The Congress can and must do better than to ratify the misplaced priorities reflected in this bill.

Mr. President, I ask unanimous consent to have the letter to Mr. LIVINGSTON printed in the RECORD.

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

THE WHITE HOUSE,
*Washington, DC, October 18, 1995.*

Hon. BOB LIVINGSTON,
*Chairman, Committee on Appropriations, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding the conference report on the Fiscal year 1996 Defense Appropriations Act. I want you to know that I appreciate your hard work and leadership on this bill, as well as that of Senators Stevens and Inouye. The Conference Report had many commendable features. For example, a number of policy provisions that raised serious constitutional and national security concerns were satisfactorily resolved in conference, and funding was secured for several programs that were of particular importance to me and to the national security of this country, including the Cooperative Threat Reduction program and the Technology Reinvestment Project.

However, by appropriating $6.9 billion more than I requested, the Conference Report did not address my fundamental concerns about spending priorities. As the bill now goes back to conference following its defeat on the House floor, it is important that the conferees understand where I stand. Absent a broader agreement with Congress that adequately funds crucial domestic programs in other appropriations bills, I will veto any defense appropriations bill that adds extra billions for defense programs not in my request.

I am ready to work with Congress to ensure that we reach that agreement.

Sincerely,

BILL CLINTON.

EXHIBIT 1

[From Aviation Week & Space Technology, Nov. 6, 1995]

DEFICIT HAWKS GAIN, THREATEN DEFENSE HIKES

(By David A. Fulghum/Washington)

U.S. Republican lawmakers are considering a deal that could cut $12 billion from promised defense increases—a key element in the party's Contract With America.

Defense boosters and fiscal conservatives are trying to craft compromise budget language that would make the cuts over the next six years. The Republican leadership is attempting to satisfy lawmakers who believe deficit reduction should take priority over defense increases. The compromise is aimed at gaining passage of the Fiscal 1996 reconciliation bill, catch-all budget legislation that funds the entire federal government.

The compromise defense language is still in flux. But if it survives in the overall reconciliation bill, the Republicans' much ballyhooed $20-billion defense spending hike above the Administration's request could be slashed to only $8 billion, according to a Democratic congressional aide. But a Republican aide said it is not yet clear if all $12 billion in cuts ''will be directly translated to defense.'' Complicating matters, the fate of the reconciliation bill is in serious doubt because of White House and congressional squabbling over the best way to balance the budget.

If the Republican leadership decides for the sake of fiscal peace with its deficit hawks to renege on its promised defense increases, the Pentagon could find it impossible to buy as much new armament as GOP defense hawks would like. That includes C–17 airlifters, B–2 bombers, missile defense, ships and submarines.

Moreover, organized resistance to defense hawks appears to be mounting. A coalition of freshman lawmakers, heavily influenced by Sen. John McCain (R.-Ariz.), has concluded that defense is not a top priority, and they are forming a task force to begin examining the whole issue of defense spending early next year.

''From the reconciliation bill will flow the defense budget top lines,'' the Democratic congressional staffer said. If there are major cuts, ''there will be no money to sustain buying C–17s at a high rate or additional B–2s.''

The U.S. military is being unequivocal in its support for purchasing an airlifter fleet made up of 120 McDonnell Douglas C–17s. A plan to buy less expensive C–33/Boeing 747–400 freighters or Lockheed C–5Ds has of late had shrinking support in the Pentagon. However, congressional opponents of purchasing an all-C–17 fleet contend there is still a flicker of interest from the White House in the Boeing 747–400. Consequently, they expect the Pentagon to leave the door open for a mixed purchase at least through the 1996 presidential election.

However, senior defense officials believe that the reasons for buying a mixed fleet have disappeared. The C–141 fleet, which C–17s are to replace, is no longer grounded and is expected to soldier on in decreasing numbers well into the next century. Meanwhile, McDonnell Douglas has transformed the C–17 from a troubled program to an operational and technological success.

Congressional supporters of a mixed fleet point out that a Pentagon recommendation to buy 120 C–17 equivalents is simply an acquisition decision. It does not mean the money is in the long-term defense budget.

''It means they go from standing in the acquisition line to standing in the budget line and that's a whole new ball game,'' a Democratic staffer said.

Some staffers contend the Air Force can sustain only a $2.5-billion per year investment in airlifters, which would equal only eight C–17s. At that rate, the U.S. Air Force would actually lose airlift capacity until 2007 because of the retirement of C–141. Airlift could be sustained only by buying some high-payload 747–400s, they said. Some congressional and aerospace industry officials thought the Pentagon might keep the C–33 option alive as a goad to McDonnell Douglas to keep C–17 prices down.

Senior defense officials said they do not believe the Defense Acquisition Board (DAB) will sustain the option, choosing instead to use contractual methods to ensure McDonnell Douglas prices stay low. Moreover, Air Force planners believe the defense budget as now projected will allow them to buy C–17s at a greater rate than eight per year, thus avoiding an airlift shortage.

But, there are indications that defense planning could receive some severe jolts. A senior Air Force official candidly admitted that planners are being forced to ''look at the issue with blinders on.'' They have not made budgetary excursions to project what will happen if, for example, they are forced to buy more B–2s. The requirement is considered a likely inclusion in a compromise Fiscal 1996 defense appropriations bill. If the Republican Congress forces the Pentagon to buy more B–2s without additional long-term

funding, Air Force leaders will have to rebuild their budgets and likely cut or stretch out C–17 purchases.

But in a move guaranteed to keep the airlifter debate alive, Congressional Budget Office researchers have just completed a study that offers compelling arguments for buying a mix of aircraft to meet the Pentagon's requirement for 120 C–17 equivalents.

''Buying 32 more C–17s plus 30 C–3s would provide the same delivery capability as 80 additional C–17s,'' the CBO report said. ''That option would also be nearly $8 billion cheaper.''

CBO researchers said the mix of C–17s and C–33s would cost about $28 billion to buy and operate and would be a better deal if there were adequate room on airfields to land and unload the less maneuverable C–33s.

''If, however, U.S. forces were limited to a few airfields that had a small amount of ramp space [such as Macedonia], the [C–17/C–33 mix] option might not deliver cargo as quickly as would 80 more C–17s,'' the CBO report said. ''And such a combination would not provide as much flexibility to handle specific military missions such as strategic brigade airdrops [flowing directly from the U.S. to a foreign battlefield].''

CBO noted that the first 40 C–17s cost about $300 million each in 1996 dollars but predicted the company light like to achieve a flyaway cost of $203 million each, without government furnished avionics and engines.

ESTIMATED COSTS IN 1996 DOLLARS OF THREE STRATEGIC AIRLIFT OPTIONS

[In millions of dollars]

| | 1997 | 1998 | 1999 | 2000 | 2001 | Total 1997–2001 | Total 1997–2020 |
|---|---|---|---|---|---|---|---|
| Option 1: Buy 80 Additional C–17s | | | | | | | |
| Quantity purchased | 8 | 8 | 8 | 10 | 12 | 46 | 80 |
| Acquisition costs | 2,510 | 2,490 | 2,430 | 2,670 | 2,910 | 13,010 | 20,730 |
| Operation and support costs | 0 | 0 | 50 | 140 | 250 | 440 | 15,470 |
| Total costs | 2,510 | 2,490 | 2,480 | 2,810 | 3,160 | 13,450 | 36,200 |
| Option 2: Buy 65 C5Ds | | | | | | | |
| Quantity purchased | 4 | 10 | 12 | 12 | 12 | 50 | 65 |
| Acquisition costs | [a]2,420 | 2,010 | 1,840 | 1,780 | 1,630 | 9,680 | 11,690 |
| Operation and support costs | 0 | 0 | 0 | 120 | 290 | 410 | 15,540 |
| Total costs | 2,420 | 2,010 | 1,840 | 1,900 | 1,920 | 10,090 | 27,230 |
| Option 3: Buy 32 Additional C–17s and 30 C–33s | | | | | | | |
| Quantity of C–17s purchased | 8 | 8 | 8 | 8 | 0 | 32 | 32 |
| Quantity of C–33s purchased | 1 | 1 | 6 | 6 | 6 | 20 | 30 |
| Acquisition costs | [b]2,930 | 2,660 | 3,400 | [c]3,120 | 1,170 | 13,280 | 15,470 |
| Operation and Support Costs | 0 | 0 | 50 | 140 | 290 | 480 | 12,850 |
| Total costs | 2,930 | 2,660 | 3,450 | 3,260 | 1,460 | 13,670 | 28,320 |

[a] Includes $850 million for the cost of restarting the C–5 production line.
[b] Includes $275 million in costs to develop the C–33.
[c] Cost declines in 2000 because advanced procurement funds are no longer needed for the C–17.
Note: All options exclude any costs associated with procuring or operating the first 40 C–17s.
Source: Congressional Budget Office.

Mr. BINGAMAN. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. I am prepared to yield some time to the Senator from Maine. But I want to say to the Senator from New Mexico, I am saddened to hear those comments. I wish we had a little more time. I would be glad to disabuse him of some of the comments he made.

To the contrary, I am sure there are New Mexican men and women around the world in some of these deployments we have made. I will be very interested to see how he is going to vote on the deployment to Bosnia, whether he supported the deployment to Somalia, whether he supported the support for the Kurds, the humanitarian assistance to Bosnia that is going on now or the deployment to Macedonia or the Adriatic blockade or the blockade of Iraq.

I do not see how we can send our people, our young men and women, throughout the world, and then complain we are providing them the equipment they need to survive. And in my judgment, the amount of money in this bill is literally a decline from last year in real terms. And I really think that to request the President to veto this bill, and at the same time to consider deploying forces to the Balkans, is just the height of really—well, I do not want to use the word here on the floor of the Senate.

It boggles my mind to think some people will vote against this bill and then vote to deploy forces to the Balkans.

I yield 5 minutes to the Senator from Maine.

Mr. BINGAMAN. Would the Senator from Alaska yield for a question?

Mr. STEVENS. I will be glad to get to the Senator later on. But I want to yield to the Senator from Maine 4 or 5 minutes.

Mr. COHEN. Mr. President, first let me thank both the Senator from Alaska and the Senator from Hawaii for their efforts in trying to negotiate with their House counterparts. I and other Members have been locked in negotiations for weeks now with our House counterparts on the authorization bill, and we have yet to reach success. And so I appreciate the work that the Senators have put in and, especially, in working out the differences in the funding requirements.

One area that troubles me is the B–2 bomber. For several years now I think we have gone on record as saying no more than 20. We decided that several years ago.

At first there was a notion we had to have a penetrating bomber because after we fired off our ICBM's in an exchange with the Soviet Union, we would need the B–2 bomber to penetrate Soviet air defenses, what remained of them, to go in and hunt down mobile missiles. When that became rather impractical, to say the least, when we finally exposed the rationale for that, the Air Force at that point came back and said, well, we do not really need it as a nuclear penetrating bomber, perhaps we can use it as a conventional bomber.

They used to present us with a chart indicating that the B–2 will replace some—I cannot recall the number now—but somewhere from 40 to 50 aircraft. If you have one B–2, you will not need all these other aircraft. This one B–2 can fly back and over. No jamming aircraft needed, no F–15 escorts, and so on. I said, ''Fine, take all the B–2's and eliminate all the other aircraft. We do not want that tradeoff,'' they said. ''We want to have the B–2 and all the other aircraft.''

But we are now on the eve of this particular conference report, and once again, we find there is roughly $500 million included for the B–2 bomber. I want to ask a question of my colleague from Alaska as to whether or not it is his and his colleague's intent, the managers of the bill, to open up the B–2 line to start producing more B–2 bombers?

I can tell you why I am concerned about this. We are in the process now of negotiating with the other body. The other body by 3 votes—3 votes—approved additional funds for the B–2 bomber. They want to open up an entire new line to produce another 20 B–2 bombers. That is with life-cycle costs of roughly $30 billion.

I want to know, where is the $30 billion going to come from? Now, I could see some are making the case, saying, ''Well, maybe we need to do a little more experimentation here on the B–2, that this is, by the way, 1970's technology. We are moving into the 21st century. We may have to update the B–

2 with some new research and development.''

I can see the case being made for the purchase of even spare parts for the existing B–2 fleet. But I am really concerned that we might start down the path, an irrevocable path, to build 20 more B–2 bombers, at a cost of $30 billion, and I do not know where the money is going to come from.

So, I want to know from my friend from Alaska as to whether or not the Appropriations Committee is committing itself and committing this body to opening up this line, to taking the cap off, to starting another process of building at least 5, 10, 20, more B–2 bombers. If that is the case, I would have great difficulty with this measure.

Mr. STEVENS. Mr. President, I would say to the Senator from Maine that, as I made the statement in the opening part of this discussion on the bill, we have provided the money for the continuation of the line. The decision will be the President's as to whether that will go forward, or at least it will be with the Armed Services Committee, because we have no authorizing language in the bill. We have just funded it.

It is not within our province to start a multiyear procurement line with an annual appropriations bill. I will say, though—I am constrained to say that 20 B–2 bombers is equivalent to four *Seawolf* submarines. I have fought every *Seawolf* that has come before the Senate, and yet they are going forward. And we need *Seawolf* submarines a lot less than we need B–2 bombers. At least B–2's are force projections and capable of meeting some of our needs on an international basis. The *Seawolf*, in my judgment, is not needed at all. But I tell the Senator that some of these decisions are not made by individual members of either the Armed Services Committee, on which the Senator serves, or the Appropriations Committee, of which I am pleased to chair the subcommittee.

The answer to the question directly is, we have not opened up this line by the language in this bill.

Mr. COHEN. I thank my friend for his comments. I point out this body has gone on record saying no more than 20. Whether or not the Senator agrees with the need for the *Seawolf*—that is a debatable matter obviously—the fact is that the Senate has gone on record that no more than 20 B–2 bombers should be built. And here we are at least opening up the prospect of a new line of more B–2's at a time when, in the outyears, I do not know where the money is going to come from.

I know that the Senator from Alaska, the Senator from Hawaii, have been creative over the years in coming up with money that is necessary to fund our programs. But if you look past the year 2000, I do not know that even he and the Senator from Hawaii can be persuasive enough for their colleagues to say we have to appropriate that kind of money.

By the way, looking at the SCN account, the Navy's shipbuilding and conversion account—and the Senator from Alaska can correct me on this—we have roughly $4 billion in the SCN account. And in order to meet the Navy's needs, by the year 2000, it is going to go up to——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COHEN. Could I have 1 more minute?

Mr. STEVENS. I will be glad to give the Senator 1 more minute, but let me precede that by saying we have provided the money for long lead-time items for the new B–2 line, should the President decide to open it up. We have not funded money for any single B–2.

We have given the administration a chance to revisit the question of keeping the B–2 line open by virtue of making the money available for long-lead-time items for new B–2's should the decision be made to procure them.

Mr. COHEN. I thank my friend.

As I indicated before, we are going to be going in the SCN account, the shipbuilding account, from $4 billion, roughly, up to $15 billion in the year 2000 and beyond to get the ships that the Navy indicates it is going to have to have in order to meet its requirements.

I do not know where that money is going to come from. I do not know how we are going to have enough money in the shipbuilding account at the turn of the century, and I am not sure there will be a Congress willing to vote the money to fund it. That is one reason why I raise the issue on the B–2.

I am at least consoled somewhat by the Senator's statement that it is not the intent of the appropriators to open up a new line but rather it is the intent to leave it up to the President to decide whether he is going to overrule his own Secretary of Defense and Chairman of the Joint Chiefs, both of whom indicated they do not need the B–2 or want it given the cost requirements of the program.

I thank the Senator for yielding me this time.

Mr. STEVENS. Mr. President, I thank the Senator from Maine for his contribution and his comments. Although we were criticized by another Senator on the floor, it is a fact that we have saved money by accelerating the decision to buy the LPD and LHD now. That, in fact, will make room for the outlays that are necessary to carry on the ship procurement that the Senator from Maine has mentioned.

But there is severe strain in the Department's budget in the outyears, and both the President and the Congress have noted that in terms of the last 2 years of the 7-year period. It will be a difficult thing to fund the items that are started, both in the shipbuilding and the aircraft procurement accounts. However, there are decisions that are going to be made, I assume, that will take care of the outyears by the authorizing committee.

Mr. President, the Senator from Arizona has 30 minutes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I yield myself such time as I may consume, and I do not think I will consume the entire time allotted to me, I tell my colleagues.

First of all, I paid close attention to the colloquy between Senator COHEN and the distinguished chairman of the subcommittee, who I believe, along with the Senator from Hawaii, has worked very hard on these issues for many, many years.

I note and I think it is an important aspect of what I am about to say, that since 1985, the defense budgets have declined by 35 percent in real dollars, with another 10 percent decline by the turn of the century.

There is no possible way that we will be able to meet a Bottom-Up Review, a modified Bottom-Up Review or anything resembling it with those kind of numbers staring us in the face, which is one reason why I was a strong supporter of the $7 billion increase in defense spending, because I believe that we are terribly short and facing block obsolescence in items such as sealift, airlift, amphibious capability, tactical air, depot maintenance, that terribly unsexy word, 4 or 5, 6, 10 years behind. Training funds are miserably short. We had a situation not too long ago where the U.S.S. *Inchon* came back from 7 months off the coast of Somalia, was back home approximately 2 weeks and then went out for another 3 months off the coast of Haiti. Mr. President, there is no way you will keep qualified men and women in the military under those kinds of conditions that the crew of the *Inchon* was subjected to.

So, I believe that there is a clear and compelling requirement for us to increase spending, which increases the depth of my bitterness at how we have spent this additional $7 billion. I can identify, and I will in my statement, $4.1 billion, or over 60 percent of this total $7 billion, wasted on projects which do little or nothing to enhance the readiness of our forces today or to modernize our forces to ensure their future readiness.

We live in a very dangerous world. I strongly disagree with the comments of the Senator from North Dakota about the fact, in his view, we do not need to spend money on ballistic missile defense. I think any casual observer of the passing scene will recognize the incredible threat posed by the proliferation of weapons of mass destruction and the means to deliver them. We are finding out that in Iraq, Saddam Hussein was very, very close to having both delivery capability and the weapons needed to have changed that conflict in a most dramatic and significant fashion.

So, I am not arguing for cuts in defense spending, but I am saying this,

and I am saying it as much and as sincerely as I have said anything on the floor of this Senate: If we do not stop wasting these tax dollars, if we do not stop this pork barreling, if we do not stop spending money on projects and programs that have no relevance to the post-cold-war era, the American people will not support a minimum level of defense spending.

One of the problems, I have to tell you, Mr. President, is we no longer have a conceptual framework for the threats that face our national security interest. The Bottom-Up Review, in its day, was an important step forward. It is no longer relevant because it cannot be built. There is no way that we are going to maintain the Bottom-Up Review. But what we have to do is ascertain what the threats are to our national security, which I have been over many times on this floor, and what we need to meet those.

The administration has failed to do it, and we in the Congress have failed to recognize them. So, therefore, it opens the door wide to not only pork barreling of additional projects, but also funding of major weapons systems, major commitments to multibillions of dollars in the future years that have no relevance to the threat.

I, obviously, speak specifically of the B–2 bomber and the *Seawolf* submarine. I was pleased to hear that the distinguished subcommittee chairman said this additional $493 million for the B–2, which is in this bill, does not commit us to an additional $36 billion. I have been around here long enough, I have been around here long enough to know that once you get your fist in the tar baby, you do not get out. If we start that line up again, we are not going to shut it down until we have expended an additional $36 billion, which we simply do not have.

Mr. President, I want to also point out, I find it interesting that the President has threatened to veto this bill on the grounds that much of the spending is unneeded and much of it may be wasteful and unrequested items. If he should have ever vetoed a bill, he should have vetoed the military construction appropriations bill.

Did the President miss the fact that there was $700 million added on in the military construction bill which was neither requested nor required, items such as hypervelocity ballistic-range facilities, such as fire stations, such as a foundry renovation at Philadelphia Navy Shipyard that is being closed, such as a dining facility at Fort Bliss, a highway overpass at Fort Sam Houston?

Did the President miss all those? If the President was serious, then the President of the United States would have vetoed the MilCon bill in a New York minute.

What we are doing, I will tell you again, and, as I say, I am dead serious and the reason why I risk offending my hard-working colleagues on these appropriations bills is the American people in 1994 said they do not want any more of this pork barreling and wasteful expenditures on defense and they will not support it. Everyplace I go, it is almost a joke. I am not going to go through all of these tonight, because I have gone through them so many times before.

Earmarks: $5 million grant to the Marine and Environmental Research and Training Station in Oregon for ''programs of major importance''; $25 million to the Kaho'olawe Island conveyance, where I am led to understand there is already $50 million sitting idle, not in either bill, not in either bill, it comes out in the conference; $3.4 million for private physicians ''who have used and will use the antibacterial treatment method based upon the excretion of dead, decaying spherical bacteria'' to work with Walter Reed Army Medical Center for a treatment of Desert Storm Syndrome. That may be a valid requirement. Why did we not discuss it? Why did it appear in the final bill?

Authority to provide free medical care at Army medical facilities in Hawaii to citizens of surrounding islands. I visited Hawaii, I understand that there are needs on the islands around Hawaii for medical care. I also know that there are rural places in my State and there are rural places all over America that do not have medical care either. Why do we not provide free medical care for all of them?

Prohibition on downsizing or disestablishing the 53d weather reconnaissance squadron; prohibition on using Edwards Air Force base as the interim airhead for the National Training Center at Fort Irwin. There is a little more to these than meets the eye.

Somebody wants to have a runway extended at Barstow Daggett Airport when the Army has determined that Edwards Air Force Base is the facility that should be used and has plenty of facilities there.

So how do we beat that? We beat it by prohibiting using Edwards Air Force Base for our people to land and then be transported over to Fort Irwin. It goes on and on. Cleanup of the National Presto Industries site in Eau Claire, WI. I have been through before. It was in litigation in the courts. We had no business providing $15 million for that until the courts had settled it. Then there is $7 million for the Center of Excellence for Research in Ocean Science; $6 million for a Pacific Disaster Center; $1.5 million for the Beaumont Army Medical Center computer support; $3.5 million for distributed manufacturing demonstration project; over $200 million in earmarked medical research projects; a natural gas boiler demonstration, $2 million; earmark for Mississippi Resource Development Center.

Here is one of my favorites: $5.4 million in unrequested funding to continue ongoing efforts with an established small business development center to be administered as in previous years, focused on developing agricultural-based services, such as bioremediation. The committee supports targeted research and development projects and agricultural development activities in zones surrounding military installations.

What in the world does that mean? ''The committee supports targeted research and development projects and agricultural development activities in zones surrounding military installations.''

Next is $8 million to be ''competitive awarded to a qualified Washington, DC, region-based institution of higher education with expertise and programs in computational sciences and informatics capable of conducting research and development that will further efforts to establish an effective metacomputing testbed.''

I will not even ask what that means.

''The committee urges the Department to provide not less than $8 million in financial and technical support toward the study of neurofibromatosis. The committee urges the Department to provide not less than $1 million in financial and technical support toward the study of Paget's and related bone diseases.''

Report language calls for $5 million for instrumented factory for gears; $2.7 million for standard monitoring control system; $10 million for FDS-deployable refurbishment and spares procurement.

The list goes on and on and on and on. I saw the Treasury-Postal appropriations bill that we passed yesterday. It was a clean bill, a good bill. It did not have earmarks, it did not have special projects in it, which was a dramatic change from the previous years. It proved to me that we do not have to have this practice in appropriations bills.

Mr. President, we have 50,000 enlisted families in America in our Armed Forces that are eligible for food stamps. I suggest that if we had additional money, maybe we ought to give them a pay raise—the enlisted people. Maybe we ought to do that and take them off of eligibility for food stamps. Maybe we ought to do a lot more in the way of quality of life and make sure that there are enough ships like U.S.S. *Inchon*, so they do not have to spend 7 months at sea and come back and then go out for another 3 months.

Instead, we make sure that the Reserve and National Guard are not only taken care of, but we also earmark funds and a list of specific equipment for them.

The bill also includes $977.4 million for unrequested Guard and Reserve equipment. While the report allocates the funds among generic categories of miscellaneous equipment for the Reserve components, the report also strongly suggests that priority be given to a long list of specific items. The report also specifies that the funds will be used to buy C–130 and C–126 aircraft, long a staple of congressional add-ons for the Guard and Reserve.

Mr. President, I support the Guard and Reserve. I think the Guard and Reserve are vital components in our ability to defend our Nation. But when we do not have the fundamental basics that our active duty forces need, and the prospects of them getting it any time soon are remote, we have to stop the earmarking.

I want to waste a little more time here on both the B–2 and the *Seawolf*. If this were 1989, before the cold war was over, there would be no stronger supporter on the floor of the Senate than this Senator for both of those programs. The B–2 bomber would have really been a vital and important part of the triad, which I was always supportive of. Now the B–2 bomber is being advertised as some kind of long-range attack weapons delivery system which will be stealthy.

I do not argue that, Mr. President. I really do not argue that at all. I would be curious which commander is going to send an over $1 billion per copy aircraft anywhere in a conventional scenario. I have long recommended that we not put ejection seats into that plane because the pilot that ejected would be the subject of investigation for the rest of his or her natural life.

The fact is that this is an incredibly expensive weapon system for which there is no relevance today in the post-cold war era. What we need in the post-cold war era, Mr. President, is the ability to project power over long distances with an ability to remain there for a significant period of time and have enough firepower to affect the battlefield equation. The B–2 can do a little of that. But we do not have enough of the tactical aircraft, the carriers, amphibious ships, the airlift that were really the fundamental components of that capability. So we have opened the door to another $36 billion over the next 20 years to spend on B–2 bombers.

This, interestingly enough, is despite the objection of the Chairman of the Joint Chiefs of Staff, the Secretary of Defense, and even the Chief of Staff of the Air Force. Why does the Chief of Staff of the Air Force, who is a fine and decent man, oppose the B–2 bomber? He opposes it for a broad variety of reasons, and I do not want to put words in his mouth. But one of the reasons is he does not see enough money there in order to fund the F–22, which the Air Force and he believes—and this could be a subject for debate on the floor—are a vital component in our ability to defend the Nation's vital national security interests in the next century. They need a follow-on fighter aircraft. If you siphon off $36 billion in the next 20 years for the B–2 bomber, it is hard for them to see where you will get the money for the F–22.

As far as the *Seawolf* is concerned, Mr. President, it is well known that during the Presidential primary, President Clinton went to Connecticut and said he would support the *Seawolf* submarine. It is clear that this is a jobs program. There is no doubt that there have been tremendous cost overruns. We now have two shipyards that can build nuclear powered submarines. We now have two of them. I can envision no scenario in the future where we have a requirement for two shipyards to build nuclear submarines. But perhaps more important, Mr. President, is that we continue to hear this argument that the former Soviet Union, Russia, today, which cannot meet anywhere near its quota of conscription for the year; estimates are between a quarter and a third of those conscripted show up; they have an incipient revolt in Chechnya on their hands, which has cost them the blood of many hundreds of their young fighting men and women; and their officers, which were moved out, and their families, out of Eastern Europe back into Russia, are living in boxcars.

The state of their military establishment, by all objective observers' estimates, is in a terrible and horrendous condition—not to mention the threat that we have of how we are going to dispose of the nuclear weapons that abound throughout the former Soviet Union.

So, Mr. President, what we are supposed to believe, given the conditions and the threats to Russia's vital national security interest, which they see clearly are as they have been for most of its history in the so-called ''near abroad,'' that they are going to spend an enormous amount of money that they do not have on fast, quiet submarines.

Mr. President, they are not. It does not make any sense. It does not make any sense to believe that the Russians are spending billions of dollars on fast, quiet submarines when they cannot even get their officers out of boxcars into houses, when they cannot make their yearly annual conscription to man their armed forces to any degree whatever, when they are fighting a guerrilla war in Chechnya, when they have problems in practically every part of what the Russians call ''near abroad.''

I do not believe that the Russian defense experts are so naive and so uninformed that they sit around and say, gee, forget all those problems I just articulated, build some fast, quiet submarines.

Mr. President, we are really doing the American taxpayers a great disservice.

I want to say, finally again, I appreciate the hard work that is done by the members of the Appropriations Committee. I know they have difficult issues to wrestle with. I am sure that, in fairness, the chairman of the subcommittee and the ranking member should bring up the legitimate point that the authorizing committee has so far failed to come up with any legislation, so they have had to make many of these decisions. I think that is a very legitimate statement on the part of the appropriators.

I will say, finally, one more time, Mr. President, and the last time, and mark my words, if we keep doing this, if we keep wasting taxpayers' dollars in this fashion, we are going to lose the confidence of the American people and at some point there will be great resistance to adequately fund our defense forces and we may see a threat posed to our national security that we cannot meet because of our failure to articulate to authorize and to appropriate adequate funding to meet the real threats to our vital national security interests.

I reserve the remainder of my time.

Mr. STEVENS. How much time does the Senator desire?

Mr. GRASSLEY. Ten minutes.

Mr. STEVENS. I yield the Senator 10 minutes, but I do want to thank the Senator from Arizona for his contribution. He does not know how often we use his positions in conference in order to achieve savings—which he does not mention.

Some of the items he mentioned, I think, are legitimate complaints. Others I think have legitimate military value. We can discuss that on the floor.

His last comment is the correct one. We did not have the guidance of the Armed Services Committee this time and we just did our best. I think that is because of some of the problems we face here on the floor.

I yield 10 minutes to the Senator.

Mr. GRASSLEY. Mr. President, I would like to speak briefly on the conference report on the Department of Defense [DOD] appropriation bill.

The amount of money provided in this measure is too high.

I argued for a lower figure when we debated the budget resolution.

And I argued for a lower figure when we debated the defense authorization bill.

The cold war is over.

The Soviet military threat is gone.

We are closing military bases. Our force structure is shrinking.

Defense budgets should be coming down—not going up. But we lost that battle.

For unknown reasons, Congress decided on the higher number, and that's that.

Mr. President, I didn't come here to argue about the size of the defense budget.

I come to the floor to thank my friend from Alaska, Senator STEVENS, for his advice and assistance with the DOD unmatched disbursements problem.

Last year, with the help of my friend from Hawaii, Senator INOUYE, we began the process of trying to fix the $30 billion unmatched disbursement problem.

We established thresholds at which DOD must match disbursements with obligations—before making a payment.

This year, Senator STEVENS helped to reenergize and continue that process. He is helping to keep the pressure on.

And DOD Comptroller John Hamre is doing his part. He's helping, too.

In the coming months, both the General Accounting Office [GAO] and DOD Inspector General [IG] will be conducting detailed reviews of DOD's emerging capability to prematch disbursements.

Next year, at this time, I hope we are in a position to lay out a road map for ratcheting down the thresholds.

Next year, I hope we can move the threshold to zero.

Mr. President, as I have said many times, with $30 billion in unmatched disbursements, there are no effective internal controls over a big chunk of the DOD budget.

That means those accounts are vulnerable to theft and abuse.

Mr. President, we must keep the pressure on and keep moving down the road toward the time when all DOD payments are prematched.

I thank Senator STEVENS, Senator INOUYE, and Mr. John Hamre for their help in trying to fix this problem.

Mr. President, I would also like to seek the advice and assistance of the committee's leadership on another issue.

I am concerned about the possible existence of a slush fund at the Central Intelligence Agency [CIA].

Recent press reports suggest that bureaucrats in just one CIA office—the National Reconnaissance Office [NRO]—accumulated a pool of unspent money that totaled between $1 and $2 billion.

Now, I know that the committee has taken certain steps in this bill to recover some of the money.

The bill also includes restrictive language governing the availability of CIA appropriations.

The restrictive language is embodied in section 8070 of the bill.

I commend the committee for taking these important steps.

However, in my mind, the action taken in the bill is a short-term fix.

We need to get at the root cause of the problem.

We need to understand the mechanisms that allowed bureaucrats in the NRO—and possibly other CIA offices—to accumulate huge sums of money.

And we need to develop a long-term solution.

Mr. President, we must not allow the CIA to accumulate huge sums of money in a honey pot that lies outside of the law.

The CIA must handle unspent appropriations in ways that are consistent with the requirements of title 31 of the United States Code, and in particular, the M account reform law.

Senator ROTH and I have sent a letter on this matter to the committee chairman, Senator HATFIELD.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter to Senator HATFIELD, along with an article from the Washington Post on the same issue.

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

U.S. SENATE,
*Washington, DC, October 3, 1995.*

Hon. MARK O. HATFIELD,
*Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.*

DEAR MARK: We are writing to express concern about the possible existence of a slush fund at the Central Intelligence Agency (CIA) and to seek your help in launching an independent review to determine the origins of the money and root cause of the problem.

The source of our concern is a series of reports that appeared recently in the Washington Post and New York Times. These reports suggest that one office within the CIA—the National Reconnaissance Office—has accumulated ''a pool of unspent money'' that totals between $1 billion and $1.7 billion and that some of these funds may have been used for unauthorized purposes.

In the wake of these disturbing revelations, unnamed intelligence officials readily admitted: ''The agency's financial practices were governed by custom, not by written rules. . . . Many of the financial practices were time-honored, but they were not documented. . . . They were just folklore'' [New York Times, September 25, 1995, page 11].

On the surface, based solely on these very sketchy news reports, we have to conclude that the CIA's books need more scrutiny. A potential multi-billion dollar slush fund in just one CIA office plus a possible breakdown of discipline and integrity in accounting equals a recipe for abuse.

We must not allow the CIA to accumulate a ''pot of gold'' that lies outside of the law.

As you may remember, back in the late 1980's, Congress discovered the infamous M account slush fund at the Department of Defense (DOD) and at other agencies as well. The M accounts, which were also known as the ''honey pot,'' were being used by DOD to circumvent the law—primarily the Anti-Deficiency Act (31 USC 1341)—and to fund cost overruns and other unauthorized activities beyond the purview of Congress. DOD, for instance, had stashed at least $50 billion in these accounts.

After holding extensive hearings that examined abusive M account practices as revealed in audit reports prepared by the Inspectors General and General Accounting Office, Congress took decisive steps to close down the entire M account operation.

The M account reform legislation was signed into law by the President on December 5, 1990. It is embodied in Sections 1405 and 1406 of Public Law 101–510. It closed the M accounts, canceled billions in unspent balances in ''merged surplus authority,'' and place strict limits on the availability of ''unspent'' appropriations of the kind described in the above-mentioned press reports. To the best of my knowledge, this law applies to all government agencies, including the CIA.

The M account reform law in combination with all the other laws governing the use of appropriations—as spelled out in Title 31 of the U.S. Code—are supposed to make it very difficult—if not impossible—to create a slush fund within any government institution.

If the CIA is indeed ''hoarding'' money, as White House Chief of Staff Leon Panetta has suggested, and stashing it away for a rainy day, then Congress needs to know about it. We should know about it because we have passed a law that is designed to prevent bureaucrats from accumulating money outside of the law. If the CIA has succeeded in doing that, then we would like to understand exactly how it was done. There may be a loophole in the law that needs to be plugged.

For these reasons, we are seeking your advice and assistance on how to initiate an independent review of the CIA's accounting records pertaining to balances of unobligated and unexpended appropriations.

We need to know if the CIA is complying with the M account reform act. Toward that end, certain questions need to be answered: Were the agency's merged surplus and M accounts closed and balances canceled as required by law? Are expired appropriation account balances being canceled after five years as required by law? Is the agency protecting the integrity of expired appropriations accounts as required by law? Have the agency's no-year accounts been handled according to law? No doubt, there are other important questions, but these are the ones that immediately come to mind.

Between August 1991 and October 1992, the GAO conducted an audit of residual M account monies throughout the government. The results of this audit were published in a report entitled ''Agencies Actions to Eliminate M Accounts and Merged Surplus Authority'' in June 1993, Report Number AFMD–93–7. Unfortunately, the CIA was not among the agencies reviewed. The GAO, we are told, cannot get the access needed to audit CIA accounts. The inability of the GAO to audit the CIA's books leaves a gaping hole in our knowledge regarding government-wide compliance with the M account reform law.

Mark, we would like to feel confident that the monies Congress appropriates for the CIA are being controlled and used in ways that are consistent with the requirements for Title 31 of the U.S. Code, and in particular, the M account reform law.

We have never examined a financial management issue at the CIA and need your advice on how to proceed with such a review.

Your assistance in this matter would be appreciated.

Sincerely,

CHARLES E. GRASSLEY,
*U.S. Senator.*
WILLIAM V. ROTH, JR.,
*U.S. Senator.*

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[From the Washington Post, Nov. 15, 1995]

DEFENSE GIVES ITS ACCOUNTING SYSTEM A '3'

(By Dana Priest)

Despite efforts to turn around what the Pentagon concedes is an error-prone, cross-eyed financial accounting system, top Defense Department officials yesterday said that on a scale of 1 to 10, the ability to track where $260 billion is spent each year rates only a sorry ''3.''

''We are far short'' of being able to produce clean, auditable annual financial statements, Richard F. Keevey, director of the Defense Finance and Accounting Service, told a congressional panel yesterday.

Summoned by a subcommittee of the House Committee on Government Reform and Oversight—called in part to respond to Washington Post articles about the problem in May—the department's top financial officers and investigators from the General Accounting Office and the inspector general's office explained, defended and criticized the way the department manages the money Congress gives it.

Only three members of the subcommittee showed up, and one only briefly, perhaps a testimony to how arcane and complicated the subject can be.

Chairman Rep. Steve Horn (R-Calif.) described the state of Pentagon bookkeeping as something not even up to the standards of ''every Mom and Pop store in America.''

''What you're telling us today is a disgrace to the American fighting men and women,'' said ranking minority member Carolyn B. Maloney (D-N.Y.), her voice rising in frustration before she bolted out the door for a quick floor vote. ''I'm sorry, I'm a little upset.''

What was upsetting to Maloney and Horn was good news to the Pentagon officials who

point out that their accounting problems are decades-old and are only now getting better. For instance:

The accumulated amount of payments that cannot be traced with certainty to particular purchases has fallen from $50 billion in June 1993 to $20.5 billion in September.

The department now refuses to pay any bill larger than $1 million without the proper bookkeeping. The threshold used to be $5 million, although the higher figure still applies to its major, trouble-plagued Columbus, Ohio, check writing center because contractors there complained that a new standard would dramatically slow payments.

On the other hand, department Inspector General Eleanor Hill testified the financial data ''for the vast majority of [Defense Department] funds remain essentially not in condition to audit,'' according to Hill's written statement.

''The same types of system problems and internal control weaknesses that hamper preparation of annual financial statements,'' she said, ''also impair the efficiency of day-to-day operations.''

So concerned is the IG's office about the problems that it is deploying 700 auditors to snoop around the finance and auditing areas at the department. Still, it does not expect a significant turnaround until the year 2000, she said.

Mr. GRASSLEY. We are asking for advice on how to initiate an independent review of the CIA's accounting records pertaining to balances of unobligated and unexpended appropriations.

Mr. President, I would like some assurances from the chairman and ranking minority member that they will work with us in developing an acceptable approach to our request.

Our purpose is simple.

We want an independent review of the CIA's unspent balances.

Are they being maintained and controlled according to law?

But how do we do that?

We need the committee's advice and assistance.

We have been told, in news reports, that CIA Director John Deutch is launching his own investigation to review the NRO's ''deliberately obscure fiscal practices.''

That is fine and dandy.

But that's not an independent review.

I hope the committee will work with us to find a way to conduct an independent review of the CIA's unspent balances.

The taxpayers of this country have a right to know that their money is being spent according to law.

Mr. President, I would also like to ask the committee's leadership these three questions:

First, could the committee conduct an examination of the CIA's appropriations accounts to determine whether they are maintained and controlled as required by law?

Second, could the committee do the job if assisted by knowledgeable personnel from the DOD IG's office and the GAO?

Third, could the DOD IG do the job?

I just hope my two colleagues help us get to the bottom of sense things. I know you have the same concerns I do. But I would like to move forward with this, to make sure we are not—my point is, we are not relying just upon internal CIA investigations to make sure this does not happen. We ought to have some sort of independent, outside group, make sure that the job is being done and done correctly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I welcome the attention of the Senator from Iowa to what we call the classified annex that discusses some of the problems that are raised with regard to the CIA carryforward funds. Others have referred to them as slush funds. I found no slush funds. I have found carryforward funds that represent program changes, programmatic decisions not to spend money but carry the money into the future, and downsizing that led to savings that were from money that was not limited in terms of years.

We have dealt with that. It is not proper, in my opinion, for us to discuss that here. I direct the consideration of the Senator from Iowa to discussing it with the Intelligence Committee. We take our lead from the Intelligence Committee and Armed Services Committee, but this year we did take an extraordinary initiative in dealing with these funds to make sure they would not be carried forward. It is discussed in our classified annex. I invite my colleague's attention to that.

I do not want to delay, if the Senator from South Carolina wishes some time. I am saddened to hear my friend discuss the needs of the Department of Defense, however, in the terms he has. I wish he would see these needs through my eyes. I get tired of seeing pilots fly C–130 E's that were made in 1964. I get tired of flying in VC–137's that were made in 1938. I get tired of going out and watching the people on the flightline go to fly and train in F–14's that were made in the 1970's, the early 1970's.

The 5-ton trucks we have in our Army were made in the 1960's, and we have not replaced them since. The M–1 tanks were made in the 1970's.

You find me any other part of our economy that is asked to train and live in things that are 30 years old. I remember, when I was a young man, how much General Patton criticized the Army because they were training in the 1940's in things that were made in the early 1930's. Our people pray that they train in things that were made in the early 1990's.

Again, I say to my friend, criticize the amount of this money if you wish, but if you do wish to criticize them, then take action to reduce the commitments of our people abroad. I read earlier today the number of our people who are permanently living abroad now. Almost 250,000 Americans plus their dependents live abroad permanently as members of the armed services. There is just no reason for those people to live and be in harm's way. Many of them are daily in harm's way, in equipment that is old. We are trying to upgrade our procurement. That is the basic decision we have made. We are trying to upgrade our research and development. That is another basic decision we made.

Senator INOUYE and I face a severe amount of criticism concerning the amount of money in this bill. We are now in a 7-year, level-funded concept for the Department of Defense. We reached out and brought some of that, from the late 1990's, into this bill because we can save money. We are doing our best to stretch this money out so it will not make additional demands on the American taxpayers.

At the same time, I ask, how many of us are driving home in 1964 cars? If the American public wants us to have a status as a world power, and we are the only world power left; if we want someone in the world to have the capabilities we have; then we must fund our people so they can carry out their responsibilities and live in doing it. We are losing too many people, now, because they are flying and driving in and on vessels that are too old. We are doing our very best to do it, and I do not like to hear Members of the Senate complain about the amount of money we are spending given the commitments.

If you do not like the commitments, then use your power to stop the deployment of our forces abroad. Consider again deployment of forces to Bosnia. Consider whether we need to still have people in Haiti.

Did you know they were supposed to be out by March? They are still there.

Mr. GRASSLEY. They will be there until after the election, because things are going to blowup if they get out, and it will make the President look bad.

Mr. STEVENS. But you have to finance them. If they are not going to get them back and you have to keep them there, keep them there safe. They are still in Rwanda. Around Iraq, we have a no-fly zone. There are young pilots flying over that country every day to prevent them from launching once again and becoming the second largest Air Force in the world.

I tell you, my friend, I understand the Senator from Iowa with regard to the financial management. Incidentally, those problems came about because we brought all the records into Washington. It used to be if you wanted to audit these things, you could go to Denver, go to San Francisco, go to Panama, go somewhere in the world and find those records.

Five years ago we just consolidated them in Washington. That is still going on. It is true that there are a lot of those disbursements and the record of what was gotten for the disbursements have not been matched up. That is a delay in the computerization program in terms of verifying expenditures once they have been authorized. I agree 100 percent.

We have done more in this bill, I think, than the Senator has ever had done before to meet his objectives, and we agree we ought to have—and by the end of next fiscal year, 1997, I hope we will have—the zero amount there.

We should be able to balance our checkbook. I do not know about the Senator from Iowa, but I still have trouble balancing my checkbook and figuring out what I wrote the check for. I know where I wrote the check that I got something for, but sometimes I do not write down what I write it for. That is what happened at the Department of Defense. No one has brought before us positive fraud or thievery. It is a question of lining up the records of actual acquisitions with regards to authorization for expenditure. We are doing our best to do that.

The other committee which I chair, the Governmental Affairs Committee, will be happy to work with the Senator from Iowa on that matter. I thank him for his consideration. The only thing I wish we would do is look again at the amount of money we need to put up for the armed services, for the people who are doing the job for us to be in harm's way as a superpower. If we do not want to do that, then let us cut the budget. If you want us to do the job we are doing, then you have to fund what these people need, and you have to give them the assistance that will help keep them alive.

Mr. GRASSLEY. Could I please have 2 minutes?

Mr. STEVENS. Yes.

Mr. GRASSLEY. Mr. President, first of all, in Iowa for the benefit of the Senator, I drive a 1961 Oldsmobile 98. So some of us do drive around in old cars.

Mr. STEVENS. Mine is a 1965 Ford.

Mr. GRASSLEY. The second thing is you complimented me for what I was doing on accounting. But you castigated me for what I was saying about the level of expenditures, it seemed to me. My point is they are very, very tied together. It seems to me that before we put more money into the pot, we ought to be able to prove what we are buying, and have a system of accounting that makes sure that every dollar that we put into defense gets us a dollar's worth of defense.

The second thing, and more appropriate to what the Senator from Alaska was saying about the level of expenditure—I think I said this on the floor in the debate originally—but I was told by leaders on military issues in the House of Representatives when we were on the budget—and I am the second senior person on the Budget Committee; so I was involved in those discussions—confidentially they said to me, ''CHUCK, you know we have to have about $6 or $7 billion more than what the President wants because we have to take care of our Members. We have to take care of our Members.''

Mr. STEVENS. Who said that?

Mr. GRASSLEY. I am not going tell the Senator who said that.

Mr. STEVENS. It was not this Senator.

Mr. GRASSLEY. I am talking about leaders in the other body. ''We need $6 or $7 billion to take care of our Members,'' meaning projects that Members had that they wanted in the Defense budget.

That is just exactly the amount of money that we are above the President's figures. So I figure we have about $6 or $7 billion in here just to take care of a bunch of pork barrelers.

That is what I am complaining about.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. STEVENS. The Senator from South Carolina, if you do not mind, asked us to yield him time. I will do so. Then we would be happy to take care of the Senator from Ohio.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from South Carolina.

How long does the Senator yield?

Mr. STEVENS. Such time as he uses.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I want to join my colleagues in complimenting Senator STEVENS, the chairman of the Subcommittee on Defense Appropriations and Senator INOUYE, the ranking member of the subcommittee for bringing this conference report to the floor. This has been a difficult conference for them and I congratulate them on their diligence and perseverance in arriving at this conference report.

Mr. President, as I have indicated many times, these conference reports represent compromises made by both the House and Senate. They will never please everyone. There are items in this report that I believe could be better, but on the whole it provides the critical funds to ensure the continued readiness of our forces both in the near term and in the out years.

Mr. President, we may soon have to vote on commiting our forces to maintain the peace agreement in Bosnia. Although I may object to sending the forces, I am confident that they will have the means and training to carry out the mission. I am confident of that fact because over the past years the Congress has provided the funds to ensure their capabilities. The conference report that we are considering today provides the funds to ensure our armed services can continue to fulfill their mission and the tasks that are placed on them by our Nation.

Mr. President, I want to thank my good friends, Senator STEVENS and Senator INOUYE for their dedication to and support of our Armed Forces. They have brought a sound conference report to the Senate and I urge the Senate to support them and this conference report.

In closing, I want to say this: There is nothing more important to this Nation than to keep a strong defense. It means our very survival. We could do without a lot of things, many things. But we cannot neglect our defense, if we want to maintain this great Nation. Our Constitution provides this country with the greatest freedom of any nation in the world. It provides us with more justice, more opportunity, and more hope than any people have ever been provided in the history of the world. And we want to keep this. But, to keep this, we have to keep a strong defense.

Again, I compliment Senator STEVENS and Senator INOUYE for this fine report.

Mr. President, I yield the floor.

Mr. STEVENS. I reserve the remainder of our time and Senator MCCAIN's time under my control.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. INOUYE. I am pleased to yield 2 minutes.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I wanted to comment on Senator GRASSLEY's concern. His concern is very well taken about the fact that we have an inadequate accounting system over at the Defense Department. But let me carry it beyond defense also.

We also have an inadequate accounting system across all of our Government. Governmental Affairs worked on this going back about 7 or 8 years in the late 1980's, and for the first time—it is unbelievable that up until 1990 there was no requirement in the Federal Government to do a bottom-line audit at the end of the year. Some departments did it. Some agencies did it. Some did not. The Defense Department was one that basically did not. We put through a Chief Financial Officer Act; arcane, people did not even show up at hearings because it was such a boring subject. But once we passed that act, as Charles Bowsher, head of the GAO, said, it was probably the ''best financial management act that we passed around here in the last 40 years,'' to quote his words.

Over in Department of Defense, they are trying to get that under control. But back in the years before that we would not even give them the money to do the upgrades on computers, and so on, to manage their equipment, manage their accounts.

I have been out to the DFAS Center, the Defense Finance and Accounting Service, and have gone through what they go through on trying to decide whether to pay a bill or not. Do you know what they are doing? They go from an office, and they go down the hall to a warehouse. They go down a long line of hundreds of thousands of manila envelopes, folders on metal racks, bring those files back, and lay them out on the table to decide. Yes, we will pay this, or not that, or something else. That is the way much of this work has been done.

They are making great strides. They have even contracted some of this out.

I have been out there. I think we are making great strides and John Hamre deserves a lot of credit for taking this on.

Have we solved the problems yet in the time period to 1990? No, we have not. So we do not have the problem solved yet. But we are making progress. Meanwhile, I can quote horror story after horror story about how contractors have sent back in $700 million they said we had not sent bills in for, and things like that.

I wanted to add my support for Senator GRASSLEY's concern. I share his concern. I just want everyone to know that we are making progress in this area. I do not think we will have it by the end of next year, as Senator STEVENS said. It is still a big job over there to get done. We are making a lot of progress in this area. We never required that until 1990.

Mr. STEVENS. I said the end of fiscal 1997.

Mr. GLENN. I misunderstood. I am sorry.

Mrs. MURRAY. Mr. President, I rise today in opposition to the conference report on the Department of Defense appropriations bill, and I would like to take this opportunity to outline several of my concerns.

In the coming year, American families across this country will begin to feel the very real effects of the budget cuts this Congress has made in most of the fiscal year 1996 appropriations bills. Programs across the spectrum are being deeply cut or eliminated in an attempt to eliminate this country's spiraling national debt.

Unfortunately, while the Republican spending bills make deep cuts in programs for children, the poor, veterans, and the elderly, defense spending has been insulated from cuts and, in fact, increased dramatically. The bill before us increases defense spending by $7 billion above the President's request, at a time when we are cutting $270 billion from Medicare, $170 billion from Medicaid, $114 billion from welfare, $36 billion from nutrition programs, and $5 billion from student loans.

Mr. President, I have a deep and strong respect for our Nation's military, which is second to none in the world. Our Armed Forces deserve the gratitude of this Nation for the protection and security they provide to the American people. Congress has an obligation to ensure that our military personnel are adequately compensated for their work, and that they have the best tools possible to work with as they undertake their many and difficult missions.

But in this era of shared sacrifice where no one is spared the budget ax—not children, seniors, nor veterans—I cannot support a bill that goes so far beyond the Pentagon's request for defense spending and fails to cancel even a single major weapons program. This bill is a bad deal for the taxpayer and a bad deal for our military, who will have to live with unrequested and unneeded weapons systems provided for them from a Congress that refuses to take no for an answer.

During the cold war, Americans made sacrifices here at home so that our national resources could be used to defeat communism around the globe. The Berlin Wall fell in 1989, and with it, the Warsaw Pack. The Soviet Union officially dissolved in 1991. We fought the war, and we won.

In the aftermath of the cold war, I believe American families deserve to live in a safer and more stable world. They deserve to know that more of their tax dollars are going to educate their children and police their streets.

Time and again when this body has debated domestic spending bills my Republican colleagues have urged us to have the courage to cut funding for this program or that program—saying they have outlived their usefulness.

So why, Mr. President, does the bill we are voting on today continue funding for several cold war-era programs that have clearly outlived their usefulness? And where, Mr. President, are the calls for courage to terminate programs we cannot afford?

For example, the conference report provides $700 million as a downpayment on a third *Seawolf* nuclear-powered attack submarine. Nearly everyone acknowledges that this third *Seawolf* is not necessary to meet force structure requirements. This program, as my colleagues know, was designed to combat the ''great Soviet Navy''—a Navy that is now in port and in serious need of repair.

Supporters of this program claim that construction of this third *Seawolf* is needed to preserve the submarine industrial base. But Mr. President, overall the *Seawolf* program has cost the taxpayers of this Nation $12.9 billion. In this budget climate, it is inexcusable to continue funding the *Seawolf*, especially given the lack of mission for this submarine.

Likewise, it is simply unforgivable that the bill before us resurrects funding for the B–2 bomber program, providing $493 million to keep that program alive. This, despite the fact that several years ago Congress agreed to terminate this program after 20 planes had been built, because Congress recognized that in the aftermath of the cold war, this aircraft lacks a realistic mission.

Nonetheless, it appears that Congress is on a path to fund yet another 20 planes which, according to the Pentagon, will cost $31.5 billion in the coming years. The Pentagon does not want this program, and clearly cannot afford it.

The Pentagon does not want to take on the immense financial obligations of further B–2 procurement—knowing that this unneeded system will take precious and scarce dollars away from other priorities.

Let's keep these issues in perspective. The unmasked for and unneeded funding this bill provides for the B–2 bomber—the $493 million—is more than enough money to pay the tuition, room and board, and book costs of all the undergraduates at the University of Washington for their entire 4 years. That's 20,500 students.

And as I've noted, the money provided this year is just a downpayment on the $31.5 billion that will ultimately be needed to build 20 more planes. For that amount, 1.3 million Washington State residents could get a 4-year education at the University of Washington.

Ironically, the conference report we are considering today fails to fund one program that I believe is a real cost saver for the Pentagon and the taxpayer, and provides an effective response to our Nation's airlift problems. The Non-Developmental Airlift Aircraft Program [NDAA], designated as a pilot program under the Federal Acquisition and Streamlining Act of 1994, is an ideal model that demonstrates how commercial products can support military missions. I am disappointed that the conference committee failed to provide funding for NDAA, which stands to improve our current airlift shortfall and provide several billion dollars in budgetary cost savings.

So, Mr. President, as we ask teachers and students to accept dramatic cuts in education spending, worker training programs, and student loan programs, so too must we find ways to trim our defense budget.

And as we ask preschoolers and their parents to accept deep cuts in Head Start funding, we must find ways to trim our defense budget.

And as we ask rural Americans to accept cuts in mandatory agriculture spending, we must find ways to trim our defense spending.

And as we ask children and the elderly to shoulder billions in Medicare and Medicaid cuts, we must find ways to trim our defense budget. In America today, one in four children, and one in three infants, are covered by Medicaid.

And as we ask our Nation's scientific community to accept millions in cuts for basic research, we must find ways to cut our defense spending.

In the coming years, the Republican budget blueprint increases the veterans' contribution for GI bill education benefits, and freezes funding for the VA's medical system at the 1995 level for the next 7 years, cutting access to health care for veterans around the Nation. Under the Republican proposal, the VA will be forced to close the equivalent of 35 of its 170 hospitals and deny care to over 1 million of our Nation's vets.

Proponents of this bill point to recent declines in defense spending with alarm. While spending for our military is down from the mid-1980's level, we must keep this trend in perspective. The United States today has the largest military budget and the most powerful military force in the world.

The combined military budgets of Russia, Iraq, China, North Korea,

Libya, Iran, Syria, and Cuba total $95 billion annually. That is one-third the level of U.S. defense spending. Each year, the United States spends more than the next nine of the world's biggest military spenders combined.

In fact, this country spends so much for defense, even the Pentagon can't keep track of it all. According to the GAO and the Pentagon's inspector general, as well as the Pentagon's Controller John Hamre, billions of defense dollars are lost year after year due to poor recordkeeping and lax accounting practices at the Department of Defense.

At the very least, Congress should hold defense spending to the President's level until the Pentagon can fix their payment procedures and bring some accountability to the system. We owe that much to the Nation's taxpayers.

But most of all, in order to project strength abroad, we must gain strength here at home. Our national security, in my view, will not be strengthened by yet more guns and missiles. We need to restore global economic leadership. We must invest in our children and their future—in their education and their health. We must rebuild our cities and our infrastructure, and invest in technology and scientific research.

We must ensure that the economy our children inherit in the next century is sound and growing.

So, in closing, Mr. President, it is with regret and disappointment that I must vote ''no'' on this bill.

Mr. DOLE. Mr. President I am pleased that we are able to consider the Defense appropriations bill conference report today. I commend Chairman STEVENS and Senator INOUYE for their work in hammering out the necessary compromise allowing us to bring this bill to the floor. The Defense appropriations bill, which funds the greatest share of the Nation's defense spending, is one of the most important bills we pass each year.

This year the Republican-led Congress is keeping our promise to the American people to restore our national security. We have turned the corner on defense spending. As a result of the Republican leadership and the hard work of the chairman, Senator STEVENS, we no longer head down the path to a hollow military. Most of the funds Congress added will restore funding for the procurement and research & developments accounts—accounts neglected by the current administration. Without this funding, the armed services face a nearly insurmountable modernization bow wave in the very near future.

The President and administration officials have spoken at length about maintaining readiness, but they've failed to consider the impact of the insufficient funding on the readiness of our forces in the future. This administration has maintained short term readiness at the expense of our future forces. And no one should forget that the President's force plan required significant force enhancements. But those enhancements have not been fielded. The bottom line is that under the Clinton administration, our forces have become smaller, but not more capable.

With this bill the Republican-led Congress sends a very clear message. We have fulfilled our responsibility to provide our forces with the most modern equipment available, ensuring their overwhelming superiority on the battlefield. We have taken steps to ensure that our forces, though smaller, maintain the ability to project power around the world—quickly and decisively. This Congress has taken the lead in protecting both our deployed forces and our home land against ballistic missile attack.

The President and many on the other side of the aisle oppose this bill. But the choice is clear. If you vote for this bill, you vote to restore our national defense. If you vote against it, you vote to continue down the path to a hollow force.

In closing, I again commend the chairman and ranking member for their work on this critical legislation and I urge my colleagues to support it.

Mr. LEAHY. Mr. President, providing funds for our national defense is one of the most important functions we in Congress are entrusted with. I take with particular seriousness my duties on the Appropriations Subcommittee on Defense, since we provide taxpayer dollars for weapons, people, and training.

I have the deepest respect for our subcommittee chairman, Senator STEVENS, and for our ranking member, Senator INOUYE. For many years, whether the Congress is controlled by Republicans or Democrats, the heads of this subcommittee have provided reasoned, nonpartisan leadership on defense issues.

This bill will spend $6.9 billion more than the President's request at a time when virtually every other discretionary spending account is being cut. I would support this expenditure if there were an imminent threat to the Nation, of if there were some glaring deficiency in our defenses. Neither of those conditions have been met, in my judgment. While we are cutting Medicare, school loans, and veterans benefits, this bill spends $493 million for more B–2 bombers that the President didn't request and that the Chairman of the Joint Chiefs of Staff and the Air Force Chief of Staff say they do not want. Twenty more B–2's will cost us $31 billion, and there are no funds in our 5-year defense plan for these planes. This program is questionable from a defense perspective, and especially irresponsible in the larger context of our pursuit of a balanced budget.

I was also disappointed that the House conferees were successful in including restrictions on a woman's right to choose an abortion at Department of Defense medical facilities. This provision has no place on an appropriations bill and I am saddened that the Senate has accepted this provision in conference.

There are other aspects of this bill that I disagree with, but the increased funding, additional B–2 bomber procurement, and antiabortion language caused me to respectfully disagree with my chairman and ranking member, and to vote against this conference report.

Mr. BRADLEY. October 1, Mr. President. Every year, we have until October 1 to pass the 13 necessary spending bills that keep our Government running. This year, when it became clear that Congress would not be able to complete floor action on these bills by this deadline, we passed a continuing resolution to keep the Government running until November 13. Still, the additional 6 weeks proved insufficient for Congress to complete action on these bills.

Our Government is now shut down because Republicans in the House and Republicans in the Senate cannot agree with each other on what should and should not be included in these bills. In large part, the appropriations bills presented before us have been seriously flawed, so much so that Republicans themselves cannot agree on them. As Republican House and Senate conferees continue to bicker in back rooms, several hundred thousand Federal employees are home, waiting for a paycheck that is not coming. The so-called faceless, nameless bureaucrat waits, wondering how he or she will put food on the table, make the next mortgage payment, or prepare for the coming holiday season. Thousands of citizens wait to obtain a passport, a visa, file for Social Security, and so on. Congress has once again failed the American people.

It is time to put this budget impasse behind us. We will only be able to do so if the majority party presents us with fair and responsible spending bills to send to the President's desk.

This brings me to the legislation we now face, the Department of Defense appropriations report. As the Republicans claim to want a balanced budget, they now put before us a defense spending bill bloated beyond one's wildest imagination. Let me remind my colleagues on the opposite side of the aisle that the cold war is over. Let me repeat that. The cold war is over.

We must put an end to outdated notions—outdated notions of America's defense needs and outdated notions of the threats to U.S. security. The Defense appropriations bill reported out of the conference committee is designed for the cold war era—an era that has ended. This budget embodies outdated notions and adopts an outdated approach to our national security. I therefore urge that the conference report be rejected.

Rather than focusing on threats that no longer exist, we must begin focusing on the realities of the present day and the fundamental transformations that are shaping the world and our country.

Chief among those transformations are the end of the cold war and our runaway debt. These transformations have enormous political, strategic, and economic implications. They are changing the way we must view the world and the role of the United States in that world.

The end of the cold war, for example, has brought a period of transition. We are no longer faced with a Soviet threat. Rather, we are confronted with a period of transition—a work in progress—as Russia and other countries move to define themselves and their relationships with the United States and the rest of the world. This transition period has brought with it different and very real threats for which we must be prepared. Ethnic conflicts and renegade nuclear proliferation, among others, are threats that must be recognized, met, and defeated.

Economically, these transformations have changed the way that we produce things, the services that are offered and the way that we must compete in global markets to be successful. Jobs have been lost and our enormous debt places very real limits on our spending choices. This has very real implications for U.S. security interests, which obviously depend not only on military power, but on economic power as well. It is crucial that our military power be supported by a strong and vital economy and work force. This in turn requires fiscal responsibility, not the current runaway deficit spending. It also requires difficult choices. In short, we simply cannot afford to waste millions of dollars on outdated programs that will not serve our national security or our economic interests.

But that is precisely what this defense budget does. Rather than directing scarce resources where they are needed, this budget funds exorbitantly expensive and unnecessary programs.

As you will remember, I spoke against the Defense appropriations bill when it was considered by this body in August. Since then, that bill has gone to committee to be reconciled with the House version. What has resulted is even worse than could have been expected. No program was eliminated. Rather, when there were competing budget items in the House and Senate bills, the committee accepted the extravagances of both, never mind that they were redundant or not even necessary in the first place.

Take, for example, the funding of two types of marine amphibious assault ships—the LHD–7 amphibious assault ship included in the Senate bill—a ship that the administration did not even request. In the House bill, funding was provided for the similar PD–17 amphibious assault ship. Rather than choose one or the other, this budget funds both at a cost of almost $2.3 billion. This is fiscal irresponsibility and it is not in our national security interests.

This budget also provides for increases for the B–2 bomber program—an increase that the Pentagon doesn't even want. Indeed, the Pentagon-sponsored May 1995 study opposed any further purchases for this system. But throwing such recommendations to the wind, this budget increases funding by $493 million.

Not only does this budget fund B–2 increases, it provides over $2.2 billion for the competing F–22—a program that the House appropriations subcommittee zeroed out as long ago as 1989 for its highly unrealistic assumptions about funding levels and possibly unrealizable technical goals. Now, the F–22 is 1,300 pounds overweight, its stealth signature is larger than expected and there are questions about its software. But this budget continues to fund it although both the CBO and GAO found that the lower cost F/A–18E/F could do the job.

This budget also provides $700 million for a third *Seawolf* submarine that we simply do not need and that is far too costly. Although the Bush administration proposed halting this program in 1992, we have already funded a second one, and this budget would add a clearly unnecessary third.

This budget provides $757.6 million for the continued development of the V–22 Osprey, a program that the Bush administration tried to kill 4 years ago and whose mission can be performed more cheaply and reliably with the procurement of CH–53E helicopters.

This budget provides $299 million for the Comanche. Not only is the Comanche unproven and experiencing developmental problems, its air combat missions can be performed at a much lower cost by the Apache. Even the Defense Department had proposed limiting this program to the production of two prototypes. But this budget not only continues to fund those prototypes, it increases funding by $100 million over the administration's request for full-scale production.

With all these increases, it is not surprising that this budget exceeds the administration's request by nearly $7 billion. But this increase in funding does not represent an increase in our national security. Rather such fiscal irresponsibility will do more to harm our national security than to improve it.

Too much of this $243 billion Defense budget represents nothing more than a jobs program. It funds defense contractors for weapons that we simply do not need and increases funding for programs like the B–2 against the Pentagon's own recommendations. It is true that the end of the cold war era has required a substantial drop in jobs in the defense sector. Defense jobs will decline from 7.2 million to 4.2 million by 1996. This job loss in the defense industry clearly must be addressed. However, the answer is not found in funding jobs through unnecessary weapons programs.

This is a budget for a time now gone, not a budget for today, let alone tomorrow. I urge my colleagues to join me in rejecting it.

I yield the floor.

Mr. DOMENICI. Mr. President, I rise in strong support of the conference report accompanying H.R. 2126, the 1996 Department of Defense appropriations bill.

I commend the distinguished chairman and ranking member, and all the conferees, for bringing the Senate a bill that meets the most critical needs of the U.S. military for the defense of our Nation.

The conferees have achieved this significant accomplishment even though the Defense Subcommittee contributed additional defense spending authority to both the Energy and Water Development Appropriations Subcommittee, which I chair, and the Military Construction Subcommittee. These subcommittees also fund vital programs related to our national defense.

Mr. President, the conference agreement on defense appropriations provides a total of $243.3 billion in budget authority and $163.2 billion in new outlays for the programs of the Department of Defense in fiscal year 1996.

When outlays from prior-year budget authority and other completed actions are taken into account, the conference agreement provides a total of $243.3 billion in budget authority and $242.9 billion in outlays for fiscal year 1996.

The Senate bill is within the subcommittee's revised section 602(b) allocation for both budget authority and outlays.

Mr. President, I ask unanimous consent that a table showing the relationship of the pending bill to the subcommittee's 602(b) allocation pursuant to the 1996 budget resolution be printed in the RECORD.

I thank the conferees for their consideration of several important items that I brought to their attention.

I urge my colleagues to adopt this bill.

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

DEFENSE SUBCOMMITTEE SPENDING TOTALS—CONFERENCE REPORT

[Fiscal year 1996, in millions of dollars]

| | Budget authority | Outlays |
|---|---|---|
| Defense discretionary: | | |
| Outlays from prior-year BA and other actions completed | −50 | 79,678 |
| H.R. 2126, conference report | 243,087 | 163,009 |
| Scorekeeping adjustment | ..... | ..... |
| Subtotal defense discretionary | 243,037 | 242,688 |
| Nondefense discretionary: | | |
| Outlays from prior-year BA and other actions completed | ..... | 40 |
| H.R. 2126, conference report | ..... | ..... |
| Scorekeeping adjustment | ..... | ..... |
| Subtotal nondefense discretionary | ..... | 40 |
| Mandatory: | | |
| Outlays from prior-year BA and other actions completed | ..... | ..... |
| H.R. 2126, conference report | 214 | 214 |
| Adjustment to conform mandatory programs with Budget Resolution assumptions | 0 | 0 |
| Subtotal mandatory | 214 | 214 |
| Adjusted bill total | 243,251 | 242,941 |
| Senate Subcommittee 602(b) allocation: | | |
| Defense discretionary | 243,042 | 243,472 |

DEFENSE SUBCOMMITTEE SPENDING TOTALS—CONFERENCE REPORT—Continued

[Fiscal year 1996, in millions of dollars]

| | Budget authority | Outlays |
|---|---|---|
| Nondefense discretionary | ..... | 40 |
| Violent crime reduction trust fund | ..... | ..... |
| Mandatory | 214 | 214 |
| Total allocation | 243,256 | 243,726 |
| Adjusted bill total compared to Senate Subcommittee 602(b) allocation: | | |
| Defense discretionary | −5 | −784 |
| Nondefense discretionary | ..... | −0 |
| Violent crime reduction trust fund | ..... | ..... |
| Mandatory | ..... | ..... |
| Total allocation | −5 | −785 |

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

RESEARCH EFFORTS AT HISPANIC-SERVING INSTITUTIONS

Mr. DOMENICI. I wonder if I might engage the distinguished chairman in a brief colloquy.

Mr. STEVENS. Certainly. I am always happy to hear from the senior Senator from New Mexico.

Mr. DOMENICI. I thank the chairman. Mr. President, let me begin by acknowledging again the efforts of the chairman and the committee for their diligent and steadfast efforts to produce a fiscal year 1996 Defense appropriations bill.

Furthermore, I would like to acknowledge the committee's support for the historically black college and university and minority institutions [HBCU/MI] account, particularly language within the account that encourages the Department to continue its support for minority institutions, including Hispanic-serving institutions [HSI's], through academic collaborations for research and education related to science and technology. This language carries a considerable amount of importance for the education and research community in my home State of New Mexico.

Three Hispanic-serving institutions in my State; the University of New Mexico, New Mexico State University, and New Mexico Highlands University have teamed up with the University of Puerto Rico, the largest minority institution in the country, to develop an academic program that will foster the growth of Hispanic students in science and technology. This collaboration was created out of the need to strengthen the competitiveness and capabilities of Hispanic students in these fields. Such a collaborative effort will effectively contribute to the development of a critical mass of talent and substantially enhanced research opportunities for DOD that are uniquely available at these institutions. As we look to advance the Department's research capabilities, programs such as the ones established between these fine institutions of higher learning should be encouraged.

Mr. STEVENS. I would note that my colleague makes a strong case in support of this initiative. I, too, understand the importance HBCU/MI programs play in the research efforts and capabilities of the Department.

Mr. DOMENICI. I thank the chairman for his support of the HBCU/MI account and I urge the committee's continued support for future research activities at these institutions related to our national security interests.

BALLISTIC MISSILE DEFENSE ORGANIZATION TECHNOLOGY DEVELOPMENT

Mr. DOMENICI. Mr. Chairman, I would like to discuss an item that concerns the Phillips Laboratory.

Mr. STEVENS. I welcome such a discussion with the senior Senator from New Mexico.

Mr. DOMENICI. I am concerned that language in the report accompanying the Senate-passed Defense appropriation bill, specifically Report 104–124, contains language regarding ballistic missile defense that is subject to misinterpretation. The language states the following:

> In order to optimize follow-on technology development, the Committee directs BMDO to designate the Army Space and Strategic Defense Command (SSDC) as a center of excellence for technology development. The Committee believes that commonality in requirements offers the potential for cost savings through centralized screening and common, technology development, with SSDC functioning as the executive agent to BMDO, to help assure that duplication is avoided, and efficiencies are maximized.

Mr. STEVENS. We certainly would not want this language to be misinterpreted. Would you elaborate on your concerns?

Mr. DOMENICI. One of the goals of this language is to avoid duplication, save funds, and maximize efficiency. These goals are supported by everyone. However, certain aspects of the language, as written, could be misconstrued to mean that Phillips Laboratory missile defense programs and the associated technologies could be transferred to SSDC.

Mr. STEVENS. It was not the intention to transfer any programs. I am told that SSDC works primarily on ground-based systems, while the Phillips Laboratory works primarily on space-base systems. Furthermore, there are a number of order DOD commands and laboratories which can serve BMDO's technology needs in these and other areas.

Mr. DOMENICI. Yes, I agree with the chairman of the Defense Subcommittee. I sought clarification to make clear that the intent is not to move programs. Thus, the proposed space-based laser, the airborne laser, and the supporting space-related technologies should remain at Phillips Laboratory. The laboratory has made great progress in these areas.

Mr. STEVENS. It was never our intention to do otherwise.

Mr. DOMENICI. I thank the Senator and would just like to clarify one additional point. It is clearly not the intent of this language to give any authority to SSDC or BMDO with regard to any Air Force-funded programs at the Phillips Laboratory. It is only intended to have effect on the SSDC and BMDO Programs. Is that the understanding of the distinguished chairman?

Mr. STEVENS. Yes, that is my understanding of the language's intent.

Mr. DOMENICI. I thank the distinguished chairman for the opportunity to be heard on this issue.

Mr. LEVIN. Mr. President, I had hoped we could avoid a train wreck as we try to wrap up our budget and appropriations work. Now I hope we can work together in a bipartisan way to solve these problems, for that is surely what the public wants. And the public wants us to function with common sense in an intelligent way to keep the Government going as we make these decisions.

But the public also knows it does not make sense to be adding $7 billion to the defense budget so we can build more B–2 bombers, F–15 and F–16 fighters, and other equipment that the Pentagon doesn't want, and at the same time threaten to cut education, crime prevention, and other programs that are so critical to the security of our people.

And so I rise to indicate that I cannot support this conference report, as I voted against final passage of the Senate bill several months ago. While the conferees have removed some of the provisions of the bill that I opposed, this bill still has far more total funding than the Pentagon needs and more than the Department of Defense asked for.

The President has already indicated that he would veto the bill. On October 18, in a letter to House Appropriations Committee Chairman LIVINGSTON, where he said:

> . . . by appropriating $6.9 billion more than I requested, the Conference Report did not address my fundamental concerns about spending priorities. . . . Absent a broader agreement with Congress that adequately funds crucial domestic programs in other appropriations bills, I will veto any defense appropriations bill that adds extra billions for defense programs not in my request.

I ask unanimous consent that the full text of the President's letter be printed in the RECORD.

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

THE WHITE HOUSE,
*Washington, DC, October 18, 1995.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding the conference report on the Fiscal Year 1996 Defense Appropriations Act. I want you to know that I appreciate your hard work and leadership on this bill, as well as that of Senators Stevens and Inouye. The Conference Report had many commendable features. For example, a number of policy provisions that raised serious constitutional and national security concerns were satisfactorily resolved in conference, and funding was secured for several programs that were of particular importance to me and to the national security of this country, including the Cooperative Threat Reduction program and the Technology Reinvestment Project.

However, by appropriating $6.9 billion more than I requested, the Conference Report did not address my fundamental concerns about spending priorities. As the bill now goes back to conference following its defeat on the House floor, it is important that the conferees understand where I stand. Absent a broader agreement with Congress that

adequately funds crucial domestic programs in other appropriations bills, I will veto any defense appropriations bill that adds extra billions for defense program not in my request.

I am ready to work with Congress to ensure that we reach that agreement.

Sincerely,

BILL CLINTON.

Mr. LEVIN. Mr. President, that veto writing has been on the wall even longer. Alice Rivlin, OMB Director indicated 10 weeks ago, when this conference report first went before the House, that the President would veto it. I would ask unanimous consent that her letter to House Minority Leader GEPHARDT of September 29, 1995 be included in the RECORD.

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

EXECUTIVE OFFICE OF THE PRESIDENT,
*Washington, DC, September 29, 1995.*

Hon. RICHARD A. GEPHARDT,
*Minority Leader, House of Representatives, Washington, DC.*

DEAR MR. LEADER: I understand that the House may consider the conference report on the FY '96 defense appropriations bill today.

As he has shown in his 10-year plan, the President that we can balance the budget and maintain a strong defense without sacrificing critical investments in education and training, science and technology, environmental protection, and other priorities—all of which are essential to raise the standard of living for average Americans. By providing $6.9 billion more than the President requested, however, this bill would divert funds from our needed investment in these critical areas.

Now that the House has passed 12 of the 13 appropriations bills and the Senate all but two, the trade-of between defense and domestic investments are all the more clear. In an environment of limited resources, we have to use available funds as prudently as possible. We simply cannot allocate nearly $7 billion more than we need at this time for defense, and starve our needed investments in education and training and other priorities.

The changes to the bill in conference, while commendable in many instances, do not address the Administration's fundamental concerns about spending priorities. For this reason, in the absence of an agreement between the Administration and Congress resolving these important issues, the President would veto this bill.

Sincerely,

ALICE M. RIVLIN, *Director*.

Mr. LEVIN. The President's original Pentagon budget provided for a strong defense. It funded the priorities of the armed services and recognized that in the post-cold war world we have to prepare for different threats, not conduct business as usual. We cannot afford to buy equipment that is in excess of our military requirements, or make long-term funding commitments that are not sustainable, like signing up for another $30 billion or higher tab for 20 more B–2 bombers. If we follow that course, we are actually robbing from our future security, robbing resources that should go into keeping our troops well-trained and keeping our forces in high readiness and high morale, modernizing equipment in areas we ignored for too long, and continuing research and development on future modernization.

Instead, the conferees have sent us a bill that includes $493 million as a down-payment on what will be at least a $30 billion program to build 20 more B–2 bombers not requested by the Pentagon. Secretary of Defense Perry has been saying all year that we should not add funding for more B–2's. He said, as this bill was taking shape in September that the B–2 money ''was put in against my explicit advice.''

Was Bill Perry, the acknowledged ''father of stealth'', alone in his judgment? No, that judgment is shared by the General Shalikashvili, by the Joint Chiefs of Staff, and by the President. The Senate bill did not include that money for B–2's. In fact, it was in the original Defense authorization bill mark of the chairman of the Armed Services Committee, and the committee voted to cut it out, by a strong bipartisan vote of 13–8.

What else did the conferees include that was not requested by the Pentagon and not authorized by the Senate? For 6 new F–16 fighters, $159 million. That is a program we in the Senate have voted to terminate at least three times, including this year. We have a surplus of F–16's in the force; we do not need any more. The conferees included $311 million for 6 new F–15 fighters, also not requested and not authorized by the Senate this year. For an LHD–7 landing ship $1.3 billion that was not even in the 5-year defense plan, but was moved forward for purchase in this appropriations bill.

That is not all. The conference report also doubles the Defense Department's request for national missile defense research, from $370 million to $745 million, and funds a $30 million Antisatellite Weapons Program that was not requested by the Pentagon.

What was not funded in the conference report? Ongoing operations, misnamed ''contingencies'' by the Pentagon, receive some finding, about $600 million, but not the full $1.1 billion we know we will have to pay in fiscal year 1996 for ongoing operations that are already in place. This shortfall is a direct threat to readiness, precisely the area that so many in Congress expressed concern about just within the last year. Training and maintenance accounts could end up being the source of funds to pay for these operations and that could hurt the readiness of some divisions.

The Technology Reinvestment Program, which is trying to preserve our cutting edge research capability for the future by supporting dual-use development programs on a cost-shared, competitive basis, was slashed by more than half by the conferees to only $195 million. And Mr. President, there is much more.

This conference report is not in step with our priority security requirements; not in step with the priorities of the Joint Chiefs, the Secretary of Defense and the President. It is not fiscally responsible. We can and should do better.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. How much time does the Senator seek?

Mrs. HUTCHISON. Five minutes or three minutes.

The PRESIDING OFFICER. The Senator from Alaska controls 15 minutes and 30 seconds.

Mr. STEVENS. I yield the Senator 5 minutes.

The PRESIDING OFFICER. The Senator from Texas is recognized for 5 minutes.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, I want to say that I have been watching this subcommittee deliberation on this very important defense authorization appropriations bill. I know how hard it has been to get this bill through. I have watched the negotiations with the House Members. I have watched the negotiations between the Members. I have heard some of the debate on the floor in the last few hours. Of course, there are things that one Member may not think are the priorities for another Member. But there is an equal force on the other side that does not like something else in it. It is very difficult to bring people together.

But the bottom line here in the big picture is that we have put more into defense appropriations this year than the President sent up here, and we did that in a bipartisan effort because so many of us are concerned that we have a false sense of security, that we are in a safe world, that the United States can pare down its military, and we do not have to be the superpower that is ready in any eventuality. That is not the case. I compliment Senator STEVENS and Senator INOUYE for bringing the parties together and forging a bill that does spend enough money to make sure that we are going into the next century strong.

It is not as strong as I would like it to be. There are other priorities that I might like to see. I understand the concerns of some of the Senators who have spoken here, but the bottom line is, we are a deliberative body and we have to give and take on priorities as long as we meet the cap that we have put in the budget resolution, and that is exactly what we have done here.

So I compliment the two Senators who are the chairman and ranking member of this very important committee.

I want to say especially that one of the concerns that I have that has been met in this bill is something I hope we are going to talk about in the next few days, and that is the sense of the Senate that is a part of this bill which says that ''no funds available to the Department of Defense shall be obligated or expended for deployment or participation of United States Armed Forces in any peacekeeping operation in Bosnia and Herzegovina unless such deployment or participation is specifically

authorized by a law enacted after the date of enactment of this act.''

Now, this excludes the kind of operations we have had this year—the air cover, the participation that we have had on the periphery. That is excluded, but it does have a sense of the Senate that we will not spend funds unless we specifically authorize those funds for that kind of peacekeeping operation.

This is just the beginning of the real debate that is going to come on the floor of this Senate in the next few weeks about what the role of our armed services should be in Bosnia. I am going to argue very forcefully that it is not our role to send American troops on the ground in Bosnia. We are starting that debate tonight when we pass this bill.

We are saying it is the sense of the Senate that we must be consulted and we must pass specific authorization and appropriations before we send our troops in, and that that is for a number of reasons. It is because we have not staked out the United States security interest that would require troops on the ground. It is because we have not staked out that this is going to be the death of NATO if American troops are not on the ground. In fact, I think it is the opposite. I think it is important that we have the strength of NATO by saying exactly what our leadership role will be, and there are many things we can do that do not include our troops on the ground.

So, Mr. President, I am just saying that the sense of the Senate will be passed tonight. It is very important, and I hope the President of the United States is listening to this debate. I hope he is listening to the importance to all of us that he come to Congress for enactment before he sends peacekeeping troops to Bosnia.

I thank the two leaders on this bill. I appreciate what they are doing for this country, and I am going to support the bill wholeheartedly. Thank you, Mr. President.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I yield back all the time on this side.

I ask unanimous consent that following the statement of the Senator from Hawaii, which I understand will take 10 minutes, and I apologize for limiting the time, that the rollcall vote commence at 6:25.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Hawaii.

Mr. INOUYE. Mr. President, the Senator from Georgia, Mr. [NUNN], is unable to be with us this afternoon because of circumstances beyond his control, and he has requested that his statement be made a part of the RECORD.

Before I submit the statement, I would like to read from his second paragraph, and I quote:

> This is a good bill, Mr. President, and I believe the Senate should support it and the President should sign it. Senator STEVENS and Senator INOUYE have produced a conference report which addresses our national security needs in a fiscally responsible manner.

(At the request of Mr. INOUYE, the following statement was ordered to be printed in the RECORD):

• Mr. NUNN. Mr. President, I want to start by commending the Senator from Alaska and the Senator from Hawaii for the all hard work I know they have put in to bring this conference report before the senate.

This is a good bill, Mr. President, and I believe the Senate should support it and the President should sign it. Senator STEVENS and Senator INOUYE have produced a conference report which addresses our national security needs in a fiscally responsible manner. Anybody who has known Senator STEVENS and Senator INOUYE as long as I have would expect nothing less.

This conference report preserves funding for some of the administration's top priorities, such as the Cooperative Threat Reduction Program, the Technology Reinvestment Program known as TRP, and the third *Seawolf* submarine.

The House bill eliminated funding for the *Seawolf* and the TRP, and cut the Cooperative Threat Reduction Program almost in half, so this conference agreement preserve the Senate position on some key items of interest to the administration. This bill also avoids legislative provisions that try to dictate to the President when or how he can deploy our military forces.

As I have stated on many occasions, I believe the defense budget has been cut too far, too fast. Our forces are simply much busier than I believe anyone really anticipated when the Soviet Union and the Warsaw Pact were dissolving. Today our force structure is much smaller than it was 5 years ago. We all agreed that based on the reductions in the threat and the increased warning time for any kind of global conflict, these reductions were prudent and necessary.

But the smaller force we have left is busier than it has ever been. The fact is we simply cannot keep on reducing the defense budget the way we have been. The people are wearing out. The equipment is wearing out. So I think the budget resolution moved us in the right direction by providing for a small increase for defense over the next few years.

I do not think a lot of people realize how small that increase is. First of all, compared to the baseline concept that we use for entitlement programs, defense is not even getting an increase. The amounts provided for defense in the budget resolution over the next 7 years do not even come close to keeping the defense budget as large as it is today, after taking account of inflation. We would need to add at least another $100 billion over the next few years to stay even compared to a so-called current services baseline.

Compared to the administration's plan, the budget resolution increases defense by only $19 billion over the next 7 years, which is equivalent to a 1-percent increase over the administration plan. That is the defense increase Congress has agreed to. Many of us felt the increase should be larger, especially in the outyears from 2000 through 2002, when defense is projected to be lower under the budget resolution than under the administration's plan. I also recall very well that over the past 5 or 6 years defense was the only part of the budget coming down, so it seems that the principle that defense has to be cut if something else is being cut is not always applied consistently.

Most of the increases in this bill over the administration's plan are in the modernization accounts which are the key to future readiness. We cannot continue to stay in the deep procurement through we have been in for the past few years indefinitely. We have cut procurement deeply to take advantage of the shrinking force structure, but our military can't live off its stock of old capital forever any more than any business could.

I want to briefly discuss the one program that represents two tenths of 1 percent of the funding in this bill, but that seems to get more discussion than the other 99.8 percent of the programs in this conference report. Many people argue, and I am sure they truly believe, that the B–2 bomber is unaffordable. In my view, Mr. President, the argument that the B–2 is unaffordable is No. 1, false, and No. 2, a false issue.

Over and over I have seen people focus on the price of the B–2 without ever hearing a word about the cost of the collection of systems you would need to do the same job without the B–2. People tend to look at it as if the choice were buying the B–2 or doing nothing. They don't look at the whole picture.

The only real argument I hear from the Defense Department against the B–2 is that they would like to have it but they don't want to give anything up to get it. But that is a false issue, because Congress has made more funds available over the next few years specifically for programs like the B–2. It is not necessary to slow down the modernization of one part of our forces in order to modernize our bombers.

I am disappointed that this conference agreement does not fund the Corps SAM program at the requested level as in the Senate bill. The Corps SAM program represents just 1 percent of the funding for the ballistic missile defense program, and I regret that this conference agreement did not contain full funding for this important program on which we have asked for allied cooperation.

While the modernization accounts always get the most attention, this conference agreement also seeks to protect current readiness by partially funding the cost of ongoing operations which were not included in the administration's budget. The conference agreement includes $647 million to fund the fiscal year 1996 costs of our continuing missions in and around Iraq, operations Provide Comfort in Northern Iraq and Southern Watch in Southern Iraq. This was one of the administration's highest funding priorities, if not the highest. The conferees added nearly $1 billion to the requested level in the readiness accounts—pesonnel and operation and maintenance—and much of it was to fund these ongoing operations.

In my view, it made no sense to add substantial funds to the defense budget request without taking account of must-pay bills we know we are going to face either this fall or next spring.

By providing funding for these ongoing operations, Congress has not only attempted to avoid a readiness problem in next year, but it may allow us to actually make some progress in one of reducing the backlog of maintenance and repair on our barracks and other facilities where our forces live and work. The bill adds $700 million to the request to the reduce the maintenance backlog on barracks and other facilities. This is not the first time Congress has added funding for real property maintenance or depot maintenance.

But what usually happens, and what would most certainly happen this year if we did not set aside funds to cover the cost of these ongoing operations, is that the increases we set aside for maintenance get diverted to cover must pay bills. I hope that the approach the conferees have taken in this bill will allow us to avoid that trap.

Mr. President, this is not a perfect bill. No bill is. But I think this is a good bill, a bill that should be signed, and I once again commend Senator STEVENS and Senator INOUYE for their leadership.●

Mr. INOUYE. Mr. President, I rise today to offer my support to this conference report. The conference agreement is a good compromise between the interests of the House and Senate. It is truly a bipartisan effort in the long tradition of the Appropriations Committee.

Chairman STEVENS and I worked together with Chairman BILL YOUNG and the ranking member, JACK MURTHA, of the House National Security Subcommittee in formulating the final conference agreement.

It has been a long journey, but the end result is a bill that warrants the support of all my colleagues.

The conference agreement under consideration has three priorities: It protects critical military readiness programs, it fully funds the needs of our men and women in uniform, and also provides a much-needed increase for modernizing our forces.

In total, the conference agreement recommends $243.3 billion for the Department of Defense, an increase of $6.9 billion compared to the President's request.

Mr. President, I want to point out to my colleagues on this side of the aisle, that this bill is consistent with the administration's policy objectives. It does not legislate changes in the ABM Treaty or the Missile Defense Act. It contains no limitation on the President in his conduct of foreign affairs.

One of the most contentious issues to be resolved by the conferees was abortion. On September 29, the House voted against the first conference agreement because of abortion language.

For the past 6 weeks we have worked hard to reach a compromise which can pass both Houses. The conferees agreed last night to incorporate language mirrored on that which both the House and Senate passed yesterday on the Treasury-Postal Service appropriations bill.

The language would allow for abortions to be performed in military hospitals when the life of the woman was endangered or in the case of rape and incest.

Most of my colleagues will remember that both the chairman and I have voted against this policy many times over the past two and a half decades. We are recommending it now because it reflects the policy already agreed to by both bodies.

The bill before you provides $81.5 billion for operation and maintenance to protect the readiness of our forces. This amount is $700 million more than requested by the President. It supports the military personnel levels requested by the President; it funds a 2.4 percent pay raise for our military personnel and increases their basic allowances substantially—all consistent with Senate recommendations.

The bill also raises procurement spending by nearly $6 billion, up to $44 billion.

To those who suggest that the bill provides too much for modernization I would note that, even with these increases, we are still spending less than half of the amount the Senate recommended for procurement 10 years ago.

Throughout this year, Chairman STEVENS and I asked each of the military Chiefs of Staff to meet with the Defense Subcommittee to review the needs of their respective services. The recommendations for procurement spending match these requirements very closely.

Let me also point out that the Joint Chiefs of Staff are reportedly seeking an increase of an additional $60 billion for procurement in future budgets. That amount is $16 billion higher than we recommend in this bill. I think my colleagues should realize that recommendations on procurement in this bill are the minimum that must be provided.

Mr. President, there have been reports that the White House might veto this bill. I hope that this is not correct.

The conferees have gone a long way to resolving the objections that were raised by the President when the bills passed their respective Houses. The policy statements on Bosnia, and abortion have been eliminated. Funding eliminated by the House for technology reinvestment, for cooperative threat reduction, and the *Seawolf* submarine have been restored as requested by the President. The conferees have reduced funds from the House-passed level for missile defense. In each case these recommendations are consistent with White House wishes.

Mr. President, I believe it is essential that we invest in the readiness, quality of life, and modernization programs funded by this bill. I am in full support of this legislation. It is a good, fair, and very important bill. I encourage all of my colleagues to support it.

Mr. President, I just wish to spend 9 minutes commenting on statements made by my colleagues in this debate.

One of my illustrious colleagues stated that he sees no threat on the horizon; why are we spending all of this money, which reminded me of the early days of a war that was fought 50 years ago.

Five days ago, we gathered to commemorate the end, the victorious end of this war, but I also recall those years just before December 7. I was young enough to remember that, Mr. President. A year before December 7, because Members of the Congress did not see the threat which many of us thought was just obvious, we nearly defeated the Selective Service law. It passed by one vote. At the moment of its passage, our merchant vessels were being sunk in the Atlantic Ocean by German submarines, the Germans were rampaging all over Europe, London was being bombed, the Japanese were rampaging all over China, Nanking was being raped, Peking was falling and we saw no threat. And December 7 came as a brutal surprise to many of us. Not to me, Mr. President, and thank God for that one vote, we had the draft.

Two years before December 7, the very famous general from Virginia, General Patton, reported for duty at Fort Benning in Georgia. He was told to organize an armored division. When he got there, he saw 375 tanks. At least they looked like tanks. The only trouble is that over half of them would not roll. They were not operational.

This may sound facetious, but it is not. He called up the War Department and said, ''I need some money because these tanks need parts, otherwise they won't move.'' And the War Department said, ''Sorry, sir, we have no money.''

Fortunately, General Patton was one of the wealthiest men in the United States at that time. He took his checkbook, went to Sears, Roebuck in Atlanta, GA, and bought parts, and that is how we developed the 1st Armored Division in the United States. Thank God somebody had a checkbook.

One of my colleagues also said that some of these activities that we have

funded in this bill were not authorized, were not requested by the President, were not requested by the Senate.

Mr. President, the freedom to criticize, the freedom to disagree, the freedom to discuss, to debate and make decisions are very important in this democracy. This is not a dictatorship. The President does not tell us I want that ship and nothing else.

I want to review history, recent history.

We have been told that the most important weapon system in Desert Storm was the F–117, the Stealth fighter bomber, and if it were not for that, we would have lost lives, many lives, because this Stealth bomber was the one that was able to knock out all of the radar stations, which made it possible for our fighter planes and bombers to go in. It might interest you to know, and I think we should remind ourselves, that the administration and the Pentagon opposed building the F–117. This Congress persisted. I am certain the chairman of the committee remembers that.

Let us take another weapon system that was most important in Desert Storm, the Patriot. If it were not for the Patriots, the casualties on our side would have been at least double. The Patriots were able to knock out the Scuds. Thank God we had the Patriot. The administration opposed it, the Pentagon opposed it, but we in the Congress and in this committee insisted upon it.

In 1978, the President of the United States vetoed a defense appropriations bill that carried the *Nimitz*-class nuclear carrier. It is the most powerful weapon system we have today. Thank God the Congress persisted, and we overrode that veto.

There is another aircraft that my colleague from Alaska is the most knowledgeable expert on, the V–22 Osprey. The Pentagon did not want it. The White House did not want it. This committee insisted upon it. Now everyone wants it.

So, Mr. President, much as we would like to suggest that we are the repository of all wisdom, it is not so. The democracy that we cherish here is made up of many minds, and the wisdom from all of these many minds, hopefully, will reach the right decision. And we would like to believe, Mr. President, that the decision we present to you today is the right decision. I cannot tell you, in all honesty, that there is no pork in this bill. But those who advocate and those who have fought and supported these provisions in their belief that it is essential to our democracy. And, also, I am certain all of us agree that when one enters into a conference, you cannot hope to get everything you want. You can get some of it. You will have to give in to some.

This is the compromise that we have reached. It was not easy, Mr. President. But I think we have done a job that we can stand before our colleagues and say that we have done our best, and we are presenting our best to the Senate of the United States. I notice that my time is up.

I yield the floor.

The PRESIDING OFFICER. The hour of 6:25 having arrived, under the previous order, the yeas and nays having been ordered, the question is on agreeing to the conference report.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Georgia [Mr. NUNN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 39, as follows:

[Rollcall Vote No. 579 Leg.]

YEAS—59

| | | |
|---|---|---|
| Abraham | Ford | Lugar |
| Akaka | Frist | Mack |
| Ashcroft | Gorton | McConnell |
| Bennett | Gramm | Murkowski |
| Bond | Grams | Nickles |
| Breaux | Grassley | Pressler |
| Burns | Gregg | Reid |
| Campbell | Hatch | Robb |
| Chafee | Heflin | Santorum |
| Coats | Helms | Shelby |
| Cochran | Hollings | Simpson |
| Cohen | Hutchison | Smith |
| Coverdell | Inhofe | Snowe |
| Craig | Inouye | Specter |
| D'Amato | Johnston | Stevens |
| DeWine | Kassebaum | Thomas |
| Dole | Kempthorne | Thompson |
| Domenici | Kyl | Thurmond |
| Faircloth | Lieberman | Warner |
| Feinstein | Lott | |

NAYS—39

| | | |
|---|---|---|
| Baucus | Exon | Levin |
| Biden | Feingold | McCain |
| Bingaman | Glenn | Mikulski |
| Boxer | Graham | Moseley-Braun |
| Bradley | Harkin | Moynihan |
| Brown | Hatfield | Murray |
| Bryan | Jeffords | Pell |
| Bumpers | Kennedy | Pryor |
| Byrd | Kerrey | Rockefeller |
| Conrad | Kerry | Roth |
| Daschle | Kohl | Sarbanes |
| Dodd | Lautenberg | Simon |
| Dorgan | Leahy | Wellstone |

NOT VOTING—1

Nunn

So the conference report was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LIEBERMAN. Mr. President, I have voted today for the Defense Appropriations Conference Report because I believe it is fundamentally a sound and necessary bill which will fund critical defense functions for the current fiscal year. This bill is not perfect. It funds procurement of a few weapons systems which the Secretary of Defense and the military service chiefs have said they do not need or want; I would have preferred that such systems not be funded. But on balance I believe the right programs are funded, critical modernization for our armed forces will take place, and critical skills of defense workers across the country, including in my State of Connecticut, will be maintained. At the same time, I am very troubled that this appropriations conference report includes language that prohibits abortions in military facilities. My record of opposition to language that creates unfair barriers to legal abortion services is clear. I see no reason why this restrictive provision needed to be included on a defense appropriation bill and I oppose it. No one should misconstrue my vote today for this important appropriations bill—a bill which is even more critical as many defense workers have been furloughed along with thousands of other Federal employees caught up in our current budget crisis.

## FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1996

The Senate continued with the consideration of the joint resolution.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, parliamentary inquiry, are we back on the continuing resolution?

Mr. FORD. Mr. President, may we have order, please?

The PRESIDING OFFICER. The Senate is not in order. The Senate will please come to order.

The minority leader is correct.

Mr. DASCHLE. Mr. President, I withdraw my amendment and raise a point of order that the bill violates section 306 of the Congressional Budget Act.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the point of order be vitiated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, let me explain. I know it is certainly the intent of colleagues on both sides of the aisle to work through this process and to accommodate what we all want here, and that is an agreement on a continuing resolution at the earliest possible date. It is also my personal view, and the view of most of our colleagues, that the best way to do that, of course, is to send a clean resolution to the President. I offered the point of order in the hope that we could strip away the extraneous matters and get back to what we tried to do this morning, which was to offer a clean continuing resolution.

It appears, however, that that would entail a good deal of parliamentary discussion and negotiation and procedure that, in my view, would be counterproductive, frankly, because it would take us at least through another day.

It was not my intent to surprise the majority leader. I thought we had an understanding about the point of order, and there was some misunderstanding. For that reason, as well, I think it is propitious at this point to pick up where we left off prior to the time the point of order was offered.

So I have discussed the matter with the majority leader, and I am prepared to offer our second amendment, as we had agreed to do earlier today. This would expedite our consideration of the continuing resolution and will allow us to get the bill down to the President, allow us to continue the negotiations in good faith, and to find, at an earlier date rather than a later date, some resolution.

I have no doubt that if this bill goes to the White House, the President will be required to veto this one, as well. So we will be back to where we were prior to the time we offered this.

So I am looking for, and the majority leader is looking for, a way in which to find some resolution. It is in that good-faith effort that I have asked for the unanimous consent.

AMENDMENT NO. 3057

Mr. DASCHLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 3057.

Mr. DASCHLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike all after the first word and insert the following:

Section 106(c) of Public Law 104–31 is amended by striking ''November 13, 1995'' and inserting ''December 22, 1995''.

Section 2. (a) The President and the Congress shall enact legislation in the 104th Congress to achieve a unified balanced budget not later than the fiscal year 2002.

(b) The unified balanced budget in subsection (a) must assure that:

(1) Medicare and Medicaid are not cut to pay for tax breaks; and

(2) any possible tax cuts shall go only to American families making less than $100,000.

Mr. DOLE. Mr. President, I will take a minute to thank the Senator from South Dakota. We had a miscommunication, and I will let it go at that. We have to work together. We do not surprise each other. I think we are on the right track.

It is my understanding that the Senator from South Dakota would agree to 40 minutes equally divided, or more?

Mr. DASCHLE. Yes, 40 minutes, I think, is adequate time to consider this amendment.

Mr. DOLE. Prior to a vote or a motion to table in relation to the amendment.

Mr. DASCHLE. As I understand it, there will be no second degree amendments.

Mr. DOLE. Right. I ask unanimous consent that what was just stated be the order.

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

Mr. DOLE. It is my understanding, also, that following disposition of this amendment, maybe after some debate, we will go to final passage.

Mr. DASCHLE. That is my understanding, as well.

The PRESIDING OFFICER. Who yields time?

Mr. DASCHLE. Mr. President, I yield such time as I may consume.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, this amendment starts where the last amendment left off. It simply says that we ought to have a resolution that takes us at least through the month of December, setting as a target date December 22. That is what the earlier amendment did. This amendment would accomplish the same thing.

Second, it uses the same level of spending for all of those agencies of Government affected as the previous continuing resolution—the same, again, as the amendment we proposed this morning.

So in an effort to accommodate what I hoped would be a very serious negotiation on reconciliation, we would offer this continuing resolution, with the expectation that we could avoid facing another crisis for at least for another 4 weeks. So we start with an appreciation that it is going to take longer than a couple of weeks to resolve all of the outstanding differences that we have with respect to reconciliation. If that is the case, rather than revisiting the issue, let us be serious about a continuing resolution. Let us move this date to a point that is practical, that is prudent, that accepts the fact that we may not be able to finish our work prior to that time.

Second, Mr. President, it simply says if we are going to insist in this resolution that there be a 7-year budget, that we use the 7-year budget timeframe within which to resolve all the other differences, priorities, and circumstances that we have, and then let us do a couple of other things. Let us also, since we are setting some parameters here, decide that we are not going to use the Medicare trust fund as a pool from which to draw resources to pay for a tax cut. Let us not do that. And let us not use this process, this particular piece of legislation, to exacerbate income distribution even more than it is.

In other words, let us not build upon what is already happening in this country, where more and more of the wealth is being shifted to the upper-income levels. And to avoid that, let us assume that there will be a tax break; or let us just say if there is a tax break, the resources we will spend for those tax breaks will all go to those making under $100,000 a year—that is, no tax breaks for those making more than $100,000 a year.

So, Mr. President, that is really what this amendment does. First, it allows us to do our work through December 22. Second, it sets funding levels where they have been in the past continuing resolution. Third, it says if we are going to have a 7-year budget resolution, let us at least recognize that that is a constraint that might warrant a couple of other constraints—the first being the protection of Medicare from cuts to finance tax breaks. We have had votes on it in the past. I think this Senate has been on record now on a number of occasions that it is not right, that it is not acceptable, that it is not something that even some Republicans have indicated they can support—to block the use of Medicare resources for purposes of a tax cut—under any circumstances.

I, frankly, think that is one of the most challenging of all the things that we are going to be facing as we sit down to negotiate a final reconciliation package. How do you pay for the tax cut? I know we are told by CBO that there is going to be roughly a $170 billion dividend. Frankly, I am amazed that we can project a dividend 7 years out without really knowing whether there is going to be a recession or what kind of economic growth there is going to be.

We are going to have less economic growth, I remind my colleagues, using CBO growth projections at 2.3 percent than we have had in the last 25 years. In the last 25 years, we are told that the growth, on the average, was 2.5 percent. So what CBO is telling us is that we are going to have a balanced budget at the end of 7 years, but the growth is only going to be 2.3 percent, two-tenths of a percent less than what we have had historically. That seems inconsistent to me, and it is hard to understand how one generates dividends from that. But let us assume there is a dividend of some $170 billion. The tax cut is over $220 billion. It may even be $245 billion, if our House colleagues have their way.

So the question is: Where does the additional amount of revenue come from? We all know that this is all pretty flexible here. We all know that, in the meantime, before the dividend is realized, that revenue has to come from somewhere because the tax cuts start immediately. Well, the tax cut revenue is going to come from pools of resources already in the budget. And the only pools of resources available are Medicare and Medicaid, to the degree we need large revenue sources to pay for the tax cut.

Mr. President, that has been our concern from the very beginning, a very legitimate concern about paying for tax cuts from revenue that is already

dedicated to virtually the most important function, in my view, virtually in the entire budget. The health care of senior citizens, the health care of those who are unemployed, insured only by Medicaid, the health care of those who are going to nursing homes—that is what we are talking about, providing a safety net, some security, to those people who have counted on it now for 30 years.

Mr. President, that is a fundamental question that in our view ought to be addressed. If we are going to set out 7 years as a precondition, it is our view we also ought to set out preconditions about where Medicare and Medicaid resources go.

We recognize the need to bring about trust fund solvency. We are not talking about solvency here. We are talking about $270 billion in cuts, $181 billion more than what the trustees tell us we need for solvency. For what reason? Unfortunately, it is our view, it is to provide the tax cuts that, in our view, simply are not necessary in many cases.

That is the first stipulation.

The second stipulation is that if we are going to have those tax cuts, at least ensure they go to those who have the greatest need. Make sure it is working families whose incomes are already stretched with college and a whole range of difficulties. Make sure they are the ones who are held harmless in all of the cuts and to make sure, to the extent we can, that if we have tax cuts, they go to those working families who need it the most.

I really do not know that somebody making $2 million or $3 million or $4 million needs a tax cut, regardless of the circumstances. I do not think somebody with our income level, regardless of what it may be now under this difficulty we are facing, needs a tax cut.

We do not need a tax cut. And certainly no one making more than $1,000,000 a year needs a tax cut—not if we are really serious about balancing the budget, not if we are really serious about bringing down not only the deficit but the debt.

I have always been curious, and I have never had one of my conservative friends respond to this, are they not as concerned about the aggregate debt as they are about the deficit? The aggregate deficits total $6 trillion.

So even if we reach a balanced budget, we still have $6 trillion of indebtedness out there—$6 trillion. I have not heard one of my Republican colleagues give me any indication as to what they think ought to be done with that.

How are we going to buy down that debt? Are we going to be content to leave it out there to continue to pay the interest on it? It seems to me before we start talking about tax breaks not only should we dedicate our efforts to reducing the deficit but we should dedicate our efforts to reducing the debt as well.

I know my colleague from Massachusetts is here. How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator has 10 minutes 49 seconds.

Mr. DASCHLE. I am happy to yield to the Senator.

Mr. KENNEDY. I inquire of Senator DASCHLE if he would possibly yield for a question.

Mr. DASCHLE. I am happy to yield to the Senator.

Mr. KENNEDY. It seems to me, and I ask whether the Senator would agree with me, that the President of the United States, when the initial continuing resolution was sent down there, it had the increase of the premium—some $52 billion.

At that time, he vetoed it and our Republican friends said, all right, we will not put in that increase for the premiums. All we are interested in is a balanced budget.

Now we have the real intention of our Republican friends, because I do not know whether the minority leader has had a chance to examine the reconciliation that will be up here on the floor tomorrow which right here on title VIII has all of the premium increases that would have been increased on the continuing resolution, they went through it and said all they were interested in was a balanced budget.

Here we have—tomorrow we will be addressing these issues. Is the Senator familiar that all of those increases in Medicare are going to be part of their program?

The point I am just making is all day long and just recently this evening we heard about the willingness of Mr. Gingrich and our Republican leader who wanted to get a balanced budget.

Tomorrow we are going to have the $270 billion Medicare cuts, the $52 billion in additional premiums which will result in $2,500 additional premiums, the Medicaid cuts of $180 billion, the student loan cuts of $4.9 billion, and the raid on the pensions which we passed here, 94 to 5—$20 billion raid on worker pensions.

Does the Senator agree with me that this argument that is being made here that we have to pass this this evening and all we are interested in is trying to get the President to sign this so we can have a balanced budget, we are glad to work the priorities out with the President, that is rather a hollow statement and comment given the fact that our Republican friends have worked this out in a closed session with effectively only Republicans participating, and they are doing just what we warned they would do in terms of cutting the Medicare $270 billion and tax breaks for the wealthiest individuals at $240 billion? Does the Senator agree with me that has some inconsistency in terms of what this issue is really all about?

Mr. DASCHLE. The Senator from Massachusetts makes a very, very good point. This is just the beginning.

The real debate will begin perhaps as early as tomorrow when we get the reconciliation package. As the Senator noted, none of us have had the opportunity to see this package yet. It will be on the floor in the next 48 hours at some point.

We know, given what the House did and what the Senate did, there are huge cuts—three times more cuts than we have ever seen before, for Medicare, cuts that go deeply into the program, that go way beyond trust fund solvency, cuts that will be used to create the pool of resources, to create the tax cuts that the Republican majority continues to want to defend.

That is what this is all about.

Mr. KENNEDY. Even if the President signed this resolution tomorrow, these Medicare cuts of $270 billion would still be up here on the floor of the Senate—our senior citizens ought to know it—and there is every indication that the votes are there to pass it.

Mr. DASCHLE. The Senator is right. We may have taken it out of the last continuing resolution. It was dropped from the CR, but it is in the budget reconciliation bill. It is in the permanent legislation. It is in the language that we are going to be voting and debating beginning tomorrow, in all of its detail, spelling out exactly how deeply they are going to cut into the Medicare and Medicaid programs. We will see it tomorrow.

We know it is there tonight. We know that there is a huge cut in Medicare. We know that is the pool of resources from which they will pay for the tax cut. That much we know. All the other details we still do not know.

Mr. KENNEDY. Finally, because I see my friend and colleague, this is one Senator who finds this whole exercise of Mr. GINGRICH and Mr. DOLE to be rather a hollow one. This idea that all you have to do is indicate to us that we are headed for a balanced budget goal and we are quite ready to sit down with you and work out the priorities. I do not know how many times I have heard that on the radio and heard it last night. All the while, the priorities are going to be voted on by this body under a very strict time agreement, which will be $270 billion cuts in the Medicare Program.

I think our senior citizens ought to understand who is standing up for them in this debate. It has been the President. It has been the minority leader. It is the Senator from Nebraska, and I am proud to be supporting their efforts.

Mr. DASCHLE. I thank the Senator for his comments. I yield to the Senator from Nebraska.

Mr. EXON. I want to ask a question, too, of our Democratic leader.

First, we have been hearing on television and here on the floor that the Democrats do not want to balance the budget in 7 years.

I have looked—and I do not think we have emphasized that the very first part of the amendment you have offered says the President and the Congress shall enact legislation in the

104th Congress to achieve a unified balance of the budget no later than fiscal year 2002.

As I understand and interpret that—but I want to hear it from the lips of my leader—here is a case where we are proposing to balance a budget by the year 2002; is that correct?

Mr. DASCHLE. The Senator is correct.

There is a way to balance the budget by the year 2002. The Senator from Nebraska has voted for it. The Senator from South Dakota has voted for it. Many of our colleagues have voted for it.

If you do not have a tax cut, if you use reasonable economic projections about what will happen in the next 7 years, there is a real possibility that you could achieve a meaningful balanced budget in perhaps even less than 7 years.

But it is the Republican insistence on a tax cut, it is the Republican insistence on economic growth projections that go way below what we have experienced historically, for at least the last 25 years, that make many of us very skeptical about whether it is achievable in 7 years.

Mr. EXON. Then the Republican charge that I have heard over and over and over again, that the Democrats simply do not want to balance the budget in 7 years, is blown pretty much sky high with the amendment that you have offered on behalf of the minority?

Mr. DASCHLE. Mr. President, the Senator is absolutely correct. This makes it very clear that it is not our desire to oppose a 7-year balanced budget amendment necessarily. What I said this morning holds this evening. It is our desire to ensure that we have to have some better understanding of what we are talking about here.

We will support a 7-year budget resolution if we know that Medicare is not going to be used to pay for tax cuts; if we know that any tax cuts incorporated into the legislation will be targeted to those making less than $100,000 per year. Those kinds of things are fundamental to our enthusiasm, our level of support for whatever else may have come from the negotiations during reconciliation.

Mr. EXON. If I understand the amendment, then, offered by the Democratic leader, that we just talked about, it provides for balancing the budget by the year 2002; and then second and equally important it says that, if we have a tax cut, that tax cut would be limited to only American families making less than $100,000 a year? So if you made over $100,000 a year you would not get any tax cut, if we have one. If we do have a tax cut all of it goes to those making $100,000 or less, is that correct?

Mr. DASCHLE. The Senator is absolutely correct.

I thank the Senator and I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have just heard a preposterous argument. The Republicans are saying to the President of the United States: Mr. President, we have been working since the beginning of this year to develop a balanced budget that is real, that the true authenticator of economics, the reliable group that the President told us to work with, says is in balance in the year 2002.

The President does not like our priorities. He does not like to give tax cuts, apparently. And perhaps the Democrats do not want to give any tax cuts. So, we are suggesting that here is a compromise. You do what you want, but we are going to vote on what we want. And we will go to conference with you, Mr. President.

You are not bound to anything. If you do not want any taxes you go to the table and say we do not want any. If you do not want to reduce Medicare savings, you go to the table and say you do not want to. If you want to bring the CPI to the table, you bring it to the table. Whatever it is. We are only asking for a commitment that, in 7 years, you will have a balanced budget using conservative economics. So that we will not be burned again, and think we got a balanced budget only to find that we got a lot of it as a gift from economic assumptions that were too high.

For, as the distinguished occupant of the chair has said, if the Office of Management and Budget, which makes it easier to balance the budget because you do not have to cut so much if you have these exciting high economic assumptions—if they happen to be wrong, you never get a balanced budget. That is not the case if we use the economics we propose. If we happen to be wrong you get a surplus. And what would be wrong with that?

That is one argument. But let me repeat it just slightly—just a different way. We have been hearing from the other side: Do not tell the President what to do. We have been trying to say we are not trying to tell him what to do. All we want is a commitment to a balanced budget in 7 years, using real economics. That is all we want. The priorities are up to you. But we have our priorities. We want a vote on them and we want to send them to the American people and send them to you and you veto them. And all we are saying is, this Congress, with the President who is now in the White House, we get together and our only commitment is to produce a balanced budget in 7 years using real economics. There is no other commitment.

The Democrats tonight are saying wait a minute. We would like to tell you what is going to be in that budget in advance, when they have not had to vote on anything. They have not produced a balanced budget. They have not told us what they would restrain and what they would not restrain—I take it back. Mr. President, 19 have; 19 Democrats put a budget before us.

Incidentally, they used the same economics we used and they got a balanced budget. They did not want to cut taxes so they did not cut taxes. But they produced one. What is the discussion about? Now they want to tell us how to run that budget when they have not voted on anything. They have not voted on what to do in Medicare and Medicaid and taxes. And they would like, now, to tell us: Wait a minute, we would like to tell you in advance what we cannot do.

All we are suggesting is, Mr. President, sit down with us, and your team and some Democrats, and just use one benchmark. Do you want a balanced budget in 7 years using real economics? No other test. That is the only issue.

Now, Mr. President, because the issue has been raised about Medicare, Medicaid and taxes, we must speak to them. So let me refresh everybody's recollection.

The Washington Post today lends real credence to why we should vote this particular amendment down and why the people of this country ought to listen to the rhetoric of the last 15 minutes and be very suspicious of what it is really about. This editorial today, by the Washington Post, called ''The Real Default'' addresses the demagoguery of the President of the United States and the leading Democrats, who choose to make the case to the senior citizens for them not to worry. We do not have to change anything in Medicare. Everything is rosy. And this calls it what it is.

It will destroy any opportunity to get a balanced budget. It will put us in a position where we are living year by year to see whether the senior citizens have a program of health care. Once again, at this point in my debate, I ask unanimous consent to have this editorial printed in the RECORD. I will merely read one part of it.

> We've said some of this before; it gets more serious. If the Democrats play the Medicare card and win, they will have set back for years, for the worst of political reasons, the very cause of rational government in behalf of which they profess to be behaving.

Meaning there will be no chance to fix the budget of the United States.

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

[From the Washington Post, Nov. 16, 1995]

THE REAL DEFAULT

The budget deficit is the central problem of the federal government and one from which many of the country's other, most difficult problems flow. The deficit is largely driven in turn by the cost of the great entitlements that go not to small special classes of rich or poor but across the board to almost all Americans in time. The most important of these are the principal social insurance programs for the elderly, Social Security and Medicare. In fiscal terms, Medicare is currently the greatest threat and chief offender.

Bill Clinton and the congressional Democrats were handed an unusual chance this year to deal constructively with the effect of Medicare on the deficit, and they blew it. The chance came in the form of the congressional Republican plan to balance the budget

over seven years. Some other aspects of that plan deserved to be resisted, but the Republican proposal to get at the deficit partly by confronting the cost of Medicare deserved support. The Democrats, led by the president, chose instead to present themselves as Medicare's great protectors. They have shamelessly used the issue, demagogued on it, because they think that's where the votes are and the way to derail the Republican proposals generally. The president was still doing it this week; a Republican proposal to increase Medicare premiums was one of the reasons he alleged for the veto that has shut down the government—and never mind that he himself, in his own budget, would countenance a similar increase.

We've said some of this before; it gets more serious. If the Democrats play the Medicare card and win, they will have set back for years, for the worst of political reasons, the very cause of rational government in behalf of which they profess to being behaving. Politically, they will have helped to lock in place the enormous financial pressure that they themselves are first to deplore on so many other federal programs, not least the programs for the poor. That's the real default that could occur this year. In the end, the Treasury will meet its financial obligations. You can be pretty sure of that. The question is whether the president and the Democrats will meet or flee their obligations of a different kind. On the strength of the record so far, you'd have to bet on flight.

You'll hear the argument from some that this is a phony issue; they content that the deficit isn't that great a problem. The people who make this argument are whistling past a graveyard that they themselves most likely helped to dig. The national debt in 1980 was less than $1 trillion. That was the sum of all the deficits the government had previously incurred—the whole two centuries' worth. The debt now, a fun-filled 15 years later, is five times that and rising at a rate approaching $1 trillion a presidential term. Interest costs are a seventh of the budget, by themselves now a quarter of a trillion dollars a year and rising; we are paying not just for the government we have but for the government we had and didn't pay for earlier.

The blamesters, or some of them, will tell you Ronald Reagan did it, and his low-tax, credit-card philosophy of government surely played its part. The Democratic Congresses that ratified his budgets and often went him one better on tax cuts and spending increases played their parts as well. Various sections of the budget are also favorite punching bags, depending who is doing the punching. You will hear it said that someone's taxes ought to be higher (generally someone else's), or that defense should be cut, or welfare, or farm price supports or the cost of the bureaucracy. But even Draconian cuts in any or all of these areas would be insufficient to the problem and, because dwelling on them is a way of pretending the real deficit-generating costs don't exist, beside the point as well.

What you don't hear said in all this talk of which programs should take the hit, since the subject is so much harder politically to confront, is that the principal business of the federal government has become elder-care. Aid to the elderly, principally through Social Security and Medicare, is now a third of all spending and half of all for other than interest on the debt and defense. That aid is one of the major social accomplishments of the past 30 years; the poverty rate for the elderly is now, famously, well below the rate for the society as a society as a whole. It is also an enormous and perhaps unsustainable cost that can only become more so as the baby-boomers shortly begin to retire. How does the society deal with it?

The Republicans stepped up to this as part of their proposal to balance the budget. About a fourth of their spending cuts would come from Medicare. It took guts to propose that. You may remember the time, not that many months ago, when the village wisdom was that, whatever else they proposed, they'd never take on Medicare this way. There were too many votes at stake. We don't mean to suggest by this that their proposal with regard to Medicare is perfect—it most emphatically is not, as we ourselves have said as much at some length in this space. So they ought to be argued with, and ways should be found to take the good of their ideas while rejecting the bad.

But that's not what the president and congressional Democrats have done. They've trashed the whole proposal as destructive, taken to the air waves with a slick scare program about it, championing themselves as noble defenders of those about to be victimized. They—the Republicans—want to take away your Medicare; that's the insistent PR message that Democrats have been drumming into the elderly and the children of the elderly all year. The Democrats used to complain that the Republicans used wedge issues; this is the super wedge. And it's wrong. In the long run, if it succeeds, the tactic will make it harder to achieve not just the right fiscal result but the right social result. The lesson to future politicians will be that you reach out to restructure Medicare at your peril. The result will be to crowd out of the budget other programs for less popular or powerful constituencies—we have in mind the poor—that the Democrats claim they are committed to protect.

There's a way to get the deficit down without doing enormous social harm. It isn't rocket science. You spread the burden as widely as possible. Among much else, that means including the broad and, in some respects, inflated middle-class entitlements in the cuts. That's the direction in which the president ought to be leading and the congressional Democrats following. To do otherwise is to hide, to lull the public and to perpetuate the budget problem they profess to be trying to solve. Let us say it again: If that's what happens, it will be the real default.

Mr. DOMENICI. Having said that, let me make sure those who are listening tonight do not misunderstand a couple of things.

If you want to know what is in our budget it should not come as a surprise to you. It has been sitting on your desk most of the day. So, tomorrow when we vote, here it is, the Congressional Budget Act. If not all day, it is here now. If you are interested there it is. I will tell you what is in it.

Medicare is not cut. Medicare will grow 7.7 percent a year for the next 7 years; 7.7 percent.

Medicaid will grow at the rate of 5.5 percent a year. Medicaid will grow 42 percent. Would anybody have guessed that from what we are hearing here on the floor of the Senate?

Inflation is at about 2.5 percent. Medicare is going to grow at 7.7 percent. In fact, Medicare spending will go from $178 billion to $294 billion. Medicaid spending, that is the program for the poor, from $89 billion to $127 billion. I do not think either of those, to any Americans listening, are cuts. They are substantial increases and they will suffice and they will have a very valid program for the seniors and the poor people in health care. We will do it more efficiently with more choice.

Having said that, let us talk a minute about preserving the Medicare trust fund. Mr. President, when the seniors and the other side reads this budget, this Balanced Budget Act of 1995, they are going to find something very, very interesting and very exciting for senior citizens.

We made a conscious decision that we wanted to make the trust fund solvent, not for 5 years, or 7 years, but for 15 to 17 years. And you will read in this that every single penny that is saved in Medicare, not just the hospital trust fund savings, every single penny goes into the trust fund to save the health care program for the senior citizens.

So how can we put it in the trust fund and spend it on tax cuts at the same time? Every penny of it is in the trust fund. Somebody might get up and say, ''Are you serious, Senator DOMENICI?'' We have never done that before. We have never put savings from the general tax fund, which is what pays for part of this, we have never put it in that trust fund. We decided we would because we want to make it solvent for a long enough period of time for us to work on it, not just until the next election, but for 15 to 17 years. You cannot put it in the trust fund for the seniors and spend it for taxes also.

(Mr. SANTORUM assumed the chair.)

Mr. DOMENICI. Mr. President, having said that, let me suggest that we firmly believe in an annual increase in Medicaid, the program for the poor, of 5.5 percent. If you add to it some flexibility in the delivery of it, it will be an excellent program covering more poor people than are covered today because you will have the flexibility of managed care and other delivery systems, which everyone knows are more efficient.

If that is the case and when we are finished with all our budget work we have an economic dividend, that is, a surplus, what would the Democrats have us do with it? I assume, from hearing here on the floor, that they would have us spend it. For I can draw no other conclusions. They would have us spend it.

Mr. BENNETT. Mr. President, will the Senator yield for a question?

Mr. DOMENICI. Let me just finish this thought. I would submit that, if you balance the budget and if you had been fair by the seniors by putting every single savings in the trust fund so their fund is solvent, if you are giving the poor of America a 5.5-percent increase every year for Medicaid and there is a dividend left over of a surplus, I submit that you have an exact case of Republicans versus Democrats.

For what would they do with it? They would spend it. They would say, put it back in the budget and spend it on this, that, or the other. What do we say? Very simple. We say give it back to the taxpayer. And, as a matter of fact, the old tired, wornout argument that they are giving it back to the rich

instead of the middle-class, middle-income Americans, is not true. Just find the section on taxes and read it. Some $141 billion of those tax cuts go as tax credits to the American families with children, and no one over $100,000 of earnings gets one penny.

What is wrong with that? You speak of being profamily, which is rhetoric; but you give them back tax dollars to spend, and you are helping them with their family. The only thing conceivably that is for the rich under their rubric is capital gains, which goes to everyone. And that merely says we want you to invest more in America so you can make it grow and have a better economic life for the future.

I will be pleased to yield to my friend.

Mr. BENNETT. Did I hear the Senator correctly say that the growth of Medicare would be 7.7 percent per year?

Mr. DOMENICI. The Senator is correct.

Mr. BENNETT. Does the Senator recall that under the health care proposal offered by George Mitchell last year the growth rate on Medicare was held to 7.1 percent per year?

Mr. DOMENICI. I believe that is right. It was 7.1 or 7.2.

Mr. BENNETT. Is it the Senator's memory that Senator KENNEDY endorsed the 7.1 percent of the President's health care program?

Mr. DOMENICI. My recollection is that he was wholeheartedly in favor of that program.

Mr. BENNETT. Is it the Senator's memory that Senator DASCHLE endorsed the 7.1 percent of Senator Mitchell's proposal?

Mr. DOMENICI. My recollection is that he wholeheartedly supported it.

Mr. BENNETT. Is it the Senator's recollection that the majority of the Democratic Members of the Senate endorsed the 7.1 percent growth rate in Medicare?

Mr. DOMENICI. I believe that is the case.

Mr. BENNETT. Does the Senator not agree with the Senator from Utah in finding it interesting that since we proposed to allow Medicare to grow more rapidly than the President did, more rapidly than the bill endorsed by a majority of the Members of the Democratic Party in the Senate, that we are now being pilloried as those who would slash Medicare?

Mr. DOMENICI. I believe that is an understatement.

Mr. BENNETT. Perhaps we should choose the 7.1 percent level that they endorsed in the previous Congress when they controlled it and thereby slash Medicare a little more.

Mr. DOMENICI. Maybe we would get their support.

Mr. BENNETT. I am not that optimistic.

I thank the Senator for yielding.

Mr. DOMENICI. Mr. President, I want to read one further sentence out of the Washington Post's analysis of the President's position on this.

Medicare premiums was one of the reasons he alleged for the veto that has shut down the government—and never mind that he himself, in his own budget, would countenance a similar increase.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes 30 seconds.

Mr. DOMENICI. I yield the floor.

Mr. WELLSTONE. Mr. President, I voted earlier today for a clean continuing resolution, which simply extended current funding for a couple of weeks, to open up the Government and allow for budget negotiations to move forward. A simple, clean extension of Federal funding, without all the ideological bells and whistles attached, should have sailed through this place and would have been signed by the President lickety split. But that effort failed.

I intend to vote for the pending Daschle substitute amendment as well, because it is a significant improvement over the Republican version, which would have harsh consequences for a host of federal efforts to protect children, the vulnerable elderly, and other Americans who have been caught in the middle of this unnecessary budget showdown. Now that the earlier clean continuing resolution has failed, this substitute is the surest, quickest, fairest way remaining to get the Federal Government up and running, and to ensure that Federal parks are opened, Social Security applications are again taken, Veterans and other benefit checks are sent out, passport offices are opened, FBI law enforcement training is renewed, and other key Federal functions are being performed.

This Daschle substitute provides for additional interim funding at a rate of 90 percent for a host of Federal programs that were wiped out altogether by House versions of appropriations bills, and that would otherwise suffer cuts of 40 percent in the Republican version of this bill. These include the Low Income Energy Assistance Program [LIHEAP], education for disadvantaged kids, Goals 2000, Safe and Drug-Free School efforts, regional economic development programs, homeless assistance, and many others. I don't know about other Senators, but energy assistance in my State has completely run out of money, and people are getting their fuel shut off across my state. This is a real crisis, Mr. President, which I described in greater detail earlier this week on the Senate floor. This substitute will help bring an end to this energy assistance crisis.

The substitute also embodies other important principles for which we have fought. For example, it provides that Medicare and Medicaid savings are not to be used to pay for tax cuts. It provides that should any tax cuts be included in a final budget agreement, they should only go to families with incomes under $100,000. While I have opposed broad-based tax cuts before we get the budget into balance, I believe that this provision moves us in the right direction, and will help to ensure that massive Medicare cuts made by the Republicans will not be used to pay for tax breaks for the wealthiest Americans.

Finally, it sets a deadline of December 22, which gives us more time to get our work done: to send to the President the numerous appropriations bills which have been stuck for months in Congress, and to send them to him in a form that he can sign into law.

There is a provision in this substitute that, while it does not have the force of law, suggests that Congress should enact a balanced budget by the year 2002. I have consistently opposed this, observing that since it took us 15 years to get into this mess, starting with the massive Reagan tax cuts and defense build-up of the early 1980's, it will take us more than 7 years to get out of it. The President has also opposed this date, observing rightly that the spending cuts it would require in Medicare, Medicaid, and other areas would be draconian and irresponsible, and would likely destabilize the economy.

I agree. I do not believe that we can get there by 2002 without excessive cuts in Medicare, Medicaid, education, job training, poverty programs, and other key Federal investments in the character, skills, health, and educational opportunities of American families. And we certainly can't do it by then if a majority of my colleagues continue to refuse to scale back defense spending and corporate welfare. But it is true that we must eventually get to balance, and I believe that we can do it; it's just that it will take us 2 or 3 years more than this suggests.

Mr. President, most of us acknowledge that we are here today, in the midst of a Government shutdown, for one major reason: Congress has failed to do its job. Let's do our job tonight, and get this substitute passed and on to the President for his signature. We have so far been able to move only a few appropriations bills to the President this year, and even many of those Republicans in Congress knew would be vetoed.

Let us for a change keep the interests of the American people in mind, get this substitute bill signed into law, and then begin a full and robust debate on the real budget, which slashes Medicare and Medicaid in order to pay for massive tax breaks for Americans wealthiest citizens, starting tomorrow.

I look forward to that debate. I do not believe the extremist proposals put forward by Speaker GINGRICH and his band of merry followers in the House are America's priorities. I do not believe similar proposals contained in the Senate-passed version of the budget bill were America's priorities. I believe this debate, and the elections next year, will bear that out. I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I will yield the remainder of our time in a moment to the Senator from California.

I simply thank the chairman of the Budget Committee for finally, at long last, giving us the figures that he has been working on now behind closed doors for weeks, months, if not years, to arrive here—not all day, less than an hour or two ago. We have not had a chance to look at it. But at least tomorrow we will proceed to a debate on this.

I appreciate his giving us the information at least a few hours in advance of the major debate.

I yield the remainder of my time to my colleague from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, anyone who believes the Republicans want to protect Medicare just must be living on another planet. I have to tell you. You go back through history, you will see who voted in Medicare. It was the Democrats.

I listened to NEWT GINGRICH from a couple of weeks ago. He wants Medicare to wither on the vine. The majority leader bragged to a group that he led the charge against Medicare.

So, do not be fooled. If they support Medicare, they ought to now support the Daschle resolution. It says balance the budget in 7 years, but protect Medicare and keep the tax cuts for those earning under $100,000.

They keep saying they love Medicare. They keep saying they want to protect Medicare. They keep saying they want to balance the budget in 7 years. They keep saying they care about the middle class.

This is the moment of truth. Let us come together. I serve on the Budget Committee. I offered some amendments that passed to keep the tax cuts for people earning under $100,000. We all said we were for Medicare.

What does the Daschle resolution simply say? It simply says we will balance the budget in 7 years, and at the same time we will not use those tax cuts. We will not use the cuts in Medicare to fund those tax cuts.

It is a wonderful and should be a bipartisan effort.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. The Wall Street Journal said the assumptions are wrong. I hope we will support Senator DASCHLE.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I want to leave the floor. I believe the majority leader is en route. He wants to speak for 3 minutes or so. But let me have a few closing remarks.

I say to the Democrats on the other side who have voted to balance the budget in 7 years—and there are 19—I say to them that they ought to vote this down and vote for the Republican resolution which will put the Government back to work and does nothing more than what they have been for. It says during this Congress we will pass the balanced budget amendment. It will be a 7-year budget, and it will use the economics that they used heretofore in their own approaches.

So I ask them to be consistent tonight, and tonight not join with the demagogry of just because it is Republican we can sell the American people that it is anti-senior citizen, that it is anti-poor people.

Let me repeat. The Social Security trust fund will be solvent under this proposal for 15 to 17 years and not one penny of the savings in any part of Medicare will go to tax cuts. It goes into a trust fund for the seniors of America.

Now, you will not hear that tomorrow, and you do not hear that tonight. But we care about senior citizens, and we want their fund solvent.

We also care about little kids, and maybe we even care more about children that have not been born. And the truth of the matter is, if you listen to that side of the aisle, money grows on trees.

It does not grow on trees. Somebody pays for it. If we do not change things, Mr. President, lo and behold, the money tree will be without money and the children not born will be paying up to 80 percent of their earnings for our bills.

What a wonderful life they will have and how thrilled they will be at the adult leadership of this decade. They will look at us and say: Who were they kidding as they ran around trying to scare seniors while they put America into a bankrupt position where we did not have enough money to pay, so we borrowed it. We were not around when it was paid back so our children and grandchildren have to do it.

Now, I stand pretty proud that after all these years we are on the brink of passing a real balanced budget. But I do not say that the President of the United States must accept that. I say he ought to accept only one thing and so should they, and that is, let us balance this budget. We do not know whose way yet. Maybe half the President's way, half our way. But let us commit ourselves to that, and then let us open Government and let our people go back to work.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute, 50 seconds.

Mr. DOMENICI. Let me close this then, Mr. President.

I remain thoroughly amazed at the President of the United States and his continual day-by-day arguments that the Republicans in the Congress are busy about doing all kinds of actions that will hurt people when we have not seen a balanced budget from him. We have seen everything from a commitment to 5 years, to one that said maybe 10 years, to one with a whole batch of new economics that said maybe 8 years, and yet even tonight he says he will not sign anything that will harm Americans, that will harm seniors, that will hurt the poor, and yet he tells them, I am for a balanced budget.

It just does not ring true. What would ring true would be a very simple gesture when we send this bill to him if he signed it and if the very next day he set up a team and said, let us get this going.

I do not know which budget is coming out of it. I do not know whose priorities will prevail because, after all, the Congress is Republican and the President is Democrat. But we assume in those meetings we would all be Americans. But we cannot go there not knowing where we are supposed to end up. We cannot just say it will all come out all right. We have been at it for years. It has not come out all right. We have had all kinds of meetings. It has not come out all right.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMENICI. I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I will use my leader time for as much time as I may consume.

I did not hear all of the remarks of the distinguished Senator from New Mexico, but let me respond to what I did hear.

I know that the Senator from New Mexico has had the opportunity to serve under many Presidents, and he has seen Republicans and Democrats in the White House. He knows what the record is for the 1980's and early 1990's. Frankly, I think there is a difference between talking and doing.

We heard a lot of talk in the 1980's about the importance of a balanced budget, but the fact is we rolled up a deficit five times what we had prior to the time a Republican President took office in 1981—five times, from $800 billion now to almost $6 trillion. So there is a difference between talking and doing.

The Senator from New Mexico did not mention that the United States has the lowest deficit of any country on a per GNP basis, any industrialized country except Norway. We are lower now than every other country. Why? Because the President showed some courage, showed some leadership, was able to convince the Congress in 1993 to take the single biggest step toward deficit reduction that we have seen in decades.

And what happened? We have the best economic growth. We put 7.5 million people to work. We have actually seen a downward trend in the deficit now for 3 years running. That has not happened since the 1940's. So I hope everyone understands what the record is here.

This amendment says we want to continue building on what the President has done for the last 3 years. We recognize that we have to go further. We recognize the job has not been finished. We recognize that we have to set

a time certain, and if you want to insist on 7 years, we have no problem with that necessarily. But we also want to recognize that the fundamental investments that this country has made in better health, in better economic opportunities be protected.

That is all we are saying; that it is not an either/or; that we can balance the budget, but we do not have to do it on the backs of senior citizens who need health care. And if we are going to do a tax cut, we do not have to give it to those who do not need it.

That is really what this amendment is saying. We want to balance the budget. We want to continue to work with our Republican colleagues, even though we did not get much help in 1993 when we committed to that plan. We want to make it work now. But we also strongly believe that it is important to commit to the kind of protection, the kind of security, the kind of opportunity that American people now have had since 1965.

This amendment is very simple, and, frankly, I do not know how people could vote against it. If you support a 7-year budget and if you support this concept of not using Medicare to pay for a tax cut, and if you support tax cuts but recognize the need to ensure some economic equity, then you will want to support this amendment.

I yield the floor.

Mr. DOMENICI. 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. DOMENICI. 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. DOMENICI. Mr. President, I move to table and 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 occurs on agreeing to the motion to lay on the table amendment No. 3057. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from New York [Mr. MOYNIHAN] and the Senator from Georgia [Mr. NUNN] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52 nays 45 as follows:

[Rollcall Vote No. 580 Leg.]

YEAS—52

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

NAYS—45

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

NOT VOTING—2

| | |
|---|---|
| Moynihan | Nunn |

So the motion to lay on the table the amendment (No. 3057) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. ABRAHAM. Mr. President, I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. FEINGOLD. Mr. President, I am voting for the House-passed continuing resolution. As we have debated this measure throughout the day, I supported various amendments which have been proposed which I think were perfectly reasonable, but now the question is whether to vote for or against this continuing resolution. The fatal flaws in the previous version have been removed. Thanks to the President's resolve, Medicare beneficiaries do not face a Medicare premium increase, and I hope and expect the President will continue to persevere with regard to the extremist reconciliation bill, which contains even greater increases for Medicare beneficiaries.

Balancing the Federal budget has been my priority since first coming to the Senate, and this resolution commits us to a legislative approach to reaching that goal by 2002. I ran on that issue. I proposed an 82-plus point plan with specific, balanced cuts to achieve a balanced budget in 5 years, and I was proud to support the President's $600 billion deficit reduction package during the 103d Congress, a package that contained many of the provisions I included in my own plan.

I have also been proud to participate in other deficit reduction efforts, including the bipartisan proposal put together by Senator KERREY (D-Nebraska) and Senator BROWN (R-Colorado), and the package developed under the leadership of Senator KERRY (D-Massachusets).

To me, the language in this continuing resolution means no more and no less than a commitment to achieving a balanced budget by 2002 and it does so without mangling our Constitution. It does not endorse in any way the extremist reconciliation plan that will be before us shortly, a plan which is not based on the goal of a balanced budget but on the reckless, politically self-serving desire of providing a fiscally irresponsible tax cut—tax cuts apparently scheduled to be mailed to voters only days before the 1996 elections.

I firmly believe there is significant bipartisan support in the Senate for a responsible budget measure that achieves a balanced budget in 7 years, or even sooner. Such a plan would reject the reckless $245 billion tax cut, make prudent reforms to our Medicare and Medicaid Programs, and would ask all areas of Federal spending to share in the burden of deficit reduction, including our military, and the special interests that benefit from the massive spending done through the Tax Code.

That is the formula for a budget plan that cannot only be enacted into law, but can be sustained over the entire lifetime of the glidepath to a balanced budget. It is very much like the alternative budget plan I supported that was offered by Senator CONRAD (D-North Dakota) during the budget resolution debate last spring, and is a budget I believe the President would sign. I hope we can soon begin to work toward such a budget.

Mr. ROBB. Mr. President, I rise to announce how I will vote on the pending continuing resolution—and why.

Earlier today I voted for the Democratic ''clean'' continuing resolution because I believe that is the appropriate way to authorize the continued operation of the government, even though I have long supported the 7-year commitment to balance the budget using CBO numbers. The Republican Majority opposed that amendment, and it was defeated, despite the fact that the lapse in agency spending authority was caused by the failure of Congress to pass the 13 appropriations bills on time.

I also voted for the Democratic substitute which would have required a unified balanced budget in 7 years while assuring that Medicare and Medicaid would not be cut to pay for tax breaks and any tax cuts would go only to families making under $100,000. I supported this amendment even though I have said repeatedly that I do not believe we should pass any new tax cuts at all, no matter how well targeted, until we actually achieve a balanced budget.

But that amendment met the same fate as the first Democratic substitute.

I voted as I did on these Democratic substitutes because I could do so in good faith—and because I wanted to support the President and the minority leader.

But the question before us now is whether to vote for or against a continuing resolution that would end this indefensible partial shutdown of the Federal Government, which has created unnecessary uncertainty for hundreds of thousands of blameless federal workers, generated hardship for countless Americans, disrupted many local

economies, and further eroded confidence in our government and its leaders.

I have always said that achieving fiscal discipline would present tough choices. And this vote presents one of these tough choices. I take the minority leader's opposition to this resolution and the President's expected veto very seriously. I would like to continue to support them tonight as I have on so many other occasions. But fiscal responsibility is at the very core of everything I have ever stood for as a public official. And the conditions attached to this pending resolution incorporate precisely the advice I have urged both privately and publicly.

To be sure, it was Congress that precipitated this government shutdown by failing to pass appropriations bills on time. And it then exacerbated the problem by challenging the President of the United States, a President whom I know for a fact has been fully prepared to negotiate seriously on spending priorities for a long time.

And none of this had to happen.

Even though this situation could—and should—have been avoided, emotions are raw today. Too many American families have suffered needless disruption and uncertainty. Too many hardworking federal employees have been held hostage by our actions and denigrated as non-essential, which diminishes the value of their labor and their service to their county. So while I continue to support the position of the President and many of my Democratic colleagues that a ''clean'' resolution is the appropriate way to proceed, I cannot in good conscience vote against a measure that reflects the kind of fiscal restraint I believe is necessary and would end the protracted agony of so many of the people I represent.

Mr. DOLE. We are now ready for final passage. I wonder if we might get an agreement on debate on final passage. Maybe 30 minutes equally divided, or we could vote and everybody could talk.

By popular demand we will vote. 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 clerk will read the joint resolution for the third time.

The joint resolution (H.J. Res. 122) was ordered to a third reading, and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New York [Mr. MOYNIHAN] and the Senator from Georgia [Mr. NUNN] are necessarily absent.

The PRESIDING OFFICER (Mr. ASHCROFT). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 37, as follows:

[Rollcall Vote No. 581 Leg.]

YEAS—60

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

NAYS—37

| | | |
|---|---|---|
| Akaka | Ford | Leahy |
| Biden | Glenn | Levin |
| Bingaman | Graham | Lieberman |
| Boxer | Harkin | Mikulski |
| Breaux | Heflin | Murray |
| Bryan | Hollings | Pell |
| Bumpers | Inouye | Pryor |
| Byrd | Johnston | Reid |
| Conrad | Kennedy | Rockefeller |
| Daschle | Kerrey | Sarbanes |
| Dodd | Kerry | Wellstone |
| Dorgan | Kohl | |
| Exon | Lautenberg | |

NOT VOTING—2

| | |
|---|---|
| Moynihan | Nunn |

So the joint resolution (H.J. Res. 122) was passed.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. DODD. Mr. President, I ask unanimous consent that on the previous vote on the motion to table by the Senator from New Mexico—I was recorded as voting ''aye''—that my vote be recorded as ''no.''

That will not change the outcome of the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

## TRIBUTE TO JAN MUIRHEAD

Mr. FRIST. Mr. President, I rise today to commend Jan Muirhead, a fellow Tennessean and a former colleague, for her continuing dedication and commitment to serving others. A cardiovascular clinical nurse specialist and coordinator at the Vanderbilt University Medical Center Heart and Lung Transplant Program, Jan has devoted countless hours and a lifetime of energy to her patients.

These patients of all ages came to Vanderbilt knowing that their future literally depends on the availability of a compatible and transplantable heart or lung. They knew if that heart or lung is found, they would surely face a difficult operation and a long recovery. But they also knew that Jan Muirhead was there with them through every step—she has been their nurse, their teacher, their supporter, their counselor, and most of all, their friend.

Mr. President, my friend Jan Muirhead is a native of Memphis, TN. The daughter of a prominent pathologist, helping others is in her blood, in her heart, and in her soul.

Jan has been the anchor for the Heart and Lung Transplant Program at Vanderbilt since its inception in 1985, but her career in public service began years before, in 1975, when she graduated with a bachelor of science in nursing from the University of Kentucky. After graduation, she worked as a staff nurse in Vanderbilt's neonatal intensive care unit and in the surgical intensive care unit. She later joined the department of cardiac and thoracic surgery to work with Dr. Harvey Bender. In 1983, Jan moved to Seattle to get her master's degree in nursing from the University of Washington, where she was awarded the CIBA–GEIGY Award for the outstanding cardiovascular nursing pathway master's student.

After completing her degree at the University of Washington, Jan Muirhead returned to Vanderbilt University Medical Center, where she and Dr. Walter Merrill established the heart transplant program. I joined the program 1 year later, and over the subsequent 8 years had the pleasure and the privilege of working daily with Jan. During that time, I witnessed first-hand her tireless energy, her commitment to others, her enthusiasm for her job, her selfless devotion, and above all, the warmth and dedication she showed to the thousands of patients whose lives she touched.

She recently earned certification as an adult nurse practitioner from Vanderbilt's school of nursing—yet another sign of her continuing commitment to providing the best quality care and the most up-to-date advice. In fact, patient education is one of the most important services Jan provides for patients at Vanderbilt. When a transplant patient is admitted to the medical center, Jan sits down with them, discusses their medical condition, explains how donors are matched, and provides details of the surgical procedure they will undergo when that match is found. She diligently directed the entire postoperative course for the transplant patient. The thought of undergoing transplant surgery and enduring a tough recovery is very scary, but for years, Jan has calmed patients' fears.

Mr. President, Jan Muirhead has also been honored by her colleagues. In 1991, she received the Nursing Research Award in Paris, France, from the International Society for Heart and Lung Transplantation. She has served as secretary and a member of the board of

the Middle Tennessee chapter of the American Association of Critical Care Nurses, and in 1994, Jan was chairman of the abstract review committee of the International Society of Heart and Lung Transplantation. She is an active member of the American Heart Association and the Association of Critical Care Nurses. She is the author and principal investigator of numerous articles and chapters on heart disease and transplantation.

Now, Mr. President, my close friend Jan Muirhead leaves Vanderbilt to move to Dallas, TX, where she will participate in a Baylor University outreach program for geriatric patients. So, today, I would like to thank Jan for her outstanding service to her patients and to her community. Her pioneering spirit, her unending commitment, and the unselfish love she has shown toward her patients and her colleagues will be missed at Vanderbilt. I wish her all the best as she embarks on this new venture in her life.

## PUBLIC/PRIVATE VENTURES' STUDY

Mr. COATS. Mr. President, I would like to bring to my colleagues attention the exciting results of a 5-year study that public/private ventures released today. As a national board member of Big Brothers/Big Sisters of America, it brings me great pleasure to share with you the news of public/private ventures' study of the Big Bothers/Big Sisters Program—the first ever to assess the impact of youth of any major mentoring program.

At last we have scientifically reliable evidence that proves what we have known intuitively for years—mentoring programs can positively affect young people.

As many of my colleagues know, Big Brothers/Big Sisters is a federated movement of over 500 affiliated agencies located in all 50 States. The Big Brothers/Big Sisters movement began in 1904 to provide one-to-one services to boys and girls in need of additional adult support and guidance. While the environment in which today's youth operate is vastly different than that of 90 years ago, basic core services of Big Brothers/Big Sisters remains the same—to provide responsible, consistent adult role models to children at risk. The need for additional adult support and guidance for our Nation's youth has never been greater, however, than at this time. Currently 38 percent of all of America's children live without their fathers. The Big Brothers/Big Sisters Program presently supervises about 75,000 youth-adult matches, but as the public/private ventures report proves an expansion of the Big Brothers/Big Sisters Program would have a positive effect on our Nation's youth.

The public/private ventures study concludes that young teenagers, who meet regularly with their Big Brother or Sister, are less involved with drugs and alcohol, do better in school and have better relationships with their parents and peers than do youth not in the program. In fact, public/private ventures found that ''Littles'' who met their ''Bigs'' regularly were: 46 percent less likely than their peers to start using illegal drugs and 27 percent less likely to start drinking; 52 percent less likely than their peers to skip a day of school and 37 percent less likely to skip a class; more trusting of their parents or guardians, less likely to lie to them, and felt more supported and less criticized by their peers and friends.

Most of the 959 youth in the research sample were between the ages of 10 to 14, nearly 60 percent were members of a minority group, more than 60 percent were boys and most were poor or near poor. Many lived in families with histories of substance abuse and/or domestic violence. They are representative of our Nation's youth placed at-risk. Keeping this in mind, it is evident that the Big Brothers/Big Sisters Program suggests a strategy that the country can build upon to make a difference—especially for youth in single-parent families.

And since mentoring programs work through the efforts of volunteers, only modest funds are necessary to have far-reaching impact. The Big Brothers/Big Sisters Program is an innovative and effective program with the potential of having a substantial positive impact on our Nation's youth with a small investment. That is why I was pleased to include the Character Development Act [CDA] as one of 18 bills in a legislative package which I have called the Project for American Renewal. The Character Development Act will link public schools with local mentoring organizations to give more children the chance to reap the benefits of a one-to-one relationship. The Character Development Act is based on a small, innovative, Federal program known as the Juvenile Mentoring Program [JUMP]. JUMP is a competitive grant program which allows local, nonprofit social service and education agencies to apply cooperatively and directly for grants from the Department of Justice's Office of Juvenile Justice and Delinquency Prevention. These grants are used to establish mentoring services utilizing law enforcement officials and other responsible individuals as mentors.

As we, as policymakers, begin to look at mentoring, we need to keep in mind another telling conclusion of the study. The benefits of mentoring do not occur automatically. If programs are supported by the kind of thorough screening of volunteers, careful matching and extensive supervision required by Big Brothers/Big Sisters, they can be expected to produce similar results. In programs that lack the established infrastructure of the Big Brothers/Big Sisters Program, the one-to-one relationship evaporates too soon to positively affect the youth.

While the study's most dramatic findings are the degree to which participation in Big Brothers/Big Sisters prevents a young person from starting to use drugs and alcohol, the authors also noted the fact that Big Brothers/Big sisters participation produces an unusually broad range of outcomes for youth—improved school behavior and performance and better relationships with friends and family. The Big Brothers/Big Sisters Program results in improvements in attitudes, performance, and behavior—with ''littles'' one-third less likely than their peers to report hitting someone.

I encourage my colleagues to join me in commending Big Brothers/Big Sisters for their continued commitment to our Nation's youth and recommend to my colleagues that they visit a local affiliate in their State so that they may see for themselves that mentoring can and does indeed work.

## IN HONOR OF PRIME MINISTER YITZHAK RABIN

Mr. MOYNIHAN. Mr. President, on October 25, 1995, the Prime Minister of Israel, Yitzhak Rabin, spoke in the Capitol Rotunda at a ceremony commemorating the 3,000th anniversary of the founding of the City of Jerusalem by David. I had the honor to introduce him. I ask unanimous consent to have printed in the RECORD my remarks on that occasion.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR DANIEL PATRICK MOYNIHAN

My pleasant and most appropriate task this afternoon is to introduce one of Jerusalem's most illustrious sons.

History will acknowledge him as the unifier of the City of David—the Chief of Staff whose armies breached the barbed wire and removed the cinder blocks that has sundered the city of peace.

History will honor him as the magnanimous leader of a brave people—brave enough to fight against daunting odds—perhaps even braver still to make peace.

History will remember him as the last of the generation of founders—the intrepid children of a two thousand year dream. Almost certainly, the last Israeli Prime Minister to play a leading role in the War for Independence, he was also the first —and to this day the only—Prime Minister to be born in the Holy Land.

He is a proud son of Jerusalem. As a young man he dreamed of a career as an engineer. But destiny had other plans and he fought and led for almost half a century so that his people could live in peace and security.

Nobel Laureate, statesman, military hero, friend of our nation where he served with distinction as an ambassador in this very city, he honors us today by joining us in our festivities—the Prime Minister of Israel, the Honorable Yitzhak Rabin.

Mr. MOYNIHAN. Mr. President, twelve days later, I, along with many Senate and House colleagues, stood by his casket, first at the Knesset, later on Mount Herzl where he was buried. It was an experience none of us will forget. No one has captured the moment and the momentous consequences better than Mortimer B. Zuckerman, who

was there also. I ask unanimous consent that his reflections, ''The Light of a Fierce Fire,'' be printed in the RECORD.

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

[From the U.S. News & World Report, Nov. 20, 1995]

THE LIGHT OF A FIERCE FIRE

(By Mortimer B. Zuckerman)

The poet was once asked, ''If your house was burning and you could save only one thing, what would you save?'' The poet answered, ''I would save the fire, for without the fire we are nothing.''

It was Yitzhak Rabin's destiny not to be saved from the frenzy of a madman. But bullets cannot so easily extinguish what Rabin's bravery and vision ignited, the fire of Israel's commitment to peace. He might so easily have died in the din of battle, this man who made war when he had to. But he died instead amid the clamor of peace, with the acclaim of a mass peace rally of Iraelis still in the air and still in his mind. It would be his last wish that the flame of peace, for which he gave his life, should not be dimmed by anger and despair. His state funeral, for all its sadness, was inspiring as an occasion for the vindication of his hopes, for a new dedication to Israel's security from America and for a demonstration of goodwill by some former Arab enemies.

President Clinton led a bipartisan delegation that included the congressional Republican leadership, former President Bush and former Secretary of State George Shultz. It was more than a respectful gesture of protocol. This was a statement of emotional and psychological support from the most powerful nation in the world to a small, isolated country, living in a perilous neighborhood and in a time of great national trauma: We do more than share your grief, we understand your fears; and we will not desert you as you have so many times in your history been deserted. All Americans could take pride in President Clinton's splendid eulogy; in the uniqueness of America's compassion and friendship that extended beyond a calculation of narrow national interest; in the honor of the hand outstretched at a time of need to an ally and friend. The president rose to the moment. The hundreds of thousands of people who lined the roadside and saw the American delegation were clearly moved.

Of equal significance was the roll call of certain Arab countries (excluding Saudi Arabia) and especially the emotional speech of King Hussein of Jordan. His words referring to Yitzhak and Leah Rabin as ''my brother'' and ''my sister,'' which Muslims usually reserve for one another, and the tears shed by both the king and his queen, made a deep impression on the Israelis for their humanity and ability to overcome the past. Here, clearly, were keepers of Rabin's flame of peace, continuing a line that began with Egypt's late president Anwar Sadat.

It is hard for outsiders to appreciate the effect on Israelis of the worldwide outpouring of sympathy and condolence, with some 80 nations represented at the funeral. The Israelis are a traumatized people. They have for so long been alone, so long believed they could not rely on anyone but themselves, so long expected the world to stay silent in their times of trouble. The extensive response resonates for a people who remember how the world closed its doors to millions of Jews in the 1930s. Their deaths in the Holocaust were but an obscene multiple of the deaths endured in the crusades and programs of earlier centuries when the Jews were betrayed by those who had the power to save them.

Israel was to be the end of that vulnerable status of perpetual minority, an end to exile and alienation, and a beginning of a normal and natural form of national existence. Israel was home, the new home in the old country, proclaiming that the Jews had formed a self-reliant community and did not need others to fight their battles for them. Now they had their future defined by their own family; the farmer, the kibbutznik, the jet pilot, the shopkeeper, the schoolteacher could coalesce with a traditional language, with their own bible, their own culture. This self-reliance is a matter of great pride. Jews could look after their own family. When the Jews were kidnapped in Entebbe, Uganda, it was the Israelis who took care of it. A Jewish majority could eliminate Jewish vulnerability, and with their own state, the Israelis could, they thought, be like all other nations and like everyone else. The passion for wanting to be normal extended to the notion that to be accepted, Jews did not have to justify themselves by winning the Moral Man of the Year Award every year—at the cost of their own survival. To be 10 percent more moral than other nations would make them a light unto the world; if they were expected to be 50 percent more moral, they would be dead.

And yet Israel cannot be just another secular country. This very land forces the Jews into a dialogue with their religious past. The land was defined through religion, through the divine promise to Abraham, the covenant with the Father and the covenant with the people of Israel. For many religious Zionists, the victory of the Six-Day War, and the subsequent opening to resettlement of the greater land of Israel, were clear signs that God was guiding the secular Zionist revolution toward the ultimate realization of the prophetic vision of history. That is why, for some religious Jews, admitting the existence of a Palestinian nation whose homeland is the Holy Land is tantamount to violating the integrity of the Jewish people's covenantal identity. But the Jews faced a dilemma. They had come home to find peace and safety, only to find that their neighbors also claimed this tiny piece of land as their home. Even worse, how do you share a home with someone who says: ''You have no right to be here?''

It is the great contribution of Yitzhak Rabin that has brought a moral answer to this dilemma. There are those Israelis who emphasize self-reliance and remember Rabbi Hillel's saying, ''If I am not for myself, who is for me?'' Rabin understood Rabbi Hillel had a second part: ''When I am for myself, what am I?'' He saw that the Jews could not control 2 million Arabs without frequent resort to a violence that would erode the moral and Jewish character of the state and, with that, its support in the world. He sought a new definition of Israeli strength and normalcy that incorporated not just military power but also moral and economic fortitude. He decided to end the Israeli occupation of Palestine and any pretense that Israel cold become a binational state in which one people ruled another.

He was uniquely qualified for this adventure. Those to his political right had the strength but not the will to take a calculated risk for peace. Those to his political left had the will but not the strength. He alone, at the time, had the capacity to persuade the divided and wary Israelis to accept a compromise arrangement with the Palestine Liberation Organization that held great promise for peace but also great risk. But the risk was seen as a risk from the Arabs, not the risk of Jew killing Jew. What the right-wing fanatics were blind to is that their murderous intransigence threatened the state that gave them succor and its necessary acceptance by the world. Without the flame of peace, they would have nothing but bloodshed threatening every Israeli's personal security.

The debate over security in Israel is different from the quarrel with the extremists. Many moderate people all across Israel are concerned about giving up land, because for years their leaders told them this land was essential to their national security. In Israel, security decisions are made in the context of the terrible reality that a single Israeli strategic blunder may mean not only military defeat but a genocidal threat to the very existence of the state—one that the world could not forestall, even if it were willing to. Many Israelis ask: Will the peace process be the beginning of a new future or the beginning of the end?

The Israelis are determined to avoid another genocide, this time in Israel. The decision to exchange lawfully captured territory for the promise of peace from those who have constantly threatened violence is fraught with unprecedented risk. Israel will not survive in this neighborhood by superior morality in the absence of superior real strength. Arab moderation is in direct proportion to Israeli strength. If the Arabs could defeat Israel, who could doubt that sooner or later they would try?

Can Shimon Peres, a durable politician less trusted by Israelis, lead the people in pursuit of Rabin's twin goals of peace and security? He is a consummate international diplomat and served with great distinction as prime minister a decade ago. His ardent desire for peace may be part of his problem, for many people believe he is too eager to cut a deal, too dovish and not skeptical enough about security issues, too wrapped up in his own ambitions. So his challenge is to relieve the worries of Israelis as well as meet the needs of the Palestinians.

In this effort, American support is crucial. Rabin said he was elected to take risks for peace. President Clinton said, ''If that is your goal, I will do my best to minimize the risks you must take.'' That is the fire of friendship and support that will enable Israel to fulfill what Rabin so bravely began.

## OUR HATS OFF TO RICHARD EKSTRUM

Mr. PRESSLER. Mr. President, on many occasions I have taken the floor to talk about agriculture in South Dakota. The wonders of American agriculture tell a story that is not told often enough. Individual initiative and determined efforts have led to scientific discoveries that advanced agriculture. The inspirational strength of family, loyalty and faith also have contributed to the wonder that is American agriculture.

In no American workplace is there found greater productivity, cooperation, neighborly concern, creative use of applied science, hard work, and independence than on the farm and ranch. It gives me great pride to witness the ability of our farmers and ranchers to provide abundant and high quality food and fiber for all our citizens and millions of others throughout the world. The story of American farmers and ranchers is truly a wonder of the modern world.

There is the story of Richard Ekstrum of Kimball, SD. This week Richard will be stepping down as President of the South Dakota Farm Bureau. He has held that position since he

was first elected to it in 1975. Richard's leadership has helped to shape the vigorous South Dakota livestock industry. His accomplishments are many, too many to list here. But for those of us who know him, it is agreed that his boots will be hard to fill.

Richard Ekstrum has provided me with invaluable advice and counsel throughout my years in the House and Senate. He has been a tireless defender and promoter of South Dakota and American agriculture. After each meeting with him I know exactly what needs to be done. All meetings with him are productive. I will miss his regular advice and leadership, but I am heartened to know he is still just a phone call away.

Richard recently was quoted as saying, ''I will always be part of Farm Bureau and Farm Bureau will always be a part of me.'' Similarly, I would like the RECORD to reflect that Richard Ekstrum will always be a part of South Dakota agriculture, and vice versa.

Richard owns and operates a 3,500 acre general livestock and grain farm near Kimball, SD. He and his two brothers operate this farm, which has a commercial farrow-to-finish hog operation and produces purebred Simmental cattle.

Richard first joined Farm Bureau in 1967 and rose through the ranks of the Brule County Farm Bureau organization to become President of the South Dakota Farm Bureau in 1975. He was elected in 1980 to the Board of Directors of the American Farm Bureau Federation, a position he held for a decade. He has travelled the globe—28 countries in total—to promote and advance American agriculture. He recognizes that the continued strength of American agriculture rests with its ability to compete in the world market place. That is part of the reason why Richard Ekstrum is a recognized and respected national leader in agriculture.

The strength of the Farm Bureau organization is rooted on the farm. The history of the South Dakota Farm Bureau is impressive. As early as 1913, several county Farm Bureaus were organized and operating in South Dakota. In 1917, the operating county Farm Bureaus formed the South Dakota Farm Bureau Federation. Today the South Dakota Farm Bureau is my State's leading agricultural organization and a highly regarded voice for South Dakota farmers and ranchers.

Much of the success of the South Dakota Farm Bureau can be attributed to Richard Ekstrum. Under his leadership the organization witnessed its largest membership growth. Throughout the 1950's and 1960's, membership averaged 3,100 farm families. During the 1970's, its programs were expanded and since 1977 family membership in the South Dakota Farm Bureau has grown each and every year to the point where it represents more than 10,000 South Dakota farm and ranch families.

One of the many programs sponsored by the farm bureau and strongly promoted by Richard is the South Dakota Farm Bureau Young Farmers and Ranchers Committee. This group provides opportunities for greater participation by young, active farmers and ranchers. It helps young farm bureau members analyze their particular agricultural problems and collectively find solutions that best meet their needs. I am very pleased with the success of this program. I have said on many occasions that we need to do more to promote the promise of farming for younger generations. These young people represent the future of South Dakota agriculture.

Richard Ekstrum and the South Dakota Farm Bureau are committed to the goal of improving net farm income and strengthening the quality of rural life. I commend Richard for his loyalty to and hard work for the South Dakota Farm Bureau. He has left his mark on the landscape of South Dakota agriculture and his community. His wife Agnes and his two daughters can be truly proud. I know Richard will continue to be active in his church, in civic and private organizations, the South Dakota Farm Bureau and in South Dakota agriculture.

Richard is known for saying, ''Of all the hats that I wear, I like the one of being a farmer the best.'' Today, on behalf of all South Dakotans, I take my hat off to Richard Ekstrum.

As I stated before, the wonders of American agriculture tell a story that is not told often enough. It is a story of proud Americans, like Richard Ekstrum, who do their part in the world's most proficient industry, day after day. I enjoyed and will continue to tell the many stories of South Dakota men and women who contribute to the greatest story ever told—American agriculture.

## TRIBUTE TO THE CHATTANOOGA RONALD McDONALD HOUSE

Mr. FRIST. Mr. President, I rise today to recognize and commend the Chattanooga Ronald McDonald House, which will celebrate its fifth anniversary in a ''Blaze of Glory'' this weekend.

The Ronald McDonald Houses provide a loving atmosphere for seriously ill children to be close to their families while they are cared for in a nearby hospital. Often, these houses are considered to be the families' home away from home during these hardships. The ''House That Love Built,'' which is the name of the Chattanooga Ronald McDonald House, has assisted almost 1,800 families from 32 States and 2 foreign countries, and is 1 of 162 Ronald McDonald Houses in the United States.

This weekend will mark the fifth anniversary for the Chattanooga Ronald McDonald House. They will celebrate the anniversary by burning the recently resolved mortgage on the house in a ''Blaze of Glory.'' Mr. President, I would like to thank the staff, the more than 300 volunteers and the donors that have made the ''House That Love Built'' a safe and useful tool in treatment of our catastrophically ill children. Their combined efforts will not go unnoticed, and I wish them well in their celebration this weekend.

## OWENSBORO LEGENDS OF RACING HOMECOMING

Mr. FORD. Mr. President, anytime someone from our hometown gains national recognition for their talents, we all feel a sense of pride and ownership—that somehow we've contributed to that success.

I know all those from the city of Owensboro and from Daviess County will be doing their share of boasting during the Owensboro Legends of Racing Homecoming.

It provides us with a chance to show off some of our homegrown talent, and to thank these racers and crew members for representing our community so well in competitions across the country.

I know all Kentuckians are just as proud as I am of Darrell and Michael Waltrip, Jeremy Mayfield, and the Green boys—David, Jeff, and Mark. Any weekend we turn on the television and watch the NASCAR races, we enjoy it that much more knowing that they're successes reflect so well on Owensboro, and our entire State.

Working closely with the NASCAR drivers are nine pit crew members from Owensboro and Daviess County who have achieved the highest level of success in their field. I want to congratulate Jeff Chandler, Kenneth Davis, Kerry Everly, Terry Mayfield, Stephen McCain, Donnie Richeson, Barry Swift, Bobby Waltrip, and Todd Wilkerson for their hard work and excellent performances.

They're part of one of the fastest growing sports today. It's estimated that attendance records will double, with 6 million fans expected to go to the races this year.

These are all men of excellent character, who've demonstrated what can be accomplished with hard work and dedication. I join all Kentuckians in congratulating not only them, but their families, who have stood by and supported these racers and pit crew members over the years. I couldn't be more proud of their achievements, and I wish them continued success in the future.

### THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, as of the close of business yesterday, November 15, the Federal debt stood at $4,988,340,050,374.57. We are still about $12 billion away from the $5 trillion mark. Unfortunately, we anticipate hitting this mark sometime later this year or early next year.

On a per capita basis, every man, woman and child in America owes $18,935.82 as his or her share of that debt.

## CONGRESS WILL PROTECT AMERICA'S VETERANS

Mr. GRAMS. Mr. President, we paused last week, as we do each November 11th, to honor American veterans who have given so much to their country for the cause of freedom. As a nation, we stop on Veterans Day to express our gratitude for their service and their sacrifice. And it is worth questioning whether the freedom which we embrace in America would have spread across the world had those sacrifices not been made.

Because of their profound love for their country, veterans understand better than many people how important it is that we face the problems plaguing this Nation. ''Congress is doing exactly what I want it to do, in spite of some who oppose the progress we are making,'' wrote a disabled veteran from Shoreview, MN, who urged me to continue pressing for a balanced budget.

So in much the same way Americans once united during wartime, we are now united in peace, working together as a nation to create a Government strong enough to meet the needs of its veterans today, while it safeguards the freedom our veterans ensured for us.

That is why I find it so appalling that veterans would be singled out by the President and his administration to be the latest political pawns in their budget maneuverings.

Mr. President, I have received a copy of a press release issued by the Department of Veterans Affairs just 2 days ago, and I am utterly disgusted by the scare tactics it employs and the blatant misrepresentations it contains.

''Nearly 3.6 million veterans, widows, and children may have to wait on their monthly benefits checks due to the Government shutdown,'' it begins. ''Unfortunately, some veterans and their families may become budget casualties,'' said VA Secretary Jesse Brown.

Suggesting that veterans—many of whom sustained grave injuries and lost close friends and family members in battle—could become casualties themselves, this time of a budget war, is tasteless and extreme. It is shocking to me that the U.S. Government would dishonor our veterans this way, playing on their fears and resorting to these kinds of tactics in an attempt to score political points for the President.

In his press release, Secretary Brown claims that all President Clinton has asked for from Congress is a stopgap spending bill free of controversial riders. That is precisely what Congress will deliver to the President this week—a stopgap bill that gives him the funds he needs to run the Government, and asks him to pledge he will work together with Congress to balance the budget within 7 years. Yet even before he sees our bill, President Clinton is vowing to veto it.

Mr. President, the men and women who have so proudly served in this Nation's Armed Forces will not be left in the cold, and to suggest that the Government would ever allow that to happen is the height of irresponsibility. By signing the temporary spending legislation this Congress is preparing to send to the White House, veterans benefits would be designated as an essential Government service. I urge the President to do so, so that this Nation's veterans will continue to receive their monthly benefit checks on schedule and without delay.

The press release from the Department of Veterans Affairs, however, underscores the lengths this administration is willing to go as they attempt to derail our efforts to balance the budget. But do not be taken in by the political rhetoric—it is inflammatory and it is harsh, but it is nothing but rhetoric. A similar situation occurred earlier this year, when the President tried to gain some political mileage scaring senior citizens with his Medicare misinformation. And so it was only a matter of time before he would go after the Nation's veterans, too.

It is indeed unfortunate that this President is so out of touch with the military and the sacrifices demanded by those who serve in uniform that he would attempt to frighten American veterans in such a manner.

Mr. President, I urge my colleagues to join me in denouncing these desperate tactics. They disgrace our veterans and serve no useful purpose in the very serious debate over the financial future of this great Nation.

## REPORT OF PROPOSED LEGISLATION MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 1996—MESSAGE FROM THE PRESIDENT—PM 96

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Appropriations.

*To the Congress of the United States:*

In declaring my intention to disapprove House Joint Resolution 122, the further continuing resolution for fiscal year 1996, I stated my desire to approve promptly a clean extension of the continuing resolution that expired on November 13. Accordingly, I am forwarding the enclosed legislation that would provide for such an extension. This legislation also provides that all Federal employees furloughed during the Government shutdown through no fault of their own will be compensated at their ordinary rate for the period of the furlough.

I urge the Congress to act on this legislation promptly and to return it to me for signing.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 16, 1995.*

## MESSAGES FROM THE HOUSE

At 9:02 a.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, in which it requests the concurrence of the Senate:

H.J. Res. 122. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

### ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 395. An act to authorize and direct the Secretary of Energy to sell the Alaska Power Administration, and to authorize the export of Alaska North Slope crude oil, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

At 3:47 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2126) making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes.

## 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–1598. A communication from the Director of the Defense Finance and Accounting Service, the Department of Defense, transmitting, pursuant to law, a cost comparison study of Vendor Pay function supporting the Defense Commissary Agency; to the Committee on Armed Services.

EC–1599. A communication from the Chairman of the Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the report on the status of internal audit and investigative activities for fiscal year 1995; to the Committee on Armed Services.

## 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–466. A resolution adopted by the Salinas City Firefighters of Salinas, CA, relative to the Ward Valley of the East Mojave; to the Committee on Energy and Natural Resources.

POM–467. A petition from the attorney general of the State of Hawaii relative to proposed legislation entitled ''The Medicare Preservation Act of 1995''; to the Committee on Finance.

POM–468. A petition from a citizen of the State of Kansas for a redress of grievances; to the Committee on the Judiciary.

POM–469. A resolution adopted by the Senate of the Legislature of the State of Michigan; to the Committee on the Judiciary.

''SENATE RESOLUTION NO. 30.

''A resolution to memorialize the Congress of the United States regarding voluntary, individual, unorganized, and non-mandatory prayer in public schools.

''Whereas, the United States of America was founded by men and women with varied religious beliefs and ideals; and

''Whereas, The First Amendment to the United States Constitution states that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof . . ., which means that the government is prohibited from establishing a state religion. However, no barriers shall be erected against the practice of any religion; and

''Whereas, The establishment clause of the First Amendment was not drafted to protect Americans from religion, rather, its purpose was clearly to protect Americans from governmental mandates with respect to religion; and

''Whereas, The Michigan Legislature strongly believes that reaffirming a right to voluntary, individual, unorganized, and non-mandated prayer in the public schools is an important element of religious choice guaranteed by the constitution, and will reaffirm those religious rights and beliefs upon which the nation was founded: Now, therefore, be it

''*Resolved by the Senate,* That the members of this legislative body memorialize the Congress of the United States to strongly support voluntary, individual, unorganized, and non-mandatory prayer in the public schools of this nation; and be it further

''*Resolved,* That a copy 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.

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POM–470. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on the Judiciary.

''HOUSE CONCURRENT RESOLUTION NO. 142

''Whereas, the flag of the United States is the ultimate symbol of our country and it is the unique fiber that holds together a diverse and different people into a nation we call America and the United States; and

''Whereas, as of March, 1995, forty-six states have memorials to the United States Congress urging action to protect the American flag from willful physical desecration and these legislations represent nearly two hundred and twenty-nine million Americans, more than ninety percent of our country's population; and

''Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

''Whereas, certain actions, although arguably related to one person's free expression, nevertheless, raise issues concerning public decency, public peace, and the rights of other citizens; and

''Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

''Whereas, the American Flag is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

''Whereas the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes the reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

''Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency; and

''Whereas, an increasing number of citizens, individually and collectively, in Hawaii and throughout the nation, have called for action to ban the willful desecration of the American flag; and to ignore the effect of this decision would be an affront to everyone who has been committed to the ideals of our nation in times of war and in times of peace: Now, therefore; be it

''*Resolved by the House of Representatives of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995, the Senate concurring,* That this body respectfully requests each member of Hawaii's congressional delegation, with the specific purpose of urging the Congress of the United States to support an amendment to the United States Constitution, for ratification by the states, providing that Congress and the states shall have the power to prohibit the willful physical desecration of the flag of the United States; and; be it further

''*Resolved* That certified copies of this Concurrent Resolution be transmitted to each member of Hawaii's congressional delegation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1331. A bill to adjust and make uniform the dollar amounts used in title 18 to distinguish between grades of offenses, and for other purposes.

S. 1332. A bill to clarify the application of certain Federal criminal laws to territories, possessions, and commonwealths, and for other purposes.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Florence K. Murray, of Rhode Island, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 1998.

David Allen Brock, of New Hampshire, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 1997.

Joseph Francis Baca, of New Mexico, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 1998.

Robert Nelson Baldwin, of Virginia, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 1998.

Frank Policaro, Jr., of Pennsylvania, to be United States Marshal for the Western District of Pennsylvania for the term of 4 years.

D.W. Bransom, Jr., of Texas, to be United States Marshal for the Northern District of Texas for the term of 4 years.

(The above nominations were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DORGAN (for himself, Mr. BYRD, Mr. HEFLIN, and Mr. CAMPBELL):

S. 1417. A bill to assess the impact of the NAFTA, to require further negotiation of certain provision of the NAFTA, and to provide for the withdrawal from the NAFTA unless certain conditions are met; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SANTORUM (for himself and Mr. SPECTER):

S. Res. 195. A resolution to honor Frederick C. Branch on the 50th anniversary of his becoming the first African American commissioned officer in the United States Marine Corps; to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN (for himself, Mr. BYRD, Mr. HEFLIN, and Mr. CAMPBELL):

S. 1417. A bill to assess the impact of the NAFTA, to require further negotiation of certain provision of the NAFTA, and to provide for the withdrawal from the NAFTA unless certain conditions are met; to the Committee on Finance.

### THE NAFTA ACCOUNTABILITY ACT

● Mr. DORGAN. Mr. President, the North American Free-Trade Agreement [NAFTA] has been a total disaster for our Nation. Virtually all of the promises made when it was passed have turned out to be hollow and shallow rhetoric.

We have gone from a trade surplus with Mexico to an unprecedented and unbelievable trade deficit. Our economy is being drained, while jobs, plants, and opportunities move out of this country. It is time to admit that NAFTA is a lemon. When we get a lemon we take it back. We demand that the promises made when it was sold be kept. If not, then our only choice is to withdraw from NAFTA.

This coming Monday will be the 2d anniversary of the passage of the North American Free-Trade Agreement [NAFTA] by the Senate. Today I am pleased to introduce the NAFTA Accountability Act. I am also pleased to have Mr. BYRD, Mr. HEFLIN, and Mr. CAMPBELL as original cosponsors of this legislation.

As we approach the second anniversary of NAFTA, we need to remember the promises of NAFTA. The advocates of this trade agreement promised a more vibrant economy, a stabilized economic framework, more high-paying jobs, increased exports, improved

living standards, reduced trade distortions, and improved competitiveness for the United States in global markets.

At the same time we were promised, the environment would be protected, the public welfare would be safeguarded, and basic human rights would be enhanced.

Yet, the facts show that NAFTA just doesn't measure up to its promises. It is clearly evident that NAFTA has been a colossal failure for the American people.

It is what used car dealers politely call a lemon. We have been sold a bill of goods. Like most lemons from a used car lot, it is costing us way more than we expected, and it is not getting us where we want to be going.

It is time to make NAFTA accountable. We need to measure the actual results of NAFTA after 2 years of operation against the promises made to get NAFTA passed.

In fact, we should compare NAFTA's performance against the goals set forth in NAFTA's own preamble and statement of objectives. In introducing the NAFTA Accountability Act we are setting some benchmarks for NAFTA.

We would establish eight benchmarks. Three of those benchmarks would direct the President to renegotiate critical areas of failure within NAFTA including: Trade deficits, currency exchange rates, and agricultural trade distortions.

Five of those benchmarks would establish specific measurements by which NAFTA would be judged, including: Jobs, wages and living standards; the manufacturing base of our country health and environment; illegal drug traffic; and basic individual rights and freedoms.

If the President cannot renegotiate NAFTA, and if the administration cannot certify that these benchmarks have been met by December 31, 1996, then Congress withdraws its approval of NAFTA.

The record of NAFTA is very clear. We have gone from a trade surplus with Mexico to a trade deficit. In 1992, we had a $5.7 billion trade surplus with Mexico. By the end of this year, we will have at least a $15 billion trade deficit. Some are now estimating that deficit closer to $17 billion. The total trade deficit this year with Mexico and Canada will be over $30 billion.

One of the underlying reasons for the trade deficit has been the devaluation of the Mexican peso. This past week, the peso plunged once again down to a record low of 7.8 pesos to the dollar. it is estimated that the Mexican peso is now being supported through $30 billion in loans, much of it from unwilling U.S. taxpayers.

Another critical front is the trade distortions in agriculture. This past year, Canada exported 85 million bushels of wheat and 75 million bushels of barley into the United States, despite the fact that the United States itself is the major exporter of wheat.

In contrast, you can't move a single bushel of wheat across the Canadian border without being stopped and turned back. In one case a woman who was bringing a grocery sack of wheat across the border into Canada so that she could make some whole wheat bread had to dump out the wheat, before she could enter Canada.

When NAFTA was being debated, its promoters promised at least 220,000 jobs. Those numbers have turned totally upside down. Rather than job gains of 220,000, we have job losses of at least 220,000. Some predict job losses by the end of the year of 300,000 and more.

Recently there was a survey of companies that had said they anticipated job growth under NAFTA. Fully 90 percent of those companies now admit that there has been no job growth with NAFTA.

I think one of the most striking examples of the promise versus the reality of NAFTA, are the estimates made by a trade economist as reported by the Wall Street Journal.

Gary Hufbauer is an economist with the Institute for International Economics. His estimates of job growth were used extensively prior to the passage of NAFTA. In one Wall Street Journal article prior to the passage of NAFTA, he had predicted 130,000 new jobs in 5 years.

In April of this year, Hufbauer had to eat his rosy scenario estimates. Here is what he said in the Wall Street Journal:

> The best estimate for the jobs effect of NAFTA is approximately zero. The lesson for me is to stay away from job forecasting.

Hufbauer was right, he should have stayed away from job forecasting. A couple of weeks ago, Hufbauer revised his estimate again. As reported in the Wall Street Journal, Hufbauer is now saying that the surging trade deficit with Mexico has cost the United States 225,000 jobs.

These are real jobs, and real people losing their jobs. Within the last couple of weeks, we have seen a number of plants closing, jobs moving, and layoffs.

The nation's largest underwear maker—Fruit of the Loom—at the end of October announced the closing of six domestic plants, a cut back at two other plants and lay off of 3,200 workers. A spokesman for the company, Ronald Sorini, was quite candid. He said, ''What you are seeing is the cumulative impact of NAFTA and GATT.''

Take the case of Tri-Con Industries which operates a car-seat cover plant. Ten days ago, this company announced it was closing its plant and moving its 200 jobs to Mexico.

Another firm, Ditto Apparel, announced this week that it would lay off 215 workers at its Colfax, Louisiana plant. They make private-label jeans at that plant. The personnel director at the plant, a fellow named Don Vann was also very candid.

In speaking of NAFTA and GATT, he said, ''I'm telling you, those are the nails that are going to be in the coffin of the apparel industry in this country. It's going to be awfully hard for some people who have been long-term employees here. The sad part is, there is just nothing anyone can do.''

Well, I don't agree that there is nothing anyone can do. We can hold NAFTA accountable. We can require that either NAFTA lives up to its promises, or we withdraw from NAFTA.

The NAFTA Accountability Act is simple. If NAFTA does not live up to its promises by December 31, 1996 and if the President does not renegotiate key provisions, then the Congress will withdraw its approval of NAFTA.

Essentially this would be a performance audit. If it doesn't pass muster, then it's ''out-the-door buster.''

I hope that today's introduction of this bill, will bring about a nationwide grassroots review of the promises and the realities of NAFTA. It is time that America's body politic understood what America's grassroots already feels—NAFTA is undermining their individual and family security, and clouding future opportunities.

While they have a deep concern about our nation's budget deficits, they are just as concerned with our nation's trade deficits. These trade deficits mean lost jobs, fewer opportunities for our families, and deficits in family budgets.

In closing, I would also like to call attention to an excellent article which was recently published in the Journal of Commerce. Dr. Charles W. McMillion, an economist here in Washington, DC has a compelling message about the reality of NAFTA.

Mr. President, I ask unanimous consent that the article be included in the RECORD.

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

NAFTA: THIS IS SUCCESS?

(By Charles W. McMillion)

It might seem odd that someone would claim to explain the ''reality'' of a global trade relationship without mentioning the net export balance, its composition or change over time. But John Manzella does just that as he shows very little interest in the ''reality'' he claims to present. (Nafta Hasn't Cost America Jobs, October 20)

Manzella asserts that U.S. trade with Mexico under the 1994 Nafta agreement ''continues to deliver, on jobs and more.'' Surely he excludes Mexico from his fantasy, where no one doubts that over one million net jobs have been lost, incomes reduced by 30–50%, the economy in its deepest depression since the 1930s, political and religious leaders murdered and more. . .

But he also does not mention that U.S. net exports to Mexico have been declining since 1992; that the U.S. now faces net export losses to Mexico of well over a billion dollars each month; or that U.S. trade losses to Mexican production are now concentrated in high technology and high value added industries such as electronics and autos.

The fact is that the much celebrated U.S. pre-Nafta surplus of $5.7 billion in net exports to Mexico in 1992 became monthly deficits by the fall of 1994—even before the December, 1994 collapse in Mexico's attempt to maintain its overvalued peso by spending

virtually all of its $30 billion in foreign reserves. Now, the peso is supported by $30 billion of ''loans,'' mostly from unwilling U.S. taxpayers. And still the global markets are rapidly devaluing the peso as they have done for the past 20 years. U.S. net export losses to Mexico will reach about −$16 in 1995.

Manzella falsely claims that those of us who understand the lunacy of Nafta do not mention U.S. exports to Mexico. In fact, we tediously detail those exports. Most are component parts contracted out for further manufacture in Mexico and re-exported back into the U.S. According to the Government of Mexico, these parts now account for 81% of Mexico's global imports, up from 72% last year, and perhaps 90% of US-made exports to Mexico, up from 75% last year.

Since contracting out work to Mexico is even cheaper now with the peso at market rates, it is not surprising that exports of components to Mexico have continued to rise in 1995. The small fraction of exports of capital goods to Mexico have fallen by −32% as construction of anything other than export platforms has all but collapsed. The almost insignificant export of global consumer goods to Mexico has plunged by −41.5%—far more for any goods made in the U.S.

Exports are usually considered to ''create'' jobs because making additional goods in the U.S. to sell as exports—a car or a computer—requires hiring additional U.S. labor. However, most U.S. exports of components to Mexico do not represent new production but merely the contracting out of work previously done in New York, Pennsylvania or elsewhere in the U.S. It is therefore quite likely that even so-called U.S. ''exports'' to Mexico displace far more U.S. jobs than they create.

Manzella claims that the contracting out of component parts to Mexico is a clever government strategy to counter ''fierce competition from Asia and Europe.'' Yet, even with the dollar far weaker in Asia and Europe than ever before in history, U.S. trade losses have skyrocketed faster and higher than ever before. Net export losses for U.S. manufacturing alone soared from −$66 billion in 1992 to a record −$159 billion in 1994, and perhaps −$200 billion in 1995.

In the first eight months of 1995, Mexico has a trade surplus of $10 billion with the U.S. but a trade deficit of −$5.5 billion with Asia, Europe and the rest of the world.

Clearly, increased production by multinational corporations in Mexico is not displacing production and jobs in Asia and Europe but in Mexico and in the U.S.

Manzella's belief that declining net exports under Nafta have created U.S. jobs is based not only on his ignorance of the nature of U.S. exports to Mexico, but also on his strange view that imports do not displace jobs. (Although he discredits his own strange view by noting that ''. . . more U.S. jobs and production stay at home'' when imports have some U.S.-made content.)

When producers in the U.S. lose sales to imports they are forced to produce less and to eliminate jobs. It is unfortunate that Manzella, as many politicians, has not yet learned this basic fact of business life. But it should not confuse any serious analysis of recent U.S./Mexico trade.

The most recent Department of Commerce calculus is that $1 billion of production supports 16,000 jobs. This would suggest that the U.S. net export loss of about −$16 billion to Mexican production in 1995 would displace over 250,000 jobs. But since most of the $40 billion in U.S. exports to Mexico is not new production but merely contracting out work that was previously done in communities across the U.S., this figure is certainly far too low.

Perhaps even more important is the depressing effect that Nafta has added to the declining purchasing power of U.S. wages. Throughout the economy, workers and their firms have taken further cuts in real pay and benefits to keep their jobs from being contracted out or to lower prices to meet the cycle of reduced demand.

Manzella repeats as fact the claim of embarrassed politicians that Nafta had nothing to do with Mexico's current account and peso crisis last December. Manzella seems to think it was just coincidence that Mexico's external balance became wildly unbalanced immediately after Congress passed fast-track authority for Nafta. Does he believe that after a generation of net capital flight it was coincidence that over $60 billion of hot portfolio ''investment'' poured into Mexico? Was Mexico's flood of imported component parts just coincidence?

In fact, there is no question but that Nafta created the enormous and unsustainable short-term imbalances in Mexico. For the longer term, Nafta's guarantees to foreign investors are devastating local Mexican producers that must now compete against Walmart, Microsoft and Sony's facilities in Mexico but without their access to global capital. This will continue to undermine employment and earnings in Mexico—and therefore consumer demand—for many years to come.

It is a cruel, political joke to suggest that Nafta is protecting U.S. exports contracting out jobs to Mexico. Furthermore, even the net export U.S. trade deficit with Mexico is already far worse than the previous record—$7.7 billion deficit following Mexico's 1982 crisis. The deficit will be twice as severe for the full year.

Finally, Mr. Manzella cites the gain of large numbers of U.S. jobs during business cycles since 1982 to argue that merchandise trade losses do not cause job loss. He seems unaware that while the U.S. population has grown by 30 million since 1982, and 26 million net new jobs have been created, all of these new jobs have been in the non-traded service sector.

Since 1982, the U.S. has accumulated manufacturing trade losses of $1.3 trillion. Far from creating manufacturing jobs to accommodate our growing population and economy, we have 1,300,000 fewer manufacturing jobs today than in 1982.

Contrary to 18th century theory and modern political rhetoric, U.S. trade with Mexico and other low cost export platforms is destroying millions of high wage, highly productive jobs and replacing them with low wage, low productivity service jobs. It is sharply undermining growth and prosperity for all to provide leverage for a very few to capture increasing shares of a slowing global economy.

Manzella and anyone else who considers Nafta a success, for Mexico or for the U.S., should reconsider their priorities. We can do much better. America should lead the international community in an urgent new effort to address today's new, post-Cold War, information-age realities and to provide growth and prosperity for ourselves and the world.●

## ADDITIONAL COSPONSORS

S. 44

At the request of Mr. REID, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 44, a bill to amend title 4 of the United States Code to limit State taxation of certain pension income.

S. 978

At the request of Mrs. HUTCHISON, the names of the Senator from Montana [Mr. BAUCUS], the Senator from Alabama [Mr. SHELBY], the Senator from Iowa [Mr. GRASSLEY], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Louisiana [Mr. BREAUX], the Senator from Nevada [Mr. REID], and the Senator from Mississippi [Mr. COCHRAN], were added as cosponsors of S. 978, a bill to facilitate contributions to charitable organizations by codifying certain exemptions from the Federal securities laws, to clarify the inapplicability of antitrust laws to charitable gift annuities, and for other purposes.

S. 1220

At the request of Mr. HARKIN, his name was added as a cosponsor of S. 1220, a bill to provide that Members of Congress shall not be paid during Federal Government shutdowns.

S. 1414

At the request of Mrs. HUTCHISON, the names of the Senator from South Dakota [Mr. PRESSLER], the Senator from Virginia [Mr. WARNER], and the Senator from Pennsylvania [Mr. SANTORUM] were added as cosponsors of S. 1414, a bill to ensure that payments during fiscal year 1996 of compensation for veterans with service-connected disabilities, of dependency and indemnity compensation for survivors of such veterans, and of other veterans benefits are made regardless of Government financial shortfalls.

## SENATE RESOLUTION 195—TO HONOR FREDERICK C. BRANCH

Mr. SANTORUM (for himself and Mr. SPECTER) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 195

Whereas November 10, 1995, marks the 220th anniversary of the founding of the United States Marine Corps;

Whereas November 10, 1995, marks the 50th anniversary of Second Lieutenant Frederick C. Branch becoming the first African American commissioned officer in the United States Marine Corps;

Whereas Second Lieutenant Branch's commissioning has encouraged African Americans and other minorities to become commissioned officers in the United States Marine Corps; and

Whereas Second Lieutenant Branch has dutifully served his country: Now, therefore, be it

*Resolved*, That the Senate honors Frederick C. Branch on the 50th anniversary of his becoming the first African American commissioned officer in the United States Marine Corps.

Mr. SANTORUM. Mr. President, today I rise with my colleague Senator SPECTER to submit a resolution which pays tribute to Frederick C. Branch, the Marine Corps' first African-American commissioned officer. The fiftieth anniversary of this historic event will be honored tomorrow night in Philadelphia, Pennsylvania. This man's dedication and perseverance paved the way for the some 1,200 African-American Marine Officers serving their country today, 50 years later. I would like to

enter into the RECORD a recent article published in The Navy Times which recently celebrated his remarkable career. This article details his determination in becoming a young officer.

Fifty years later, Lt. Branch returns to Quantico, Va.—The Marine Corps first black lieutenant was greeted at Officer Candidate School by the school's first black commander, 50 years after his commissioning.

Frederick C. Branch, one of the original Montford Point Marines and now a retired science teacher, visited the school where his wife Peggy pinned him with the gold bars of a second lieutenant on Nov. 10, 1945.

Back then, the South was segregated and blacks drank from separate water fountains. ''Whenever we left the base, we ran directly into those segregation laws,'' said Branch, his face framed by peppered hair and moustache and his walk helped slightly by a cane.

During one rail trip, he recalled, he (then a corporal) and 200 other noncommissioned officers were returning to the United States from the South Pacific, where they were stationed in 1944. Stopping at a restaurant, he and two other blacks were not served and were referred to another eatery—literally on the other side of the railroad tracks, he said.

Branch was drafted into the Corps in 1943, and was the first black to graduate from officer training in 1945. Six others preceded him but all were dropped because of injuries or academics, even though all six were college graduates.

It remains a sore spot but nevertheless it did not dissuade him from applying. However, ''I did not encounter any flack during training at all,'' he said.

Branch was a reserve officer but served on active duty and was a battery commander with an anti-aircraft unit at Camp Pendleton. He then took what he learned as a Marine into the schoolhouse in 35 years as an educator.

The Branches' return to Quantico a half-century later saw to a slightly different Corps. The basics of screening and training potential leaders remained the same, although more specialized, he said. And Marine leaders reflect the Nation's ethnic and racial diversity, like Officer Candidate School commanding officer, Col. Al Davis.

''Now officers are integrated,'' Frederick Branch said. ''Here, the commander of OCS is black, and his staff is black and white.''

Officer training actually was conducted a short distance away on the Quantico Marine Base, but Branch wanted to visit with school officials and learn a little about today's screening and training of Marine leaders. During a short morning tour, Branch and his wife watched officer candidates training in the ropes and obstacle courses before giving lunch a try at the OCS chow hall.

Branch said he would like to see black representation among officers increase further. But he took note of the advancements in the last few decades that brought a black three-star general and first black aviator, a black two-star general and three brigadier generals, two of whom are on active duty.

''The black officers now have advanced all the way up to three stars, and there is still room for improvement,'' he said.

Frederick Branch rose to the rank of Captain and proudly fought with his fellow soldiers in Korea before leaving the service in 1972.

## AMENDMENTS SUBMITTED

### CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1996 JOINT RESOLUTION

DASCHLE AMENDMENT NO. 3055

Mr. DASCHLE proposed an amendment to the joint resolution (H.J. Res. 122) making further continuing appropriations for the fiscal year 1996, and for other purposes; as follows:

Strike all after the first word and insert the following:

Section 106(C) of Public Law 104–31 is amended by striking ''November 13, 1995'' and inserting ''December 22, 1995''.

### HOLLINGS (AND OTHERS) AMENDMENT NO. 3056

Mr. HOLLINGS (for himself, Mr. DORGAN, and Mr. REID) proposed an amendment to the joint resolution (H.J. Res. 122), supra; as follows:

Add at the end of the joint resolution, the following last section:

SEC. . Notwithstanding any other provision of this joint resolution, the seven-year balanced budget passed by the Congress to the President shall not include the use of Social Security Trust Funds to reflect a balanced budget.

DASCHLE AMENDMENT NO. 3057

Mr. DASCHLE proposed an amendment to the joint resolution (H.J. Res. 122), supra; as follows:

Strike all after the first word and insert the following:

Section 106(C) of Public Law 104–31 is amended by striking ''November 13, 1995'' and inserting ''December 22, 1995''.

Sec. 2. (a) The President and the Congress shall enact legislation in the 104th Congress to achieve a unified balanced budget not later than the fiscal year 2002.

(b) The unified balanced budget in subsection (a) must assure that: (1) Medicare and Medicaid are not cut to pay for tax breaks; and (2) any possible tax cuts shall go only to American families making less than $100,000.

## ADDITIONAL STATEMENTS

### UNITED STATES-JAPAN INSURANCE AGREEMENT

• Mr. BOND. Mr. President, as Chairman of the Subcommittee on International Finance, it is my responsibility to monitor our trade agreements relating to financial services. It is a responsibility we take seriously.

Earlier this year, the subcommittee held a hearing on the WTO negotiations regarding financial services. We heard testimony from both administration and industry representatives. Based on those hearings and close monitoring of the talks, we took a strong position in opposition to the proposal that was put forward. The administration, correctly, took the same position.

In recent weeks, the subcommittee staff has been monitoring the implementation of other agreements including the United States-Japan insurance agreement which is formally known as ''Measures by the Government of Japan and the Government of the United States Regarding Insurance.'' Based on those initial reviews, we have some significant concern regarding implementation of the accord.

Ambassador Mickey Kantor has often emphasized the importance of ensuring faithful implementation of our trade agreements. Great effort is invested in reaching agreements—once the investment is made, vigilance is needed to ensure that they bear fruit in terms of new opportunities for our businesses, U.S. exports, and jobs.

Senators will remember the considerable efforts expended recently by the USTR to conclude accords under the United States-Japan Framework Agreement. More than a year has passed since the first agreements were reached; I believe it is now an appropriate time to conduct an assessment of those initial agreements and what, if anything, they have accomplished.

One of the first agreements reached was the one covering insurance. Japan has the largest life insurance market in the world, and the second largest nonlife market, after the United States. Despite the enormity of this market, all foreign insurers hold less than a 3-percent market share, a far lower share than every other advanced industrialized country. Japan is currently deregulating its insurance market following the Diet's passage of a new insurance business law in July of this year. If pursued in accordance with the bilateral insurance agreement, we can expect deregulation to provide significant new benefits for Japanese consumers and businesses, as well as new opportunities for competitive foreign insurers.

However, developments occurring in Japan today indicate that new threats may be confronting United States insurance interests. These threats can be prevented if the United States-Japan Insurance Agreement is faithfully implemented.

Specific provisions of the insurance agreement were designed to ensure that the interests of foreign insurers were not undermined by the deregulation process. In a letter from Ambassador Kantor to the U.S. insurance industry of October 11, 1994, detailed definitions of the key terms of the agreement were outlined, together with

USTR's expectations of what would result. Full compliance with these terms, as defined in Ambassador Kantor's letter, is essential if the agreement is to achieve its objectives.

Because faithful implementation of this accord is so important, Senator BOXER, the ranking member on the subcommittee, and I recently sent to Ambassador Kantor a letter requesting a detailed and comprehensive report to the committee this month on all actions taken to date by the Government of Japan to implement its obligations under the insurance agreement. It is my hope that the Senate's interest will serve as a constructive influence to help ensure that this important agreement, and other agreements, stay on track and live up to their full potential.

Mr. President, I ask that our letter to Ambassador Kantor, as well as Ambassador Kantor's letter to the U.S. insurance industry of October 11, 1994, be printed in the RECORD.

The letters follow:

U.S. SENATE, COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
*Washington, DC, November 8, 1995.*

Hon. MICHAEL KANTOR,
*U.S. Trade Representative,*
*Washington, DC.*

DEAR MR. AMBASSADOR: We are writing to share with you our commitment to ensuring full and effective implementation of trade agreements between the United States and Japan. You have often stated it is not enough simply to reach agreements with our trading partners, but that we must also be vigilant in guaranteeing that the rights gained under those agreements are fully realized. We could not agree more strongly.

As part of our Subcommittee's ongoing oversight responsibilities in this regard, we would like to request a detailed report on the results of actions taken to date to implement the commitments defined in the U.S.-Japan Insurance Agreement and in your October 11, 1994 letter to the U.S. insurance industry concerning certain key aspects of the Agreement.

We are concerned about reports that, as the implementation date for the new Japanese Insurance Business Law approaches, developments in Japan may pose serious threats to U.S. insurance interests. For example, plans by large Japanese insurers to enter the ''third sector'' through newly created subsidiaries, pose both a major commercial threat to U.S. insurers and a probable violation of the insurance agreement. The Subcommittee is particularly concerned about the inadequacy of actions taken to date by the Ministry of Finance to ensure compliance with those provisions related to this activity.

Accordingly, we request you provide a report to the Subcommittee on these and other actions taken to date by the Government of Japan to implement obligations under the agreement, as well as the results of those actions. Please also describe additional actions USTR will take to ensure ongoing implementation of the agreement's other provisions.

We would appreciate receiving your report within the next two weeks so we may proceed with our review. The Subcommittee is considering a future hearing to review the results of various U.S.-Japan trade agreements; your report on the insurance agreement will help us prepare for any such meeting.

We appreciate your efforts on behalf of U.S. insurers, and look forward to your report.

Sincerely,

BARBARA BOXER
CHRISTOPHER S. BOND

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THE UNITED STATES TRADE REPRESENTATIVE, EXECUTIVE OFFICE OF THE PRESIDENT,
*Washington, DC, October 11, 1994.*

Mr. H. EDWARD HANWAY,
*Chairman, International Insurance Council,*
*Washington, DC.*

DEAR MR. HANWAY: I am writing to express my sincere appreciation for the industry's support during our negotiations with the Government of Japan on insurance. I am pleased to confirm that we have achieved agreement with the Government of Japan, through which Japan and the United States will undertake ''Measures by the Government of the United States and the Government of Japan Regarding Insurance''. The goal of the Agreement is to achieve significant improvement in market access in Japan for competitive foreign insurance providers and intermediaries.

With respect to the third sector issue, the Agreement states that:

''With regard to mutual entry[1] of life and non-life insurance companies into the third sector, the MOF intends not to allow such liberalization to be implemented as long as a substantial portion of the life and non-life areas is not deregulated, taking into account the fact that dependency of some medium to small and foreign insurance providers on the third sector is high, and that these medium to small and foreign insurance providers have made the efforts to serve the specific needs of consumers in the third sector. Furthermore, with respect to new or expanded introduction of products in the third sector, it is appropriate to avoid any radical change in the business environment, recognizing that such change should depend on medium to small and foreign insurance providers first having sufficient opportunities (i.e. a reasonable period) to compete on equal terms in major product categories in the life and non-life sectors through the flexibility to differentiate, on the basis of the risk insured, the rates, forms, and distribution of products.''

Based on a confirmation made during the negotiations with the Government of Japan, I would like to affirm the following:

(1) with respect to existing large Japanese life and non-life companies, ''avoid any radical change'' means, among other things, that the Ministry of Finance (MOF) will maintain existing administrative practices concerning the third sector and not allow such companies to expand their third sector presence;

(2) with respect to subsidiaries that existing large Japanese life and non-life companies might form after the new insurance law takes effect, ''avoid any radical change'' means, among other things, that such subsidiaries will be treated the same as existing large life and non-life Japanese companies and accordingly will not be allowed to surge into the third sector;

(3) ''major product categories'' includes automobile insurance; and

(4) ''a reasonable period'' means three years.

With regard to rate and from liberalization, in addition to the specific commitments made in the Agreement, I would like to affirm that:

(1) with respect to the threshold for application of the special discount rate applicable to the large commercial risks of fire insurance, the discount will be reduced from 2 to 1.5 billion yen for factory fire insurance and from 1.5 to 1 billion yen for general fire insurance; and the threshold for storage (warehouse) insurance will be unchanged; and

(2) with respect to the minimum insured amount of the large commercial fire insurance policies to which the deductibles rider can be attached, the minimum insured amount will be decreased from 5 billion yen to 1.5 billion yen.

The Agreement creates binding obligations on the Government of Japan enforceable under U.S. trade laws, such as Section 301 of the Trade Act of 1974, as amended. The Agreement provides for follow-up consultations between the Government of Japan and the United States Government. We expect to hold such consultations twice a year during the first three years upon signing of the Agreement, and annually thereafter. With U.S. insurance industry's assistance, we expect to monitor closely developments in the third sector to ensure that the Government of Japan is in compliance with the Agreement.

We very much appreciate the International Insurance Council's support and assistance during our negotiating efforts and look forward to working with the Council to ensure effective implementation of the Agreement.

Sincerely,

MICHAEL KANTOR.

[1] ''Mutual entry'' means the ability of life insurance companies to introduce existing, new or modified rates, products, or riders in the third sector currently allowed to non-life insurance companies, and the ability of non-life insurance companies to introduce existing, new or modified rates, products, or riders in the third sector currently allowed to life insurance companies.

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## TREASURY-POSTAL APPROPRIATIONS

—Continued<=>?@ABCDEFGHIJKLMNOPQRSTUVWXYZ[]–-

● Mr. LIEBERMAN. Mr. President, yesterday I voted for the Treasury-Postal appropriations conference report because I believe we must send along appropriations bills to the President since we are now nearly 2 months into the current fiscal year and the Government is shutdown. However, I would like to make it clear that I do not support, and have not supported in the past, the so-called Hyde language in this bill which would prohibit any Federal funding for abortion except in the case of rape, incest, or preserving the life of the mother. I have long felt that if abortions are allowed under our laws, then I can't find justification for limiting the option of Federal employees to obtain health plans that allow such coverage, as most private sector employees have. For this reason, while I voted for this bill given our Government's current dire economic status, I want to make it clear that I am opposed to the Hyde language which appears in this bill and hope there will be an opportunity later to reconsider it.●

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## GOVERNOR SAYS HE'S WORRIED STATE MAY BE TOO DEPENDENT ON GAMBLING

● Mr LUGAR. Mr. President, I ask that the following article be printed in the RECORD.

The article follows:

[From the Associated Press, Sept. 12, 1995]

GOVERNOR SAYS HE'S WORRIED STATE MAY BE TOO DEPENDENT ON GAMBLING

SIOUX CITY, IA.—South Dakota Gov. Bill Janklow said he is worried his state might be getting hooked on gambling revenue.

Janklow said South Dakota has been saturated with gambling. State government is heavily dependent on gambling revenue, with video lottery proceeds accounting for between 15 percent and 17 percent of the general fund budget, Janklow said.

If the economy slows down and people have to limit spending, gambling will be one of the first expenses people cut out, Janklow said. The resulting drop in state revenue would ''hit us right between the eyes,'' Janklow said.

Gambling revenue should have been treated as ''one-time money'' and not intended to continue each year, Janklow told a meeting of the Sioux City Downtown Rotary club Monday.

But changing the state's reliance on gambling revenue will be difficult, Janklow said. Tax revenues in South Dakota grew at three times the rate of inflation in the nine years before he took office for a third time this year, Janklow said.

If taxes grow at about the same rate as income, people grumble, but do not revolt, Janklow said.

''That's what we had (last year), a revolt,'' Janklow said.

Voters defeated a ballot measure that would have slashed property taxes by one-third. A property tax cut plan proposed by Janklow and passed by the Legislature promises homeowners and farmers a 20-percent tax cut.

South Dakota's economy will have to grow to offset money lost to the property tax cut, Janklow said.

A few state lawmakers have said a state income tax is the best way to ease South Dakota's financial straits. Janklow said the state's voters will never agree to that.

''Working people are always going to vote no (on an income tax) because they know the government is not going to be honest,'' Janklow said.●

## FURLOUGH OF WORKERS

● Mr. LEVIN. Mr. President, I have decided on a day-to-day basis that my staff will report for work during the partial shutdown of the Federal Government. I have reached this decision for two reasons.

First, the Republican leadership has indicated that Federal workers who are furloughed will be paid retroactively even though they did not work. Since they will be paid, I believe that members of my staff here in Washington and in my offices in Michigan should work for that pay. I ask that a letter to Representative CONSTANCE MORELLA of Maryland from Speaker of the House NEWT GINGRICH and the Senate majority leader be printed in the RECORD at the conclusion of my statement.

Second, during this period of crisis, it is perhaps even more important for my constituents to be able to contact me to express their views, and to seek information and assistance. Many are experiencing difficulties obtaining normal services from the Government because many offices are closed or not at full strength.

The letter follows:

CONGRESS OF THE UNITED STATES,
*Washington, DC, November 10, 1995.*

Hon. CONSTANCE MORELLA,
*106 Cannon House Office Building,*
*Washington, DC.*

DEAR CONNIE: We will be sending soon to President Clinton a bill to continue funding for the federal government through December 1, 1995. Besides providing for government services, this bill also funds federal workers' salaries.

If the President decides to veto this vital legislation to keep government operating, the possibility exists that some federal workers may be furloughed. In the event that this takes place, it is our commitment that federal employees will not be punished as a direct result of the President's decision to veto funding for their salaries. Should this happen, we are committed to restoring any lost wages in a subsequent funding bill.

Again, we want to reasure you that if the President vetoes the continuing resolution and requires federal workers to be furloughed, we are committed to restoring any lost wages retroactively.

Sincerely,

NEWT GINGRICH,
Speaker of the House.

BOB DOLE,
Senate Majority Leader.●

## YOUTH VOLUNTEERS—1995

● Mr. BOND. Mr. President, I rise today to pay a special tribute to the 1995 Youth Volunteers at the Harry S. Truman Memorial Veterans' Hospital. I am very pleased to recognize the 41 youth volunteers for their superior service and their fine example of the true spirit of voluntarism.

This past summer, the 1995 Youth Volunteers contributed over 5,700 hours to the hospitalized veterans and staff at the Harry S. Truman Memorial Veterans' Hospital in Columbia, MO. Their hard work and untiring commitment provided valuable assistance to the members of the medical community and demonstrated selfless dedication to those in need.

The Veterans Affairs Voluntary Service commended the 1995 Volunteer Youth at a ceremony on September 23, 1995. It is my great pleasure to congratulate the 1995 Youth Volunteers for their significant accomplishments.

I ask that the names of the volunteers be printed in the RECORD.

YOUTH VOLUNTEERS—1995

The list follows: Gretchen Adibe, Neha Aggarwal, Schann Bryan, Shannon Bryan, Amanda Cochran, Katie Deal, Brian Dube, Sarina Finklestin, Brea Foster, Tiffany Foster, Marsha Grieshaber, John Griffith, Abe Haim, Clint Hake, Amy Hanley, Jeff Heidenreich, Jamie Huggans, Maryke Kelly, Jesse Langley, Laura Loftus, Katie Marienfeld, Gina McGuire, Katie Mitchell, David Mueller, Dennis Payne, Jessica Pike, Chrissy Rahmoeller, Michael Rahmoeller, Justin Redmond, Laura Sanders, Samantha Scheard, Sarita Scheard, Cynthia Singleton, Melissa Smarr, David Staats, Shanta Subramanian, Neda Taj, Laweda Turner, Marlisa Turner, Carley Utterback, Matt Webster.●

## HEROISM OF SHARON MANN AND THOMAS PREZKOP

● Mr. KERRY. Mr. President, today I call to the attention of my colleagues two people who have made a difference and saved someone's life. Everyday in communities across America men and women come face to face with life-threatening situations. In most cases, and usually without fanfare or widespread recognition, people make the quick decisions and take the actions that make a difference and save lives. This is the story of two of those people.

On July 14 of this year, Sharon Mann and Thomas Prezkop of Andover, MA were enjoying a Friday night cruise aboard the *Desperado* in Gloucester Harbor when they noticed something out of the ordinary. They heard the sound of an engine racing out of control and in the darkness turned to investigate. From a distance they saw the lights of a small vessel circling and knew that something was wrong. Upon approaching the location they heard a man's cries for help. Closing in on the man's voice, they found Kevin Govoni in the cold water, threw him a life preserver and then pulled him aboard their vessel. Mr. Govoni was in bad shape. The circling vessel had hit him and the propeller had badly slashed his legs. Compounding Mr. Govoni's serious injuries, he was suffering from hypothermia from being immersed in the 50-degree water. Working as a team, Ms. Mann tended to Mr. Govoni by removing his soaked shirt, covering him, and applying first aid to stop the severe bleeding while Mr. Prezkop headed the *Desperado* toward the nearest Coast Guard station and called ahead to have an ambulance waiting.

Upon their arrival at Coast Guard Station Gloucester, Mr. Govoni was transferred by ambulance to a local hospital. In hindsight, it becomes clear that with no other vessels in the vicinity, if Ms. Mann and Mr. Prezkop had simply decided not to get involved, a life could have been lost. However, due to their quick action and excellent judgment, a life has been saved and Mr. Govoni is recovering from his injuries.

Thomas Prezkop and Sharon Mann are real heros—like heros who appear every day in this country. They are the ones whom we should be recognizing and admiring before so-called stars and celebrities. I recognize and salute the actions of Mr. Prezkop and Ms. Mann and I am glad to see that the service that specializes in such rescue, the U.S. Coast Guard, also recognizes a job well done. This Monday, November 30, 1995, the Coast Guard will award Mr. Prezkop and Ms. Mann the Public Service Commendation for demonstrating courage and initiative in saving lives, qualities in keeping with the highest traditions of the Coast Guard. These awards are well deserved. On behalf of the people of Massachusetts, I wish to acknowledge our debt to them and express profound appreciation for their unselfish actions.●

## U.S. BUREAU OF MINES

● Mr. BENNETT. I wish to bring to the attention of the chairman of the Interior Appropriations Subcommittee a matter of great importance to the State of Utah—the matter of the impending closure of U.S. Bureau of Mines facilities throughout the United States. The facility in Salt Lake City will be closed and 115 jobs will be lost. The Salt Lake City facility has conducted valuable research in environmental remediation and water research. While I am disappointed that the Senate acceded to House demands that the Bureau of Mines be closed, I also recognize the long-term benefits resulting from the earnest efforts to reduce the budget deficit and downsize the Federal Government. And in recent weeks, a silver lining emerged in the cloud surrounding the closure of the Salt Lake City facility. Mr. President, the chairman will be pleased to learn that efforts are underway right now to make preparations to privatize the Salt Lake City Bureau of Mines facility.

I would be remiss if I did not commend the staff of the Salt Lake City facility for their tremendous efforts to find a viable alternative which will prevent the technical expertise which has been accumulated for years from going to waste. On their own initiative, several employees have prepared a list of options in light of the pending closure. The most promising option and the one that the people of Utah are the most excited about, would permit the privatization of the Bureau of Mines facility. An interested group of investors and the employees of the Bureau of Mines have been in close contact in recent weeks to work out the details. Sufficient funding has been secured and should the facilities be transferred to the State of Utah, the State would in turn take the necessary steps to ensure the continued operation of these facilities under a consortium of private and State interests.

Mr. President, the chairman knows, there is legislative language in H.R. 1977 which grants the Secretary of Interior the authority to convey without reimbursement, the title and all interest of several Bureau of Mines facilities to various State university and government entities. While the Salt Lake City facility is not mentioned directly, the language permits transfer of such facilities as the Secretary deems appropriate. May I ask the chairman if such a transfer would be appropriate for the Salt Lake City facility?

Mr. GORTON. The Senator from Utah raises a very good point. Of course the transfer of the Salt Lake City facility would be appropriate. From what the Senator from Utah has explained to me, this is a unique opportunity to accomplish several goals at once. In keeping with our efforts to downsize the Federal Government, we can privatize certain government services, reducing the burden on the taxpayer while retaining essential research capabilities within the State of Utah. Such a transfer would permit the private sector, State university and the State of Utah to work in a cooperative effort to continue important environmental remediation research efforts.

Mr. BENNETT. Is it the chairman's understanding that this action should occur as soon as possible?

Mr. GORTON. It is my understanding that quick action is essential to the successful transfer of the facilities in Salt Lake City. While the fiscal year 1995 Interior Appropriations Act provides the Secretary of the Interior authority to transfer only certain Bureau facilities, both the House and Senate versions of the fiscal year 1996 Interior bill give the Secretary broader authority to transfer other facilities such as those in Salt Lake City. This authority was requested by the administration, is supported by both the House and Senate, and I have every reason to believe will be signed into law when action on the fiscal year 1996 bill is completed. I would urge the Bureau, the State of Utah, and other entities involved in the proposed transfer of the Salt Lake City facilities to work together in anticipation of this authority being granted. I will do everything in my power to see that the fiscal year 1996 bill is enacted in the coming weeks.

Mr. BENNETT. I thank the chairman for his explanation as well as the excellent manner in which has managed this bill.●

## PRIME MINISTER YIZHAK RABIN

Ms. MOSELEY-BRAUN. Mr. President, like most Americans, I am shocked and grief stricken by the brutal and senseless assassination of Prime Minister Yitzhak Rabin. My heart grieves not only for Israel and its people for the loss of their leader, but for all peace loving peoples in the Middle East. Most especially, my heart grieves for the family of Prime Minister Rabin: his wife Leah, their children and their grandchildren. Our prayers and heartfelt sympathy are with them as they deal with the most personal of life's tragedies in the most public of circumstances.

Father, grandfather, husband, patriot, soldier, statesman, Nobel laureate and peacemaker, Prime Minister Rabin was a man of many parts. He dedicated his life to the service of his country and his life mirrored the evolution of his country. As a young man, his valor in the cause of freedom helped create the State of Israel. As an older man, he defended Israel in battle against enemies that threatened the existence of his homeland. As a senior statesman, he relentlessly pursued the cause of peace with Israel's adversaries with boldness and courage. Perhaps only a person hardened by the experiences of war could put aside anger over the past and undertake the risks of pursuing peace with hostile neighbors.

Mr. President, the world has lost a great leader, and we are all diminished by his passing. He died before fulfilling his dream: peaceful coexistence with all Arab neighbors. The peace process must go forward. We, the world community, must continue and fulfill what he started. We cannot reward this act of extremism by halting or slowing negotiations. We must use this occasion to show all extremists capable of using violence that the killing of Prime Minister Rabin will not frustrate or stop the peace process. We must unite in this time of tragedy and pursue peace with renewed vigor and purpose.

Mr. President, when I heard the news of Prime Minister Rabin's tragic death, I was reminded of the death of another great martyr in the cause of Middle East peace, former President Anwar Sadat of Egypt. The similarities in their lives and the circumstances surrounding their deaths cannot be ignored. Both knew the hardships of war and understood the risks of peace. Both understood the need for honest dialogue with adversaries and the value of compromise. Both were slain at the hands of countrymen who were opposed to their making peace with former enemies. We would do well to learn from their boldness and courage.

Mr. President, Israel deserves our unqualified support at this time of national tragedy. We must make it clear to all who would be opponents and disrupters of peace that we intend to continue and fulfill what Prime Minister Rabin started: conciliation between Israel and its Arab neighbors. This legacy must not be lost with his senseless death.

Tzedek! Tzedek! Terdofe!: Righteousness! Righteousness! you shall pursue!

## ELI 1995 ENVIRONMENTAL LEADERSHIP AWARD

● Mr. CHAFEE, Mr. President, last month the Environmental Law Institute [ELI] met here in Washington to bestow its highest honor, the Environmental Leadership Award, to a well known, internationally respected businessman, lawyer, public servant and Republican, Mr. William D. Ruckelshaus.

As many of us in this body know, the Environmental Law Institute has played a major role in shaping environmental policy and law, here in the United States and abroad. Over the past 26 years ELI has provided thoughtful environmental information, research, and policy analysis to a diverse constituency of government, business, and academic interests. Publisher of the Environmental Forum and the Environmental Law Reporter, ELI remains a resource and the place to go for answering the toughest environmental questions.

ELI's 1995 annual award dinner opened with an interesting keynote speech by Dr. Stephan Schmidheiny. Dr. Schmidheiny, chairman of UNOTEC AG, a multinational industrial group, founded the Business Council for Sustainable Development and

serves as a director of ABB Asea Brown Boveri, Nestle, and Union Bank of Switzerland. Far from advocating throwing out the environmental baby with the bath water, Dr. Schmidheiny advanced the view that environmentalism makes good business sense. A businessperson himself, he highlighted positive and voluntary steps taken by the business community to live up to environmental responsibilities in an increasingly open and international setting.

Dr. Schmidheiny's remarks proved to be a fine introduction to ELI's 1995 honoree. Bill Ruckelshaus represents everything that is best about business, government service, and commitment to a clean and health environment. A former Director of the Federal Bureau of Investigation as well as Deputy Attorney General of the United States. Mr. Ruckelshaus served as the first Administrator of the Environmental Protection Agency. He is currently chairman of the board of Browning-Ferris Industries, Inc., one of the Nation's largest waste management companies. Bill's breadth of experience gives him a unique and valuable perspective on the current state and future of environmental protection in the United States. What's more, his career represents a shining example of the interaction between business and environmental protection.

Mr. Ruckelshaus' acceptance speech underscored the fundamental need for a clean environment and outlined a program to reform our current system of environmental protection. Most importantly, his remarks focused not on tying the Environmental Protection Agency's hands, but allowing EPA to get the environmental job done.

On recent criticism of environmental protection, Mr. Ruckelshaus concluded:

> * * * There is a cottage industry now writing books and articles stating that many of our environmental concerns are a lot of hooey. * * * My answer to that is the same as it has been for a number of years. Our efforts in America are not about controlling a few chemicals or saving a few species. There are more than five billion people on this globe living in under-developed nations who want to live as well as we do materially. And they are going to try to get there. If they all try to get there in the same way we got there, wastefully, scattering pollution, unduly impacting our natural resource base, then all of us are in a world of trouble.

It was a thought-provoking speech from an advocate for both business and the environment—a perspective overshadowed lately by the rush to turn back the calendar to a day that has truly come and gone—when our resources were believed to be limitless and immune from harm. With several environmental statutes currently before the Congress for reauthorization, including the Safe Drinking Water Act, Superfund, and the Clean Water Act, his speech is especially timely. I congratulate Bill for receiving ELI's 1995 Environmental Leadership Award and ask that the text of his remarks as well as Dr. Schmidheiny's be printed in the RECORD.

The material follows:

STOPPING THE PENDULUM

(By William D. Ruckelshaus)

It is conventional for people receiving awards of this nature—for environmental leadership—to make some remarks in favor of the environment, which is usually taken to mean our current system of environmental protection. This might seem to be particularly desirable in a season characterized by the most violent anti-environmental rhetoric in recent memory coming from the Congress. For example, I believe at least one Member has compared the Environmental Protection Agency to the Gestapo. I don't think he meant that as a compliment. My cue as an awardee is to come forth and while away at the forces of darkness, vow to hold the line and protect our environmental progress at all cost and so on. But, at the risk of you taking back this fine award, which I do truly appreciate, I have to tell you that I am disinclined to do that tonight.

Here is why. We are gathered here to celebrate the twenty-fifth anniversary of the Environmental Law Institute. It coincides with the same anniversary of EPA. That's a period representing much of a working lifetime. Some of us have been in the environmental protection business in one way or another for at least that long, or longer, and we should be able to recognize certain repeating patterns. And so we do. We recognize, as perhaps the newer members of Congress do not, that the current rhetorical excess is yet another phase in a dismaying pattern. The anti-environmental push of the nineties is prompted by the pro-environmental excess of the late eighties, which was prompted by the anti-environmental excess of the early eighties, which was prompted by the pro-environmental excess of the seventies, which was prompted. . .but why go on? The pattern is quite clear. The new Congress may believe that it is the vanguard of a permanent change in attitude toward regulation, but unless the past is no longer prologue, then as sure as I am standing here, the pendulum will swing back, and we will see a new era of pro-environmental lurching in the future.

So what is wrong with this picture? Aren't changes in emphasis part of the fabric of democracy? Yes, but in the case of environmental policy, these violent swings of the pendulum have had an unusually devastating—perhaps a uniquely devastating—effect on the executive agency entrusted to carry out whatever environmental policy the nation says it wants. The Environmental Protection Agency is now staggering under the assault of its enemies—while still gravely wounded from the gifts of its friends. That is an exaggeration: the Environmental Protection Agency, like the IRS, has no friends. As far as I can see, there is not coherent politically potent constituency devoted to making sure that the EPA can make the best possible decisions and carry them out effectively.

Currently, some members of Congress seek to stop the Agency from doing what previous Congresses have mandated it do by refusing to give it the funds to act. A little like cheering the launch of an airplane flying from New York to Los Angeles while giving it the gas to reach Chicago, and then decrying the crash in Iowa as further evidence of pilot ineptitude. And we wonder why trust in the EPA has eroded.

The impact of all this on the agency is devastating. EPA suffers from the battered agency syndrome. Domestically, it is hesitant, not sufficiently empowered by Congress to set and pursue meaningful priorities, deluged in paper and lawsuits, and pulled on a dozen different vectors by an ill-assorted and antiquated set of statues. Internationally, it is nowhere near the position it should occupy in global environmental debates as the representatives of the largest industrial nation and one with an enviable track record of environmental improvement: in short, it is an agency paralyzed by the conflict between its statutory mandate and sound public policy, and a public debate which erroneously depicts the social choices in apocalyptic terms.

And this is why I do not wish to join the rhetorical firing line on either side, neither to slash at EPA for doing what Congress told it to do, nor to argue for increased resources and for a defense in the last ditch on behalf of the current array of legislation and regulation. Instead, I would like to take all of us, in a sense, above the smoky battlefield, as in a balloon, and discuss, in the relative quite of the upper, cleaner air, what is really wrong with the American environmental system and what to do about it.

The first step, as in all recovery programs, is to admit that the system is broken, severely broke, broken beyond hope of any easy repair. Repairing it is going to take serious effort, hard work—hard work—hard work, by a great many people, over an extended period of time. Privately, many of you in this room on all sides of this debate have admitted that to me many times. Despite the current rhetoric in this city, there is no simple fix, no sliver bullet; just the opportunity to do a lot of good for our environment and by example to the environment of every place else.

Once we acknowledge that, we can dismiss the strawman problems that those simple fixes are supposed to address, and penetrate to the underlying actual defects. The currently prevailing myth, of course, is that EPA's problems are essentially bureaucratic. ''A bureaucracy run amuck,'' is how it's usually put. And the illustrative text is the EPA horror story, usually featuring an arrogant bureaucrat from the nest of vipers inside the Beltway making some hardworking honest fellow out in the pure heartland of America do something utterly stupid. To accept this view, we must imagine the apocryphal bureaucrat wandering freely through fields of policy and musing, ''What can I do today that will really drive them up the wall? If they think they've seen dumb, wait until they see this!''

And naturally, the conclusion from this view of things is that if you can somehow tie up EPA, strip it of resources, burden it with even more legal challenges, you will have gone far towards solving the problem.

Well, in fact, the image of EPA as an overweening bureaucracy is miscast. In fact, if anything, it is an underweening bureaucracy. Any senior EPA official will tell you that the agency has the resources to do not much more than ten percent of the things Congress has charged it to do. In addition, they are not empowered to allocate that ten percent so as to ensure a wise expenditure of the public treasure. The people who run EPA are not so much executives as prisoners of the stringent legislative mandates and court decisions that have been laid down like archaeological strata for the past quarter-century.

Having said that it is also fair to say that we should not be surprised if, having been given Mission Impossible, having been whipped both for doing things and for not doing things, having been prevented from using their judgment like ordinary folks do, the people of EPA get insensitive, thick-skinned and defensive. This is where many of those ''can you believe this one'' horror stories originate. I have traveled to the Hill with senior EPA officials and listened to

Members of Congress rail away about the unreasonable things foisted upon their constituents. Often it was the case that the complaints were justified; and when I asked these EPA officials privately what they thought about the Congressional laments, the response was usually something like, ''That's just the role he's forced to play; he's been going on like that for years'' or ''It goes with the territory''. There was often little sense that this expression of Congressional outrage was a problem to be solved by the application of intelligence, cooperation, and creativity. It was like a game, where the rules were crazy and nobody was allowed to win. It is therefore no wonder that EPA representatives occasionally act like the Red Queen in ''Alice'' when they venture beyond the Beltway to try to do all the impossible things that Congress has told them to do in some 10 massive, separate and uncoordinated statutes. I am not trying to excuse irrational behavior. I'm trying to get us all to understand its root causes.

How have we come to this pass? EPA was launched on a huge wave of public enthusiasm. Its programs have had an enormous and beneficial effect on all our lives. The gross pollution we were all worried about twenty-five years ago is either a memory or under reasonable social control. Why is EPA now the agency everyone loves to hate?

Well, I think there are four reasons, three built into the very core of EPA, and one that results from the peculiarities of our times.

First, there is the belief that pollution is not just a problem to be worked out by society using rational means, but a form of evil. And I think in the early days of environmentalism this was a plausible idea to many of the people drafting the initial set of laws. Industry at that time didn't take environmental degradation seriously, and there was considerable bad faith shown, lies, cheating, and so on. I further think it can be demonstrated that things have changed now, in two respects. First, nearly all major industrial leaders know that environmentalism is here to stay, and so firms wish to avoid charges that they are insensitive polluters, just as they wish to avoid defects in quality. The customers don't like it, and believe it or not, paying attention to the environmental impact of technology or processes benefits the bottom line and therefore has become a permanent factor to be weighed by corporate America.

In addition, the most significant threats to our environment now seem to lie, not with major industrial sites, but in the habits of we ordinary Americans: we like to drive big, powerful cars, use a lot of electricity, generate a lot of waste, enjoy cheap food, live in grassy suburbs and collectively send pollution in massive amounts to often distant airsheds and waterways.

The laws, and the enforcement policies that follow them, are still looking for that evil polluter, and in the same place—major facilities. Since the relative threat from these has decreased, EPA is ever more like the drunk looking for his keys under the lamp-post. More effort, more irritation, less achievement to show.

This phenomenon is directly related to the second major flaw—the commitment to perfection built into the language of our major statutes. In addition to the mistaken belief that absolute safety was both possible and affordable, the theory was that if standards were set extremely high, sometimes on scant scientific evidence, and an extremely tight time frame was set to achieve those standards, then there would be constant pressure on industry and on EPA to make continuous improvements. The nation was committed to a sort of pie in the sky at some future date, a date extended further and further into the future as inevitably EPA missed nearly every deadline set for it. Each time a new generation of clean technology came into use, the response from EPA had to be. ''That's great—now do some more'', whether that ''more'' made any sense as a priority or not. It can be argued that the present system has produced significant environmental benefits. True it has; the environment is a good deal less toxic than it once was.

But look at the cost. Even though the environment has improved, EPA and the environmental community are pervaded by a sense of failure. In fact, that failure was foreordained by the promise of an unattainable future. In addition, pursuit of perfection inevitably leads to the pursuit of trivialities, which yield more of those famous EPA horror stories. The business of environmental protection devolves into an endless debate about arcane scientific procedures—one in a million or one in a billion. The important moral force of EPA is frittered away, and still we cannot summon up the energy to deal with real environmental problems. We cannot direct our attention outward to help the global problems crying out for assistance from the most powerful nation on earth. I do not believe this is what we started out to do twenty-five years ago.

The mission impossible of pursuing perfection leads directly to the third quandary—the devolution of all important environmental decisions to the courts. As is well known, nearly every major EPA decision ends up in the judicial system, one result of the determination of the early drafters of our legislation, who were—no surprise here—environmental lawyers, to allow the most liberal provisions for citizen suits. The result has been that most of the environmental protections that are actually—rather than theoretically—put into place are the result not of the deliberations of scientists or engineers or elected representatives or responsible appointed officials, but of consent decrees handed down by judges. A grim irony or poetic justice, depending on your point of view, is the current proposal by the majorities in the House and Senate to allow even more opportunities to block action by way of lawsuit, this time favoring those who would stop EPA action.

I hope I don't offend when I say that when we lawyers get involved, things tend to slow down a bit. That means both that environmental improvement is delayed, sometimes indefinitely, and that all involved in these drawn-out proceedings face crippling, costly uncertainties. The transaction costs of any environmental progress under these conditions are often an appreciable fraction of the costs of the substantive environmental remedies. Superfund is the great exemplar here, a program designed to clean up abandoned dumps that somehow transformed into a program in which the only people allowed to clean up are the consultants and the litigators.

Yes, we built this system, you built it and I built it, that moved America along toward a cleaner environment, but the system is now broken and must be repaired, in some cases, in the teeth of the immediate interests of many in this room. That's one reason why repair will be incredibly hard.

Another and fourth reason is that peculiar quality of our times I mentioned earlier, which is the nearly steady thirty year erosion of trust in all public institutions, particularly those situated here in our nation's capital.

You've all read the polls. People don't trust government, but they don't trust the press or business either. We are down to Walter Cronkite, Mother Teresa and Colin Powell.

At the absolute epicenter of this institutional hell of mistrust is the EPA. This is largely because advocates for address to our environmental problems and their allies in Congress feared for the implementation of their program in the event of a hostile administration, and their antidote was to write stringent mandates, restrictions, and timetables into the EPA's basic statutes. As I've tried to argue here, tying the Administrator's hands in this way does not necessarily advance the achievement of substantive environmental goals; paradoxically, it may even retard them. Promising unachievable perfection simply assures trust eroding failure. And, of course, now we have a Congress that has so far shown itself unwilling to do the hard work necessary for meaningful reform. Instead, it is intent on further snarling a system it sees as another example of liberalism gone wild.

I don't think universally applied risk assessment or cost benefit analysis or refusing to fund mandates from previous Congresses that this Congress doesn't like will pass both Houses and be signed by the President. Nor do I believe the Congress could override a Presidential veto of these approaches to reform. I believe the result will be the much maligned gridlock. In fact, we may already have reached it.

We have to assume that at some time in the future—probably when this current version of gridlock is more apparent—we will be able to deal seriously with the reform we all recognize is needed. What would that reform look like?

First of all it would have to be effective. It must be able to address those problems that a consensus of knowledge and research has identified as the worst environmental risks. This requires an administrative structure capable of marshaling resources to address those problems, in whatever media they occur, and the discretion and flexibility to allocate those resources effectively. This means that Congress is going to have to return to its Constitutional role of setting national policy and providing vigorous oversight, and leave the EPA to get on with implementing that policy, free of direct supervision from 535 administrators.

Second, reform has to produce efficiency. It has to provide the maximum reduction of risk to human health and the environment per dollar invested in controls or incentives. This implies, first, a vast simplification of environmental rule-making. We cannot go on with a system in which the physical volume of the paper necessary to establish a permit approaches the physical volume of the waste to be controlled. Also, some finite well-understood limits should be established for what our society is prepared to pay for a certain level of environmental health, together with some reasonable relationship between what is paid and what we get for it. In other words, environmentalism has to leave the realm of quasi-religion and take its place among the realities of the state, along with national security, social welfare, health and justice—pretty good company, by the way.

Third, the system must better reflect the essential democratic values of our society. The day is past when a dozen or so youngish people can sit in a windowless room in Waterside Mall in Washington D.C. and after a year or so, in the last stages of exhaustion, emerge with a set of absolute commands for a major economic sector. We need a system that reflects the real choices of the American people as to what levels of protection they desire locally for local problems, and that builds upon the basic good sense of communities in balancing their environmental and other social values. Needless to say, no one can be allowed to clean up by loading pollution on to a neighbor, and so the new

system has to be carefully designed to be consistent with regional, national and global environmental goals.

Finally, the system has to be fair. It cannot impose an undue burden of either risk or expense on any one portion of the population, or allow the transfer of risk from one place to another without fully informed consent. It cannot, for example, expect private landowners to carry the full cost of species protection, nor can it expect farm workers or people living near industrial plants to suffer inordinate risks for the economic benefit of the general population.

It hardly needs saying that no petty adjustment of the current set of laws can easily achieve these objectives. The nation needs a new, single, unified environmental statute supervised by a single authorizing committee and a single appropriations committee in each house of Congress. Not the 12 laws and 70 committees we now have. I am fully aware of the political difficulty of achieving this nirvana, but it is no more vaulted in aspiration than zero cancer risk with a margin of safety below that—an impossible assignment EPA has labored with for decades.

How to get there is, of course, the problem. The kind of rhetoric we are seeing now on both sides of the debate will not help, nor will the careless budget slashing in which the current Congress is indulging. It almost seems as if many Members of Congress believe that environmental protection is nothing but an aspect of liberalism, and since liberalism is discredited, we can happily return to converting every environmental value we have left into ready cash. In my view, like some of the Democratic Congresses of the past, the Republican Congress is too often promising more than can be delivered, and thereby contributing to the very lack of trust in government that got them elected in the first place. The result of all this could be a cordless bungee jump named Ross Perot.

What one piece of a right answer could look like is slowly emerging form local experiences in this country and from the experience of some other nations. It involves a new sort of consensus process, in which all the significant stakeholders are brought together to hammer out a solution to a set of environmental problems. This approach is particularly applicable to problems confined to specific geographic regions. The critical thing about such a process, and the only way to make it work, is that all participants have to understand that the process is the entire and exclusive theater for decisions, therefore Congress and other legislative bodies have to mandate the process. There will be no appeal, and no way to weasel out of the deal. This is critical; no consensus process can survive the idea that one of the parties can get everything it wants—without compromise—at some other forum.

A process of this type has been used successfully by the state of Washington in working through the competing interests of timber companies, environmentalists, Indian tribes and local communities regarding the cut of timber on state lands. On a large scale, the Netherlands now runs its entire environmental program out of consensus groups covering every major industry and district. Industries can meet national guidelines in just about any way they choose, but they have to play the game. The Dutch call the national plans developed through such processes ''coercive voluntary agreements.''

Whether a process that seems to work to work in a small, crowded nation with a long culture of cooperation in the face of danger would work here in a big, mostly empty country, where the tradition is more libertarian, is an open question. But somehow we have to get past this situation where EPA is out there in the boat and everyone else in on the shore jeering as the ship of state floats by. Somehow, we have to use whatever civic consciousness and sense of community we have left to bring all the interests into the same boat and give them an oar. Don't jeer—row! Because if EPA sinks while we watch, we all get pulled under.

A lot of people don't believe this; there is a cottage industry now writing books and articles stating that many of our environmental concerns are a lot on hooey. If that's true, why do we need an effective EPA? My answer to that is the same as it's been for a number of years. Our efforts at environmental improvement in America are not about controlling a few chemicals or saving a few species. There are more than five billion people on this globe living in under-developed nations who want to live as well as we do materially. And they are going to try to get there. If they all try to get there in the same way we got there, wastefully, scattering pollution, unduly impacting our natural resource base, then all of us are in a world of trouble.

Supposing that's not true? Supposing somehow, magically, the global development process will take place and not cause all the terrible things to happen to the environment that some predict? Well, I for one, would be delighted if that were the case. Twenty-five years from now, when they come by the nursing home and say ''Ruckelshaus, you were a damn fool about ozone depeletion or fisheries destruction,'' I'll just smile. Meanwhile, you can call me a conservative old Republican, but I don't care to bet the future of the country, and the planet, and the free institutions we're worked so hard to preserve, on that scenario being true. We need to take the prudent steps necessary to bring the major global problems under control, and we need to lead the world in that effort—because, you know, there is really no one else—and to do that we need effective, efficient and fair governmental institutions, among which is EPA. And we have to begin the hard work of fixing it, or suffer the incalculable consequences of our failure.

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REMARKS BY DR. STEPHAN SCHMIDHEINY

Thank you. I was extremely relieved to learn that it is not part of my assignment tonight to say a lot of nice things about Bill Ruckelshaus. I have known him too long, and have so much admiration for his person and his achievements in all his many fields of endeavour that if praise were my assignment we would be here for days.

But I must take this opportunity to thank Bill for the leadership he showed when we were putting together the Business Council for Sustainable Development's report to the 1992 Earth Summit. He always offered compelling logic, and always rallied our less courageous members.

He also gave me an important word of advice on an early draft of the report, in which I had begun with all the usual environmental gloom and doom as a rallying call to action. Bill took me aside, and in the confidential tones an uncle might use to explain sex to a backwards nephew, he said: ''Stephan, don't do it that way. Business people stop reading immediately when they come upon bad news. To seduce business people, you have got to start by telling them how good things are going to be. Only then do you add a few side problems, such as the loss of the world's forests, oceans, animals, air and ozone layer.''

Now, many of you are lawyers, and I know that lawyers are different. You not only have a higher tolerance for bad news, you actually thrive on it, and make your livelihoods out of it. Even so, I shall start with good news anyway.

The good news is that in many parts of the world business is beginning to live up to its new responsibilities. As markets become more open and more international, business is ever more obliged to see that its activities work for, rather than against, the goal of sustainable development.

The World Business Council for Sustainable Development now consists of more than 120 companies and is still growing. We have spun off national BCSDs in Asia, Eastern Europe, and throughout Latin America. The Councils have been involved in a broad spectrum of activities. The WBCSD has developed a ''Joint Implementation'' programme in which industrial and developing world companies are cooperating to reduce greenhouse gases in the most internationally cost-effective ways. The BCSD of Columbia, composed of large companies, is showing small companies in such inherently dirty business as tanning and metal plating how they can save money by producing less waste and pollution.

This is a perfect example of the WBCSD paradigm of eco-efficiency—adding ever more value while using ever less resources and producing ever less waste and pollution.

There are many reasons why companies should not get involved in eco-efficiency. First, many governments still actually subsidize waste—the waste of energy, water, forest products, pesticides and fertilizer. Second, even if not subsidized, many environmental resources are priced too low. This is especially true of pollution sinks—such as rivers, soil, and the atmosphere. Thus the act of polluting is just not as expensive to companies in the marketplace as it should be.

I think that these disincentives are fading. I think there are a number of trends pushing companies toward increased eco-efficiency. Taken separately, no single one is convincing. Taken together, they become a powerful force.

In many parts of the world regulations are getting tougher and—more important—enforcement is getting tougher; more and more CEOs are finding themselves in court for non-compliance; more use is being made of economic instruments—taxes, charges and tradable permits—to encourage companies towards constant improvement; banks are more willing to lend to cleaner companies; insurers are more willing to insure cleaner companies; investors are increasingly interested in investing in cleaner companies; the best and the brightest graduates are more willing to work only for cleaner companies; ''green consumerism'' is becoming more mature, switching from brand loyalty to company loyalty; the general public feels a growing right to have a say in what our companies do; the search for eco-efficiency can motivate a company and its employees to become more innovative on many fronts; eco-efficiency is an excellent avenue for introducing the concept and the practice of Total Quality Management (and indeed it is hard to talk about Total Quality Management without including environmental quality in terms of eco-efficiency); media coverage of pollution and environmental liability problems is becoming more sophisticated—and thus harder for companies to shrug off; many of the people to whom the company directors are related (spouses, children) are becoming more concerned and sophisticated about environment and social issues.

Given the recent antics of the U.S. Congress, you may be surprised to hear me list tougher regulations as a present trend. I shall let Bill Ruckelshaus comment on the activities of the lawmakers here. But I am convinced that the American people will ultimately prove unwilling to return to a time

when U.S. rivers caught fire and whole towns had to be abandoned.

Internationally, a recent survey of multinationals by the Economist offered a long list of examples of successful companies involved in eco-efficiency and community development activities: Western chemical companies becoming vigilant in policing the industry to decrease pollution scandals; computer companies pushing for higher environmental standards; accountancy firms helping post-communist countries set up modern accounting systems; and oil companies guaranteeing to build schools and airports and act as green watchdogs in return for drilling rights. All of these activities are so obviously investments in present and future business that, the survey concluded, ''it seems that behaving like good corporate citizens makes eminent business sense''.

It also noted that multinationals tend to help the countries in which they operate by using international standards wherever they go. ''On the whole they find it easier to operate one set of rules everywhere in the world. * * * So multinationals clamor for more global—and usually higher—standards partly because it makes their lives easier, partly because it imposes the same standards on their competitors.''

The general philosophy at the WBCSD is that since trends are moving towards greater eco-efficiency, the smart company will back such trends, encouraging governments where they need encouragement, while getting their own corporate houses in order to be ready as eco-efficiency becomes the norm rather than the exception.

This process is reaching into unexpected parts of the business world—such as the financial community. I recently helped to lead a WBCSD Working Group on Financial Markets and Sustainable Development. We had been worried that the financial markets, which much be the engine of any kind of development, might be inherently opposed to the goal of sustainability. We worried that they encourage short-term thinking, that they under-value environmental resources, and that they rigorously discount the future.

Our work—which will be published as a book early next year—found that these fears were largely justified. But we also found a surprising amount of encouraging activity in a financial community. Bankers are moving beyond concern for Super Fund liability to realize that a loan to a dirty company is simply becoming a more risky loan—as dirty companies have more difficulty being financially successful. The fact that many banks have signed a statement committing themselves to support sustainable development is not particularly impressive. That the signers have recently hired an NGO to report on how they are honouring their commitment—now that is impressive.

Insurance companies have become sensitized by liabilities for contaminated industrial sites and by losses due to what looks to them like the first financial effects of global warming. Conservative companies like Munich Re and Swiss Re are—in their demands for government action to limit climate change—sounding more radical than the more militant environmental groups.

Even those professions with reputations as fonts of boredom and conservatism—the accountants and the auditors—are working on new forms of accounting that account for the nature as well as capital.

So, we have dealt with industry: it is improving. We have dealt governments: by advising them to take advice from the more progressive businesses. We have even found cause for hope among the financial community.

That leaves the lawyers. What can be done with the lawyers? I am willing to frankly state that in my personal opinion the greatest threat to the competitiveness of US business is not low foreign wages or Oriental inventiveness; it is the US legal system. First, it adds more and more every year to the cost of doing business. As a whole, it represents a tremendous transaction cost to the US economy and society.

Second, the laws covering the different sectors and concerns—banking, business, energy, agriculture, transportation, taxes—have grown up in such an ad hoc manner that they now positively war with one another. And this, of course, only fans the flames of enthusiasm for litigation. I am often advocating the use of common sense in addressing environmental challenges. At a time when payments to the legal profession routinely exceed those to victims or the actual costs of clean-up, then a move towards more common-sense approaches would appear timely.

I am criticising the US system because I stand on US soil before US lawyers. We in Europe also suffer from legal adhocracy or ''piecemealism''; though I do insist that you in the US continue to lead the world in money-wasting litigiousness, as you lead the world in so much else. And I admit that, in this instance, we are genuinely afraid that you may become successful exporters of the another US product—your legal system.

I do not offer an answer. But I have been deeply and profoundly impressed with the work of Bill Futrell and the Environmental Law Institute in what they call ''sustainable development law''. I hope we in Europe can learn from this ELI work. We too need to go back to legal basics, to—as Bill Futrell suggests—organise laws around human activities. We need to develop pollution laws and resource laws that operate in harmony. This would not only produce a more common-sensible set of laws, it might even decrease the growing tendency to seek complex legal solutions to simple business problems.

While speaking of the work of the Institute, I want to acknowledge the help it gave to both the BCSD and the International Chamber of Commerce in these groups' preparations for the Earth Summit.

This occassion tonight has been a great pleasure for me—to have been asked by a most prestigious institution to honour a man not only of great prestige, but of great wisdom, warmth, and incisive humour. Maurice Strong told me that whenever the Brundtland commission reached a completely hopeless impasse, Bill Ruckelshaus would begin slowly in his deep growl of a voice: ''Well, you know, this reminds me of the time * * * '' He would tell a funny, carefully considered story; the tension would collapse, and cordial progress would resume.

It is a great joy to be here with you all, and it is always a wonderful treat to be in the same room with Bill Ruckelshaus.●

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

## NO BUDGET—NO PAY

Mrs. BOXER. Mr. President, here we are in day four of a partial shutdown of the Federal Government, and the only Federal employees that are not feeling any pain regarding their paychecks are the Members of Congress. We are treated differently, and that is wrong.

I know that twice the U.S. Senate passed my no-budget—no-pay amendment, and we have done it with bipartisanship. We have done it with Senator DOLE and Senator DASCHLE, with the Republican leadership and the Democratic leadership. I am very proud of that. Congressman DURBIN is trying to get this through on the District of Columbia appropriations bill, and we are very hopeful that will occur. But at this point, it is stymied.

I think it is shameful. I think it is embarrassing. I think it is a height of hypocrisy that the Members of Congress, who have caused this problem because we cannot figure it out, are still getting our pay. And I am very pleased that Senator SNOWE has introduced a bill. We have worked on it together, and we are trying very hard to bring it forward because the other efforts of the Senate are not enough at this time.

The problem we face is that one of the amendments we passed is on the District of Columbia bill, and that is stuck. The other one we passed is on reconciliation, and that is not here yet. We continue to get our pay while all other personnel—and Senator HARKIN pointed this out to the Senate yesterday—are not getting their pay.

So I would like to ask unanimous consent that I send to the desk now for its immediate consideration a no budget-no pay bill that will treat the Members of the Senate and the Members of the House exactly like Federal employees, and I hope there will not be any objection because we are on record before and I would like to take us on record now in a separate bill because the American people are disgusted with this situation as, indeed, they should be. And, yes, there are colleagues who are giving their pay to charity. There are colleagues who are putting their pay in escrow. And some are not even talking about it. That is very, very noble. But that does not address the institutional failure here.

So I ask unanimous consent to take up the no budget-no pay bill right now.

Mr. COATS. Mr. President, reserving the right to object, on behalf of several Senators on both sides of the aisle who were informed on the last vote that would be the last vote and have therefore left the Senate Chamber, without commenting on the merits or demerits of the proposition put forward by the Senator from California, I will object on behalf of the Senators who are absent.

The PRESIDING OFFICER. Objection is heard.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

## UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT ON S. 440

Mr. COATS. Mr. President, I ask unanimous consent that at 10 a.m. Friday, November 17, the Senate proceed to the consideration of the conference report to accompany S. 440, the highway system designation bill, and that it be considered under the following

limitations during the pendency of the conference report: Senator BIDEN be recognized to make a motion to recommit, with 30 minutes of debate on the motion, and with that time under the control of the Senator BIDEN; that when that time is used or yielded back, the motion to recommit be withdrawn; that there be 60 minutes for debate to be equally divided between Senators CHAFEE and BAUCUS or their designees, 60 minutes under the control of Senator LAUTENBERG or his designee, and 15 minutes of time under the control of Senator GLENN; and that upon the conclusion or yielding back of all time, the Senate proceed to vote on adoption of the conference report.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object, I might ask, Mr. President——

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. This unanimous consent was to take up certain bills tomorrow?

Mr. COATS. A conference report.

Mr. HARKIN. A conference report.

Mr. COATS. S. 440, the highway system designation bill.

Mr. HARKIN. Reserving the right to object, Mr. President, I would like to ask the proponent of the unanimous consent request, the Senator from Indiana objected to taking up the Boxer bill because, he stated, there was an understanding there would be no more votes today. It would seem to me that we could take up the Boxer bill with an understanding we would vote tomorrow, or take it up and add it to this list. I wonder if the Senator would add the Boxer bill to this list to take up tomorrow and we can put a time certain, we can just put an hour of debate on it and vote on it, a half-hour. That would be fine.

Mr. COATS. I would just reply to the Senator from Iowa, there are a number of Senators who have expressed either support for or opposition to this legislation. They are not now in the Chamber because they were informed that the Senate essentially concluded its business. I cannot speak on their behalf or add unanimous consent on their behalf without contacting them. And obviously they have left the Chamber.

Mr. HARKIN. No one contacted this Senator to ask if it was OK to take up these measures tomorrow.

Mr. COATS. It was cleared with the minority leader. It was hotlined to all Senators and has been cleared both by the majority——

Mr. HARKIN. I apologize. If it was, I apologize.

Mr. COATS. I have a second unanimous-consent which has also been hotlined and cleared, just setting the orders for tomorrow. I am not closing out the business of the day.

Mr. HARKIN. I apologize. If it was hotlined, I apologize.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

## ORDERS FOR FRIDAY, NOVEMBER 17, 1995

Mr. COATS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 10 a.m. on Friday, November 17; that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin consideration of the conference report to accompany S. 440, the national highway bill, as under the previous agreement.

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

## PROGRAM

Mr. COATS. Mr. President, for the information of all Senators, there will be a rollcall vote on the National Highway System conference report on Friday.

The Senate will also consider the Balanced Budget Act conference report during tomorrow's session. That conference report has a statutory limitation of 10 hours of debate. Members can therefore expect a late night session on Friday. Also, additional appropriations conference reports may become available from the House. Therefore, rollcall votes can be expected throughout Friday's session.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

## NO BUDGET-NO PAY

Ms. SNOWE. Mr. President, I wish to add a few comments to the issue that the Senator from California raised with respect to legislation that would require that Members of Congress and the President be treated in the same manner as those Federal employees whose pay will be suspended during this period of a shutdown.

I think we all recognize the hardships this poses to the hundreds of thousands of Federal employees across the country. I think at the same time we are experiencing this shutdown, Members of Congress and the President should have their pay suspended.

That is why I have introduced this legislation that complements the legislation introduced by the Senator from California and that is now part of the DC appropriations bill. But until such time as that becomes law, we still have to address this issue with respect to this present shutdown and making it retroactive. I just do not happen to believe that we as Members of Congress and the President should be treated any differently.

I regret that we have not been able to bring this legislation up tonight so that we have a chance to put ourselves in the same position as every other Federal employee. That is what this legislation would do. Interestingly enough, it has the support of 21 Members of this Senate, including the Senate majority leader. I worked with the Senator from California [Mrs. BOXER] on this issue as well.

We should be able to bring up this legislation, and we should be able to vote on it so that we move in the direction of being in the same position, sharing the same difficulties, the same economic hardships as those individuals who see their pay suspended during this period of time.

Unfortunately, we do not know how long this shutdown will continue. Nevertheless, I do not think that we as Members of Congress want to be viewed differently, putting ourselves into another group as we are going through this shutdown. We should not be immune or isolated from those difficulties that Federal employees are now experiencing.

That is true for those employees who work in our offices, and I have 15 such employees who are not working at this moment in time. Why should I not have my pay suspended if their pay is being suspended? I think most of us would agree. So I hope that we will be able to have this opportunity tomorrow to address this issue and to pass this legislation. It is a matter of fairness, and it is a matter of equity.

I hope the President signs the continuing resolution that just passed in the Senate and in the House of Representatives. But if that does not happen, we still would go on into a prolonged shutdown, and I do not think that we should be getting our pay, not experiencing any discomfort, while Federal employees who are not able to work and even those who are still not going to be paid at this moment in time.

So I urge my colleagues to insist that this legislation be considered tomorrow. I appreciate the support that is being given to this issue by the Senate majority leader. In fact, there were 21 of us who sent a letter to the Senate majority leader asking for this legislation to be considered, and he supports that effort. I hope everybody will do so because this is absolutely essential.

I think we are facing enormous difficulties as it is with public confidence in the political process, but I do not think that that confidence should be undermined further by the fact that we are somehow in this separate category, somewhat isolated from the problems that Federal employees are currently facing.

At the beginning of this year, the first piece of legislation that this Congress considered and, indeed, enacted and signed into law by the President was the Congressional Compliance Act that required Congress to abide by the same laws that apply to the rest of this country. I think that this legislation certainly reaffirms that policy and moves us in that direction. It is a matter of fairness. It is a matter of equity. It is right.

So with that, Mr. President, I yield the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I want to join with my colleagues, the Senator from Maine and the Senator from California, in supporting this legislation to have Senators and Congressmen treated the same as all other Federal employees.

I agree with the Senator from Maine on everything she said but for one thing. If the majority leader of the Senate wanted this bill up, he could have brought it up tonight. That is the power of the majority leader. If the majority leader wanted this up tomorrow, he could have included it in the unanimous-consent request to bring it up tomorrow, and we would vote on it tomorrow.

So let us have no doubt about it, it is up to the majority leader whether or not we vote on this or not and no one else on this floor. With that one exception, I agree with everything else the Senator from Maine said.

She was right, as was Senator BOXER, that earlier this year one of the first bills we passed was a bill to make sure that all the laws that apply to other people apply to Members of Congress. We all applauded that, voted for that, that we all live under the same laws. People cannot understand why we had gone so long without doing that, but we did it. But there was one glaring loophole. When it comes to our pocketbook, we want to be treated differently than all other people and all other Federal workers.

As the Senator from California said, there are hundreds of thousands of Federal workers who went home today not knowing that they are not getting paid for the work they do. There are others who are not even going to work and not getting paid. But our pay is automatic. It is like an entitlement. We have an entitlement for our pay. No matter what happens, we continue to get paid.

We just finished a day of activity here, the last vote of the day. There are five Senators left on the floor. Everybody has taken off. They have gone home secure in the knowledge that no matter what happens, the paychecks we get next Monday will be full. We will get paid for every day that we are here.

That is kind of a nice thought, is it not, Mr. President? It is kind of a nice thought to go home in the evening after a long day's work and know that when your next paycheck comes, you are going to get paid. Think about it, think about all those workers, think about our staff people here, think about all the Federal workers, think about the air traffic controllers if you will, Mr. President, who are out there working a very high-stress job, safely guiding aircraft through crowded corridors. It is a high-tense job. It is a job that requires a lot of skill, intense concentration, good judgment and decisiveness. Air traffic controllers put in a hard day's work. Just think, Mr. President, they are going home tonight knowing that next Monday when they get their pay, they will not be paid for the work they did today or the work they did yesterday or the work they did the day before.

How do you think that works on someone's mind? These are people like you and me. They have homes, mortgages, kids in school and illnesses. We are very smug around here, are we not? We are so smug around here because nobody can touch us. We get our pay; we do not care what happens.

I tell you, I think it is one of the grossest things that is going on today in Congress and in the Federal Government that we can shut it down, throw all these people out or force people to come to work, so-called essential people have to go to work but they are not getting paid. I thought we did away with slavery in this country. They have to come to work, but they are not going to get paid. It is just not justifiable.

So I think at least we ought to take up the bill and pass it. It just says if we are not doing our jobs, we do not get paid like other Federal workers until this bill passes. Apply the same rule that applies to air traffic controllers, drug enforcement agents, Medicare fraud investigators, FBI agents, Defense Department personnel—everyone else. Make the same laws apply to us.

You wonder sometimes why people in this country are so cynical about Congress. Well, you do not have to wonder too long when you see what is happening now. So smug around here, we can do all this. We do not care what happens. Send all these workers home. Make them come to work. Tell them they do not get paid.

I see our distinguished majority leader is back on the floor. I think we ought to take up the bill tomorrow and just pass it. I cannot imagine any votes against it. Who would be against applying the same laws to us as apply to other Federal workers so we do not get our pay the same way as anybody else in the Federal Government until this situation is resolved?

When this goes on, I can understand why people are so cynical about the Federal Government, cynical about Congress. All the good that we did earlier this year in passing that Congressional Accountability Act and applying laws to Congress that other people have to live by probably all got flushed down the toilet right now with this kind of action, because people know that we are getting paid. Other people working for the Federal Government are not getting paid. It is not fair, and I think we ought to take up the Snowe bill tomorrow and pass it.

I ask unanimous consent, if I am not a cosponsor, to be added as a cosponsor of that bill. I think we ought to bring it up and pass it as soon as possible. I yield the floor.

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

The majority leader.

Mr. DOLE. Mr. President, I will just take a minute or two. The Senator from Delaware wishes to speak and then the Senator from Rhode Island, Senator PELL. Are there any other Members on that side who wish to speak? If not, I will put it on automatic pilot.

## ORDER FOR RECESS

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate stand in recess following the remarks of Senator BIDEN, Senator PELL and myself.

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

## THE NO BUDGET-NO PAY BILL

Mr. DOLE. Mr. President, let me say, I am a cosponsor of the bill, and I agree we ought to figure out some way to get it passed. I hope that we can resolve that tomorrow. I must say there is opposition, some on each side. I think the American people would feel better about it——

Mrs. BOXER. Will the majority leader yield? I was not aware we had any opposition on our side of the aisle.

Mr. DOLE. Maybe there is none on that side. I will reserve that.

Mrs. BOXER. Because I have been working hard, and I have not come up with anybody who is opposed.

Mr. DOLE. I understand there may be some opposition on this side. We will try to see what happens tomorrow.

## A BIPARTISAN MAJORITY

Mr. DOLE. Mr. President, I want to take just a moment to comment on the vote that we just had. It seems to me when the vote is 60 to 37, we pretty much replicated what happened in the House about midnight last night, where 48 Democrats joined Republicans in a bipartisan effort to open up the Government, take the lid off, put people back to work and balance the budget in the next 7 years.

It seems to me that is the best of both worlds. I am very proud of that strong bipartisan majority of 60 Senators who stood up tonight for our Federal workers and for a balanced budget which will mean a brighter future for our children and our grandchildren.

I think we keep losing sight of why we want to balance the budget and why should we be concerned. I must say, we

have to keep reminding ourselves, the language we use does not resonate because we keep talking about balanced budget, CR's, debt ceiling extensions, and it does not mean a thing to many people, but their children mean a lot to people and their grandchildren mean a lot, and that is what this debate is all about. It is not about numbers, it is not about a continuing resolution, it is not about a debt ceiling extension, it is not about any of us in this Chamber; it is about trying to do something for a lot of our young people who are going to want to find jobs.

I must say, as I read the Washington Post editorial again and again today—because I could not believe it; it was a good editorial—it talked about the real default, the default of leadership on the other side of the aisle.

I must say, as the Senator from New Mexico said earlier, when you do a lot of heavy lifting, you get a lot of criticism. We have been doing a lot of heavy lifting. We believe the American people gave us somewhat of a mandate to make fundamental change last November, and we have kept our word and our promise. We have worked together, and we have had some bipartisan support, just as we have had tonight. So it is not just a Republican effort. We had a number of Senators join us earlier this year on a balanced budget amendment. We lost by one vote. We hope to bring it up again.

Now, President Clinton says a lot of things at different times and in different ways. Yesterday, at a news conference or in a short statement, he mentioned the phrase ''balanced budget'' 16 times, by actual count. If the people who watched television last night saw the clips of what he has been saying in the last 2 years, he talked about a 5-year balanced budget when he was a candidate, then maybe 10 years, maybe 9, maybe 8, maybe 7.

Now, I think the President could indicate that he is in good faith by signing this bill. There is nothing in this bill that is going to hamstring the President of the United States. Nothing commits him to do anything, except it says we shall enact a balanced budget amendment in the next 7 years, using CBO estimates—updated CBO estimates—the very estimates that President Clinton asked us to use. CBO is the Congressional Budget Office, for those who do not understand these initials all the time. But when he first spoke to a joint session of Congress, he boasted about using CBO—Congressional Budget Office—figures in his budget and said they had been, as I recall, fairly accurate over the years. And they have been accurate over the years.

So we are not asking too much of the President of the United States. I am not one who advocates shutting down the Government of the United States. I would like to find some resolution, and if we cannot do it with this continuing resolution, maybe we can figure out a way tomorrow to resolve the differences.

What harm does it do the President of the United States to sign a bill that says we will have a balanced budget by the year 2002? He said today on television that he did not mind the 48 Democrats voting with Republicans last night because it was not binding. Well, if it is not binding on the 48 Democrats, why should it be binding on the President of the United States if he signs it?

Again, I want to thank my colleagues tonight who said to our Federal workers that it is time to go back to work, and said to the President of the United States, it is time to balance the budget. Again, I say, as I said earlier today, I do not think it does a lot of good to have press conferences every day where we say one thing and the President says something else. Why do we not sit down together, without the press? We are all adults. I believe the American people are looking to all of us for leadership. So the Government has been shut down Tuesday, Wednesday, Thursday, and it will be shut down tomorrow. Is that enough time? I think it depends on the leadership that we can produce in the next 24 hours. If not, we are going to go into the next week and then into the next week. I do not see much opportunity next week to have any resolution.

So I say, first of all, Mr. President, sign this resolution. It is not a bad resolution. I am told that the only objectionable feature is the balanced budget language, which does not legally bind the President of the United States. It seems to me that we may be very close. If the President would sign that tomorrow, and we send it down tomorrow—and I assume we will—then everybody can come back to work on Monday, and we could go on about the Balanced Budget Act of 1995, which we hope to finish tomorrow night around 10, 11 o'clock, maybe a little later. And then on Saturday morning, we will take up a conference report or two, and then Members could be off with their families for Thanksgiving, as many would like to do.

## ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I ask unanimous consent to include the Senator from Illinois, Senator CAROL MOSELEY-BRAUN, who would like to speak for up to 5 minutes.

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

The Senator from Delaware is recognized.

## THE SHUTDOWN

Mr. BIDEN. Mr. President, I would like to comment on three items. One, I compliment Senator BOXER and Senator SNOWE for their initiative to treat us like everyone else; that is, if we are working and other Federal employees are working, and they are not getting paid, we should not get paid. Most of the public in our home States do not realize that all of us have voted for that already. We voted for that twice already. Unfortunately, the House of Representatives has either inadvertently or, in fact, refused to bring that up. I will not make a judgment about that. But we have been on record for some time.

I think it makes good sense. I just depart from one comment made by one of our colleagues who supported this initiative. I do not think the Congressmen and Senators are smug about this. The truth about this much of this is artificial. I have been here for 23 years and although we have never had this extent of a crisis, we have shut down for a couple of hours or a day. In every case, it has been standard operating procedure that everybody is made whole. The Federal employees—everybody is made whole.

So I do not think most of our colleagues thought that this sort of stupidity would go on as long as it has. Therefore, I do not think my colleagues sat there and said, ''By the way, I know people like the stenographer here, who is working, and I know he is not getting paid, and I do not care; ha, ha, ha, he is not going to get his paycheck.'' I do not think anybody thought about that.

I want to make this clear. Sometimes, in our zeal, we make it sound like this place is a little more heartless than it is. The truth is that there is an artificial element to this and, in all probability, nobody is going to end up losing a cent in this —unless this does go on for weeks or a month, which none of us wish to happen, and I think probably none of us believe will happen.

Now, sometimes we do stupid things. Sometimes ego and pride and politics and partisanship get in the way and everybody wakes up one morning and says, ''My Lord, how did we get here?'' I am hopeful that will not happen. That leads me to my second point.

My second point. I have great respect—and I mean this sincerely—for Senator DOLE, the majority leader. I have served with him and next to him for 23 years now. You cannot be around somebody that long and not get some sense of the man, the person. I do not know anybody who is smarter in this place, and I do not know anybody who is a better legislator in this place, or that I have had any better relationship or dealings with than him. I make one distinction in what he said. When he said the President is not bound in any real way if he were to sign the continuing resolution that the Senate sent to him, and he then mentioned the CBO figures, Congressional Budget Office figures—and he did accurately say the President, in the past, had mentioned Congressional Budget Office figures. But whether the President said it in the past or not, we all say things that turn out not to make so much sense sometimes—at least I have.

The truth of the matter is that it is important for the public to know not whose figures are right, but just to understand the debate. There is a fundamental difference in the outcome of a balanced budget and in how much you have to cut to get to a balanced budget, based upon how rapidly the economy grows or does not grow.

Now, the figures are infinitesimally small when you say them. For example, the Congressional Budget Office says the economy will grow, on average, over the next 7 years, at 2.4 percent per year. And along comes the Office of Management and Budget in the executive branch, and they say, no, the economy, over the next 7 years, will grow, on average, 2.6 percent per year. The public up there says, ''What is the problem? What difference does it make which number you accept?'' Well, I am not saying who is right. By the way, you know that old joke, I say to the former Governor of Missouri, now the Presiding Officer—I am sure he has asked a lot of economists about the impact of what happens in his State. But it reminds me of that joke that used to go like this: Give me a one-armed economist because every economist you speak to, no matter who they are, in their estimates, they say, ''On the one hand'' it could be this, and ''on the other hand'' it could be that.

I would love to find a one-armed economist who would only tell me this is what is going to happen.

Well, back to the central point, the difference between a 2.4 and 2.6 growth rate in the economy over 7 years is almost one-half trillion dollars more that would have to be cut from the Federal spending.

Right now if you said to me, I am sitting there and I say ''OK, I am President''—I am not President obviously—''I am President.'' You say to me, ''OK, I will agree to balance the budget in 7 years,'' and I look out there, and I say, ''All right.''

By the way, what is the magic? Why did we not say 5 years? Why did the Republican Party not say 5? Why did the President say 10? Why did we not pick 6? The truth is, it is of little relevance in terms of a goal. It is a practical relevance in terms of how much you cut and how rapidly you cut.

But back to the central point. I am sitting there as President. You come to me and say, ''I have good news. We have signed on to 7 years.'' Great. That is what I say. ''I can do this in 7 years.'' But the numbers they gave us are that we have to balance everything based upon the economy only growing this fast.

Mr. President, what that means is those cuts, that $1 trillion in cuts you were going to find to balance it over 7 years, you have to find $1.5 trillion. And you say, what does that mean? That means I either have to give no tax cut at all or that means I have to make major cuts in Medicare, or that means I have to make significant cuts in education. And for what? For the want of 1 year? For the want of 2 years?

I lay you 8 to 5, which is what is disturbing me, the American people are way ahead of all of us—the President, the Speaker, the leadership, Democrats, Republicans. They no more believe that we are going to balance the budget in 5 years than 7 years or 7 years than 8. They do not care if it is done in 8 years or in 6 years. They just want to know we are serious and we made a decision.

The glidepath of this Government spending over the next decade is going to be this way—down, and real numbers, real cuts, real changes. That, I agree, there is a mandate to both parties on that. But do you think anybody who sits home and says, ''Well, I have been thinking this over. I listened to that debate in Congress, and my grandchildren are going to be put in serious jeopardy if we do this in 10 years instead of 7. This means the health and welfare of my granddaughter.''

Do you believe anybody thinks that? What they are sitting home saying is ''God, all those guys and women down there, all they do is talk. They keep promising balanced budget amendments. I do not believe they will do it any time.'' That is what they really say about us all.

The truth is, I have been here 23 years. I have never seen a time—and I say this with total sincerity—where the overwhelming majority of the Members of this body have done anything other than agreed we have to balance the budget, and mean it.

I introduced a balanced budget amendment in 1984 that got nowhere. I am a Democrat that voted for the constitutional amendment to balance the budget. I have introduced on four occasions—four occasions—entire plans to balance a budget, knowing I am not President and I am not the leader, but for illustrative purposes. I tried with Senator GRASSLEY back in the 1980's to freeze all Government spending, including Social Security, including everything.

The truth is the last election did one thing. I do not know whether it really made you guys a majority party for long. I do not know. We will find out. I know one thing it did. What it did was it made sure that there was nobody left on the left in my party who, in fact, said we do not care about moving the budget toward balance.

These folks mean it. We all mean it. The public knows we mean that. I think they look at us and say, ''You are all being kind of childish.''

For example, I bet—and I should not say this because I do not know whether the Senator from Missouri, the Presiding Officer, would agree—I bet I could find 20 Members at least on the Republican side of the aisle if I were in charge of this outfit—and I am not—we could sit down and say, ''Here is the deal. You guys want a balanced budget in 7 years and you want CBO numbers. I want a balanced budget, too, but I do not want to cut as much Medicare as you do. I do not want to cut as much as you do, and I do not want to give as big a tax break as you want.''

So we can make a deal, make a deal. We will split the difference between the CBO figure of 2.4 and the OMB figure of 2.6. Take 2.5—that is $250 billion. And make another agreement. Agree I will go for a bigger cut in Medicare. I say we only need to do $89 billion. That is all we need—not $270 billion. I will split the difference with you on that.

You have to make a deal on taxes, too. As much as you want to help wealthy folk, and I want to help them, too, tell them to wait until the end of the line. We will not give them anything. We will not raise their taxes, but we will not give them a tax cut.

Just those gross numbers—by the way, also make a deal, satisfy the President. Do not do this in 10 years. Do it in 8 years. Do not do it in 7—you give a year, we give up 2 years.

Do you think the American public will go home and say, ''Boy, they all sold out. Boy, they all do not mean this. Boy, that is ridiculous. Boy, my grandchild is now in real jeopardy. Boy, my child's future I borrowed against now another 18 months''? I think they would say they are finally acting like mature adults.

I respectfully suggest, to go back to the original point I made, the majority leader said, what difference does it make whether it is CBO or OMB? Let me tell the difference. That is like saying to me, ''JOE, you got to forge this creek, the Ardent Creek. You have to forge it, and it is 43 feet wide where the rapids are, and you have a hook at the end of the rope.''

It makes a difference whether you give me a 48-foot rope or you give me a 38-foot rope whether I can get across that creek. If you give me a 38-foot rope, I cannot make it without getting awful wet and put in danger. Give me a 48-foot rope I can throw that sucker across, hook it around the tree, and have no problem bringing myself across.

That is the fundamental kind of difference between these numbers. These numbers are real. They make a difference.

I might add, the DuPont companies of the world, the Fortune 500 companies of the world who all of us say are better at estimating what will happen than we, they all say the growth rate will be about 2.9 percent per year. They say we will have $1 trillion difference from what the Congressional Budget Office says.

Let me say, if you ask whether I accept a DuPont Co. economist or a Federal bureaucrat's economist, I tell you where I go, this Democrat. If you ask whether I take an economist from Maryland National Bank or from the Chrysler Corp. in my State, I know which I would take. I would take the private sector guy.

What I am told is—and I may be wrong, but I do not think I am—I am

told the blue chip analysis, that is taking all the blue chip companies who have analyzed what the growth rate is going to be, the consensus is it is going to be about 2.9 percent per year.

I will tell you what. If we agree to their numbers, I can balance the budget and not cut Medicare and not hurt education and not make the changes I do not want to make and I can do it in 5 years.

This makes a difference. It makes a difference what numbers you pick. Like I said, it is like that rope. You tell me I have to get across a 40-foot creek with rapids and if I slip in the rapids I go over the dam, and you give me a 30-foot rope, I have a problem. You give me a 50-foot rope, I can do it. So the difference here is the length of the rope we are giving the President.

I will conclude by saying the Presiding Officer is the only Republican in the Chamber—and by the way I am not suggesting anybody else should be in the Chamber. All reasonable people are home at 10 minutes to 10 at night, and I do not know why I am doing it, because I am not sure that the four people in here, who are kind enough to be listening to me, are listening. But I would respectfully suggest the following.

The reason why a guy like me is a little bit suspect of the insistence on the CBO numbers is—I will be real blunt with you —I believe this is more than about balancing the budget. I believe this is about eliminating programs, or drastically changing programs that the Republican Party, understandably and defensibly, historically has not liked.

But it can be cloaked in balancing the budget now. Because if you give me the 30-foot rope, I have to get rid of education. I cannot pull education across that creek with me on my back. I cannot take Medicare across that creek with me on my back. I cannot take a lot of things across there—baggage that some of my friends on the Republican side, and some Democrats, do not think we should be doing anyway.

So I think what the President should do—presumptuous of me to suggest what the President should do. But, if the President called up and asked me tonight, Joe, what do you recommend about this? I would pick up the phone and I would call BOB DOLE and NEWT GINGRICH and I would say, Fellows, look, come on down. Let us have a cup of coffee. And I would promise NEWT could sit at the head of the table. I would let him sit behind my desk. And I would say, Here is the deal. Let's make a deal. Let's split the difference on the numbers, not between the private sector, but the two Government bureaucrats who said what the numbers were. Split the difference and let us split the number of years. I will take off 2, you add 1. And let's get back to work, and then let us fight about the details, which is what appropriations bills are about.

I hope we do that. I am not suggesting my particular formula, I say to the Presiding Officer. I am not so presumptuous as to say that is the only way to do it. But I do know one thing. Legislation is the art of compromise, not weakness, compromise, because we have very divergent views.

I have come to know a bit more about the Presiding Officer. He and I have divergent views on a number of issues, but I truly respect him. And I think he respects me. There is no reason why we could not work—I have to give something. You are never going to agree with my philosophy. I am never going to agree with yours, on the whole. So we have to give something.

I do not mean to paint it—I would like it if the Senator from Missouri and I could settle this, but I know neither one of us are in the position to do this. But the larger point is simple. I think it is time for us to sort of—I was going to say act like grown-ups. That implies they have not been. I think it is time to say, OK, everybody has made the point. Let us get back to work. Let us split the difference on these things. Because the truth of the matter is, if the President agreed to an 8-year balanced budget with CBO numbers, or OMB numbers, does anybody believe that means he is less committed to getting to a balanced budget? He locks himself to a balanced budget on those terms.

So the issue is not if. The issue is how. I think we could settle this quickly. I hope we will do it.

My colleagues are here. I will not do it tonight, but I was going to make a statement, and I will do it tomorrow, on a third point. That is Mr. HELMS'—and I love Senator HELMS—outrageous, in my view, holding up of the START Treaty and holding up the Conventional Weapons Treaty. But I will save that for another moment. Maybe the Senator would be on the floor, because I would rather deal with him on the floor. As my colleagues know, I never say anything that references another Senator without telling him first. It is nothing derogatory, but I hope he will reconsider. We are about to lose the START Treaty, and that is the thing that eliminates all those Russian missiles that could be aimed at us again.

My colleagues are waiting to speak. I thank my colleagues and I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

## THE LAW OF THE SEA CONVENTION

Mr. PELL. Mr. President, from October 23 to November 3, 1995, the United States was host to an intergovernmental conference convened under the auspices of the U.N. Environment Programme to adopt a Global Programme of Action for the Protection of the Marine Environment from Land Based Sources of Marine Pollution. My colleagues know that I have long had a strong interest in the protection of the environment, and in particular of our oceans. In fact, in 1973, legislation was enacted that I introduced to create the position of Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs. I was pleased that the Congress and the President agreed with my strong feeling that increased cooperation with respect to the protection of our oceans be given greater focus and visibility at the State Department.

As far back as 1977 I introduced a resolution that required countries to conduct environmental impact assessments before carrying out activities that might impact the environment of another country or of a global commons area. The U.N. Environment Programme (UNEP) was to be the recipient of these impact assessments and in July 1995, I introduced Resolution 154 calling on other nations to adopt a similar approach. UNEP has retained its key role in the protection of the environment worldwide and the Washington Conference on Marine Pollution was but the latest example of its ongoing efforts to encourage all countries to cooperate in the protection of the environment.

This Conference was convened as a result of the U.N. Conference on Environment and Development held in Rio de Janeiro in June 1992. It recognized the fact that more than 80 percent of marine pollution originates from terrestrial sources and its aim was to ensure that all the Parties would coordinate their efforts in trying to reduce such sources of pollution. The two outcomes of the Conference were the Global Programme of Action for the Protection of the Marine Environment form Land-Based Activities, adopted at the end of the Conference, and the Washington Declaration, which was adopted by its high-level segment. Both the Programme of Action and the Declaration complement the legal regime set up by the Law of the Sea Convention which was signed by President Clinton and is still pending before the Committee on Foreign Relations.

I wish to call the attention of my colleagues to an article published in the Washington Post on November 4, 1995, which highlights the risks now weighing on our oceans and the need to take urgent action. I ask unanimous consent that this article be included in the RECORD at the end of my remarks.

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

[See exhibit 1.]

Mr. PELL. Mr. President, I have always been a very strong supporter of the Law of the Sea Convention because it sets up a new Constitution for the Oceans and because it is the perfect tool to put an end to such destructive measures as ocean dumping and other forms of direct pollution. In that respect, the Law of the Sea addresses the marine sources of oceans pollution. The Washington Conference aimed to

complement this approach by addressing the impact of terrestrial, and indirect, sources of marine pollution. The Programme of Action adopted by the Conference contains a series of practical steps that governments can adopt, while the Washington Declaration provides us with a framework to further our international cooperation.

At the national level, countries can, and should, restrict negative impacts by better and stronger regulation of sewage discharges and by controlling the production and use of pesticides, fertilizers and other persistent organic pollutants that are known to cause considerable damage to marine life. At the international level, cooperation needs to be increased, with a view to imposing more stringent controls on the most dangerous of substances, such as DDT, PCBs, and other persistent organic pollutants. The Washington Declaration recognizes this by calling for the development of a global legally binding instrument for the reduction or elimination of persistent organic pollutants. At this stage, it is still unclear what form such a treaty should and will take, but it is of the utmost importance that the United States become an active participant in these negotiations.

By definition, marine pollution is a global problem, and while it cannot be solved by individual nations, we all have a responsibility to cooperate in attempting to save our oceans. The United States has always been at the forefront of similar efforts in the past and we cannot shrink from our responsibilities in these times of crisis. The Law of the Sea Convention and the Washington Programme of Action are the two vital instruments through which we can finally put an end to the excessive pollution of our oceans. This is a chance for the United States to prove that it really intends to address and solve the very important issue of marine pollution by ratifying the Law of the Sea Convention, by implementing the Programme of Action in earnest, and by becoming a leader in the negotiations of a treaty on the regulation of persistent organic pollutants.

EXHIBIT 1

EXPERTS SEEK GLOBAL TREATY ON TOXIC OCEAN POLLUTANTS

(By Gary Lee)

Alarmed by rising levels of pollution in the world's oceans, a conference of environmental experts from 102 countries yesterday called for new global controls on the use of DDT and 11 other toxic chemicals that are often discharged into waterways.

The Washington gathering, sponsored by the United Nations Environment Program (UNEP), urged industrial and developing countries to negotiate a global treaty restricting the spread of a dozen persistent organic pollutants, a group of industrially produced chemicals that frequently wind up in oceans and other water supplies. Participants in the two-week meeting, which ended yesterday, approved a program of action that included the call for a treaty.

Persistent organic pollutants were targeted for more stringent international regulation because they are highly toxic, remain in the environment for long periods and can spread thousands of miles from the point of emission, conference delegates said.

After accumulating in fish and other marine mammals, such chemicals work their way through the food chain and may eventually be consumed by people. They can cause severe health problems, said Clif Curtis, an adviser to the international environmental organization Greenpeace. Studies have linked some of the compounds to cancer, neurological damage and defects of the reproductive system and immune system in various animals, including humans. Creatures occupying positions near the top of the food chain—such as fish that eat smaller fish, marine mammals, seabirds and humans—are at greater risk of such effects because more of the toxic substances accumulate in their tissues. Greenpeace advocates a worldwide ban on the production and use of persistent organic pollutants.

The campaign for new restrictions on the chemicals is part of a growing movement to save the oceans, considered by many environmentalists to be the world's last underregulated biological frontier, from further degradation.

''The oceans of the world are interdependent,'' Vice President Gore told the gathering in a speech this week. ''The only way to stop the degradation of marine environment from land-based activities is to share the solutions.''

''If we're going to take the cleanup of the oceans seriously, [persistent organic pollutants] must be banned,'' said Salef Diop, an adviser to the Senegalese environment ministry and delegate to the conference.

While the 1982 Law of the Sea Treaty and other international agreements regulate ocean dumping and other forms of direct pollution, the UNEP conference focused on restricting land-based activities that indirectly contribute to the pollution of oceans—such as the use of organic pesticides that are washed into rivers and end up in the ocean.

The conference pointed out in its recommendations that individual countries can help fight ocean pollution through national policies, such as the reduction of sewage discharges and control of pollution from nonpoint sources like farmland. Land-based activities are responsible for 80 percent of ocean pollution, according to Magnus Johannesson, a senior environmental official from Iceland.

The substances pinpointed by the conference as requiring more stringent controls include the pesticides DDT, toxaphene, chlordane, heptachlor, endrin, aldrin, mirex and dieldrin, as well as byproducts of industrial combustion such as dioxins, furans, hexachlorobenzene and the group of chlorinated substances known as polychlorinated biphenyls (PCBs). Although dozens of other chemicals pose a threat to oceans, these 12 are most widely used and most toxic, according to environmentalists.

After controls are in place, others could be added to the list if scientific consensus indicates that they are harmful to marine life, conference delegates said.

The U.S. has already moved to ban the use or spread of many of the compounds, but at least two—chlordane and heptachlor—are still produced by American companies for export abroad, Clinton administration officials said.

Although banned in the United States in 1972, DDT is still widely used in India and some other developing countries to protect crops against insects. Heptachlor and toxaphene are also used heavily in some countries.

Safer alternatives exist, but some research will be needed to determine whether they can be substituted cost-effectively in those countries that still rely on chemicals that end up as persistent organic pollutants, conference delegates said.

## THE EXECUTION OF KEN SARO-WIWA

Mr. PELL. Mr. President, last Friday, amid the strong protests of the American and British Governments and countless human rights organizations, the Nigerian Government executed Ken Saro-Wiwa, a noted author, environmentalist and human rights activist, and eight of his colleagues. I must say that these executions represent a flagrant violation of human rights and I am outraged. These executions reflect the refusal of the brutal regime of General Abacha in Nigeria to abide by the most basic international norms. Moreover, such actions deserve a swift and harsh response from the U.S. Government.

Since seizing power in a military coup in June 1993, General Abacha has systematically eliminated any perceived rival by intimidation, lifelong imprisonment and most appallingly, by means of execution. Mr. Saro-Wiwa and his eight colleagues now join the ranks of Nigerians whom the Abacha government has successfully silenced. Despite these brutal deaths, I am confident that the causes for which these leaders died cannot, nor will not, be destroyed.

Ken Saro-Wiwa spent much of his life fighting against the military government and the rampant pollution of the land and water in his home, Ogoniland, caused by unregulated oil production. Threatened by his persistent and popular campaign, the Nigerian Government charged Ken Saro-Wiwa and his colleagues for the murder of four pro-government activists. The State Department and human rights groups report that Mr. Saro-Wiwa was nowhere near the murder scene and was denied a fair chance to defend himself. Further, there is evidence that witnesses were paid to testify against Mr. Saro-Wiwa. Topped with a military tribunal appointed to try the case, Ken Saro-Wiwa never had a chance.

Mr. President, Nigeria is a critically important country for United States interests in Africa. Nigeria has made significant contributions in the course of regional and international affairs, such as its involvement in restoring peace in Liberia, in resolving the regional drug issue, and last year's commutation of the death sentence to life imprisonment for General Obasanjo and other alleged coup plotters.

This latest action, however, undermines international and American confidence in General Abacha's announced transition to democracy. The impact of Nigeria's problems, inflicted primarily by the Abachan regime, threatens to extend throughout West Africa, harming the political and economic prospects of its neighbors. General Abacha's refusal to heed the calls of the international community, including those made from these chambers,

demonstrates his unwillingness to engage in quiet diplomacy. Humane principles and a commitment to democratic ideals compel us to respond forcefully to the Abachan regime. While the Clinton administration has called on the United Nations to consider an embargo on sales of military equipment to Nigeria, Congress should consider taking the lead in identifying and enacting strong measures that hurt the Abachan regime.

Mr. President, I would like to conclude with reiterating my outrage at General Abacha and his regime's complete disregard for basic human rights and international legal standards. I believe that relations between our two countries cannot be normalized until the appalling abuse of human rights, especially toward the Ogoni people and their leaders, comes to an end.

Mr. PELL. Mr. President, I yield the floor.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

## THE CONTINUING RESOLUTION

Ms. MOSELEY-BRAUN. Mr. President, thank you.

Mr. President, I would like to speak briefly. And I want to be brief because I know the pages are anxious, and so is the Presiding Officer. But I would like to speak for a moment on the continuing resolution, the debate that was just concluded, and make a few brief comments about it. And then I will file a more expansive statement at a later time.

Mr. President, this is the third day of the Government shutdown, and, quite frankly, this is a disgraceful way to conduct the people's business.

The Government is shut down because, in my opinion, macho posturing, pique, and those things are being substituted—attitudes and old grudges are being substituted—for substantive debate and serious-minded search for compromise.

And we are here also because this Congress has not done its work. Over 6 weeks into this fiscal year, and only four appropriations bills are now law. Most of the bills are stalled here in Congress, not because of disputes over funding levels and philosophical debates, and the like, but frankly because of the efforts by the majority party to attach unrelated riders that are designed, in some instances, to erode women's right for choice, or to deregulate pollution, or to cut away workers' collective bargaining rights.

So we have to resort to a continuing resolution. This continuing resolution that we just passed funds the Government for roughly 5 weeks. It also calls on Congress and the President to balance the budget in 7 years.

Frankly, that provision does not belong in the bill. That issue should be left to negotiations between the President and the Congress on the permanent budget, not on this temporary, partial budget.

That was, however, why I supported the amendment offered by the minority leader. And, frankly, that is why I supported the amendment offered by the majority leader. But, quite frankly, it was the wrong place. Quite frankly, also, Mr. President, there is nothing particularly magic in 7 years. What is important is the objective. What is important is meeting our obligation to leave our children something more than a legacy of debt. And what is important is balancing the budget in a way that helps both individual Americans and our country generally.

Mr. President, I believe we can balance the budget while not undermining health care for the elderly or for the poor, without pushing millions of children into poverty, and without denying access to a college education to additional millions of young Americans.

I think it is possible to balance the budget over 7 years in a way that will make the future brighter for our children and that will help create prosperity for all of us. I hope the parties will seek and find common ground with that in mind.

We have to reduce Federal deficits, but there are other objectives that cannot be forgotten. We cannot just on the one hand transfer costs from the Federal balance sheet to the balance sheets and the budgets of American families. We cannot cut back on essential investments in areas like education on which our competitiveness and, therefore, our economic strength, security, and wealth ultimately depend. We cannot make cuts that close more doors to more Americans who are already anxious about their futures, and who are very hard pressed because, while the cost of achieving the American dream is rising, their incomes are not.

Mr. President, this continuing resolution is not a balanced budget plan. It simply buys Congress and the President a little more time to produce a plan. It is all too clear that we need that time because the budget priorities reflected in the reconciliation bill that we will act on tomorrow are clearly mistaken, in my opinion.

That reconciliation bill contains a foolish $245 billion tax cut. And I think one of my colleagues responded by saying to talk about a tax cut at a time that you are talking about reducing the deficit and balancing the budget is like announcing that you are going on a diet and asking someone to pass the dessert.

Even though the President has cut the deficits in half over the last 3 years, given the scope and the extent of our deficit problem, this is not the time for a tax cut. I add, Mr. President, parenthetically with regard to the specific parts of the tax cut—and I serve on the Finance Committee—there is nothing objectionable—well, there is little objectionable—about the tax cut with the specific ingredients in it. But, quite frankly, the tax cut is very much like a chicken in every pot, the oldest political ploy in town, to give a little bit of substance to the constituents. It could not come at a worse time. The timing and context is wrong. I believe it does not belong as part of reconciliation when we are talking about balancing the budget and cutting protections that are vitally dear, if not vital to Americans.

Mr. President, the reconciliation bill that we are going to take up tomorrow unnecessarily jeopardizes the elderly, the poor, the children, and students by asking them for a hugely disproportionate share of budget savings that the bill requires over the next years 7 years while at the same time protecting tax expenditures, and many other business subsidies and loopholes from the clever.

I believe we need a new plan, one that meets the needs of ordinary, hard-working Americans, and one that embraces opportunities for Americans in the future rather than diminishing them. What we need to do, therefore, in my opinion, is to end this temporary budget crisis, and to put the Government back to work.

What we need to do is to defeat the reconciliation bill tomorrow, and vote against it, because we have to, given the technicalities of it, act on it before we can get to the compromise. Kill the reconciliation bill tomorrow, and go back to work on a more balanced, more fair, and more workable budget plan that does not treat millions of Americans as expendable people.

Most of all, we need to act to meet our obligations to the American people by crafting a budget based on their needs, and that is based on the American priorities of all of our community, a budget built on the proposition that people's futures—and not just abstract accounting numbers—is what is really at stake here.

We have a chance to define ourselves as one community, to recognize that we are all in this together, and to fix our budget problems by sharing the sacrifice and addressing our collective needs as Americans.

Mr. President, this Congress can decide to be like so many corporate CEO's, laying off millions of Americans, discarding them, and ignoring the contributions that they have made in the past, and that they can make in the future. Or, we can recognize the truth—that our only permanent asset lies in the talents and the abilities of our people—and we can construct a budget that helps Americans utilize their talents, and create wealth for all of us today, as well as for tomorrow.

Mr. President, in that case, I believe the choice is obvious. I hope we will commit to coming together to find a common ground, and to recognize that we are indeed all in this together, and we need to have a budget that reflects that.

Thank you. I yield the floor.

## RECESS UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 10 a.m., Friday, November 17, 1995.

Thereupon, the Senate at 10:09 p.m. recessed until tomorrow, Friday, November 17, 1995, at 10 a.m.

# EXTENSIONS OF REMARKS

## A SMART NATIONAL SECURITY BUDGET

### HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 16, 1995*

Mr. CUNNINGHAM. Mr. Speaker, today this body took an important first step in returning sense and security to our national defense. In the best interest of this country and the American people, we have sent a Defense appropriation bill to the President that restores safety and national security while contributing to a balanced Federal budget.

For several years our Nation's defenses have suffered under dwindling Pentagon budgets that were bogged down with frivolous social programs. Today's conference report, like so much of the legislation we are passing in the 104th Congress, represents a dramatic turning of the tide. We are revitalizing readiness. We are restoring our commitment to our military personnel and their families. And we are making the investments necessary to maintain America's standing as the world's most formidable military power.

This bill includes moderate pay raises for the military men and women who work around the clock to keep us safe. Soldiers and sailors feeding their families with food stamps is an unacceptable reality, and it must stop. We also call for upgrades and renovations of military housing across the country. This appropriation also makes smart investments in the cutting-edge equipment that will keep our troops as safe as possible and help keep this country out of war.

Remarkably, this Congress has done all of this while spending $400 million less on defense than the Democrats spent last year. Such a feat could only be accomplished with the sense and conviction of conservative ideals. We have placed a priority on smart spending, spending taxpayer dollars only when and where necessary. Nothing more, nothing less.

Last night, we passed further proof that this Congress is committed to a balanced budget in 7 years. No gimmicks. No excuses. The Defense appropriations conference report represents our contribution to the country's physical security as well as its economic security. The best way to ensure this Nation's survival is to balance the budget, and do it now. If the President of the United States and his Democratic colleagues do not have the guts or the gumption to join us in our effort, they should step aside.

Mr. Speaker, I want to commend Defense Appropriations Subcommittee Chairman YOUNG and full Committee Chairman LIVINGSTON for their outstanding work. I am proud to support the conference report to H.R. 2126. It is one more example of our commitment to spend taxpayer dollars wisely and restore fiscal sanity to the Federal Government.

## LAKE GASTON PROTECTION ACT OF 1995

### HON. DAVID FUNDERBURK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 16, 1995*

Mr. FUNDERBURK. Mr. Speaker, today I am pleased to introduce the Lake Gaston Protection Act of 1995. For those members not familiar with this issue, Lake Gaston has been the focal point of a natural resource dispute between the city of Virginia Beach, VA and the State of North Carolina. At issue is whether Virginia Beach should be able to withdraw water from Lake Gaston, which straddles both States, to provide additional drinking water.

This legislation, which was introduced by Senator HELMS and FAIRCLOTH in the other body, stops the withdrawal of water from the lake until the Federal Government slows down and listens to the concerns of thousands of citizens from both North Carolina and Virginia who believes that Virginia Beach's plan threatens the vitality of this resource.

The Federal Energy Regulatory Commission [FERC] approved a permit allowing the daily withdrawal of 60 million gallons from Lake Gaston—FERC officials did not examine the potential negative environmental effects of withdrawing this amount of water from the lake each day. In short, they failed to consider either the environmental problems or the adverse impact on striped bass or other fish species. A sharply reduced quantity of water flowing through the lower Roanoke River basin may very well be harmful to the estuaries of the Albemarle Sound in the spawning of many fish species.

Mr. Speaker, besides the environmental impact, the withdrawal could very well pose dire consequences to the commercial and recreational fishing industry that depends so heavily on an adequate exchange of freshwater and saltwater in the estuary.

The Federal Energy Regulatory Commission should have obtained certification from the State of North Carolina that there would be no degradation of water quality or the environment. Instead, FERC ran roughshod over the concerns of North Carolina.

Mr. Speaker, this bill would require FERC to obtain certification from North Carolina that this project will have no and I emphasize, no adverse impact on the environment or the local economy.

Mr. Speaker, for the record, I believe a brief history of this dispute may be helpful.

Virginia Electric Power Co., on behalf of Virginia Beach, applied to the FERC for permission to construct a water intake on Pea Hill Cove of Lake Gaston and a 76-mile pipeline to withdraw up to 60 million gallons per day.

Both the city of Virginia Beach and the State of North Carolina have marched back and forth in the Federal courts over this issue. North Carolina raised many concerns of water quality and the adverse effects on the downstream ecosystems. North Carolina officials assert that FERC did a far too hasty job on its environmental analysis. FERC allowed only 2 months for the review of the rearms of environmental data.

Furthermore North Carolina asserts that FERC staff failed to conduct studies requested by several Federal agencies, including the EPA, U.S. Fish and Wildlife Service, National Marine Fisheries, and independent biologists.

After much litigation, a Federal mediator was appointed by the Federal courts within the past 18 months, to look into the possibility of bringing the State of North Carolina and the city of Virginia Beach to an agreement on the issue.

A final settlement agreement was reached on June 26, and was supported by both Virginia Senators.

Mr. Speaker, the settlement was subject to ratification of an Interstate Compact by both State legislatures and approval by the Congress. According to the officials in North Carolina, this agreement protects the interests of the three North Carolina counties that surround the lake. As of now, neither State has ratified the compact.

The communities that surround the lake in Northampton, Warren, and Halifax Counties in North Carolina are greatly dependent on it to support their economies. According to a November 2, 1993, article in the Lake Gaston Gazette, property owners around the lake paid over $253 million in 1993 real estate and personal property taxes. Also it is estimated that there has been $125 million in new home construction each year.

Mr. Speaker, North Carolina and Virginia have a history of cooperation on matters affecting both States. For example the joint North Carolina and Virginia efforts to stem Lake Gaston's having been infested by hydrilla, an aquatic weed similar to kudzu. These five counties and both State governments have worked together to bring this nuisance weed under control.

If Virginia and the city of Virginia Beach object to this legislation, there is a way out; this proposed law will not apply if and when the June 26 settlement is resurrected and there is an interstate compact. So each State can urge its Governor and legislature to ratify the agreement and the compact. This will give everyone a chance to take a second look at North Carolina's Environmental concerns.

## TRIBUTE TO THE WEST BRANCH FARMERS COOPERATIVE

### HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 16, 1995*

Mr. CAMP. Mr. Speaker, it is a great pleasure for me to rise today to celebrate the 75th anniversary of the West Branch Farmers Cooperative. The cooperative was recognized on October 28, 1995 at the Knights of Columbus Hall in West Branch, MI.

In 1917, the cooperative began under the direction and inspiration of a few local farmers who desired to decrease the number of middle men between them and their markets. The farmers progressed and organized themselves to form the Ogemaw County Livestock Shippers Association in 1918. Finally, with intense determination and dedication, these men continued the cooperative by revamping its structure in 1946. Today, the cooperative serves not only farmers but retirees, hunters, and pet lovers.

I want to join the people of West Branch in honoring those who fought to preserve the West Branch Farmers Cooperative's existence, services, and achievements. I also wish to thank them for their diligence and perseverance through difficulty and challenging times. I wish the cooperative the best of luck in the future, and look forward to their continued growth and success.

## OPPORTUNITY AND CHALLENGE

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 16, 1995*

Mr. CRANE. Mr. Speaker, in celebration of the Republic of China on Taiwan's recent National Day, I wish to draw my colleagues' attention to a fine book authored by Taiwan's Foreign Minister, Fredrick Chien, and most recently published by the Arizona Historical Society, Arizona State University. Entitled "Opportunity and Challenge," this publication of speeches, statements, and interviews by and about Dr. Fredrick Chien is a chronicle of Republic of China's diplomatic travails and successes from 1989 through 1994. During this period, Fredrick Chien confronted challenges and opportunities nearly every day. Shortly after assuming office as Foreign Minister in the summer of 1990, Chien saw Saudi Arabia break off relations with Taiwan and later, South Korea also broke off its relations with Taiwan. Never despairing, Chien adopted a pragmatic approach to foreign relations, helping his country establish ties with new countries or re-establish ties with old friends. Since 1990, the Republic of China has seen its diplomatic fortunes improve, increasing its number of offices abroad and its participation in international organizations. Taipei's campaigns to win international friends are chronicled in the speeches, interviews given or essays written by Fredrick Chien from 1989 through 1994.

Among the many chapters, Chien's "A View from Taipei," first published in the 1991–92 winter issue of Foreign Affairs, is particularly noteworthy. In this article, Chien articulates Republic of China's pragmatic diplomacy which has allowed the Republic of China entry in several important organizations such as the Asian Pacific Economic Cooperations and membership in nearly 800 international organizations. Republic of China's growing international importance is a fact of global life, and exclusion of the Republic of China from official world forums is contrary to contemporary realities, Chien asserts.

What makes this publication different from other similar collections of political speeches and statements is the inclusion of a large number of articles originally written in Chinese and published in Chinese magazines and journals. Here these articles have been expertly translated. Some of these articles discuss Republic of China's pragmatic diplomacy, some focus on Taipei's international aspirations, including Taipei's campign to return to the United Nations, while others offer insights into Taipei's views on its eventual reunification with mainland China. They shed a great deal of insight into Fredrick Chien, the man, versus Fredrick Chien, the policy maker and diplomat.

One particularly noteworthy chapter contains interviews with Fredrick Chien's friends and colleagues. The interviewees provide interesting tidbits about Fredrick, the prodigy diplomat. While Chien's casual acquaintances may consider Chien too serious about his work, most people concur that Chien is a diplomat's diplomat who is always giving his utmost to his country. In fact, Chien's own autobiographical piece, "In the Universe There Is Absolutely No Easy Situation," summarizes Chien's own credo of life:

> I am a public servant and I try my best in everything I do. If one day I discover that I can't contribute any more to my country I will consider giving my post to someone else. Otherwise, I will steadfastly keep to my post, any time and any where.

"Opportunity and Challenge" is a major publication. The materials by and about Foreign Minister Chien have a significance for practicing government officials and historians and other serious students of diplomacy everywhere. I recommend Dr. Chien's book to anyone seeking informed insights into the past, present, and future of the Republic of China on Taiwan.

Congratulations to Dr. Chien personally and to the Republic of China on its 1995 National Day.

## RAIDING THE RETIREMENT FUND

### HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 16, 1995*

Mr. PACKARD. Mr. Speaker, I want to commend all of my colleagues who stand fast on balancing the budget and protecting retirees.

Republicans passed a bill to prevent the Clinton administration from using trust funds to support Government spending. Our colleagues on the other side of the aisle worked overtime to ensure that the Clinton White House would be able to raid the Social Security trust fund and other retirement funds to fund what the Democrats term "useful" priorities. I do not think most Americans consider $47,000 to investigate journalists or $1.7 million to hire a public relations firm for AmeriCorps—Mr. Clinton's paid volunteers.

Republicans in Congress are working to pass the first balanced budget in a generation and end Government's addiction to higher spending and more taxes. Democrats not only oppose a balanced budget, they voted to allow the administration to raid Social Security. This administration is willing to stop at nothing.

Mr. Speaker, we have to balance the budget honestly, not dip into America's hard-earned savings. I urge my colleagues to continue to stand firm.

## HONORING THE 1995 GUM SPRINGS AWARD WINNERS

### HON. THOMAS M. DAVIS

OF VIRGINIA

### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 16, 1995*

Mr. DAVIS. Mr. Speaker, it gives my colleague from Virginia, Mr. MORAN, and me great pleasure to rise today to pay tribute to some outstanding citizens from Virginia. These are the people who have been awarded the Gum Springs Community Service Award. The awards will be presented at the Gum Springs Community Development Corporation 30th anniversary celebration on November 16, 1995.

The Gum Springs Community Development Corporation, formerly the Saunders B. Moon Community Action Association, is a private, nonprofit, antipoverty organization founded in 1965 under the Equal Opportunity Act originated as a component of President Lyndon Johnson's War on Poverty.

Calvin Ferguson, an idealistic community activist, is being honored posthumously for his dedication to the improvement of his community and the perpetuation of his neighborhood's history. His contributions during his productive life were many. He worked to establish the Martin Luther King, Jr. Park, with a swimming pool for use by neighborhood families. Mr. Ferguson played a vital role in preserving both the land and history of Gum Springs, including the establishment of Gum Springs Museum project. In addition, he was instrumental in the creation of the senior citizen and youth programs at Gum Springs Community Center.

Albert J. Triplett, Jr., a native of Gum Springs, has made many contributions to the community. He has played an active role in the Big Brother Mentoring Group in Gum Springs. He is founder of the Literacy for Life program for adults in the Gum Springs Community. He is also the coordinator of the male support group of the Gum Springs Children Center and the only male serving on the eight-member Gum Springs Children-Parent Committee.

Jube B. Shiver was inspired by a voice in his sleep in 1960 to "Get up—go build a subdivision." This dream led to the building of Randall Estates, a unique and successful housing development in Fairfax County which has existed for more than 35 years. Jube has had a long association with Gum Springs. His activities include serving as an area member of the board of directors of the Saunders B. Moon Association and director of the Saunders B. Moon Community Association. During Governor Wilder's term in office, he was appointed to serve as a member of the Virginia Small Business Financial Authority which helped create jobs and guaranteed loans for Virginia residents.

Mr. Speaker, we would also like to recognize Ms. Charlotte H. Branch, executive director of Gum Springs Community Development Corporation. During her 10-year tenure as executive director she has watched the community grow and change, and has the respect of everyone in her community.

Mr. Speaker, we know our colleagues join us in paying tribute to these fine upstanding

award winners for 1995. Their contributions to the Gum Springs community have helped all of the residents of that community. Their steadfast commitment is another example of the strong volunteer spirit which so enriches our country.

## MILDRED CHEEK BROWN CELEBRATES HER 80TH BIRTHDAY

### HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 16, 1995*

Mr. FIELDS. Mr. Speaker, I want to take a moment today to recognize a very special woman—Mildred Cheek Brown of Brandywine, MD. Mrs. Brown celebrated her 80th birthday on November 15, and I know you and all of my colleagues join with me in sending her and her family our very warmest wishes of friendship on her birthday.

Four years ago, I had the opportunity to stand here on the floor of the House and recognize Mrs. Brown's husband, Horace F. ''Buddy'' Brown, on the occasion of his 80th birthday. At the time, I considered it a privilege to have the opportunity to recognize Mr. Brown—if only because he had the good sense to marry Mrs. Brown. I consider it just as great a privilege to bring Mrs. Brown's upcoming 80th birthday to the attention of my colleagues.

Mrs. Brown was born in Hillsborough, NC, a small town located near Durham, one of nine children of Thomas and Electa Cheek. In 1937, Mrs. Brown came to the Washington, DC, area seeking employment. She rented a room in a boarding house and enjoyed meeting many of her neighbors. One neighbor in particular—''Buddy'' Brown, who maintained a room in a boarding house next door to the then Miss Cheek—enjoyed her company. After a whirlwind 2-month courtship, Miss Cheek made Mr. Brown a very happy man by agreeing to be his wife.

While many marriage counselors contend that long, happy marriages are the result of long courtships, Mr. And Mrs. Brown might disagree. On October 29, they celebrated their 58th wedding anniversary—proving once again that we should listen more closely to our hearts, and less to counselors.

Throughout most of their married life, Mrs. Brown worked as a homemaker—raising her three children, caring for her husband, and making some of the best vegetable soup, chicken and dumplings, and Pennsylvania Dutch filing ever to come out of a kitchen. In 1965, with her children grown, she went to work fulltime as a bookkeeper for Western Auto, a position she held until she retired in 1980.

For a portion of her life, Mrs. Brown suffered health problems. She survived three bouts of tuberculosis, which required two extended stays at Glen Dale Santorium in addition to one prolonged recovery period at her home. But as anyone who knows her knows, Mrs. Brown is a tender women who can be tough when necessary—such as when confronting a threat to her health. In a battle between tuberculosis and Mrs. Brown, the disease didn't have a chance.

Since her retirement, Mrs. Brown has remained extremely active in her church, Immanuel United Methodist, where she has served as president of the United Methodist Women chapter, and on many church committees. She has also enjoyed spending time with her husband at their home in Brandywine, where they have lived for the past 25 years.

The Brown household is often the scene of many happy family gatherings at which several generations of family members join together. Those family members include Mrs. Brown's children, grandchildren and great-grandchildren. Expected to join Mrs. Brown for her 80th birthday and her children: Frank Brown of Greensboro, NC, and his wife, Sue; Vicki Peckham of Washington, DC, and her husband, Arnold Levine; and Robin Bridges of Churchton, MD.

Also expected are Mrs. Brown's grandchildren—Frank Spasoff and his wife Anne; Chris Brown; Vicky Hawks and her husband Brad; and Emily and Andrew Bridges—as well as her great-grandchildren—Nick and Drew Hawks and Sean Spasoff. Another great-grandson is due in January.

Mr. Speaker, in this age when commitment is not as common as it once was, the 58-year marriage of Mildred and ''Buddy'' Brown remind all of us of its enduring value. In this age when love for others is often regarded as less important than love of oneself, Mrs. Brown's legacy of caring for her husband, her children, her extended family and her neighbors inspires all of us. And in this age when many proclaim that America's religious tradition is dying, Mrs. Brown's long and distinguished service to her church and its members—particularly its less fortunate members—proves that Christian faith and values are still alive and well.

Mr. Speaker, please join with me in wishing Mrs. Mildred Cheek Brown of Brandywine, MD, a very happy 80th birthday and continued good health. And let us all wish her husband and her family many, many more kettles of Mrs. Brown's delicious vegetable soup.

## FOUR WOMEN WHO MADE A DIFFERENCE

### HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 16, 1995*

Mr. SCHAEFER. Mr. Speaker, I would like to recognize four women who have played a vital role in the operation of Fitzsimons Army Medical Center in Aurora, CO: Mrs. Lorenza Manresa, Col. Suiko Kumagai, Col. Rita Geis, and Sister Michael Mary Eagan.

Fitzsimons serves nearly one million beneficiaries in a 12-State area and is on the 1995 base closure list. This hospital's long history of care for our Nation's military personnel is exemplified in these four women, all of whom still live—and serve—in the community they served with such dedication. I salute them and offer here a brief description of each woman's selfless contributions.

MRS. LORENZA MANRESA

Mrs. Manresa was born in the Philippines, where she began her nursing career. During World War II, she was attending to patients in a Philippine hospital when the Japanese burst into her ward as part of their invasion of that country. After becoming an American citizen following the war, she served with compassion as a nurse at Fitzsimons for over two decades.

COL. SUIKO KUMAGAI

Col. Kumagai, known to her friends as ''Sue,'' is a Denver native whose long experience includes serving as head of the 901–C medical school at Fitzsimons. Fluent in Japanese, Col. Kumagai taught Japanese personnel English during the Korean war so that they could care for wounded Americans in Osaka.

COL. RITA GEIS

Upon her retirement from active duty during the Vietnam war, Col. Geis was the chief nurse at Fitzsimons, capping 33 years of service to this country's military personnel. Col. Geis is now the historian for the Retired Officers Association and pursues numerous charitable activities. She has been honored by the Denver Archbishop Stafford for her contributions to charity work in the local community.

SISTER MICHAEL MARY EAGAN

Sister Michael Mary has been an nun for 50 years and is celebrating her Golden Jubilee this year. Her experiences reflect a tireless record of service. She is in charge of program development for the Catholic Archdiocese of Denver and is responsible for the Colorado SHARE program, which now boasts of over 200 sites throughout the State. Sister Michael Mary was principal of Cathedral High School in Denver and was the first director of the Aurora Housing Authority. It was at her initiative that the Fletcher Gardens senior housing center was built. She served on the Lowry Air Force Base redevelopment board and plans on contributing her time and talents to the redevelopment of Fitzsimons.

## TWO OF OUR MOST BELOVED TREASURES

### HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 16, 1995*

Mr. SHAW. Mr. Speaker, I rise today to introduce legislation to provide environmental relief to the Nation by saving two of our greatest national treasures: the Everglades and the Florida Bay. The Florida Everglades is a unique region that enjoys a broad area of subtropical freshwater wetlands, which nourish the tropical marine environment of coastal bays and estuaries. If you travel on the water between the Florida Bay and the Everglades, you will be overwhelmed by the blue-green color of the water. Wildlife has flourished in the Everglades and Florida Bay areas, allowing people to enjoy their unspoiled beauty and profit from its generosity. Unfortunately, the Everglades is the most threatened U.S. national park, and the Florida Bay's lush seagrass meadows are dying as a result of the polluted water dumped into the Everglades by sugar growers. Three acres of Everglades' wetlands die everyday. Clearly, it is time to restore the Everglades-Florida Bay ecosystem for the benefit of the whole Nation.

Let me be clear that the first step in ensuring that the Everglades continues to be one of the Nation's beautiful national parks should be to end the U.S. Sugar Program. If sugar growers were forced to compete in the open market, approximately 20 percent of artificially profitable Everglades agricultural area [EAA]

sugarcane production would cease. Thus, this acreage could be purchased and used to store water and reconnect Lake Okeechobee with the Everglades, which would be a major step in restoring the Everglades. We need to take other steps now, however, to protect the Everglades from further pollution and deterioration until we can end the Federal Sugar Program.

Thus, I have introduced a bill which assesses, for the next 5 years or until the Federal price support program for sugar growers is terminated, 2 cents per pound on raw cane sugar grown in the EAA. These funds will be deposited into an account known as the Everglades Agricultural Area Account, which will be used to make grants to the South Florida Water Management District so that it, in conjunction with the State of Florida, may acquire property in the Everglades to restore these national treasures. A 2-cent-per-pound assessment on raw sugar produced in the EAA would raise $350 million over 5 years, which would help purchase land, halt the pollution of the Everglades, and assist in restoring water quality.

After thoroughly researching this pollution crisis in the Florida Everglades, the Corps of Engineers and the South Florida Water Management District have created a plan to save and restore the Everglades. Under this plan, 131,000 acres of land within the southern EAA must be purchased at a cost of $355 million. The money raised by the 2-cent assessment will fund this plan and help save the Everglades.

Sugar growers in the Everglades area have been forced to take steps to improve water quality by implementing best management practices with respect to phosphorous discharge and agreeing to pay approximately $25 an acre over the next 20 years, that will be used to help restore the water quality. The concessions made by the sugar growers under the Everglades Forever Act, however, cap the sugar growers' contribution and do not require them to make full reparation until 2010. That is simply too little too late to save the Everglades.

Sugar growers in the EAA have benefited from Federal and State subsidized water projects that drain water from the Everglades to make this land suitable for sugar production. These water projects have severely injured the Everglades, and therefore it is only right that sugar growers be responsible for the cleanup of the Everglades and pay their fair share for the purchase of these lands.

Mr. Speaker, I urge my colleagues to act now to protect these national treasures by supporting my bill to restore the Everglades to the pristine condition so that it can be enjoyed for generations to come. My bill is fair to the sugar growers who have reaped tremendous benefits from the sugar program at the cost of two of our most beloved but most neglected national treasures: the Everglades and the Florida Bay. It is time for the sugar growers to work with the rest of the Nation to preserve these treasures.

## MANDATORY FEDERAL PRISON DRUG TREATMENT ACT OF 1995

### HON. FRED HEINEMAN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 16, 1995*

Mr. HEINEMAN. Mr. Speaker, today I am proud to introduce the Mandatory Federal Prison Drug Treatment Act of 1995. This legislation will restore equity in the way the Federal Bureau of Prisons [BOP] administers its drug treatment program so that drug addicts will stop being rewarded for being addicts.

Instead of rewarding prison drug addicts at the expense of other inmates, the Mandatory Federal Prison Drug Treatment Act provides a proper incentive to recovering addicts to get treatment.

The 1994 crime bill changed the way that the BOP administers its substance abuse treatment programs to allow drug abusers to get out of prison a year earlier than their clean counterparts. For example, two Federal prisoners who are convicted of the same nonviolent offense can receive substantially different sentences.

This inequity is not based on past criminal history. Rather, the prisoners' unequal sentences are the result of one inmate's drug addiction. Unfortunately, the BOP can reward a drug addict by taking a year off his sentence after completion of a drug treatment program. My 38 years in law enforcement tells me that this is simply wrong.

The Mandatory Federal Prison Drug Treatment Act ties successful completion of the drug treatment program to good time. The Sentencing Reform Act of 1984 abolished parole in Federal prisons. Thus, inmates serve the entirety of their sentences, reduced only by credit for satisfactory behavior—good time. This bill simply requires that drug addicts complete the drug treatment program before they can receive any good time credits which they have accrued.

At present there are 99,000 prisoners in custody and control of the BOP. There are over 26,000 prisoners who need treatment.

## CONFERENCE REPORT ON H.R. 2020, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1996

SPEECH OF

### HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 15, 1995*

Mr. LAZIO of New York. Mr. Speaker, I rise in support of H.R. 2020, the FY 1996 Treasury, Postal Service, and General Government Appropriations Act. I would like to take this opportunity to commend the conferees on this bill for their efforts, particularly the chairman of the Treasury, Postal Service, and General Government Appropriations Subcommittee, the gentleman from Iowa [Mr. LIGHTFOOT].

The conference agreement contains $189 million in funding to complete construction of a vitally important project in my district on Long Island, the Central Islip Federal Courthouse. I was pleased the conferees quickly reached agreement on full funding for completion of the courthouse and deeply appreciate the willingness of Chairman LIGHTFOOT and the other conferees in working with me to meet this essential need.

First announced by the General Services Administration [GSA] in 1991, the Central Islip Courthouse was designed to solve the problems of the only space emergency in our Nation declared by the U.S. Judicial Conference. That space emergency for the eastern district of New York, was first declared in 1989 and renewed in 1992. These declarations are unique in that these are the only times the Judicial Conference has ever taken such an action. The Administrative Office of the U.S. Courts has just designated the Central Islip Federal Courthouse as its No. 1 construction priority.

Without the completion of the Central Islip Federal Courthouse, eastern Long Island's 2.5 million people will continue to have to tolerate what has been described as a security nightmare. Federal judges in New York's eastern judicial district are facing the heaviest case load in the district's history while enduring dangerous, inefficient, costly temporary facilities scattered in five rented locations.

Unlike some other Federal courthouse projects, the cost per square foot of the Central Islip Courthouse is below the GSA average for similar projects. The courthouse will be cost effective, saving taxpayers $4 million a year now paid for rent.

I urge my colleagues to support this bill and to continue to support the timely completion of the Central Islip Federal Courthouse.

## IN RECOGNITION OF JOHN TURNER, CHAIR, AMERICAN COUNCIL OF LIFE INSURERS

### HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 16, 1995*

Mr. RAMSTAD. Mr. Speaker, I rise to recognize the efforts of an outstanding Minnesotan, John Turner, chief executive of Reliastar Financial and the new chair of the American Council of Life Insurers [ACLI].

In his role as chair of the ACLI, John Turner will continue to work to improve the image of the life insurance industry by encouraging the Nation's life insurers to adopt a code of ethical market conduct.

By imposing strict standards on itself, in addition to those State insurance regulators used to police the industry, life insurers will take strides in improving their standing with the public and their customers.

While scandals have damaged the reputation of some life insurance companies and agents in recent years, with John Turner at the helm, Reliastar's image has remained unblemished. In addition, Turner helped the company through some tough financial times in the early 1990's, and its financial position is solid.

I wish John Turner the best as he works with life insurers across the country in the coming months, urging them to embrace higher standards and increased accountability.

If his track record is any indication, John Turner's latest endeavor is sure to be a resounding success.

## A TRIBUTE TO LILLIAN LEWIS, AN EXCEPTIONAL LYRICIST

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 16, 1995*

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in congratulating and thanking Lillian Lewis for writing the beautiful lyrics to a song dedicated to Raoul Wallenberg, the meaning of which touched hundreds of people at the very core of their being. Her words truly capture the spiritual essence of Raoul Wallenberg's heroic mission.

The song is called ''Wallenberg,'' and was composed by Henry and Bobbie Shaffner in tribute to Raoul Wallenberg, the Swedish diplomat credited with saving 100,000 Jewish lives in Budapest in 1944. Issuing false passports, hiding people in a multitude of safe houses, and using raw courage and bravado, Wallenberg repeatedly deceived the Nazis and saved lives. Aware of the enormous significance of Wallenberg's deeds, the Shaffners sought unsuccessfully for years for a worthy lyricist.

While attending a meeting of the American Society of Composers, Authors and Publishers, Lillian Lewis, a published lyricist with a major hit by Lou Rawls, was approached by the Shaffners. They spent the evening together, rode home together, and in the end the Shaffners asked Ms. Lewis to write the lyrics to their song.

This request triggered a need in Lillian Lewis to know more about Raoul Wallenberg. She read about him avidly, recognized the exceptional courage and noble qualities that define him, and turned her assignment into a mission of love.

Ms. Lewis was inspired to write the beautiful words that follow herein. The song and her lyrics were performed by the U.S. Army Band, Sfc. Beverly Benda, Soprano, and S. Sgt. Mary Beth Mailand, Harp, at the dedication of the bust of Raoul Wallenberg in the U.S. Capitol on November 2, 1995.

WALLENBERG

Wallenberg, Wallenberg
You're a man of special courage
You risked everything for what you knew was right

Wallenberg, Now the world
Knows the evils you have vanquished
While protecting those who had no way to fight

You came to save the children first
It was as if you knew
That future generations would be living because of you

Wallenberg, You deserve
All the glory due a hero
Your selfless acts are part of history

In countless ways
You've won our praise
Forever,
Wallenberg

## EDUCATION FUNDING SUPPORT DAY

### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 16, 1995*

Mr. HOYER. Mr. Speaker, our American opportunity society is based on education. But if you don't have the education to compete in today's job market, the words ''Opportunity Society'' are meaningless. And that's why Federal support for education is so critical.

For example, in Prince George's County, Carrollton Elementary School is working hard to give all of its students that American opportunity. In order to reach higher education standards, the school needs updated reading and writing materials. The school board has approved the purchase and the contract has been signed—but Federal budget cuts mean that the contract will be canceled.

More than 100 third and fourth grade students at Carrollton are struggling to learn to read. Using Federal funds, the school has provided a teacher to give these children the extra attention they need to catch up with their classmates. The education bill passed by the House, which I opposed, will cause this teacher to loose her job, because the school can't afford to pay her. And in the State of Maryland, 21,000 teachers will lose training in enriched math and science curricula.

Across the fifth district and across the country, parents are worried that their children aren't safe in school. Violence in our schools is rising, and surveys show that one-third of high school seniors use marijuana. Three-quarters of high shool seniors drink alcohol. The Federal Safe and Drug-Free Schools Program provides antidrug education and counseling to 39 million children across the country. It also provides for guards and other security measures to make our schools safe. But funding for that program has been cut in half by the Republican education proposals, eliminating anti-drug and violence programs in 1,200 Maryland schools.

These cuts will make themselves felt from preschool to graduate school. The Republican plan will cut 48,000 young children from the Head Start rolls in 1996. We know that Head Start is a cost-effective way to provide academic enrichment, nutrition, and basic health care to children who will otherwise start school at a disadvantage and lag behind their peers. Despite a bipartisan commitment to improve Head Start quality and give a Head Start opportunity to as many children as possible, the Republicans have cut Head Start for the first time in the program's history. In Maryland, these cuts mean that more than 1,000 children will be denied the help they need to start school ready to learn. This is unfair, and compromises our children's future.

Also, in Maryland universities, almost 54,000 students who rely on Stafford loans to go to college will see their costs go up. The average Maryland student graduates from college $13,500 in debt. And under Republican budget proposals, that debt will rise by more than $3,000 in additional interest payments. The average graduate student in Maryland will see his or her interest rise by more than $9,000.

America is proud of its opportunity society. We are proud that we send more students to college than any other country. But cuts in Federal education funding jeopardize this proud history.

We all know that simply throwing money at education won't solve the problems our students and schools face. But we also know that cutting education funding when our education system is struggling will only make the problem worse. Cutting support for students is bad educational policy, and bad economic policy. I urge my colleagues to join me in supporting National Education Funding Day.

## LAKE GASTON PROTECTION ACT OF 1995

### HON. L.F. PAYNE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 16, 1995*

Mr. PAYNE of Virginia. Mr. Speaker; today I am pleased to join as a cosponsor of the Lake Gaston Protection Act of 1995, which was introduced by Congressman DAVID FUNDERBURK. This bill is a companion to identical legislation introduced yesterday in the Senate by Senators HELMS and FAIRCLOTH of North Carolina.

This bill is intended to achieve a fair and equitable solution to a long-standing dispute between the States of North Carolina and Virginia. This dispute centers on Lake Gaston, which is a manmade lake that straddles 34 miles of Virginia's southern border with North Carolina. For more than 10 years, Virginia Beach has been engaged in a fierce legal struggle with North Carolina and southside Virginia over the city's plan to withdraw some 60 million gallons of water per day from Lake Gaston. Pipeline opponents, including my House and Senate colleagues from North Carolina, have used every appropriate means at our disposal to fight this plan.

Those of us who have fought this pipeline have done so because of several fundamental concerns, none of which has been adequately addressed by the Federal Government during the licensure and review of this massive pipeline project.

First, the pipeline poses a direct threat to economic growth and expansion in the huge river basin which empties into Lake Gaston, which is known as the Roanoke River Basin. Anyone involved in economic development knows full well that one of the first questions that a potential business asks when it comes into an area is about the availability of water.

With more than 1,200 manufacturing firms in south Central Virginia alone, the region around Lake Gaston has an intensive need for water. Our leading manufacturers—some of whom have faced water use restrictions in the past—are unanimous in opposing the pipeline. They have seen what has happened in other States when industrial users upstream face various restrictions in order to protect water supplies downstream.

One local executive from Danville, VA told me last spring that concerns about the pipeline might force his firm to look elsewhere when it considers expanding its Danville operations. That is not an isolated case.

Second, pipeline opponents believe that the Federal Energy Regulatory Commission, which issued the final license for this project late last summer, has ignored completely the

environmental impacts of this pipeline on the Roanoke River Basin. The environmental impact statement which was prepared for this project was rushed through at breakneck speed. It failed to consider fully the wide range of pipeline alternatives. It relied heavily on facts and studies supplied by the city of Virginia Beach. And other agencies with expertise on a project of this nature were not adequately consulted during the preparation of the EIS. This is particularly true with respect to the Fish and Wildlife Service.

And why are North Carolina and my region of Virginia we being asked to potentially forego economic development and to suffer the environmental impacts of the pipeline?

So Virginia Beach, which is Virginia's largest city and certainly one of its most prosperous, can continue to grow and develop. They want to build an 80-mile pipeline across Virginia to withdraw up to 60 million gallons of water that now belongs to the people in North Carolina and Virginia.

The bill that I am cosponsoring today is a fair and equitable means of addressing these concerns. It is a narrowly drawn bill to assure in cases such as this, where a lake staddles the border of two States, that the Governor if the State from which more than 50 percent of the water is withdrawn must certify that the proposed withdrawal will not have adverse environmental impacts on his or her State, as defined by the Clean Water Act. The bill only applies to matters involving a FERC license or license amendment, and the bill is made retroactive to the present controversy.

The bill in essence gives the Governor of the State of North Carolina some authority to certify that a water withdrawal and the construction of facilities associated with it will be in full compliance with the Clean Water Act. This is not a new requirement of the law, but rather a clarification of the proper meaning of section 401 of the act. The certification process is suspended in cases where an interstate compact is in force and applicable to the proposed withdrawal. It is our hope that this provision will encourage the States of North Carolina and Virginia to enter into an interstate compact that is negotiated not by the city of Virginia Beach but by the Commonwealth of Virginia acting on behalf of the interest of all Virginians.

## TRIBUTE TO JOHN R. RADEK

### HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 16, 1995*

Mr. LIPINSKI. Mr. Speaker, I rise today with great sadness at the recent passing of John R. Radek at the age of 77. I, along with the Chicago City Council, have been informed of his passing by Alderman Edward M. Burke.

The president of the family-owned Ready Metal Manufacturing Co. until his retirement a few years ago, John was an engineer and the holder of several patents. He founded his company in his parents' garage on South Knox Avenue, developing sales by walking door to door. Ready Metal eventually grew from a one-man operation, to one employing 500 people.

Working with the McDonald's Corp., John developed the first modern drive-in window, founding Ready Access, a corporate subsidiary of Ready Metal. Through working with Sears & Roebuck, John also designed and patented product-display fixtures and accessories and was honored by Sears several times with its Symbol of Excellence Award for Outstanding Service.

John served as a board member of the Standard Federal Bank. He was also a member of the St. Vincent DePaul Society, the Archbishop Weber Council Knights of Columbus, and the 4th Degree Club.

Mr. Speaker, I extend my condolences to his devoted wife of 55 years, Rose, his daughters, Diana Cicora and Bernadette Arnott, his son, Rick, his brother, Edward, his sister, Bernice Budris, and his 10 grandchildren.

## IN TRIBUTE TO THE BAY STATE BANNER

### HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 16, 1995*

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise to pay tribute to a great institution of journalism in Boston. The Bay State Banner recently celebrated the anniversary of its 30-year commitment to providing information and filling a communication void among the African-American community in Boston.

Thirty years ago, there was no African-American newspaper in Boston and the major media rarely noticed the black community except to report crime. This critical media vacuum kept the community uninformed about major issues affecting its welfare.

The Banner's goal has always been to enable African-Americans to assume responsibility for their own welfare and advancement. In 1965, that meant providing the information necessary to prepare blacks for their new and unaccustomed legal status.

Today, the Bay State Banner still educates, informs, and unites the African-American community in Boston with its legacy of self-empowerment. "Unity, Progress, Let's Do It Ourselves" was the founding slogan and focus of the paper. Boston's black community shares that legacy with the Banner, never shying away from the many challenges it has faced and continues to face. With these challenges, the Banner is needed now as much as ever.

I would like to congratulate them on 30 years of hard work and success, and wish them many more years of continued prosperity.

## ARCHBISHOP CUCCARESE TO VISIT NEW YORK

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 16, 1995*

Mrs. MALONEY. Mr. Speaker, I rise today to recognize the imminent arrival in New York of a great leader of the Catholic Church; Msgr. Francesco Cuccarese, Archbishop of Pescara-Penne.

Mr. Speaker, Archbishop Francesco Cuccarese has spent his life in the service of God. He was ordained as a priest over 40 years ago, and ever since, Archbishop Cuccarese has served the church with faith, intelligence, and devotion. His hard work was ultimately recognized when he was elected to the Archdiocese of Aceranza in 1979 and was consecrated as bishop in that same year.

In 1987, he was transferred to Caserta, bearing the title of "Archbishop." In 1990, he was again transferred to the Archdiocese of Pescara-Penne.

Archbishop Cuccarese is well known for his spiritual character. He has tremendous knowledge of cultural, theatrical, and sociological matters, and has always shown concern for Italian-Americans abroad, seeking to further their religious social, and cultural advancement. In addition, Archbishop Cuccarese is a noted author, with a string of publications to his name which are too numerous to list here.

Archbishop Cuccarese has, in particular, shown special concern for the needy, especially those undergoing health problems. On numerous occasions, he has arranged for those requiring complicated or dangerous treatment to come to the United States so that they can receive the best medical attention possible. He has also worked closely with teenagers and young adults who were suffering from alcohol or drug abuse, and with juvenile delinquents.

I am pleased that so eminent a man will be visiting New York to further his work and the work of the church, and I ask my colleagues to join me in welcoming him to our country.

## HAPPY BIRTHDAY MAESTRO VICTOR NORMAN

### HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 16, 1995*

Mr. GEJDENSON. Mr. Speaker, on Saturday, November 18, Maestro Victor Norman will celebrate his 90th birthday by conducting his beloved creation, the Eastern Connecticut Symphony Orchestra, for one last time. Maestro Norman planted the seeds of the organization nearly 50 years ago.

Victor Norman was born in Norway and graduated from the Royal Music Conservatory in Copenhagen. After continuing his music education at the Mozarteum Academy, Salzburg, Ecole Normale de Music in Paris, and Paolo Delachi, Milano, Italy, he came to this country in 1940 and received his master of arts degree from the University of Connecticut. He was the assistant to Fritz Busch, conductor of the Danish State Radio Symphony and accompanied him to the Glyndebourne Opera Festival England as an assistant conductor.

In 1946 Maestro Norman founded the New London Civic Orchestra. After becoming conductor of the Willimantic Symphony, the two orchestras merged in 1952 forming the Eastern Connecticut Symphony Orchestra. He remained at its helm in the lean years and resisted any suggestion of disbanding. As a result of his vision and persistence, several successful programs were spawned as a result: Music for Children, the ECS Youth Orchestra, the ECSO Chorus, the Young Artist Award competition, and the award winning Edward MacDowell Festival of American Music.

Maestro Norman was the organist and choir director at Congregational Beth-El for 46 years

and regional director of the metropolitan opera auditions for 10 years. Additionally, he served on the New London Board of Education and worked as supervisor of administration in the education department of General Dynamics Electric Boat Division. Not content with a leisurely retirement, Maestro Norman also cofounded the William Billings Institute of American Music, lectured at the University of Connecticut, and 7 years ago founded the National Senior Symphony from which he retired as conductor emeritus.

The citizens of the Second Congressional District of Connecticut owe a great debt of gratitude to the accomplishments and contributions of Maestro Norman. His influence has been felt nationwide with his direct contract with orchestras throughout the country. He will be sorely missed as he moves to New Jersey to live with his son. His rich legacy will be cherished by generations to come. Best of luck and happy birthday.

## TRIBUTE TO JAMES MUNROE OLIVER

### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 16, 1995*

Mr. TRAFICANT. Mr. Speaker, I rise on behalf of the 17th Congressional District in Ohio to honor James Munroe Oliver—a man of unimpeachable character, considerable talents, and boundless compassion.

Last weekend, the Lord suddenly took Jim from us, but not before he left an indelible impression upon all who came in contact with him. Through his work with countless organizations—from the Youngstown Area Action Council to the National Urban League to the Center for Urban Studies at Youngstown State University—Jim reached out to those who needed him most and gave them everything he had.

Without Jim in their life, who knows where thousands of young people, desperately lacking parental guidance, would be? Who knows how hundreds of families, facing cold, northeast Ohio winters without heat, would have survived? Because Jim came into their lives, they not only had a second chance, but renewed hope to overcome the odds.

It was blessed to know Jim when I was a teenager participating in programs offered through the Hagstrom House, a neighborhood center in Youngstown. Jim's leadership as the center's director had a profound impact on me. Through him I learned to value each and every member of my community. Most importantly, I learned to selflessly give my talents and time to the neediest in our society—to those with nowhere else to turn.

It was Jim who recruited me into public service, serving as my mentor and friend at the action council. Many years later, it was Jim, a one-time parachuter in the U.S. Army, who encouraged me to run for office, to take my place in the great halls of the Capitol. Jim has loyally sat through my cold football games at the University of Pittsburgh, offered sage counsel and advice as I served in Congress and consoled me when my father passed away. Other than my father, Jim and John Hudzik, my coach at Cardinal Mooney High School, were the two most influential people in my life.

Jim recently returned to the Mahoning Valley to help youth living in public housing resist the temptation of drugs and crime. Together with Dr. Gil Peterson, one of the truly gifted members of our community, Jim made extraordinary progress in the short time he was here. The community will sorely miss his presence, but his energy and spirit will continue to live in us all.

I join his beautiful wife Stella and son Zagery in honoring this veteran, father, husband and friend.

## THE VICTIMS OF ABUSE INSURANCE PROTECTION ACT

### HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 16, 1995*

Mr. SANDERS. Mr. Speaker, today I am unveiling comprehensive legislation that I have authored entitled ''The Victims of Abuse Insurance Protection Act.'' This sweeping legislation will prohibit all forms of insurance discrimination against victims of domestic violence and has been endorsed by the American Bar Association, the American Civil Liberties Union, the National Organization of Women legal defense and education fund, The Women's Law Project, and the American Nurses Association.

We know that insurers use domestic violence as a basis for determining who to cover and how much to charge with respect to health, life, disability, homeowners and auto insurance. Insurance companies give a variety of reasons for denying victims coverage or for charging higher premiums.

Some insurers say domestic violence is a lifestyle choice, like skydiving or window washing on skyscrapers. We know that domestic violence is not a choice, but a crime. We know that victims do not chose to live with their batterers but are often forced to do so for economic and safety reasons. We know that when a victim tries to leave her abuser, violence escalates and her life is at great risk.

What does it mean for an insurance company to deny coverage—to drop coverage—to charge higher rates for victims of domestic violence?

It means that someone who is already scared for her life, someone who wants to get away from her batterer—wants to get help—has one more major reason to fear telling someone, to not leave, to avoid getting help.

If an insurance company treats domestic violence as a preexisting condition, who will tell their doctor that they have been battered? How will a doctor know to refer a victim to appropriate battered women's groups and authorities in the community? Will a doctor have to continue to fear ''publicizing'' confidential patient information through medical records—information that will likely result in battered women and children losing their insurance?

What is the message we are sending to women? If you try to get help, not only do you have to fear the repercussions from your abuser, but you must also fear losing access to health care for yourself and your family or insurance that provides for your families in case of death or disability. Current practices tell women they are better off not getting help and staying in an abusive situation. It also tells victims that after they have invested thousands of dollars in insurance premiums—they are better off not reporting stolen property, damage to their home or even, as has happened in one case, not get help for a child that has been abused at a day care center.

What does this say about the long-honored, sacred relationship between a doctor and a patient? Basically the insurance companies are making our doctors stool pigeons of sorts, rather than enabling them to honesty identify abuse and help provide trained help and referral services to victims.

And this insurance scheme has created a whole new phenomenon for landlords, relatives, employers, and owners of battered women's shelters. In fact, more and more women's shelters are finding it difficult to get property insurance because they house victims.

Insurance companies are effectively tearing down all the work that has been done over the last 20 years in creating safe havens and assistance for victims of domestic violence.

It is important to understand just how widespread this problem really is. An informal survey by the House Judiciary Committee in 1994 revealed that 8 of the 16 largest insurers in the country were using domestic violence as a factor when deciding whether to issue and how much to charge for insurance.

And while we know that at least 4 million American women were physically abused by boyfriends or husbands in 1993, it is hard to get a true understanding of how many victims are impacted by these practices because insurers are not required to tell applicants the reasons for rejecting them, increasing their premiums, or dropping them altogether.

There are laws prohibiting the practice of refusing to insure or raising the cost of homeowners' insurance in high crime areas, yet insurance companies are not prevented from selecting out high crime homes and discriminating against victims who live there.

That is why I am introducing this legislation today with my colleagues PETER DEFAZIO, CONSTANCE MORELLA, and RON WYDEN. Today we are attempting to put an end to insurance discrimination against victims of domestic violence. We are trying to halt discrimination against hose who hire or house victims of abuse. We are making every effort to protect the most private and sacred information that is shared between a doctor and a patient.

The legislation that we are introducing today will protect victims across this country—many of whom cross State lines to hide from their batterer—from being singled out as uninsurable. If we reinforce our efforts to root out domestic violence and offer protection and counseling for families. It will stop the practice of insurance and medical data base companies from probing through medical records to find reasons to charge more or deny insurance altogether. And finally, the Victims of Abuse Insurance Protection Act gives victims appropriate civil remedies to fight back against this discrimination.

## PRIVILEGES OF THE HOUSE RESOLUTION RELATING TO FORGED DOCUMENT

### HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 16, 1995*

Mrs. COLLINS of Illinois. Mr. Speaker, on Wednesday, November 1, 1995, three of my Republican colleagues went to the floor during time set aside for special orders. All three speakers spoke about an event that occurred in the subcommittee, in which a document under the purported letterhead of the Alliance for Justice actually had been prepared by the subcommittee chairman's staff.

The titles of those three speeches were, and I quote: ''Hearing 'Prop' Incident Does Not Merit Ethics Investigation,'' ''Alliance for Justice,'' and ''Innocent Mistake Transformed Into an Ethics Complaint.''

Mr. Speaker, all three speeches dealt with the ethics investigation that is currently pending before the Committee on Standards of Official Conduct.

Under a ruling of the Speaker pro tempore on May 25, 1995, those speeches were inappropriate and should not have been permitted. In that ruling, a Member who had made a reference to a matter relating to Speaker GINGRICH pending before the Committee on Standards of Official Conduct was warned:

> Members should not engage in debate concerning matters that may be pending in the Committee on Standards of Official Conduct.

I would also note that the speeches also attempted to ascribe motivations to the Member who transmitted the ethics complaint. For example, one speaker stated that the motivation was ''partisan politics'' and another blamed it on a ''political culture.''

I would note that the precedents of the House rule XIV clearly establish, and I quote from section 749 of the annotations to the House rules, that:

> (6) Members should refrain from references in debate to the motivations of Members who file complaints before the Committee on Standards of Official Conduct.

Although the Speaker has recently been vigorous in enforcing these restrictions during special orders, even on his own initiative, when Members are less likely to be present on the floor to make a point of order, he did not do so on Wednesday night.

Those speakers alluded to remarks made by my Democratic colleagues and by me, which were prior to the receipt by the Committee on Standards of Conduct of a complaint, but I will not directly respond to them, because I respect the Rules of the House which prohibit statements with respect to conduct that is subject to a pending ethics investigation.

On October 25, the House voted to table a resolution offered by the gentlewoman from New York, Mrs. SLAUGHTER, to request that the Speaker investigate this matter and take appropriate action. Instead, the matter is now pending before the Ethics Committee. The appropriate forum for discussing matters such as whether Chairman MCINTOSH was responsible for ethical violations relating to forged documents can no longer be debated on the House floor. We must await the decision by the Ethics Committee. Therefore, I will not address remarks by the Republican Members concerning whether the document in question was a ''criminal forgery,'' or whether the apology of Chairman MCINTOSH was timely.

I will address one final matter, which relates to actions taken by the House and is not the subject of the ethics investigation nor relates to the personalities or conduct of the individuals involved. In his remarks on Wednesday, one of my Republican colleagues made the following statement:

> I would like to expose some of the inaccuracies expressed last week in speeches given by my Democrat colleagues with regards to this incident. I will give them the benefit of the doubt, and assume that they too were errors . . . it was stated that the motion to table Mrs. SLAUGHTER's resolution was voted down twice—when in fact it was only voted down once by the House.

Actually, it is my Republican colleague who is speaking inaccurately. The motion to table Mrs. SLAUGHTER's resolution was not voted down once, nor was it voted down twice. The motion to table Mrs. SLAUGHTER's resolution was adopted. I had made reference to the fact that the House voted twice to table the resolution. I was referring to both the voice vote, and the recorded vote. At no time did I state, as my Republican colleague erroneously stated, that the House voted down the motion to table.

I would like to return the kind words of my Republican colleague, and I too will give him the benefit of the doubt, and assume that his statement was just an error.

## TRIBUTE TO CHIEF ANTHONY L. PADUANO

### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 16, 1995*

Mr. PALLONE. Mr. Speaker, I rise to speak about the end of an era on the Jersey Shore as our community pays tribute to Chief Anthony L. Paduano of the Neptune Township, NJ, policy department on the occasion of his retirement. Chief Paduano will be honored in a tribute at the Squire's Pub in West Long Branch, NJ, on Friday, November 17, 1995.

Chief Paduano is a life-long resident of Neptune. He was born in the township and attended the local public schools. After serving as a paratrooper in the 11th Airborne Division, he joined the Neptune Police Department in 1961. Throughout his distinguished career, Chief Paduano has moved up the rank from sergeant to captain to deputy chief. He was appointed chief in 1983, commanding the 65-member police department.

The list of Chief Paduano's accomplishments and associations is a long one: He has been involved with the Monmouth County Police Chief's Association, the board of directors of the Monmouth County Police Academy, the New Jersey Traffic Officers Association, the Monmouth County DWI Strike Force, the Monmouth County Prosecutors Advisory Committee, the Neptune Township PBA, Local 74, and the Fraternal Order of Police, Neptune Township, Lodge 19. In all of these endeavors, Chief Paduano has done far more than to just lend his name; he has been a leader, motivating others through his hard work and his solid example—just as he did every day on the job at the Neptune Police Department. Chief Paduano is also a devoted family man, and it is my pleasure to extend my best wishes to his wife Nancy, their three children and two grandchildren.

It is an honor for me to pay tribute to Chief Paduano on the occasion of his retirement, as well as his having been named the 1995 Man of the Year by the Kiwanis Club of Neptune-Ocean Township. I hope the chief enjoys his retirement, but continues to lend his talents and energy to the betterment of our community.

## THE ''TOP TEN'' REASONS TO SUPPPORT THE CLINGER AMENDMENT WHICH WOULD END THE EXPLOITATION OF CIVIL SERVANTS FOR PARTISAN ENDS

### HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 16, 1995*

Mr. HORN. Mr. Speaker, earlier this evening I urged the adoption of the Clinger Amendment to the Lobbying Disclosure Act of 1995–H.R. 2564. That proposal would prohibit the use of taxpayer dollars to develop materials which are ''intended to promote public support or opposition to any legislative proposal—including the confirmation of the nomination of a public official or the ratification of a treaty—on which Congressional action is not complete.''

We are not trying to stop the appropriate officials from communicating with Congress. We are trying to stop what both Democratic and Republican administrations have done over the last three decades and that is having neutral civil servants ordered to prepare kits, pamphlets, booklets, news releases, and various types of film, radio, and television presentations which are designed for use by various special interest groups. These private groups have a vested interest in preserving in perpetuity a tax-supported federal program.

I have no objection to any group lobbying for a particular program that it finds of some value. I do have an objection when what should be a private effort is supported with public funds. It is just plain wrong.

Mr. Speaker, I ask that the following exhibits follow my remarks in order to illustrate this growing problem: First, ''Top Ten Reasons To Support Clinger Amendment,'' second, ''VA chief uses computers, pay stubs to bash GOP,'' third, ''VA chief terms 'outrageous' GOP 'cheap politics' charge,'' and fourth, ''Secretary of Veterans Affairs Jesse Brown's Taxpayer Paid Messages.''

TOP TEN REASONS TO SUPPORT CLINGER AMENDMENT

1. Department of Veterans Affairs—Employee check stub with message from Secretary Jesse Brown urging opposition to House budget plan.
2. Department of Commerce—Secretary Ron Brown's invitation to associations for an ''informational'' briefing discussing opposition to Congressman Mica's Commerce legislation.
3. Department of Labor—Newsletter sent to hundreds of organizations leading off with a quote that ''GOP lawmakers should stop preaching tax breaks for the rich . . .''
4. National Spa and Pool Institute—Letter to EPA Administrator Carol Browner complaining about receipt of lobbying materials warning of the dire consequences of enacting

''Contract with America'' provisions on Risk Assessment and Regulatory Reform.

5. EPA—E-mail discussing EPA's and environmental groups lobbying strategy for unfunded mandates.

6. Council on Environmental Quality—Widely distributed fact sheet entitled ''The Lawbreakers' Bill of Rights'' on the Contract with America.

7. Commodity Futures Trading Commission—Letter from Commissioner Dial to Washington Representatives urging them to contact specific members of Congress to oppose bill merging CFTC and SEC.

8. U.S. Department of Interior—Letter to public land constituents indicating opposition to ''Livestock Grazing Act.''

9. U.S. Corps of Engineers and U.S. Fish and Wildlife Service—''Taking It Too Far'' slide show and panel discussion to oppose takings legislation.

10. Corporation For National Service (Americorp)—Published first annual report containing ''selected'' press clips praising Americorp and criticizing Congressional action.

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[From the Washington Times, Nov. 7, 1995]

VA CHIEF USES COMPUTERS, PAY STUBS TO BASH GOP

(By Ruth Larson)

Veterans Affairs Secretary Jesse Brown is using department computers to send anti-Congress notes to his employees and has had messages critical of GOP budget plans printed on their pay stubs.

The messages paint Republican budget proposals as draconian cuts that would devastate the nation's veterans and require massive layoffs at the department.

Congressional Republicans accuse Mr. Brown of using government resources to send blatantly political messages to civil service employees. In any event, they counter, the administration's own budget proposal would mean deeper cuts.

Sen. Alan K. Simpson, Wyoming Republican and chairman of the Senate Veterans Affairs Committee, charged, ''The secretary of veterans affairs is playing plenty fast and loose with the facts.''

Citing a General Accounting Office budget analysis, he said: ''Veterans should not be misled. Veterans are better off under the budget that Secretary Brown is attacking than they are under the president's budget he is defending.''

He went on to denounce the secretary's messages as ''cheap politics'' that ''demeans his office.''

''What is absolutely unacceptable is his use of taxpayer-funded VA resources to place his purely political message in the hands of every VA employee and on the screen of every single VA computer when it is cranked up every morning,'' he said Friday on the Senate floor.

''Stump speeches are for out on the road. Mr. Secretary, not for the taxpayers' computers,'' he said.

VA spokesman Jim Holley issued a statement defending Mr. Brown's actions: ''This political attack on the secretary criticizes him for being an advocate for veterans and for sharing with employees information they have every right to know regarding VA programs.'' He called Mr. Simpson's attack ''ironic, when you consider that's what he's supposed to do.''

Mr. Brown's messages came to light after VA field office employees complained to their senator. One employee ''objects strongly to this [message], feels it is political propaganda,'' said an internal congressional memo obtained by The Washington Times.

''As federal employees they're not even allowed to express an opinion as to a political party. How can the secretary be allowed [to make] this type of propaganda?'' the memo said. Another employee ''feels this type of activity is inappropriate, at least, and possibly illegal,'' the memo said.

Mr. Simpson said that during his 17 years in Congress, ''I have never seen a VA administrator or secretary—Democrat or Republican—misuse VA's internal communications methods in this blatant fashion.''

''It is wrong,'' he said. ''It should stop.''

For months, Mr. Brown has warned veterans groups of the dangers lurking in Republican budgets.

Last week, the VA announced that ''hundreds of thousands of veterans could lose access to health care under proposed changes in the Medicare and Medicaid programs now advancing through the Congress, according to a government study.''

Republicans complained when they learned that the ''government report'' on which the study was based was, in fact, a July 1995 report by the Urban Institute, a private, nonprofit policy research group.

In September, the General Accounting Office disputed the Urban Institute's methods and assumptions used in its report—the same techniques used to prepare the VA predictions.

Congressional Republicans argue that veterans actually suffer larger cuts under the administration's proposed budget.

For example, on a CNN broadcast last week, Rep. Tim Hutchinson of Arkansas contended that while his party would save $64. billion in veterans' benefits over seven years, the Clinton administration plans to slow the growth of veterans' benefits by $17.1 billion over 10 years.

Mr. Brown responded: ''I don't know where you got that number from. . . . It sounds like someone just made it up.'' In fact, as Mr. Hutchinson pointed out later in a letter to White House Chief of Staff Leon Panetta, the figure comes from the administration's own fiscal 1996 budget.

Mr. Brown later explained in a letter to Mr. Hutchinson that the $17.1 billion figure represents savings in mandatory VA spending and is ''totally irrelevant to veterans' access to health care.''

''Since the figure had nothing whatever to do with the subject at hand, I had not been briefed on it, and it sounded, as I said, unfamiliar and, in the context of VA health care, 'made up.' '' he said.

BROWN'S COMMENTS

Some comments from Veterans Affairs Secretary Jesse Brown, transmitted to his department's 240,000 employees via electronic mail or printed on their pay stubs.

Secretary's daily message on Aug. 21: ''This is what our veterans budget future boils down to: the president has proposed a 10-year plan to eliminate the deficit, while protecting critical programs. He has proposed no new cuts in veterans' entitlements. Congress has adopted a budget resolution outlining a seven-year plan to eliminate the deficit which would be devastating to veterans' programs. * * * The congressional budget resolution effectively freezes VA funding for veterans' health care at 1995 dollar levels for the next seven years.

''This means eliminating 61,000 health care positions by 2002 and denying care to more than a million veterans. This House budget would also cancel plans for two badly needed VA replacement hospitals in central Florida and northern California. When it comes to meeting veterans' needs, gratitude and penny-pinching don't mix.''

Excerpt from the secretary's Oct. 6 daily message: ''It is important that employees be made fully aware that tens of thousands VA jobs may be eliminated over the next seven years as a result of current budget proposals. I am not calling on you to act, but I think you have the right to know the facts. Stay tuned!''

Excerpt from the secretary's message on a VA pay stub: ''The administration and the Congress have outlined dramatically different budget approaches designed to balance the budget, reduce taxes, and create a leander government. As I have been telling the nation's veterans organizations this summer, the administration's plan is much better for veterans and their families. * * * [House and Senate budget proposals are] nothing but a means test that will push some service-connected veterans into poverty. We hear a lot these days about making sacrifices. We need to point out that veterans and their families have already paid their dues.''

Source: CONGRESSIONAL RECORD, Nov. 3.

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[From the Washington Times, Nov. 8, 1995]

VA CHIEF TERMS ''OUTRAGEOUS'' GOP ''CHEAP POLITICS'' CHARGE

(By Ruth Larson)

Veterans Affairs Secretary Jesse Brown said he will continue telling his employees about the effect of congressional budget proposals, despite congressional Republicans' objections that he was engaging in ''cheap politics.''

''It's outrageous to suggest that the VA shouldn't tell its 240,000 employees that as many as 61,000 jobs are at risk, or that 41 veterans hospitals may close,'' Mr. Brown said in a telephone interview yesterday.

Sen. Alan K. Simpson, Wyoming Republican and chairman of the Senate Veterans Affairs Committee, on Friday blasted Mr. Brown's use of VA computers and employee pay stubs to criticize congressional budget proposals and warn of massive layoffs at the department. He accused Mr. Brown of using government resources to send out partisan misinformation.

Mr. Brown countered: ''I hope someone tells me that it's not going to happen—that they're not going to lock in our funding at 1995 levels for the next seven years. If somebody would tell me that, I'd apologize—sure, I would,'' Mr. Brown said.

Asked about Mr. Simpson's assertions that veterans would suffer more under the Clinton administration's proposed budget than under congressional plans, Mr. Brown said, ''He's absolutely right.''

But he was quick to explain that statement. He said that during the budget process, he'd gone to Mr. Clinton three times to tell him that the administration's governmentwide cutbacks ''would have the same effect as what the Republicans are proposing.''

Mr. Clinton assured him that he would be able to negotiate the budget every year. ''I'll be sure the veterans are treated fairly,'' he quoted Mr. Clinton as saying.

''We aren't getting the same commitment from Congress. There is no flexibility,'' Mr. Brown said.

Rep. Bob Stump, Arizona Republican and chairman of the House Veterans Affairs Committee, criticized Mr. Brown for ''intentionally misrepresenting and needlessly scaring vulnerable veterans'' about Republican budget proposals.

He said in a statement: ''The real hypocrisy lies with the Clinton 10-year budget plan which takes nearly three times as much from veterans' programs without balancing the budget.''

The Washington Times reported yesterday that some VA field employees had complained that Mr. Brown's messages represented ''political propaganda''.

Mr. Brown said he had sent out hundreds of daily messages on a variety of subjects to his 240,000 employees. ''Out of those hundreds of messages, [Mr. Simpson] chose three.''

Mr. Brown said he routinely runs the messages by his general counsel ''to make sure they don't violate any laws or ethics requirements, and they've all passed,'' he said. ''We wouldn't do it if it weren't legal.''

Administration officials often defend the legality of their actions by saying they stop short of urging employees to contact members of Congress. For example, in one of his messages, Mr. Brown cautioned, ''I am not calling on you to act.''

''No, not much,'' Mr. Simpson chided him on Friday. ''It does not take a rocket scientist to figure out that many employees might take that as a pretty good hint to take some action.''

## SECRETARY OF VETERANS AFFAIRS JESSE BROWN'S TAXPAYER PAID MESSAGES

### MESSAGE FROM SECRETARY JESSE BROWN PRINTED ON A RECENT VA EMPLOYEE PAY VOUCHER

The Administration and the Congress have outlined dramatically different budget approaches designed to balance the budget, reduce taxes, and create a leaner government. As I have been telling the nation's veterans organizations this summer, the Administration's plan is much better for veterans and their families. The President recommended a good FY 1996 VA budget, with a $1.3 billion increase, including nearly $1 billion for health care. On the other hand, the House of Representatives has approved a plan to increase veterans health care $563 million by taking money from our construction account and preventing us from building badly needed hospitals in Florida and California, hospitals which the President proposed be fully funded. And we will lose some of the money we need to renovate older facilities. The House also voted to stop compensation to some incompetent veterans. This is nothing but a means test that will push some service-connected veterans into poverty. We hear a lot these days about making sacrifices. We need to point out that veterans and their families have already paid their dues.

### SECRETARY BROWN'S MESSAGE SENT AUGUST 21, 1995

This is what our veterans' budget future boils down to: the President has proposed a 10-year plan to eliminate the deficit, while protecting critical programs. He has proposed no new cuts in veterans entitlements. Congress has adopted a budget resolution outlining a 7-year plan to eliminate the deficit, which would be devastating to veterans' programs. The President has recommended a $1.3 billion increase in VA's FY96 budget, nearly a billion of which is targeted to veterans' health care. The congressional budget resolution effectively freezes VA funding for veterans' health care at 1995 dollar levels for the next 7 years. This means eliminating 61,000 health care positions by 2002 and denying care to more than a million veterans. The House budget would also cancel plans for two badly needed VA replacement hospitals in central Florida and northern California. When it comes to meeting veterans' needs, gratitude and penny-pinching don't mix.

### SECRETARY BROWN'S DAILY MESSAGE ON OCTOBER 6, 1995

I am being attacked publicly for telling you through various forums what is going on with our budget. Rest assured I do not intend to stop. I believe VA employees had a right to know about the pubic and Congressional debate on VA's future and the impact our lawmakers' decisions can have on benefits and services for veterans. Is this a partisan endeavor? Absolutely not! As Secretary of Veterans Affairs, I have a responsibility to keep you informed on issues that affect your careers, livelihood and roles as members of the VA team. And certainly I have the right to let our valued constituency—veterans and their families—know that their programs may be adversely affected. It is important that employees be made fully aware that tens of thousands of VA jobs may be eliminated over the next seven years as a result of current budget proposals. I am not calling on you to act, but I think you have the right to know the facts. Stay tuned!

Source: *Congressional Record*—Senate (November 3, 1995) page S16653.

# Daily Digest

HIGHLIGHTS

Senate agreed to Defense Appropriations Conference Report.

Senate passed further continuing appropriations.

# Senate

## Chamber Action

*Routine Proceedings, pages S17103–S17201*

Measures Introduced: One bill and one resolution were introduced, as follows: S. 1417 and S. Res. 195. **Pages S17183, S17185–86**

Measures Reported: Reports were made as follows:

S. 1331, to adjust and make uniform the dollar amounts used in title 18 to distinguish between grades of offenses, with an amendment in the nature of a substitute.

S. 1332, to clarify the application of certain Federal criminal laws to territories, possessions, and commonwealths, with an amendment in the nature of a substitute. **Page S17183**

Measures Passed:

*Further Continuing Appropriations:* By 60 yeas to 37 nays (Vote No. 581), Senate passed H.J. Res. 122, making further continuing appropriations for the fiscal year 1996, after taking action on amendments proposed thereto, as follows: **Page S17103–48, S17170–78**

Rejected:

(1) Daschle Amendment No. 3055, in the nature of a substitute. (By 53 yeas to 46 nays (Vote No. 577), Senate tabled the amendment.) **Pages S17117–29**

(2) Hollings Amendment No. 3056, to reaffirm the commitment of the Congress not to use the surpluses in the Social Security Trust Fund to mask the true size of the deficit in any plan for a balanced budget. (By 53 yeas to 46 nays (Vote No. 578), Senate tabled the amendment.) **Pages S17129–47**

Daschle Amendment No. 3057, in the nature of a substitute. (By 52 yeas to 45 (Vote No. 580), Senate tabled the Amendment.) **Pages S17147, S17171–77**

Department of Defense Appropriations—Conference Report: By 59 yeas to 39 nays (Vote No. 579), Senate agreed to the conference report on H.R. 2126, making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, clearing the measure for the President. **Pages S17136–37, S17148–70**

National Highway System Designation Act Conference Report—Agreement: A unanimous-consent time-agreement was reached providing for the consideration of the conference report on S. 440, to amend title 23, United States Code, to provide for the designation of the National Highway System, on Friday, November 17, 1995. **Pages S17193–94**

Messages from the President: Senate received the following messages from the President of the United States:

Transmitting, a report of proposed legislation making further continuing appropriations for the fiscal year 1996; to the Committee on Appropriations. (PM–96). **Page S17182**

Messages From the President: **Page S17182**

Messages From the House: **Page S17182**

Communications: **Page S17182**

Petitions: **Pages S17182–83**

Executive Reports of Committees: **Page S17183**

Statements on Introduced Bills: **Page S17183–85**

Additional Cosponsors: **Page S17185**

Amendments Submitted: **Page S17186**

Additional Statements: **Pages S17186–93**

Record Votes: Five record votes were taken today. (Total–581) **Pages S17128–29, S17147, S17170, S17177, S17178**

Recess: Senate convened at 9 a.m., and recessed at 10:09 p.m., until 10 a.m., on Friday, November 17, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's RECORD on pages S17194 and S17201.)

## Committee Meetings

*(Committees not listed did not meet)*

BUSINESS MEETING

*Committee on the Judiciary:* Committee ordered favorably reported the following business items:

H.R. 665, to control crime by mandatory victim restitution, with an amendment in the nature of a substitute;

S. 1331, to adjust and make uniform the dollar amounts used in Title 18 to distinguish between grades of offenses, with an amendment in the nature of a substitute;

S. 1332, to clarify the application of certain Federal criminal laws to territories, possessions, and commonwealths, with an amendment in the nature of a substitute;

S. Res. 146, designating the week beginning November 19, 1995, and the week beginning on November 24, 1996, as "National Family Week"; and

The nominations of D. W. Bransom, Jr., to be United States Marshal for the Northern District of Texas, Frank Policaro, Jr., to be United States Marshal for the Western District of Pennsylvania, and Joseph Francis Baca, of New Mexico, Robert Nelson Baldwin, of Virginia, David Allen Brock, of New Hampshire, and Florence K. Murray, of Rhode Island, each to be a Member of the Board of Directors of the State Justice Institute.

# House of Representatives

## Chamber Action

Bills Introduced: 10 public bills, H.R. 2646–2655; 1 private bill, H.R. 2656 were introduced. **Page H13142**

Reports Filed: Reports were filed as follows:

H. Res. 272, authorizing a specified correction in the form of the conference report on H.R. 2491, to provide for reconciliation pursuant to section 105 of the concurrent resolution on the budget for fiscal year 1996, and waiving points of order against the corrected conference report (H. Rept. 104–348); and

H. Res. 273, providing for consideration of H.R. 2606, to prohibit the use of funds appropriated to the Department of Defense from being used for the deployment on the ground of United States Armed Forces in the Republic of Bosnia and Herzegovina as part of any peacekeeping operation, or as part of any implementation force, unless funds for such deployment are specifically appropriated by law (H. Rept. 104–349). **Pages H13141–42**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Inglis of South Carolina to act as Speaker pro tempore for today. **Page H13037**

Appeal of Ruling of Chair: By a yea-and-nay vote of 231 yeas to 173 nays, Roll No. 803, the House agreed to the Kingston motion to table an appeal of a ruling of the Chair. **Pages H13041–42**

Defense Appropriations: By a yea-and-nay vote of 270 yeas to 158 nays, Roll No. 806, the House agreed to the conference report on H.R. 2126, making appropriations for the Department of Defense for the fiscal year ending September 30, 1996—clearing the measure for Senate action. **Pages H13051–64**

By a yea-and-nay vote of 121 yeas to 307 nays, Roll No. 805, rejected the Obey motion to recommit the conference report to the committee of conference with instructions that the House conferees insist on the inclusion of language prohibiting obligation of funds for payment on new contracts on which allowable costs charged to the Government include payments for individual compensation at a rate in excess of $200,000 per year. **Page H13063**

H. Res. 271, the rule which waived points of order against the conference report, was agreed to earlier by a yea-and-nay vote of 372 yeas to 55 nays, Roll No. 804. **Pages H13043–51**

House Gift Reform: By a recorded vote of 422 ayes to 6 noes, the House agreed to H. Res. 250, to amend the Rules of the House of Representatives to provide for gift reform. **Pages H13073–95**

Agreed to the Solomon amendment that bans acceptance of all gifts and meals; eliminates the exemption for token donations of home-State products; removes conditions on accepting free attendance for a companion at a public event; restores the 4-day allowance for official travel within the United States; and removes conditions on travel expenses for family members (agreed to by a recorded vote of 422 ayes to 8 noes, Roll No. 808). **Pages H13087–94**

Rejected the Burton of Indiana amendment in the nature of a substitute that sought to retain the current cumulative limit of $250 in gifts from a single source in a year; require disclosure of all gifts or

meals over $50, and count them toward the $250 annual cap; permit House personnel to accept free admission or travel expenses to a public event only if the actual sponsor pays and they either participate or attend in some official capacity; and permit free attendance at charity events, along with travel and lodging, if the sponsor was a 501(c)(3) organization and was paying the Members' expenses, more than 50 percent of the proceeds would go to charity and the Member's participation contributed in a tangible way to the success of the event (rejected by a yea-and-nay vote of 154 yeas to 276 nays, Roll No. 807). **Pages H13080–86**

H. Res. 268, the rule under which the resolution was considered, was agreed to earlier by a voice vote. **Pages H13064–73**

Lobbying Disclosure: House completed all general debate and began consideration of amendments on H.R. 2564, to provide for the disclosure of lobbying activities to influence the Federal Government; but came to no resolution thereon. Consideration of amendments will resume at a later date. **Pages H13099–H13138**

Pending when the Committee on the Whole rose were the following amendments on which recorded votes were postponed:

The Fox amendment that seeks to prohibit registered lobbyists from giving gifts to Members, officers, and employees of Congress; **Pages H13115–18**

The Clinger amendment that seeks to prohibit Federal agencies from using appropriated funds to promote public support or opposition for a legislative proposal; **Pages H13118–23**

The English of Pennsylvania amendment that seeks to impose a lifetime ban on lobbying for a foreign interest on the Secretary of Commerce and the Commissioner of the International Trade Commission; and **Pages H13125–28**

The Weller amendment that seeks to require registered lobbyists to disclose any honoraria they pay to members of the media. **Pages H13128–38**

The Kaptur amendment was offered but subsequently withdrawn that sought to place a 5-year restriction on certain former Government officers and employees from representing or advising, for compensation, certain foreign entities in matters in which the United States is a party or has a direct and substantial interest. **Pages H13123–25**

H. Res. 269, the rule under which the bill is being considered, was agreed to earlier by a voice vote. **Pages H13095–98**

Meeting Hour: Agreed that the House will meet at 9:30 a.m. on Friday, October 17. **Page H13123**

Presidential Message—Continuing Appropriations: Read a message from the President wherein he transmits proposed legislation to extend the continuing resolution that expired on November 13, 1995—referred to the Committees on Appropriations and Government Reform and Oversight and ordered printed (H. Doc. 104–135). **Page H13138**

Quorum Calls—Votes: Five yea-and-nay votes and two recorded votes developed during the proceedings of the House today and appear on pages H13041–42, H13050–51, H13063, H13063–64, H13085–86, H13094, and H13094–95. There were no quorum calls.

Adjournment: Met at 10 a.m. and adjourned at 11:59 p.m.

# *Committee Meetings*

## MISCELLANEOUS MEASURES

*Committee on Commerce:* Subcommittee on Health and Environment approved for full committee action the following bills: H.R. 325, to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles traveled in ozone nonattainment areas designated as severe; and H.R. 1787, to amend the Federal Food, Drug, and Cosmetic Act to repeal the saccharin notice requirements.

## OLDER AMERICANS AMENDMENTS

*Committee on Economic and Educational Opportunities:* Subcommittees on Early Childhood, Youth and Families approved for full Committee action amended H.R. 2570, Older Americans Amendments of 1995.

## MEDICARE TRANSACTION SYSTEM STATUS

*Committee on Government Reform and Oversight:* Subcommittee on Human Resources and Intergovernmental Relations and the Subcommittee on Government Management, Information, and Technology held a joint hearing on the Status of the Medicare Transaction System: The Health Care Financing Administration's Planned Data System to Control Fraud/Abuse. Testimony was heard from the following officials of the Health Care Financing Administration, Department of Health and Human Services: Bruce C. Vladek, Administrator; and Carol Walton, Director, Bureau of Program Operations; the following officials of the GAO: Frank Reilly, Director, Information Management and Technology Division; and Christopher Hoenig, Director, Information Management Policy Issues; and public witnesses.

## CAMPAIGN FINANCE REFORM

*Committee on House Oversight:* Continued hearings on Campaign Finance Reform, with emphasis on Political Action Committees. Testimony was heard from

Representatives Gilchrest, Dickey, Maloney, Lewis of Georgia, White, and Gutierrez; and public witnesses.

SNOWBASIN LAND EXCHANGE ACT

*Committee on Resources:* Ordered reported amended H.R. 2402, Snowbasin Land Exchange Act of 1995.

MISCELLANEOUS MEASURES

*Committee on Resources:* Subcommittee on Water and Power Resources held a hearing on the following: H.R. 1232, Reclamation Facilities Transfer Act; H.R. 2609, Texas Reclamation Projects Indebtedness Purchase Act; and H.R. 2644, Missouri River Basin, Pick-Sloan Projects Facility Transfers Act. Testimony was heard from Representatives Skeen and Laughlin; and public witnesses.

BOSNIA

*Committee on Rules:* Granted, by voice vote, a modified closed rule providing for one hour of general debate on H.R. 2606, to prohibit the use of funds appropriated to the Department of Defense from being used for the deployment on the ground of United States Armed Forces in the Republic of Bosnia and Herzegovina as part of any peacekeeping operation, or as part of any implementation force, unless funds for such deployment are specifically appropriated by law. All points of order are waived against the consideration of the bill. The rule provides one motion to amend by the Minority Leader or his designee, which shall be in order without demand for division of the question, shall be considered as read and shall be debatable for one hour equally divided and controlled between a proponent and an opponent. The rule provides that if the minority amendment is not offered, debate time shall be extended for an additional hour. Finally, the rule provides one motion to recommit, with instructions only offered by the Minority Leader or his designee. Testimony was heard from Representatives Hefley, Dornan, Buyer, Bartlett, Cox, Rohrabacher, and Metcalf.

CONFERENCE REPORT—SEVEN YEAR BALANCED BUDGET RECONCILIATION ACT

*Committee on Rules:* Committee granted, by a vote of 9 to 4, a rule to vacate the proceedings by which the conference report on H.R. 2491, Seven-Year Balanced Budget Reconciliation Act was filed and authorizes the managers to immediately refile the report in the form actually signed and ordered reported, with the corrected part printed in section 3 of the rule. The rule provides that the existing signatures of the conferees shall remain valid as authorizing the presentation of the conference report to the House in its corrected form. The rule waives all points of order against the new conference report and its consideration; and the conference report shall be considered as read. The rule provides two hours of general debate equally divided and controlled between the chairman and ranking minority member of the Committee on the Budget. The rule provides one motion to recommit which may not contain instructions. Finally, the rule provides that following the disposition of the conference report no further action on the bill is in order except by subsequent order of the House. Testimony was heard from Chairman Kasich and Representatives Sabo and Gibbons.

GLOBAL CLIMATE CHANGE

*Committee on Science:* Subcommittee on Energy and Environment held a hearing on Climate Models and Projections of Potential Impacts of Global Climate Change. Testimony was heard from Peter F. Guerrero, Director, Environmental Protection Issues, Resources, Community, and Economic Development Division, GAO; Jerry Mahlman, Director, Geophysical Fluid Dynamics Laboratory, NOAA, Department of Commerce; David Gardner, Office of Policy, Planning, and Evaluation, EPA; Robert T. Watson, Associate Director of Environment, Office of Science and Technology Policy; and public witnesses.

COMMITTEE BUSINESS

*Committee on Standards of Official Conduct:* Met in executive session to consider pending business.

MISCELLANEOUS MEASURES AND RESOLUTIONS

*Committee on Transportation and Infrastructure:* Ordered reported the following: H.R. 2594, Railroad Unemployment Insurance Amendments Act of 1995; H.R. 308, Hopewell Township Investment Act of 1995; H.R. 255, to designate the Federal Justice Building in Miami, FL, as the ''James Lawrence King Federal Justice Building;'' H.R. 395, to designate the U.S. courthouse and Federal building to be constructed at the southeastern corner of Liberty and South Virginia Streets in Reno, NV, as the ''Bruce R. Thompson United States Courthouse and Federal Building;'' H.R. 653, to designate the U.S. courthouse under construction in White Plains, NY, as the ''Thurgood Marshall United States Courthouse;'' H.R. 840, to designate the Federal building and U.S. courthouse located at 215 South Evans Street in Greenville, NC, as the ''Walter B. Jones Federal Building and United States Courthouse;'' H.R. 869, as amended, to designate the Federal building and U.S. courthouse located at 125 Market Street in Youngstown, OH, as the ''Thomas D. Lambros Federal Building and U.S. Courthouse;'' H.R. 965, to designate the Federal building located at 600 Martin Luther King, Jr.

Place in Louisville, KY, as the ''Romano L. Mazzoli Federal Building;'' H.R. 1804, to designate the U.S. Post Office-Courthouse located at South 6th and Rogers Avenue, Fort Smith, AR as the ''Judge Isaac C. Parker Federal Building;'' and H.R. 2636, to transfer jurisdiction over certain parcels of Federal real property located in the District of Columbia.

The Committee also approved 52 GSA resolutions.

FUTURE OF TECHNOLOGY—IC21

*Permanent Select Committee on Intelligence:* Continued hearings on IC21: The Intelligence Community in the 21st Century. Testimony was heard from Lt. Gen. James J. Clapper (Ret.), former Director of the Defense Intelligence Agency, Department of Defense, and the following former Deputy Directors, CIA: Richard J. Kerr and John N. McMahon.

## *Joint Meetings*

ALASKA NATIVES

*Joint Hearing:* Senate Committee on Energy and Natural Resources and the Senate Committee on Indian Affairs concluded joint oversight hearings with the House Committee on Resources to examine the Federal-State Alaska Natives Commission report to Congress transmitted in May 1994 on the status of Alaska natives, after receiving testimony from Alaska Governor Tony Knowles, Juneau; Mary Jane Fate and John Schaeffer, both on behalf of the Alaska Natives Commission, Fairbanks; Julie E. Kitka and Harold Napoleon, both of Anchorage, Alaska, Walter Soboleff, Juneau, Alaska, and Rachael Craig, Kotzebue, Alaska, all on behalf of the Alaska Federation of Natives; Melissa Berns, Alaska Federation of Natives Youth Council, Old Harbor, Alaska; Sarah Scanlon, NANA Regional Corporation, Kotzebue, Alaska; and Doug Webb, Alyeska Pipeline Service Company, Anchorage, Alaska.

APPROPRIATIONS—VA/HUD

*Conferees* agreed to file a conference report on the differences between the Senate- and House-passed versions of H.R. 2099, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for fiscal year ending September 30, 1996.

APPROPRIATIONS—DEFENSE

*Conferees* on Wednesday, November 15, agreed to file a conference report on the differences between the Senate- and House-passed versions of H.R. 2126, making appropriations for the Department of Defense for the fiscal year ending September 30, 1996.

BUDGET RECONCILIATION

*Conferees* on Wednesday, November 15, agreed to file a conference report on the differences between the Senate- and House-passed versions of H.R. 2491, to provide for reconciliation pursuant to section 105 of the concurrent resolution on the budget for fiscal year 1996.

NATIONAL HIGHWAY SYSTEM DESIGNATION ACT

*Conferees* on Wednesday, November 15, agreed to file a conference report on the differences between the Senate- and House-passed versions of S. 440, to amend title 23, United States Code, to provide for the designation of the National Highway System.

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## COMMITTEE MEETINGS FOR FRIDAY, NOVEMBER 17, 1995

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on the Judiciary,* to hold hearings on H.R. 1833, Partial-birth Abortion Ban Act, 9 a.m., SH–216.

### House

*Committee on Commerce,* Subcommittee on Energy and Power and the Subcommittee on Oversight and Investigations, joint hearing on the Department of Energy: Misuse of Federal Funds, 10 a.m., 2123 Rayburn.

*Next Meeting of the* SENATE

10 a.m., Friday, November 17

Senate Chamber

Program for Friday: Senate will consider the conference report on S. 440, National Highway System Designation Act, and H.R. 2491, Budget Reconciliation.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

9:30 a.m., Friday, November 17

House Chamber

Program for Friday: Consideration of the conference report on H.R. 2491, Balanced Budget Act of 1995 (rule waiving points of order); and

H.R. 2606, Prohibition on Funds for Bosnia Deployment (modified closed rule, one hour of general debate).

## Extension of Remarks, as inserted in this issue

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